

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF BOISE VALLEY)
RAILROAD, LLC'S OBJECTION TO ITS) **CASE NO. BVR-R-14-01**
2014 ASSESSMENT FEE)
) **NOTICE OF OBJECTION**
) **TO ASSESSMENT**
)
) **NOTICE OF**
) **MODIFIED PROCEDURE**
)
) **ORDER NO. 33045**

On May 15, 2014, Boise Valley Railroad, LLC (“Boise Valley” or “Company”) sent a letter to the Commission registering its objection, pursuant to *Idaho Code* § 61-1007, to the Company’s 2014 Railroad Assessment Fee. Boise Valley attached several invoices as attachments, documenting the Commission’s fee assessment as well as the Company’s Gross Operating Revenues for the calendar year 2013.

NOTICE OF THE COMPANY’S OBJECTION

YOU ARE HEREBY NOTIFIED that the Commission’s operating budget is derived from the assessment of regulatory fees upon utilities and railroads subject to the Commission’s jurisdiction. *Idaho Code* § 61-1003 provides that on or before April 1st of each year, each railroad corporation shall report its gross operating revenues from its intrastate railroad business in Idaho for the preceding calendar year.

YOU ARE FURTHER NOTIFIED that based upon the total amount of gross intrastate revenues reported by all the railroads, the Commission then determines the proportionate assessment applicable to each railroad to recover the Legislature’s authorized appropriation.

YOU ARE FURTHER NOTIFIED that once each railroad’s assessment is determined, the Commission notifies the railroad of its regulatory fee no later than May 1st of each year. Such fee shall be paid to the Commission in equal semi-annual installments. *Idaho Code* § 61-1005. Any utility or corporation may object to the fee “on or before the time specified for payment for the first installment of the assessment made against it.” *Idaho Code* § 61-1007.

YOU ARE FURTHER NOTIFIED that, in its letter to the Commission, Boise Valley acknowledges that it committed an error in reporting to the Commission its gross *interstate* operating revenues instead of its gross *intrastate* operating revenues. Allegedly, the difference between Boise Valley's 2013 Gross Interstate Revenues (\$3,143,915.00 – Attachment B) and its 2013 Gross Intrastate Revenues (\$838,703.00 – Attachment C) is significant.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the Company's filings in Case No. BVR-R-14-01 and finds that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position concerning Boise Valley's Application may file a written comment in support or opposition with the Commission. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning Boise Valley's Application shall be filed with the Commission within **ninety (90) days** of the service date of this Order. Written comments concerning this filing should be mailed to the Commission and the Company at the addresses written below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

Ausey H. Robnett, III
Legal Counsel for Boise Valley Railroad, LLC
701 E. Front Ave., Suite 101
PO Box E
Coeur d'Alene, ID 83816
E-mail: ausey.robnett@painehamblen.com

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Case Comment or Question Form" under the "Consumers" tab, and complete the comment form using the case number as it

appears on the front of this document. These comments must also be sent to Boise Valley at the e-mail address listed above.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Application is also available on the Commission's web site at www.puc.idaho.gov. Click on the "File Room" tab at the top of the page, scroll down to the type of "Open Rail & Pipeline Cases," and then click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that the Idaho Public Utilities Commission has jurisdiction over the Company, its filing and the issues pertaining to this case pursuant to Title 61 and Title 62 of the Idaho Code.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

ORDER

IT IS HEREBY ORDERED that persons interested in submitting written comments regarding Boise Valley Railroad, LLC's Application should do so no later than 90 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th
day of May 2014.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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