

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.01.01 - RULES OF PROCEDURE

DOCKET NO. 31-0101-0301 - (FEE RULE)

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2004 Idaho State Legislature for final approval. The pending rule becomes final and effective after the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224(5)(c) and 67-5291, Idaho Code. After the pending rule is approved, rejected, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Commission has adopted a pending rule. This action is authorized pursuant to Sections 61-601, 61-617A(4), and 62-615(3), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

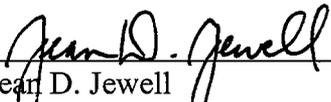
With the exception of one change noted in the "Fee Summary" below, the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 468-479.

FEE SUMMARY: The following is a specific description of the fee or charge imposed. This fee or charge is being imposed pursuant to an Order of the Idaho Supreme Court and Sections 3-401, 3-408, and 3-413, Idaho Code.

Section 043 adopts by incorporation and modifies Idaho Bar Commission Rule 222. This Bar Rule was issued by the Idaho State Bar and approved by the Idaho Supreme Court. Bar Rule 222 governs the practice of law by out-of-state attorneys applying for limited admission in Idaho courts. Bar Rule 222 establishes a \$200 fee for out-of-state attorneys (effective October 1, 2000) and the fee is payable to the State Bar. The Commission proposed to adopt a modified version of Bar Rule 222 for out-of-state attorneys applying for limited admission to represent parties in major cases before the Public Utilities Commission. In response to the one comment that addressed Section 043, the text of the section has been amended in accordance with Section 67-5227, Idaho Code. Instead of applying for separate admission for each major case, out-of-state attorneys shall apply for limited admission just once annually. Because this section has changes, the pending text is printed in this bulletin.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 29th day of October 2003.



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**IDAPA 31
TITLE 01
CHAPTER 01**

**31.01.01 - RULES OF PROCEDURE OF THE
IDAHO PUBLIC UTILITIES COMMISSION**

043. REPRESENTATION OF PARTIES AT HEARING PROCEEDINGS (Rule 43).

Recognizing that proceedings before the Commission are sometimes administrative in nature or quasi-judicial in nature, Appearances and representation of parties at hearing must shall be as follows: (7-1-93)(_____)

01. Natural Person. A natural person must represent himself or herself or be represented by a duly authorized employee, or an attorney, family member or next friend. (7-1-93)(_____)

02. Partnership. A partnership must be represented by a partner, duly authorized employee, or an attorney. (7-1-93)

03. Corporation. A corporation must be represented by an officer, duly authorized employee, or an attorney. (7-1-93)

04. Other Entity. A municipal corporation, state, federal, tribal, or local government agency, or entity, incorporated association, or non-profit organization must be represented by an officer, a duly authorized employee or an attorney. (7-1-93)

05. Attorney Representation. Only an active member of the Idaho State Bar may represent a party as an attorney except as provided by Idaho Bar Commission Rule 222 (Limited Admission/Pro Hac Vice). The Commission adopts by incorporation Bar Rule 222 as modified below. (_____)

a. Given the administrative nature of many proceedings, limited admission by out-of-state attorneys will not be necessary in conjunction with administrative filings such as tariff schedules, tariff advices, price lists, certificates to provide local exchange service, and interconnection agreements. Out-of-state attorneys representing a party in one (1) or more quasi-judicial cases (such as formal complaints, motions, petitions, and applications that request modified procedure or an evidentiary hearing), must request limited admission at least one (1) time per calendar year. (_____)

b. An attorney applying for limited admission to appear before the Commission in a representative capacity shall file a written motion with the Commission Secretary and serve a

copy on all parties. The motion shall be substantially in the form set out in Bar Rule 222(1) with references to the Commission instead of the court. ()

c. A copy of the written motion shall be submitted to the Idaho State Bar accompanied by the fee prescribed by Bar Rule 222(j). ()