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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorneys for Intervenors The Building Contractors  
Association of Southwestern Idaho

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE  
APPLICATION OF IDAHO POWER  
COMPANY FOR AUTHORITY TO  
MODIFY ITS RULE H LINE EXTENSION  
TARIFF RELATED TO NEW SERVICE  
ATTACHMENTS AND DISTRIBUTION  
LINE INSTALLATIONS.**

**CASE NO. IPC-E-08-22**

**BUILDING CONTRACTORS  
ASSOCIATION OF  
SOUTHWESTERN IDAHO'S  
MOTION TO EXTEND COMMENT  
PERIOD**

COMES NOW Intervenor The Building Contractors Association of Southwestern Idaho ("Building Contractors"), by and through its attorneys of record, Givens Pursley LLP, and hereby requests that the Commission grant an extension until Friday, April 17, 2009 for parties to file written comments in support of or opposition to Idaho Power's proposed Rule H Line Extension Tariff revisions. The grounds for this request are stated below.

On January 21, 2009, the Commission issued Order No. 30719 ("Order") concluding that this matter is to proceed under the Modified Procedures of the Commission's Rules of Procedure, and among other things, directing that the parties comply with the case schedules set out in the Order. The Order established March 20, 2009 as the deadline for interested persons

and parties to file written comments. Because of the complexity of the case, the number of parties involved and nature of the interests, the Commission also suspended the effective date of Idaho Power Company's requested Rule H Tariff changes "for a period of sixty days, or until such time as the Commission enters an Order accepting, rejecting or modifying the request. . . ." Order at 3-4.

Because of the admitted complexity and nature of the issues involved in this case and its need to fully discern and analyze the relevant facts, Building Contractors believe the comment deadline should be extended to permit ongoing discovery to be completed and for the parties to thoroughly analyze the information produced so that it may be incorporated into fully-developed and useful comments for the Commission's consideration.

Building Contractors have retained Dr. Richard Slaughter to assist it in preparing comments. Dr. Slaughter was an expert witness for Building Contractors in Idaho Power's previous Rule H Tariff proceeding in 1995-96. (IPC-E-95-18). That proceeding was hotly contested and lengthy, and was equally as complex as the instant case. In addition to reviewing Idaho Power's pending application and supporting testimony and papers, Dr. Slaughter has appropriately reviewed the pleadings, testimony, exhibits and briefing from IPC-E-95-18 (which had to be retrieved from the State Archives) to refresh his recollection of the issues, and to obtain the background information necessary to his analysis of this case.

With this background in hand, and the information available from what as yet are incomplete Idaho Power responses to Staff production requests, on February 27, 2009, Building Contractors served its own limited production requests on Idaho Power. Building Contractors also is aware that on February 26, 2009, Commission Staff served additional production requests

on Idaho Power. By prior agreement of the parties (as approved by Order 30719), they are to provide responses to discovery as soon as possible, but no later than twenty-one days from the date of a discovery request. Because of the existing discovery response and comment deadlines, and even assuming Idaho Power uses its best efforts to respond as quickly as possible,<sup>1</sup> it is quite conceivable that responses to Building Contactor's and Staff's discovery requests may not be received until the eve of the comment deadline, which will preclude the opportunity to meaningfully analyze and incorporate any information produced into comments by March 20<sup>th</sup>.

Building Contractors are requesting only a limited extension of the comment deadline, and it is not aware of any reason why the requested additional time should be considered unreasonable under the circumstances or would prejudice Idaho Power or other parties. Indeed, given the current economic conditions, it is not apparent that Idaho Power will receive the level requests to extend service in the coming summer months that it has in prior years in any event. Any alleged adverse impact of line extensions on ratepayers under the current tariff would seem to be nominal for the near term—certainly no more than it has been for the past thirteen years.

Counsel for Building Contractors has attempted to speak with counsel representing each of the other parties in this proceeding and understands that the City of Nampa, the Highway Districts and Staff would not oppose Building Contractor's motion, but that Idaho Power desires that the existing schedule be maintained. Building Contractors was not able to speak with counsel for Kroger, Co.


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<sup>1</sup> Building Contractors have no reason to believe Idaho Power will not expedite its responses. Nevertheless, according to Idaho Power's responses thus far to Commission Staff production requests, some of the requested information and data that would be helpful in clearly understanding its actual costs to serve new customers, the source of those costs and their impacts on Idaho Power's ratepayers is not readily extractable given the way such information has been compiled and maintained by Idaho Power heretofore.

For the foregoing reasons, Building Contractors respectfully request that the Commission extend the comment deadline in this proceeding until Friday, April 17, 2009.

DATED this 27<sup>th</sup> day of February, 2009.

GIVENS PURSLEY, LLP

By: 

Michael C. Creamer

Attorneys for Intervenor The Building  
Contractors Association of Southwestern Idaho

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of February, 2009, a true and correct copy of the foregoing was served upon the following individual(s) by the means indicated:

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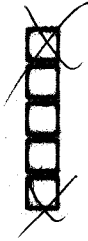
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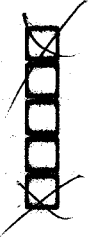
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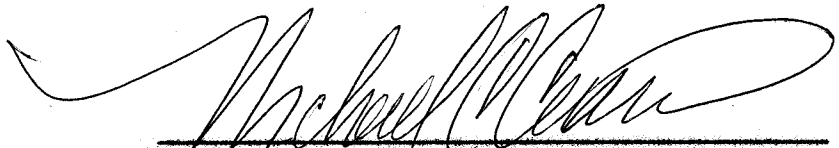


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