DECISION MEMORANDUM

TO:COMMISSIONER NELSON

COMMISSIONER SMITH

COMMISSIONER HANSEN

MYRNA WALTERS

TONYA CLARK

DON HOWELL

STEPHANIE MILLER

JOE CUSICK

DAVE SCHUNKE

GARY RICHARDSON

WORKING FILE

FROM:WELDON STUTZMAN

DATE:December 2, 1996

RE:USW-S-96-4

PETITION FOR RECONSIDERATION OF SHARON ULLMAN.

On November 22,1996, Sharon Ullman filed a Petition for Reconsideration in Case No. USW-S-96-4 following issuance by the Commission of Order No. 26672 in that case.  As grounds for reconsideration, Ullman states that the Order is unreasonable because, although the majority of individuals testifying at the public hearing in Caldwell favored the Boise EAS, the Commission did not “give enough consideration to the rights of the ratepayers who did not testify.”  Ullman also stated she does not believe three community-of-interest criteria are satisfied by the Boise EAS, identified as the county seat relationship, the relationship to school districts, and the willingness of customers to pay increased rates.  Ullman also states Order No. 26672 is unreasonable because residential but not business rates will increase, although businesses will benefit from EAS.  Ullman’s fourth statement of grounds for reconsideration appears to be a restatement of the first ground, i.e., she states “that the people who make long distance telephone calls should bear the cost of those calls.”  Finally, Ullman’s petition states, without elaborating, that she has “been informed that the Commission instructed the Staff in regard to the EAS proposal in clear violation of IPUCRP 273.”  Ullman requests reconsideration by written briefs and interrogatories.

Commission Rule of Procedure 331 requires Petition for Reconsiderations to “set forth specifically the ground or grounds why the petitioner contends that the order or rule is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.”  The grounds for reconsideration stated by Ullman appear to be a disagreement with the weight the Commission accorded testimony presented at the hearing and the decision reached.  The Petition does not provide “a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.”

Pursuant to Commission Rule of Procedure 331.02 and .04, cross-petitions and answers to Ullman’s petition were required to be filed or mailed by November 29, 1996.  Parties mailing answers or cross-petitions were required to inform the Commission Secretary on the date of mailing.  No answer or cross-petition was filed, nor was the Secretary informed that an answer or cross-petition was deposited in the mail.

Commission Decision:

Should the Petition for Reconsideration of Sharon Ullman be granted?

Weldon Stutzman

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