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

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| IN THE MATTER OF THE INVESTIGATION INTO WHETHER VALLEY VIEW SUBDIVISION, INC. IS A PUBLIC UTILITY SUBJECT TO COMMISSION REGULATION | )  )  )  )  ) | CASE NO. GNR-W-96-1  ORDER NO.  27164 |

Public hearing in Case No. GNR-W-96-1 is scheduled for October 15, 1997 in Kamiah, Idaho.  The scheduled hearing date is the second hearing date to be scheduled in this case, the first date (August 20, 1997) being vacated and rescheduled to allow further time for Valley View to file testimony.

On September 24, 1997, Commission Staff filed a Motion to Vacate the October 15 hearing representing that the parties had ostensibly agreed to an alternative procedure for processing the case.  A review of Staff’s Motion and Valley View’s response reveals that there is apparently no agreement regarding further procedure in this case.  Staff recommends Modified Procedure; Valley View recommends a third hearing date and requests additional time to file testimony.

Commission Findings

The Commission has reviewed and considered the filings of record in Case No. GNR-W-96-1 including Staff’s Motion to Vacate and the Company’s related response.  Commission acknowledges that Staff is the only party to file testimony in the case.  Reference IDAPA 31.01.01.231.  The Commission notes that pursuant to Amended Notice of Scheduling and Order No. 27085, the deadline for Company and Intervenors to submit prefiled direct testimony has passed.  It appearing that there is no agreement regarding further procedure, the Commission finds it reasonable to deny Staff’s Motion to Vacate the October 15, 1997 hearing and to go forward with the hearing as scheduled.  The Commission finds that the public interest would not be served by any further delay.

CONCLUSIONS OF LAW

The Commission has jurisdiction over the issues raised in Case No. GNR-W-96-1 pursuant to Title 61 of the Idaho Code and the Commission’s Rules of Procedure, IDAPA 31.01.01.000 et seq.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that Staff’s Motion to Vacate the previously scheduled October 15, 1997 public hearing in Case No. GNR-W-96-1 is denied.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of October 1997.

                                                                                                                                      DENNIS S. HANSEN, PRESIDENT

                                                                                           RALPH NELSON, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

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**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

October 14, 1997