(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE PETITION FROM RESIDENTS OF TETON COUNTY REQUEST­ING EXTENDED AREA SERVICE (EAS) TO THE GREATER IDAHO FALLS AREA | )  )  )  )  )  ) | CASE NOS. GNR-T-97-8  ORDER NO.  27502 |

On April 29, 1998, the Coalition for Fair Utility Rates (COFFUR) filed a Petition to Intervene in this case.  The Coalition stated that it represented “working persons with low income, retired persons and elderly persons and other persons who opposed the proposed extended area service for Teton County.”  Petition at 1.  The Petition requested that “this possibly untimely filing be granted for reason that Petitioner was unaware of the right to intervene in these proceedings until it spoke with legal counsel on April 28, 1998.”  Id.  Although the Coalition declared that it did not intend to unduly broaden the issues in this case, it asserted that a “variety of issues” have not been addressed by the Commission.

Teton Telecom and the Commission Staff filed separate responses.  They did not object to the Commission granting intervention to the Coalition but urged the Commission to condition intervention “so as not to broaden the issues to be addressed at the May 5, 1998, hearing and [already] decided by the Commission . . . .”  Teton Petition at 3.  After laying out the procedural history of this case, the Staff also urged the Commission to limit the Coalition’s intervention to addressing the issue of whether customers were willing to pay the rates proposed for EAS.  Staff Response at 2-3.  Both parties observed that Order No. 27456 stated that the limited purpose of the additional public hearing in Driggs scheduled for May 5, 1998, was to receive evidence regarding customers’ willingness to pay the proposed monthly rates.  They also note that procedural Rule 73 allows the Commission to limit untimely intervention to avoid prejudice to existing parties or unduly broadening the issues under consideration.  IDAPA 31.01.01.073.  Because the public hearing is scheduled for May 5, the Staff requested that the Commission expeditiously issue its decision regarding the Coalition’s intervention.

FINDING

After reviewing the Petition and the individual responses of Teton and the Commission Staff, we grant the Coalition’s Petition to Intervene as conditioned below.  The Commission welcomes the participation of citizens in our proceeding even if it is late.  We find that the Petition to Intervene is untimely because our Order No. 27150 established an intervention deadline of October 1, 1997.  We agree with Teton and the Staff that the purpose of the May 5 hearing is limited to determining whether customers are willing to pay the higher rates for EAS.  Order No. 27456 at 10-11.  Procedural Rule 73 also provides that intervenors who “do not file timely petitions [to intervene] are bound by orders and notices earlier entered as a condition of granting the untimely petition.”  IDAPA 31.01.01.073.  Based upon the reasons stated in Teton and the Staff responses and Rule 73, we shall limit the Coalition’s intervention to address the remaining issue in this case.

Given the imminence of the May 5 public hearing, we find that there is good cause for issuing this Order on an expedited basis.  We shall direct the Commission Secretary to serve this Order on the Coalition by facsimile.

O R D E R

IT IS HEREBY ORDERED that the untimely Petition to Intervene filed by the Coalition for Fair Utility Rates (COFFUR) is granted subject to the Orders and Notices already issued in this proceeding.  The Coalition’s intervention is limited to the issue of whether customers are willing to pay the proposed higher rates for obtaining EAS service.

IT IS FURTHER ORDERED that the Commission Secretary serve this Order via facsimile on the parties.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of May 1998.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:GNR-T-97-8.dh

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

May 1, 1998