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### Idaho Power Company v. Tidwell Clerk's Record v. 1 Dckt. 45644

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IN THE SUPREME COURT OF THE STATE OF IDAHO

IDAHO POWER COMPANY	)	
	)	DOCKET NO. 45644-2018
Applicant-Respondents,	)	
	)	
v.	)	
	)	
KIKI LESLIE A. TIDWELL,	)	
	)	AGENCY RECORD ON APPEAL
Intervenor-Appellant,	)	
	)	
and	)	
	)	
IDAHO PUBLIC UTILITIES COMMISSION,	)	
	)	
Respondent.	)	

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APPEAL FROM THE IDAHO PUBLIC UTILITIES COMMISSION  
Commissioner Eric Anderson, Presiding

---

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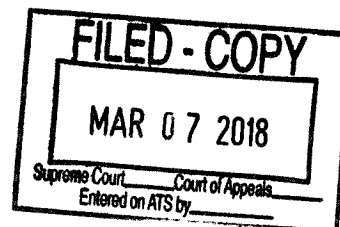
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Volume I (pp. 1-204)



45644

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**DOCKET NO. 45644**

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IDAHO PUBLIC UTILITIES COMMISSION

**DONOVAN E. WALKER**  
Lead Counsel  
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November 8, 2016

**VIA HAND DELIVERY**

Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
Boise, Idaho 83702

Re: Case No. IPC-E-16-28  
Certificate of Public Convenience and Necessity for Wood River Valley  
Idaho Power Company's Application and Testimony

Dear Ms. Jewell:

Enclosed for filing in the above matter please find an original and seven (7) copies of Idaho Power Company's Application for a Certificate of Public Convenience and Necessity.

In addition, enclosed are an original and eight (8) copies each of the Direct Testimony of Michael J. Youngblood, the Direct Testimony of David M. Angell, and the Direct Testimony of Ryan N. Adelman filed in support of the Application. One copy of each of the aforementioned testimonies has been designated as the "Reporter's Copy." In addition, a disk containing Word versions of the testimonies is enclosed for the Reporter.

Very truly yours,

Donovan E. Walker

DEW:csb  
Enclosures

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Attorney for Idaho Power Company

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IDAHO PUBLIC  
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER	)	
COMPANY'S APPLICATION FOR A	)	CASE NO. IPC-E-16-28
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO CONSTRUCT SYSTEM	)	APPLICATION FOR A
IMPROVEMENTS TO SECURE ADEQUATE	)	CERTIFICATE OF PUBLIC
AND RELIABLE SERVICE TO CUSTOMERS	)	CONVENIENCE AND
IN THE WOOD RIVER VALLEY.	)	NECESSITY
	)	

Idaho Power Company ("Idaho Power" or "Company"), in accordance with *Idaho Code* §§ 61-501, 61-502, 61-503, 61-508, 61-526, 61-527, 61-528, 67-6528, and RP 52, 54, 112, and 211, hereby respectfully makes application to the Idaho Public Utilities Commission ("Commission" or "IPUC") for an order directing the Company to construct improvements to its electric transmission system to secure adequate service to its customers. Idaho Power requests that the Commission issue an order granting the Company a Certificate of Public Convenience and Necessity ("CPCN" or "Certificate") to construct a new 138 kilovolt ("kV") transmission line and related facilities to provide redundant service from the Wood River substation, near Hailey, into the Ketchum

substation. More specifically, the Company requests a CPCN for the particular line route and facilities identified in testimony as Underground Transmission-TP1, to include 138 kV overhead transmission from the Wood River substation, north along Highway 75, to an underground transmission transition point near Elkhorn Road (TP1), and then underground to the Ketchum substation.

The Company requests, pursuant to *Idaho Code* §§ 61-508 and 61-526, that the Commission find it to be in the public convenience and necessity that Idaho Power construct a new 138 kV transmission line as a redundant source of energy into the Wood River Valley north of East Fork Road, including the communities of Sun Valley, Ketchum, and areas of Blaine County ("North Valley"), with a transition from overhead to underground transmission near Elkhorn Road. The North Valley is currently supplied by a single-source radial line that has experienced sustained outage line events, which Idaho Power forecasts to increase in frequency. Additionally, the existing radial transmission line, constructed in 1962, is aged and must be reconstructed. The proposed facilities follow the same path and will replace existing distribution lines, which minimizes the aesthetic impact. The proposed facilities, as described herein, are necessary and required in order to continue to provide reliable and adequate electricity to Idaho Power's customers in the North Valley into the future.

In support of this Application, Idaho Power represents as follows:

#### **I. CORPORATE STATUS**

1. Idaho Power is a corporation incorporated under the laws of the state of Idaho. Idaho Power is engaged in the business of generating, purchasing, transmitting, and distributing electric energy and providing retail electric service in the states of Idaho and Oregon. Idaho Power's principal offices are situated in Boise, Idaho, and its address is 1221 West Idaho Street, Boise, Idaho 83702. Copies of Idaho Power's

Articles of Incorporation and Certificates of Convenience and Necessity are on file with the Commission. *Idaho Code* § 61-528.

## II. SUMMARY

2. Idaho Power has engaged the affected communities in the North Valley regarding a second 138 kV transmission line on a consistent basis since approximately 1995, and has planned a second transmission line to the North Valley since 1973. See Case No. U-1006-89; Case No. IPC-E-95-6.<sup>1</sup> Today, beyond the continuing need to serve growing load, there are two compelling reasons that now require the construction of this second 138 kV transmission line: (1) the increased reliability provided by a redundant source of energy and (2) the need to reconstruct the existing and aging 138 kV radial transmission line without long-term disruption of service to the North Valley. Additionally, the Wood River Valley has seen moderate increases in load, which is expected to continue to grow into the future.

3. Through Idaho Power's communications and work with the affected communities, it appears that a majority of the parties generally agree upon the purpose and need for the redundant source of energy, and if that source is an additional transmission line, that a feasible route could be obtained and permitted, as long as at least a portion of the line is underground. The parties have been unable to reach agreement upon the funding and payment of any incremental cost difference between an overhead, or least-cost alternative, and an underground, or higher-cost build. Idaho Power requests that the Commission issue a CPCN for the construction of a new 138 kV transmission line as a redundant source of energy that utilizes underground transmission (identified as TP1) beginning at Elkhorn Road. The estimated cost of this

---

<sup>1</sup> Idaho Power was granted a CPCN for a second 138 kV line in 1973, which was subsequently withdrawn in 1995.

line route is economically equivalent to the Company's standard construction configuration, a redundant overhead distribution line solution. Consequently, this route would not require any additional incremental cost recovery from the local jurisdictions.

### **III. BACKGROUND**

4. The North Valley contains the resort communities of Ketchum and Sun Valley and the Sun Valley ski resort. Idaho Power serves over 9000 customers in the North Valley. The peak demand reached 63 megawatts ("MW") during the winter of 2007. The local population, typical of a resort community swells, during the peak tourist seasons in summer and winter, with high winter peak demand.

5. The North Valley is served by two substations, one located in Ketchum and the other in the Elkhorn Valley within Sun Valley city limits. These two substations are supplied by a single, 12.4 mile, 138 kV transmission line from the Wood River substation in Hailey. The transmission line is constructed with wooden poles that were built in 1962. Access to repair the line is impeded by residential development, rough terrain, and aged construction roads in many areas. The mountainous terrain limits vehicle access, impedes equipment set-up, and contributes to avalanche threats. This line's access limitations may result in extended outages for line conductor, insulator, or structure failures caused by, among other things, vandalism, inclement weather, wood decay, woodpecker damage, avalanche, fire, and micro-burst wind events (collectively "Line Events"). Power outages caused by avalanche, fire, and other natural events also negatively impact the emergency and life safety response activities that are critical during these events.

6. Idaho Power generally initiates and constructs a second transmission source and transformer when a substation peak load is projected to exceed 40 MW. Recent examples include the additions of second transmission lines and transformers at

the Victory and McCall substations. Idaho Power is also moving forward with a second transmission project in the Eagle and Star area, which peaks at 71 MW. The Ketchum and Elkhorn substations' peak load of about 60 MW, coupled with the winter tourism population in the North Valley, strongly supports the need for a second transmission line. The most significant risk of outage and economic impact occurs during the peak of the winter season when the electrical demand and tourism activity peak. Deep snow and steep terrain can create very difficult access to susceptible sections of the existing transmission line, resulting in sustained outages (defined as an interruption that lasts more than five minutes). Idaho Power currently estimates the existing North Valley transmission configuration will result in average sustained outages of more than 209 minutes per year. However, an extended outage could last multiple days and be catastrophic, not only from the economic loss of the area, but the additional damage that may be caused by water pipes freezing. Summers are not immune from risk either, with the potential for a fire to take out the existing line, impacting the ability to pump gas or water, and resulting in economic loss. Multiple transmission sources are standard practices that Idaho Power implements to reduce the likelihood of sustained outages. Additionally, Idaho Power installs distribution circuit tie switches, where adjacent circuits are available, to reduce the duration of sustained outages on the radially sourced distribution system.

7. Idaho Power has existing franchise agreements with both the City of Sun Valley and the City of Ketchum. The franchise agreements generally provide for the construction, maintenance, and operation of facilities, such as transmission lines, in the streets, alleys, and public places in the cities.

8. Idaho Power has been and is currently engaged in acquiring the appropriate and required permits, including the submission in 2015 for a right-of-way

encroachment application to the cities of Ketchum and Sun Valley and a conditional use permit, with a revised application in 2016 to Blaine County. All requests are still pending, with a hearing set for the conditional use permit application with Blaine County on November 10, 2016. Idaho Power would like to start construction in 2019 and have the second line in service by 2020.

#### **IV. COMMUNITY OUTREACH AND PUBLIC PARTICIPATION**

##### **A. Prior CPCN.**

9. In 1973, Idaho Power began planning a second transmission line to the North Valley along with a second 138 kV transmission line from the Midpoint substation to Hailey. Both transmission line projects were initiated based on the Wood River Valley peak load, transmission line exposure, terrain, limited access, extended outages, and the economic impact caused by transmission outages. The Company was issued Certificate No. 272 to construct the line and related facilities in 1974. Order No. 11315, Case No. U-1006-89.

10. In 1995, Idaho Power participated in an extensive public involvement process regarding the proposed construction of a second 138 kV transmission line from the Wood River substation to the Ketchum substation. The public involvement process included public meetings before the Ketchum and Sun Valley City Councils, as well as the Blaine County Board of County Commissioners. Idaho Power also presented the proposal for the new transmission line to a community advisory committee. In addition, Idaho Power held a public open house at the Ketchum City Hall, with invitations sent to over 8,000 Idaho Power customers in northern Blaine County, to provide information regarding the proposed transmission line and to receive public comment.

11. At the conclusion of Idaho Power's 1995 public involvement process, the Company carefully evaluated the input received from the area's public officials and



citizens. The general response at that time from the parties commenting was that, despite the unavoidable risk of an outage to the existing transmission line, the proposed new transmission line should not be built. The reasons for the public opposition at that time included the difficulty of finding an acceptable route for the transmission line, aesthetic impacts, perceived health and safety concerns, and requirement of local funding of incremental cost of placing part or all of the line underground. At the Company's request, the Commission cancelled Certificate No. 272. Order No. 26107, Case No. IPC-E-95-6.

**B. Community Advisory Committee Process.**

12. Idaho Power, mindful of the Commission's guidance in its final order in the City of Eagle case from 2004,<sup>2</sup> has undertaken extensive public involvement activities with regard to local land use and transmission planning activities with local governments, citizens, and the public generally. The Commission's parting words in its Findings and Discussion from that case are:

Finally, we note that this case should serve as a reminder to utilities that they should monitor and participate in local land use planning activities. In particular *Idaho Code* § 67-6508(h) requires that city and county comprehensive plans consider and identify "utility transmission corridors" and other public facilities. For purposes of transmission planning, utilities must advise local governments that the construction of electric transmission lines normally entails tall poles and structures. We also encourage cities and counties to be realistic in designating transmission corridors within their areas. It may not be enough to simply designate that public streets and road right-of-ways will serve as transmission corridors. Aerial transmission lines are the most cost-effective construction method and represent 99% of all transmission line miles in the nation. Tr. at 305.

Order No. 29634 at 7-8, Case No. IPC-E-04-04.

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<sup>2</sup> Case No. IPC-E-04-04, Order No. 29634.

13. Following the Eagle case in 2004, Idaho Power initiated several Community Advisory Committees and undertook a comprehensive, cooperative transmission planning exercise with the communities and leaders across its service territory. Idaho Power has completed seven Community Advisory Committee processes. These committees were created to provide a cooperative effort between the Company and the communities it serves in developing an outline for prioritized improvements and additions to the Company's transmission and substation infrastructure. Each committee was created from and reviewed a specific geographic region. The committees formed to date have been from the Treasure Valley, Eastern Treasure Valley (Ada and Elmore Counties), Western Treasure Valley (Canyon, Owyhee, and Adams Counties and Eastern Oregon), Wood River Valley, Magic Valley, Western Central Mountains (Adams, Boise, and Valley Counties), and Eastern Idaho. Each of these committees was composed of elected officials, jurisdictional planners, civic leaders, business leaders/developers, and residents. Each committee met on a monthly basis with each session lasting most of a day. The process included educational sessions that began with a bus tour of Idaho Power facilities. The committees were presented with a view, from production to delivery, of Idaho Power's electrical system, including an introduction to electrical generation, substations, transmission, demand-side management, and regulatory affairs. The committees then developed a list of goals and siting criteria that would guide them in their plan development. The committees were presented with growth statistics and anticipated load data based on the planned build-out of the community. Using the education gained through these meetings, the committees then spent a few meetings to lay out proposed transmission lines and substation sites. The committees then determined a preferred plan by consensus with some alternatives identified. This process of education and

development of a plan takes just over a year and is the result of hundreds of hours of involvement from the community.

14. In 2007, a Community Advisory Committee ("CAC") was convened which developed the Wood River Valley Electrical Plan ("WREP"), which is a comprehensive plan for future transmission facilities in the Wood River Valley, which includes the North Valley area. One of the two near-term facility additions identified was a second 138 kV transmission line between the Wood River and Ketchum substations. In 2011, after additional deliberations and extensive public outreach, the CAC updated the WREP. The CAC once again recommended that Idaho Power construct the second 138 kV transmission line. The CAC was convened again in 2012 to discuss new information about potential impact to sage grouse habitat, and the impact to the WREP. Later in 2012, the CAC was reconvened to provide additional input regarding planned open house events in Hailey, Sun Valley, and Ketchum. High-level cost estimates were provided, proposed boundaries and approximate owner costs for a possible local improvement district to fund the incremental local cost for underground preferences for the redundant line were included. In 2014, in response to inquiries from both the City of Ketchum and the Ketchum Energy Advisory Committee ("KEAC"), the Company invited representatives from both entities to join the CAC to investigate the possibility of any new alternatives to the proposed redundant line. The "updated" CAC was convened twice in late 2014. At that time, the updated CAC, which included two members from the KEAC, reaffirmed the need for a second energy path into the North Valley.

15. In addition to the CAC process, Idaho Power has undertaken additional numerous public involvement activities and efforts specific to the Wood River Valley. The Company has more than 100 documented communications; i.e., meetings and letters with city officials, presentations to committees, open houses, meetings with

residents and subdivisions, etc., regarding transmission siting in and around the North Valley from 2007 to the present, in addition to the numerous other informal discussions, phone calls, and contacts about this matter. Most recently, Idaho Power took part in several collaborative processes geared towards exploring the possibility of providing alternative sources of energy in the North Wood River Valley. The results of this exploration have shown that the cost of such alternative sources (diesel engine, gas turbines, and photovoltaic plus battery energy storage systems) are significantly higher than the cost of the redundant line and provide less reliability.

**C. Local Jurisdictions' Current Positions.**

16. Through all of Idaho Power's communications and work with the affected communities of the North Valley, it appears that a majority of the parties generally agree upon the purpose and need for a redundant source of energy. Starting in May of this year, and continuing to the present, Idaho Power initiated both formal meetings as well as numerous informal communications with the parties and stakeholders in the North Valley. This recent outreach by the Company was done with the intent of attempting to reach a compromise, agreement, and/or consensus regarding the redundant line into the North Valley that could be communicated to the IPUC and included with a filing. See Exhibit No. 1. A number of stakeholders from the local jurisdictions have expressed a preference for the TP1, Elkhorn Road underground transmission line option, with an assumption of zero incremental costs above the economic base case and no need for additional local funding. The TP1 option appears to strike a reasonable balance between the overall project cost and the goal of minimizing adverse visual impacts for the North Valley area.

17. In response to the Company's request for written positions from the parties (See Exhibit No. 1, August 31, 2016, letter), the Company received a letter from

the City of Sun Valley. In summary, the letter stated that Sun Valley felt it was thoroughly informed on the purpose and need for the redundant line, as well as the impacts of potential routing options. Sun Valley stated that at the regular City Council meeting of September 1, 2016, the council unanimously agreed that the redundant line project was necessary and vital for its community and that the best location at which to underground the line would be near the intersection of Highway 75 and Elkhorn Road (the TP1 option).

18. The Company has not yet received a response from Blaine County, but the Company currently has a pending conditional use permit before the county that generally coincides with the TP1 option. The Company has attended a public hearing on October 13, 2016, and a follow-up planning and zoning meeting on October 20, 2016, with Blaine County. A final decision is scheduled for November 10, 2016.

19. While the Company has not received any response from the City of Ketchum directly, Idaho Power is aware that the City Council met on October 3, 2016. At that meeting, the KEAC recommended that the City Council address its concerns to the IPUC and request that Idaho Power be required to pay for an independent cost-benefit and reliability analysis of alternatives to a redundant transmission line. The KEAC requested that in addition to evaluating local distributed energy resources and microgrid options, the city request consideration of redundant distribution versus transmission alternatives, which it believes, would allow for local generation to integrate into the grid north of the Hailey substation and move directly north. Idaho Power appreciates the request. However, based on the Company's analysis of alternatives and its work with the Idaho National Laboratory, Idaho Power believes that the cost of microgrid technologies—which require additional generation sources—greatly exceed the cost of the second transmission line.

## **V. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

20. The Company must construct facilities in the Wood River Valley/North Valley area to meet its continuing obligation to serve customers, and thus is requesting an order from the Commission affirming that the public convenience and necessity requires the same. The proposed facilities represent a cost-effective means of providing adequate and reliable service to the North Valley area. A more detailed description of Idaho Power's need to construct a new transmission line to the North Valley area, and why the facilities promote the public convenience and necessity, is contained in the accompanying direct testimonies of David M. Angell and Ryan N. Adelman. Mr. Angell is Idaho Power's Customer Operations Planning Manager and Mr. Adelman is Idaho Power's Customer Operations Project Manager. Their respective direct testimonies are filed concurrently herewith in support of this Application.

21. The Commission has the express authority to order a utility to build new structures, or to upgrade and/or improve existing plant and structures, in order to secure adequate service or facilities.

Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to or changes in the existing plant, scales, equipment, apparatus, facilities or other physical property of any public utility . . . ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing such additions, extensions, repairs, improvements, or changes be made or such structure or structures be erected in the manner and within the time specified in said order.

*Idaho Code § 61-508.*

22. A CPCN or Certificate represent the exercise by the Commission of foundational authority and principles that are necessary in Idaho's system of permitting

regulated monopoly public utilities to exist and to provide necessary services to the public. Certificates have been utilized in various ways from the time that Idaho's statutory system of public utility regulation was enacted by the Legislature in 1913, *Idaho Code* § 61-101, *et seq.*, to the present time. After nearly 100 years of legislative enactments, Commission orders, and Idaho Supreme Court reviews, the Certificate remains the embodiment of the Commission's fundamental power and authority to, at the most basic level, authorize and direct a public utility to serve in the public interest. See *Idaho Power & Light Co. v. Blomquist et al.*, 26 Idaho 222, 141 P.1083 (1914); *Idaho Op. Atty. Gen. No. 87-2*, 1987 WL 247587 (Idaho A.G.).

23. In the broadest sense, a Certificate allows a company that meets the definition of a "public utility" pursuant to *Idaho Code* § 61-129 to exclusively provide its service to the public in a specified geographic region, its service territory. It is a codified part of the "regulatory compact" whereby the utility takes on the exclusive obligation/right to serve all those requesting service within its service territory and, correspondingly, submits itself to the rate and service quality regulation of the Commission. In a more literal sense, a Certificate from the Commission is required for the construction or extension of a line, plant, or system by any street railroad, gas, electrical, telephone, or water corporation. *Idaho Code* § 61-526. A Certificate is not required if such corporation is extending within any city or county where it had previously commenced lawful operation, or the extension into territory contiguous to the territory already served by it, and not served by another public utility of like character. *Id.* If the proposed construction or extension interferes with, or is about to interfere with, the operation of another all ready existing public utility of like character, the Commission may prescribe terms and conditions regarding the location and type of plant the utility may construct. *Id.*

24. *Idaho Code* § 61-526 also provides that "if public convenience and necessity does not require or will require such construction or extension [of a line, plant, or system] the commission . . . may, after hearing, make such order and prescribe such terms and conditions for the *locating or type* of line, plant or system affected as to it may seem just and reasonable . . . ." (Emphasis added.) Consequently, in cases such as the present where the Company is not *required* to obtain a Certificate in order to construct, extend, and upgrade its transmission and distribution facilities within its service territory, the Commission may grant the Company a Certificate if the public convenience and necessity so requires.

25. In addition to the Commission's authority pursuant to a CPCN, the Idaho Legislature has granted the Commission the ultimate authority for determining whether the public interest, convenience, and necessity requires the construction of certain facilities by expressly providing that land use actions or orders of other government agencies or local governments that are in conflict with an order of the Commission are null and void. Chapter 65 of Title 67 of the *Idaho Code* addresses local land use planning. *Idaho Code* § 67-6528 addresses the interaction of Commission Orders and land use planning actions by other government agencies.

If a public utility has been ordered or permitted by specific order, pursuant to title 61, *Idaho Code*, to do or refrain from doing an act by the public utilities commission, any action or order of a government agency pursuant to titles 31, 50 or 67, *Idaho Code*, in conflict with said public utilities commission order, shall be insofar as it is in conflict, null and void if prior to entering said order, the public utilities commission has given the affected governmental agency an opportunity to appear before or consult with the public utilities commission with respect to such conflict.

*Idaho Code* § 67-6528, Applicability of Ordinances.



**A. Purpose and Need.**

26. Idaho Power has an obligation to provide adequate, efficient, just, and reasonable service on a nondiscriminatory basis to all those that request it within its certificated service territory. *Idaho Code* §§ 61-302, 61-315, 61-507. The Commission must assure that the rates Idaho Power charges its customers and that the rules and regulations by which it provides service are just, reasonable, nondiscriminatory, and non-preferential. *Idaho Code* §§ 61-501, 61-502, 61-503, 61-507, 61-508.

27. The need for a redundant source of energy into the North Valley has existed on various levels since approximately 1973. A previous CPCN to construct a new 138 kV transmission line was cancelled in 1995 based primarily upon public opposition, including the difficulty of finding an acceptable route, aesthetic impacts, perceived health and safety concerns, and the excessive cost of undergrounding the line. However, the need for a second source of energy has not dissipated with time and, in fact, the safety and security of customers due to the risk of a prolonged outage or the potential economic impact on businesses has increased with the age of the existing line. Today, beyond the continuing requirement to serve the Wood River Valley's growing load, there are two compelling reasons that now require the construction of such facilities: (1) the increased reliability provided by a redundant source of energy and (2) the need to reconstruct the existing and aging 138 kV radial transmission line without long-term disruption of service to the North Valley.

28. Idaho Power generally initiates and constructs a second transmission source and transformer when a substation peak load is projected to exceed 40 MW. Recent examples include the additions of second transmission lines and transformers at the Victory substation south of Boise and the McCall substation in McCall, Idaho. Idaho Power is also moving forward with a second transmission project in the Eagle and Star

area, which peaks at 71 MW. After the upgrades in the Eagle/Star/Middleton area, the area north of Hailey represents the largest customer base in Idaho Power's service territory served by only a single transmission line. The Ketchum and Elkhorn substations' peak load of about 60 MW, coupled with the winter tourism population in the North Valley, strongly supports the need for a second transmission line.

29. Historically, this particular line has had a relatively good service record for reliability. This was one of the reasons that the previously issued CPCN was withdrawn in 1995. However, this line, built in 1962 and located in rough terrain, is aging and now requires complete reconstruction. Idaho Power estimates that without any significant changes to the existing North Valley transmission line, the expectation could be that the current configuration will result in an average duration of sustained outages of more than 209 minutes per year. The most significant risk of an outage on the current single 138 kV transmission line and the resulting economic impact would occur during the winter season when the electric demand and tourism activity are at their highest. Deep snow and steep terrain can make it very difficult to access the susceptible sections of the existing transmission line, resulting in sustained outages (defined as an interruption that lasts more than five minutes). An extended outage could last multiple days and be catastrophic, not only from the economic loss to the area, but the additional damage that may be caused by water pipes freezing. Summers are not immune from risk either, with the potential for a fire to take out the existing line, affecting the ability to pump gas or water, and resulting in economic loss.

30. Reconstruction of the existing line, which is required whether or not a redundant transmission line is constructed, is not feasible absent long-term outages without building either a redundant transmission line or a temporary line that would be removed after construction because of the extreme disruption of service required by the

reconstruction. The reconstruction of the existing line involves replacing the existing wood structures with steel structures in approximately the same locations and replacing the existing conductor. During this reconstruction, it was estimated that 57 out of 93 structure replacements would require as many as 40 eight-hour line outages, or 20 assuming the use of two construction crews. Furthermore, it is estimated that the replacement of the line conductor would require a six to 12 week continuous outage. Replacing the other 35 structures while the line is energized would require much larger construction equipment pads that produce significant environmental and aesthetic impacts, particularly on hillsides. Considering all the impacts described above, the reconstruction of the existing line while the line is energized is infeasible. A temporary line to the Ketchum substation would be required to serve the customers of the Ketchum and Elkhorn substations during the reconstruction of the existing line. The temporary line would be placed in road right-of-way, mostly along Highway 75, to minimize private property impact and right-of-way costs. The temporary line would almost assuredly be deemed a visual impact by many North Valley customers. Following the completion of the reconstruction, the majority of temporary line materials (poles and insulators) would be salvaged; however, the conductor cannot be salvaged. With the construction of a redundant 138 kV transmission line the reconstruction of the existing line could be done with little to no disruption of service, and without the lost investment of installing and removing a temporary line during reconstruction.

**B. Redundant Service Options/Potential Line Routes.**

31. Idaho Power investigated four different configurations that would provide the required redundant source of energy to the North Valley. This requires approximately 11-13 miles of new transmission and/or distribution line from the Wood River substation to the Ketchum substation. All options utilize the same "Common

Route" configuration, which consists of a 138 kV overhead transmission line from the Wood River substation near Hailey, north along Highway 75 for approximately 7.5 miles, to approximately the area near Owl Rock Road, south of the Medical Center. Each various alternative route then differs from this point north to the Ketchum substation. Each route is described in the testimonies of Mr. Angell and Mr. Adelman, and is discussed below under the following categories: (1) Overhead Transmission, (2) Underground Transmission, (3) Overhead Distribution, and (4) Underground Distribution.

1. **Overhead Transmission.**

32. The North Valley exhibits several transmission siting obstacles for overhead access to the existing Ketchum substation. First, the North Valley is congested due to numerous residences and businesses sited in a valley less than one mile wide with mountains of steep slope and narrow roadways. This would force an overhead transmission line either through the downtown district of Ketchum or over the top of Dollar Mountain and spanning down over existing homes near the substation. Second, the valley has multiple ordinances restricting certain development. For example, because of these steep slopes and for aesthetic reasons, Blaine County has an ordinance limiting the development along the mountains (Mountain Overlay District). In addition, the cities of Ketchum and Sun Valley require new electrical facilities be located underground. Third, the community is adamantly against additional visual impacts. Idaho Power representatives have been advised that new overhead lines would not be allowed in Ketchum and Sun Valley. Mr. Angell's Exhibit No. 4 contains a map depicting each Overhead Transmission route: Dollar Mountain and Downtown District.

33. The line route across Dollar Mountain would be limited to a double circuit on common tower configuration with the existing 138 kV transmission line from Elkhorn substation to Ketchum substation. This common tower construction has a high probability of resulting in the simultaneous loss of both transmission circuits should a failure occur, resulting in North Valley customer outages for the Line Events. This fact alone defeats the purpose and need of constructing a redundant source of energy to improve the reliability of service, and is therefore not a viable option. Additionally, condemnation of private property may be required to enter the Ketchum substation overhead from Dollar Mountain. Finally, North Valley customers would likely strongly oppose this option due to the visual impacts. This option would not provide an independent and fully redundant transmission source to the Ketchum substations nor meet the purpose and need where the other options discussed below would.

34. The Overhead Transmission line route through the Ketchum downtown district would have significant challenges. The challenges include the fact that the City of Ketchum is set up with a grid of streets, sidewalks, and zero setback buildings. Options that exist for construction of overhead transmission include placing the poles in the sidewalks, the edge of streets, and overhanging the wires over the streets, constructing tall enough structures to span the wires over the tops of buildings, and utilizing side streets. Because of the very tight geographical constraints, this option would likely be dependent upon and require condemnation of private property in order to pass through downtown Ketchum with an overhead line to the Ketchum substation. Again, North Valley customers, in particular Ketchum customers, would strongly oppose this option on visual impacts alone.

Neither of the two possible route options for an Overhead Transmission construction configuration provides a viable solution for redundant electric service to the North Valley.

**2. Underground Transmission.**

35. Mr. Angell's Exhibit No. 5 contains a map depicting the Underground transmission route, as well as the three possible overhead-to-underground transition points. The line would include the Common Route along Highway 75 to one of three possible overhead-to-underground transition points between Owl Rock Road and Elkhorn Road, at which point the transmission line would be constructed underground and proceed along the highway and in road rights-of-way to the Ketchum substation. The line would replace an existing distribution line, in turn minimizing the visual impacts. The three potential transition points are: (1) just before entering the City of Ketchum, near the intersection of Elkhorn Road and Highway 75 ("TP1"); (2) further south, near the intersection of Hospital Drive and Highway 75 ("TP2"); and (3) prior to the hospital, near the intersection of Owl Rock Road and Highway 75 ("TP3"). Each of these alternative routes would provide an independent and fully redundant transmission source. The line would provide a second source to the Ketchum substation and reduce sustained outages. The North Valley customers would not experience a sustained outage for loss of either transmission line. The line would support a build-out demand of 120 MW. An underground transmission line would greatly reduce visual impacts in the North Valley. The line would also provide the ability to de-energize any section of either line for maintenance, inspection, repair, or reconstruction. The CAC recommended this as the preferred option as part of the WREP.

Cost. The estimated cost for the Underground Transmission route varies from approximately \$30 million to approximately \$35.7 million based upon the transition

point: TP1 = \$30 million; TP2 = \$32.7 million; and TP3 = \$35.7 million. TP1 is the preferred routing option, being the economic equivalent to the standard overhead distribution base option. Idaho Power believes that the Elkhorn Road option, TP1, appropriately balances the collective interest of the local communities with the Company's desire, and requirement, to continue to provide safe, reliable, and low-cost electric service into the future. The other Underground Transmission options, TP2 and TP3, would both have additional incremental cost over the base case option, Overhead Distribution, that would require funding by the local jurisdictions.

**3. Overhead Distribution.**

36. Mr. Angell's Exhibit No. 6 contains a map depicting the Overhead Distribution route. This option consists of the Common Route to a new substation on the west side of Highway 75 south of Owl Rock Road. This option would include a new substation with 2x44.8MVA 138/12.5kV transformers, two 4-bay metalclad sections, five feeder getaways, a control building, 10 foot decorative walls, and sound barriers around the transformers. Five overhead distribution circuits would connect with the existing Ketchum and Elkhorn substation distribution circuits and require the acceleration of a 2018 planned Ketchum substation distribution circuit. Eight sets of padmount switchgear and optical fiber from the new substation for Supervisory Control and Data Acquisition (SCADA) control will be installed to effectuate the load transfers during outages of any transmission line or substation.

37. The line, substation, and distribution circuits would provide a 60 MW second source to the existing customers served from the Ketchum substation with similar reliability benefits as the Underground Transmission option. New distribution circuits would provide backup service for maintenance activities on portions of the existing distribution circuits. Idaho Power has extensive experience operating and

maintaining overhead transmission and distribution lines and substations. However, customers would experience a short sustained outage for Line Events until the distribution circuits are switched to the alternate service circuits and would not result in a reduction of the number of sustained outages. The substation and five overhead feeders would cause additional visual impacts. This configuration provides only 60 MW of backup service for the existing customers. Customers would experience sustained outages if the alternate source switching is not automated. Even if the switching is automated, the customers would experience sustained outages if any circuit is in an abnormal configuration prior to the Line Event. Lack of automation and abnormal circuit configurations have the potential to increase the System Average Interruption Frequency Index (SAIFI) and System Average Interruption Duration Index (SAIDI) reliability indices. Additionally, cold load pickup might complicate and prolong re-energizing feeders that are out if the automation is either not implemented, disabled, or malfunctions.

Cost. The estimated cost for the Overhead Distribution route ranges from \$29.1 to \$31.1 million. This base case, overhead option that is consistent with the Company's standard practice of providing redundant electrical service to an area. The variance in cost is attributable to the conceptual design level with possible variances as a result of actual right-of-way costs. For purposes of comparison to the costs of the Underground Transmission options, the midpoint cost estimate of \$30 million was used.

**4. Underground Distribution.**

38. This option is substantially the same as the Overhead Distribution option with the 12.5 kV distribution circuits installed underground requiring boring, asphalt, and landscape work. From a reliability and capacity perspective, the Underground Distribution option would provide substantially similar benefits as the Overhead



Distribution option. However, unlike the Overhead Distribution option, this option would greatly reduce the visual impacts of overhead distribution circuits.

Cost. The estimated cost of the Underground Distribution route ranges from approximately \$43.4 to \$45.9 million. The excessive cost of this option effectively rules it out as a viable option.

**C. Cost and Payment Allocation.**

39. Although the specific siting of facilities is generally an area of local concern in the state of Idaho, the Idaho Legislature has granted the Commission the ultimate authority for determining whether the public interest, convenience, and necessity require the construction of certain facilities by expressly providing that land use actions or orders of other governmental agencies or local governments that are in conflict with an order of the Commission are null and void. *Idaho Code* § 67-6528. The Company is not seeking any specific rate recovery for the facilities involved herein at this time, and will do so in a proper rate recovery proceeding in the future. The Company is also not seeking to avoid or thwart any city or county permitting processes or procedures. The Company is asking the Commission to find it to be in the present and future public convenience and necessity that Idaho Power constructs a new 138 kV transmission line and related facilities to provide redundant service from the Wood River substation, near Hailey, into the Ketchum substation. The Company requests the Commission find that the proposed facilities are necessary and required in order to continue to provide reliable and adequate electricity to Idaho Power's customers in and around the North Valley. Because the Underground Transmission-TP1 route is the same cost or economic equivalent of the standard, least-cost, Overhead Distribution option, there would be no incremental cost for the underground facilities attributable to the local jurisdictions. This is the line route for which Idaho Power is seeking a

Commission approval of a CPCN. However, because both the Underground Transmission-TP2 and TP3 construction configurations have additional incremental cost over the base case Overhead Distribution, should those routes be required because of local aesthetic preferences for underground facilities, the Company asks that the incremental cost difference between the Overhead Distribution and Underground Transmission configurations be assessed to the cities of Ketchum and Sun Valley and to Blaine County.

40. If the local government entities and communities require that the facilities be constructed underground or on an alternative route(s) that increase the cost of such facilities, Idaho Power maintains that it is appropriate to require those local government entities and communities to contribute the additional incremental cost associated with the required line routing or underground facilities. If the local government and communities do not bear that incremental additional expense, Idaho Power's other customers will ultimately pay higher rates as a result of one community's dissatisfaction with the aesthetics of overhead transmission facilities. The Idaho Legislature has vested the Commission with the exclusive power to regulate public utilities for the state of Idaho and with the authority to carry out its regulation. Any other arrangement would place the public utility and its general body of utility customers in an untenable situation. Local governmental agencies could require public utilities to expend unreasonably large amounts of money to satisfy local aesthetic or other concerns. Those additional expenses would then be passed on to all of the public utility's other customers, outside of the local jurisdiction, thereby resulting in unreasonable, preferential, and discriminatory rates. Idaho Power is requesting that the Commission exercise its statutory authority to protect both the Company and its customers from such a result.

41. Here, there is a routing option that combines overhead and underground transmission, the Underground Transmission-TP1 construction configuration, which is an economic equivalent to the base case, Overhead Distribution construction configuration that would require no incremental cost allocation to the local jurisdictions. This option appears to have majority support of the local jurisdictions, and Idaho Power respectfully requests the Commission issue a CPCN for the construction of Underground Transmission-TP1.

#### **VI. COMMUNICATIONS AND SERVICE OF PLEADINGS**

42. Communications and service of pleadings with reference to this Application should be sent to the following:

Donovan E. Walker  
Lead Counsel  
Idaho Power Company  
1221 West Idaho Street (83702)  
P.O. Box 70  
Boise, Idaho 83707  
[dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

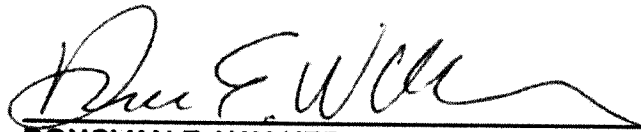
Tim Tatum  
Vice President, Regulatory Affairs  
Idaho Power Company  
1221 West Idaho Street (83702)  
P.O. Box 70  
Boise, Idaho 83707  
[ttatum@idahopower.com](mailto:ttatum@idahopower.com)

#### **VII. REQUEST FOR RELIEF**

43. Idaho Power respectfully requests that the Commission issue an order: (1) specifically finding that the present and future public convenience and necessity requires the construction of a new 138 kV transmission line and related facilities to provide redundant service from the Wood River substation, near Hailey, into the Ketchum substation and (2) specifically granting the Company a Certificate of Public Convenience and Necessity for the construction of such line and facilities identified herein as Underground Transmission-TP1.

44. Idaho Power requests that the Commission convene a prehearing conference in this matter at its earliest convenience to establish a proper procedure to expedite the orderly conduct and disposition of this proceeding. RP 211.

DATED at Boise, Idaho this 8<sup>th</sup> day of November 2016.

A handwritten signature in black ink, appearing to read "Donovan E. Walker", written over a horizontal line.

**DONOVAN E. WALKER**  
Attorney for Idaho Power Company

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF

**FROM:** DAPHNE J. HUANG  
DEPUTY ATTORNEY GENERAL

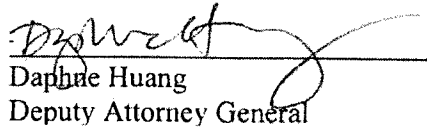
**DATE:** NOVEMBER 18, 2016

**SUBJECT:** IDAHO POWER'S APPLICATION FOR A CPCN TO MAKE SYSTEM IMPROVEMENTS FOR WOOD RIVER VALLEY CUSTOMERS, CASE NO. IPC-E-16-28

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements and to secure adequate and reliable service to customers in the Wood River Valley. Specifically, they wish to construct a new 138 kilovolt (kV) transmission line and related facilities "to provide redundant service from the Wood River substation near Hailey into the Ketchum substation." Application at 1-2. The Company asks that the CPCN permit the particular line route and facilities identified in testimony accompanying the Application. *Id.* at 2. The Company requests a prehearing conference at the Commission's earliest convenience to establish a proper procedure for conducting the case. *Id.* at 26. Staff recommends that the Commission issue a Notice of Application and set a deadline for Petitions to Intervene of 21 days from the service date of the Commission's Order.

### COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and set a deadline for Petitions to Intervene of 21 days from the service date of its Order?

  
Daphne Huang  
Deputy Attorney General

M:IPC-E-16-28\_djh

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF IDAHO POWER COMPANY FOR A</b>	)	<b>CASE NO. IPC-E-16-28</b>
<b>CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY TO</b>	)	<b>NOTICE OF APPLICATION</b>
<b>CONSTRUCT SYSTEM IMPROVEMENTS</b>	)	
<b>FOR WOOD RIVER VALLEY</b>	)	<b>NOTICE OF</b>
<b>CUSTOMERS</b>	)	<b>INTERVENTION DEADLINE</b>
	)	
	)	<b>ORDER NO. 33657</b>

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements and to secure adequate and reliable service to customers in the Wood River Valley. Specifically, the Company seeks a CPCN to construct a new (second) 138 kilovolt (kV) transmission line and related facilities “to provide redundant service from the Wood River substation near Hailey into the Ketchum substation.” Application at 1-2. The Company asks that the CPCN permit the particular line route and facilities identified in testimony accompanying the Application. *Id.* at 2. The Company would like to start construction of the line in 2019 and have it in service by 2020. *Id.* at 6. The Commission issues this notice of the Company’s Application and sets a deadline for interested parties to intervene in the case.

**BACKGROUND**

Idaho Power states it serves over 9,000 customers in the North Valley, which includes the resort communities of Ketchum and Sun Valley, and the Sun Valley ski resort. Peak demand in that area swells at the height of the tourist seasons in summer and winter, but especially winter. *Id.* at 4. The risk of power outages – and economic impacts therefrom – is heightened when tourism activity and thus electrical demand are at their peak. *Id.* at 5.

Idaho Power states the North Valley is served by a substation in Ketchum and a substation in Elkhorn Valley within the Sun Valley city limits. The two substations “are supplied by a single 12.4 mile 138 kV transmission line from the Wood River substation in Hailey” that was constructed with wooden poles built in 1962. Idaho Power states that access and thus repairs to the transmission line have been impeded due to residential development,

NOTICE OF APPLICATION  
 NOTICE OF INTERVENTION DEADLINE  
 ORDER NO. 33657

rough terrain, and aged construction roads. *Id.* at 4. According to the Company, impeded access can result in sustained outages. *Id.* at 4-5.

Idaho Power typically initiates and constructs a second transmission source and transformer in an area when peak load for the area's substations is projected to exceed 40 megawatts (MW). *Id.* For example, the Company is working on a second transmission project in the Eagle and Star area, which peaks at 71 MW. *Id.* at 4-5. The Ketchum and Elkhorn substations' peak load in the winter of 2007 was 634 MW. *Id.* at 4.

Idaho Power obtained a Certificate (No. 272) to construct a second transmission line to the North Valley, and related facilities, in 1974. *Id.* at 6; Order No. 11315. In 1995, the Company participated in public meetings about the proposed construction of a second transmission line, including an open house for which it sent invitations to more than 8,000 Idaho Power customers. *Id.* at 6. There was considerable public opposition to the proposal, based on the route that the transmission line would take, aesthetic impacts, perceived health and safety issues, and the requirement that the incremental cost of placing the line (in part or all) underground be funded locally. *Id.* at 7. At the Company's request, the Commission cancelled Certificate No. 272. Order No. 26107.

Idaho Power initiated a Community Advisory Committee ("CAC") in 2007 to develop the Wood River Valley Electrical Plan, a comprehensive plan for future transmission facilities in the Wood River Valley, including the North Valley area. *Id.* at 8-9. In 2011, the CAC recommended that Idaho Power construct the second 138 kV transmission line. *Id.* at 9. From 2012-2014, the CAC took additional input from the community, including the City of Ketchum and the Ketchum Energy Advisory Committee, and re-affirmed the need for a second energy path into the North Valley. *Id.* The Company states it has participated "in several collaborative processes geared towards exploring the possibility of providing alternative sources of energy in the North Wood River Valley." *Id.* at 10. Idaho Power contends that the costs of alternative sources (such as diesel engine, gas turbines, and photovoltaic plus battery energy storage systems) are significantly higher, and would be less reliable, than the line the Company now proposes. *Id.*

According to Idaho Power, most parties in the affected communities generally agree on the purpose and need for a redundant energy source. *Id.* The Company asserts that the Sun Valley City Council "unanimously agreed that the redundant line project was necessary and vital

for its community.” *Id.* at 11. As of the Application’s filing, the Company had not received a response from Blaine County, but a final decision was anticipated by November 10, 2016. *Id.* The City of Ketchum City Council met on October 3, 2016, and recommended that the Company evaluate local distributed energy resources and microgrid options. *Id.*

#### NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that Idaho Power asserts the existing 138 kV radial transmission line is aging and needs reconstruction. *Id.* at 12. According to the Company, reconstruction of the existing line would result in “extreme disruption of service . . . [unless the Company builds] either a redundant transmission line or a temporary line that would be removed after construction.” *Id.* at 16. Idaho Power states the proposed redundant 138 kV line will increase reliability and avoid long-term disruption of service to the North Valley. *Id.* at 3. The Company further asserts the proposed project is necessary “to meet its continuing obligation to serve customers.” *Id.* at 12.

YOU ARE FURTHER NOTIFIED that the Company believes, based on its engagement with affected communities, that if the needed redundant energy source is achieved by adding a transmission line, “a feasible route could be obtained and permitted, as long as at least a portion of the line is underground.” *Id.* at 3. The Company acknowledges, “[t]he parties have been unable to reach agreement upon the funding and payment of any incremental cost difference between an overhead, or least-cost alternative, and an underground, or higher-cost build.” *Id.* Idaho Power states it is in the process of acquiring the necessary permits, such as applying for a right-of-way encroachment permit with the cities of Ketchum and Sun Valley in 2015, and a conditional use permit with Blaine County in 2016. *Id.* at 5-6.

YOU ARE FURTHER NOTIFIED that Idaho Power states it investigated four routes that would provide the needed redundant energy source. *Id.* at 17. Each route would extend overhead from the Wood River substation near Hailey, north along Highway 75 for about 7.5 miles, to the area near Owl Rock Road and south of the St. Luke’s Medical Center. *Id.* at 18. From there, north to the Ketchum substation, the routes would differ. *Id.* The routes are more fully described in the testimonies of David Angell and Ryan Adelman (attached to the Application).



YOU ARE FURTHER NOTIFIED that Idaho Power characterizes the four routes using the following descriptions: (1) overhead transmission; (2) underground transmission; (3) overhead distribution; and (4) underground distribution. *Id.* at 18-23. As to the overhead transmission route, the Company asserts several reasons why it is not viable, including that “the community is adamantly against [the] visual impacts.” *Id.* at 18-20. About the underground transmission route, Idaho Power states this is the option that CAC recommended, and estimates it would cost between \$30 million and \$35.7 million. *Id.* at 20-21. As to the overhead distribution route, the Application describes potential problems, and estimates it would cost between \$29.1 and \$31.1 million. *Id.* at 21-22. Finally, about the underground distribution route, the Company states it is substantially similar to the overhead distribution option, but with greatly reduced visual impacts, and an estimated cost between \$43.4 and \$45.9 million. *Id.* at 22-23.

YOU ARE FURTHER NOTIFIED that Idaho Power asserts it “is not seeking any specific rate recovery for the facilities involved herein at this time, and will do so in a proper rate recovery proceeding in the future.” *Id.* at 23. The Company seeks approval of a CPCN for the underground transmission route recommended by the CAC (option 2, above). *Id.* at 23-24. In addition, the Company asks “that the incremental cost difference between the overhead distribution and underground transmission configurations be assessed to the cities of Ketchum and Sun Valley and to Blaine County.” *Id.* at 24. Idaho Power contends that “it is appropriate to require those local government entities and communities to contribute the additional incremental cost associated with the required line routing or underground facilities” where those entities and communities “require that the facilities be constructed underground.” *Id.* According to the Company, “If the local government and communities do not bear that incremental additional expense, Idaho Power’s other customers will ultimately pay higher rates as a result of one community’s dissatisfaction with the aesthetics of overhead transmission facilities.” *Id.*

YOU ARE FURTHER NOTIFIED that Idaho Power notes the Commission has authority to order it to build new structures or upgrade and improve existing plant and structures to secure adequate services or facilities. *Idaho Code* § 61-508; Application at 12. Before constructing “a line, plant, or system,” a public utility providing electrical service must obtain a CPCN from the Commission (establishing that the “public convenience and necessity” requires it); but a CPCN is not required to extend lines, plant or system in an area already served by the utility. *Idaho Code* § 61-526; Application at 13. Under *Idaho Code* § 61-526, whether the

“public convenience and necessity does not require or will require” the construction or extension of lines, plant or system, the Commission “may, after hearing, make such order and prescribe such terms and conditions for the locating or type of the line, plant or system affected” as the Commission finds just and reasonable. *Idaho Code* § 61-526; Application at 14.

YOU ARE FURTHER NOTIFIED that the Company notes *Idaho Code* § 67-6528 provides:

If a public utility has been ordered or permitted by specific order, pursuant to title 61, Idaho Code, to do or refrain from doing an act by the public utilities commission, any action or order of a government agency pursuant to titles 31, 50, or 67, Idaho Code, in conflict with said public utilities commission order, shall be insofar as it is in conflict, null and void if prior to entering said order, the public utilities commission has given the affected governmental agency an opportunity to appear before or consult with the public utilities commission with respect to such conflict.

*Idaho Code* § 67-6528; Application at 14. Idaho Power asserts that this statute gives the Commission “the ultimate authority for determining whether the public interest, convenience, and necessity requires the construction of certain facilities by expressly providing that land use actions or orders of other government agencies or local governments that are in conflict with an order of the Commission are null and void.” Application at 14.

YOU ARE FURTHER NOTIFIED that the Application and attachments have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and attachments are also available on the Commission’s web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the “File Room” tab at the top of the page, scroll down to “Open Electric Cases,” and then click on the case number as shown on the front of this document.

#### NOTICE OF DEADLINE TO INTERVENE

YOU ARE FURTHER NOTIFIED that **persons desiring to intervene** in this matter **must file a Petition to Intervene** with the Commission pursuant to this Commission’s Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -.073. **All Petitions to Intervene must be filed no later than 21 days from the service date of this Order.** Persons desiring to present their views without parties’ rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

YOU ARE FURTHER NOTIFIED that the following persons are designated as Idaho Power's representatives in this matter:


Donovan E. Walker, Lead Counsel  
Tim Tatum, Vice President, Regulatory Affairs  
Idaho Power Company  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[ttatum@idahopower.com](mailto:ttatum@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

YOU ARE FURTHER NOTIFIED that, once the deadline for intervention has passed, the Commission Secretary shall prepare and issue a Notice of Parties. Once all parties have been identified, the Commission will determine how best to process this case.

**ORDER**

IT IS HEREBY ORDERED that persons desiring to intervene in this matter shall file a Petition to Intervene by **21 days from the service date of this Order**. Once the deadline for Petitions to Intervene has passed, the Commission Secretary shall prepare and issue a Notice of Parties, and the Commission shall determine how best to process this case.

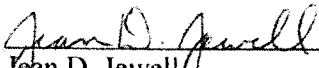
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29<sup>th</sup>  
day of November 2016.

  
PAUL KJELLANDER, PRESIDENT

  
KRISTINE RAPER, COMMISSIONER

  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

O:IPC-E-16-28\_djh

NOTICE OF APPLICATION  
NOTICE OF INTERVENTION DEADLINE  
ORDER NO. 33657

Peter J. Richardson ISB No. 3195  
Gregory M. Adams ISB No. 7454  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> Street  
P.O. Box 7218  
Boise, Idaho 83702  
Telephone: (208) 938-7901 Tel  
Fax: (208) 938-7904 Fax  
peter@richardsonadams.com  
Attorneys for Kiki Leslie A. Tidwell

RECEIVED  
2016 DEC -5 PM 3:30  
IDAHO PUBLIC  
UTILITIES COMMISSION

BEFORE THE  
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF )  
IDAHO POWER COMPANY FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT SYSTEM )  
IMPROVEMENTS FOR WOOD RIVER )  
VALLEY CUSTOMERS )  
)  
)  
)  
)  
)

CASE NO. IPC-E-16-28  
PETITION TO INTERVENE  
OF KIKI LESLIE A. TIDWELL

COMES NOW, Kiki Leslie A. Tidwell, and pursuant to this Commission's Rules of Procedure, Rule 71 IDAPA 31.01.01.71, and pursuant to that Notice of Intervention Deadline issued on November 29, 2016, in Order No. 33657 and hereby petitions the Commission for leave to intervene herein and to appear and participate herein as a party, and as grounds therefore states as follows:

1. The name and address of this Intervenor is:

Kiki Leslie A. Tidwell  
c/o Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
P.O. Box 7218  
Boise, Idaho 83702  
Telephone: (208) 938-7901  
Fax: (208) 938-7904  
peter@richardsonadams.com

Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Peter Richardson as noted above and to:

Kiki Leslie A. Tidwell  
300 Let 'er Buck Road  
Hailey, Idaho 83333  
ktinsv@cox.net

2. This Intervenor, Mrs. Tidwell, is an Idaho Power customer and the owner, and resident, of real property located on the west side of Let 'er Buck Road in Hailey, Idaho. Mrs. Tidwell has made substantial investments in said property.
3. Mrs. Tidwell claims a direct and substantial interest in this proceeding in that Idaho Power's proposed transmission line will run directly adjacent to and along the entire eastern boundary of her property. Mrs. Tidwell will suffer substantial economic impacts as the result of the entire eastern boundary of her property being permanently marred by industrial transmission towers that may be up to sixty feet high.
4. If the proposed overhead transmission line is constructed as proposed along Buttercup Road (parallel to Let 'er Buck Road) Mrs. Tidwell will suffer substantial economic harm. Mrs. Tidwell's property is maintained in compliance with the goals that are central to the Blaine County Comprehensive Plan. Idaho Power's proposed transmission line is in direct conflict with said Comprehensive Plan and will also directly impair Mrs. Tidwell's property value as well as her ability to continue to enjoy the open views, scenic vistas and natural aesthetics that are currently protected by the Blaine County Comprehensive Plan. The significant and irreparable harm to Mrs. Tidwell as the result of the proposed transmission line gives her a direct and substantial interest in the present action.

5. Unless Mrs. Tidwell is permitted to intervene in this action, she will be without adequate means to fully participate and represent her interests in the determination of either the need for and/or the location of the proposed transmission line.

6. Mrs. Tidwell, through legal counsel, intends to participate herein as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of evidence which Mrs. Tidwell will introduce is dependent upon the nature and effect of other evidence in this proceeding.

7. Without the opportunity to intervene herein, Mrs. Tidwell would be without any means of participation in this proceeding which may have a material impact on the value of her property.


8. Granting Mrs. Tidwell's petition to intervene will not unduly broaden the issues nor will it prejudice any party to this case.

**WHEREFORE,** Mrs. Kiki Leslie A. Tidwell respectfully requests that this Commission grant her Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate; and to present evidence, call and examine witnesses, present argument and to otherwise fully participate in these proceedings.

DATED this 5th day of December, 2016.

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//

Richardson Adams, LLP

By   
Peter J. Richardson  
Attorneys for Mrs. Tidwell

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 5th day of December, 2016, a true and correct copy of the within and foregoing PETITION TO INTERVENE BY KIKI LESLIE A. TIDWELL was served by HAND DELIVERY, to:

Donovan Walker, Lead Counsel  
Tim Tatum, Vice President, Regulatory Affairs  
Idaho Power Company  
1221 West Idaho Street  
Boise, Idaho 83707-0070  
[dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[ttatum@idahopower.com](mailto:ttatum@idahopower.com)

Jean Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 West Washington  
Boise, Idaho 83702

  
Kandi Walters  
Administrative Assistant



**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF IDAHO POWER COMPANY FOR A</b>	)	<b>CASE NO. IPC-E-16-28</b>
<b>CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY TO</b>	)	
<b>CONSTRUCT SYSTEM IMPROVEMENTS</b>	)	<b>ORDER NO. 33675</b>
<b>FOR WOOD RIVER VALLEY</b>	)	
<b>CUSTOMERS</b>	)	

Kiki Leslie A. Tidwell petitioned to intervene in this case on December 5, 2016, pursuant to Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075.

**FINDINGS OF FACT**

We find that no party timely opposed this Petition to Intervene.

We further find that based on the pleadings and other documents filed in this case, intervention by this party would serve the purposes of intervention as described by Rule 74 of the Rules of Procedure and should be granted.

**ORDER**

IT IS THEREFORE ORDERED that the Petition to Intervene filed by Kiki Leslie A. Tidwell is hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. This Intervenor is represented by the following for purposes of service:

Peter J. Richardson  
Richardson Adams PLLC  
515 N. 27<sup>th</sup> Street  
PO Box 7218  
Boise, ID 83702  
E-mail: [peter@richardsonadams.com](mailto:peter@richardsonadams.com)

Kiki Leslie A. Tidwell  
300 Let 'er Buck Road  
Hailey, ID 83333  
E-mail: [ktinsv@cox.net](mailto:ktinsv@cox.net)


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 14<sup>th</sup>  
day of December 2016.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

bls/O:IPC-E-16-28\_in

Matthew A. Johnson (ISB #7789)  
Wm. F. Gigray, III (ISB #1435)  
WHITE PETERSON GIGRAY & NICHOLS, P.A.  
5700 East Franklin Road, Suite 200  
Nampa, Idaho 83687  
Office: (208) 466-9272  
Fax: (208) 466-4405  
mjohnson@whitepeterson.com

RECEIVED  
2016 DEC 20 PM 3:10  
PUBLIC UTILITIES COMMISSION

Attorneys for Intervenor: City of Ketchum

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION OF )  
IDAHO POWER COMPANY FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT SYSTEM )  
IMPROVEMENTS FOR WOOD RIVER VALLEY )  
CUSTOMERS )  
 )  
 )  
 )

CASE NO. IPC-E-16-28  
**CITY OF KETCHUM  
PETITION TO INTERVENE**

The CITY OF KETCHUM hereby petitions to intervene in the above-captioned matter pursuant to the Rules of Procedure of the Idaho Public Utilities Commission (IDAPA 31.01.01.71 et seq) and the Commission's Order No. 33657 with *Notice of Application and Notice of Intervention Deadline* issued on November 29, 2016.

In support of this Petition, the City of Ketchum provides as follows:

1. The City of Ketchum ("City") is duly organized as a municipal corporation of the State of Idaho under Idaho Code Title 50.
2. The City owns, governs, and controls public roadways and right-of-ways within the City limits. Under Chapter 3 of Title 50 of the Idaho Code, the City is empowered to supervise, regulate, create, widen, improve, and otherwise control and direct such public roadways.

3. The City has a direct and substantial interest in the above captioned matter. The City is clearly identified and recognized as an interested and impacted party in Idaho Power's *Application*. The City is a customer, is the location of a substation, and is the location a substantial population to potentially be served by the proposed redundant service. The City has been actively involved in the prior public involvement and community input efforts, including advocating for better evaluation of transmission alternatives such as more locally generated energy resources. The City has an existing franchise agreement with Idaho Power for the provision of facilities for electrical service, directly impacting use and maintenance of City streets, rights-of-way, and public places. Further the City has a direct interest in making sure there is no contravention of such franchise agreement and/or any local requirements including permitting.
4. The City has a direct and substantial interest in that the Company's *Application* specifically requests that certain costs be directly assessed against the City. *Application* at page 4.
5. Intervention by the City will not unduly broaden the issues in this matter. The City's comments, concerns, and issues have generally been previously communicated to Idaho Power during conversations and community input processes and many of the issues are already raised in the *Application*.
6. Intervention by the City is in the public interest. The City has comments and concerns related to the public interest in traffic, roadways, public safety, and the general welfare.
7. Intervention by the City will not cause delay or prejudice to the parties in the above-captioned matter. The City seeks to timely intervene at an early stage in this matter.

8. Intervention by the City is appropriate to allow the City to express certain concerns, objections, and protests in relation to the *Application* in this matter.
9. The City believes that status as an intervenor will allow for clearer communication about the City's concerns and issues.

Dated this 17<sup>th</sup> day of December, 2016.

WHITE PETERSON

By: 

Wm F. Gray, III  
Attorneys for the City of Ketchum

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 20<sup>th</sup> day of December, 2016, a true and correct copy of the above and foregoing instrument was served upon the following by the method indicated below:

<p>Jean Jewell Commission Secretary Idaho Public Utilities Commission 472 West Washington Boise, ID 83702</p>	<p><input type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile:</p>
<p>Donovan Walker, Lead Counsel Tim Tatum, Vice President, Regulatory Affairs IDAHO POWER COMPANY P. O. Box 70 Boise, ID 83707</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile:</p>

  
for WHITE PETERSON

Benjamin J. Otto (ISB No. 8292)  
710 N 6<sup>th</sup> Street  
Boise, ID 83701  
Ph: (208) 345-6933 x 12  
Fax: (208) 344-0344  
botto@idahoconservation.org

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2016 DEC 20 PM 1:15  
IDAHO PUBLIC UTILITIES COMMISSION

Attorney for the Idaho Conservation League

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER )  
COMPANY'S APPLICATION FOR A )  
CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
CONSTRUCT SYSTEM )  
IMPROVEMENTS TO SECURE )  
ADEQUATE AND RELIABLE SERVICE )  
TO CUSTOMERS IN THE WOOD )  
RIVER VALLEY. )

CASE NO. IPC-E-16-28

PETITION TO INTERVENE OF THE  
IDAHO CONSERVATION LEAGUE

COMES NOW the Idaho Conservation League ("ICL") and hereby requests leave to intervene in the above captioned matter pursuant to the Idaho Public Utilities Commission Rules of Procedure, IDAPA 31.01.01.071-073. As discussed below, ICL has direct and substantial interests in these proceedings, and therefore should be granted intervention.

1. The name of this intervenor is:

Benjamin J. Otto  
Idaho Conservation League  
710 N. 6<sup>th</sup> st.  
Boise, Idaho 83702  
Ph: (208) 345-6933 x 12  
Fax: (208) 344-0344  
botto@idahoconservation.org

Please provide copies of all pleadings, production requests, production responses, Commission orders, and other documents to the name and address above. In the interest of conserving natural resources and reducing the costs to all parties, please provide hard copies of pleadings, testimony, and briefs only. Production requests, responses, notices, Commission orders, and other filings may be submitted via electronic mail in accordance with IPUC Rules 31.01.01.063.02-03.

2. The Idaho Conservation League claims a direct and substantial interest in this proceeding. As Idaho's largest state-based conservation organization, we have over 25,000

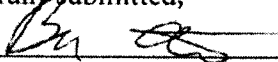
supporters, most of who are residential customers of Idaho Power. ICL also has an interest as a small commercial customer of Idaho Power taking service under Schedule 7. ICL and our supporters have a substantial interest in promoting reliable, fair-priced energy resources while limiting impacts to natural vistas and wildlife habitat--values that may be impacted by the proposed Wood River Valley redundant transmission line. ICL's intervention will not unduly broaden the issues in this proceeding.

3. ICL intends to fully participate in this matter as a party. The nature and quality of ICL's intervention in the proceeding is dependant upon the nature and effect of other evidence in this proceeding. If necessary ICL may introduce evidence, be heard in argument, and call, examine, and cross-examine witnesses. ICL may seek intervenor funding pursuant to IDAPA 31.01.01.161-165.

WHEREFORE, ICL respectfully requests the Commission grant this petition.

DATED this 20<sup>th</sup> day of December 2016.

Respectfully submitted,



---

Benjamin J. Otto  
Idaho Conservation League

CERTIFICATE OF SERVICE

I B. A. certify that on this 20th day of December, 2016, I delivered true and correct copies of the foregoing PETITION TO INTERVENE to the following persons via the method of service noted:

Hand delivery:

Jean Jewell  
Commission Secretary (Original and seven  
copies provided)  
Idaho Public Utilities Commission  
427 W. Washington St.  
Boise, ID 83702-5983

Electronic Mail:

Donovan E. Walker  
Tim Tatum  
Idaho Power Company  
1221 West Idaho St  
PO Box 70  
Boise, ID 83707  
dwalker@idahopower.com  
dockets@idahopower.com  
ttatum@idahopower.com

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714  
Michael.p.heckler@gmail.com

Kiki Leslie A Tidwell  
c/o Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27th St.  
P.O. Box 7218  
Boise, ID 83702  
peter@richardsonadams.com

Kiki Leslie A Tidwell  
300 Let 'er Buck Road  
Hailey, Idaho 83333  
ktinsv@cox.net

Sierra Club  
c/o Zack Waterman  
Director, Idaho Sierra Club  
503 W. Franklin St  
Boise, ID 83702  
Zack.waterman@sierraclub.org



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2016 DEC 20 PM 1:45

PUBLIC  
COMMISSION

BEFORE THE  
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF )  
IDAHO POWER COMPANY FOR A )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT SYSTEM )  
IMPROVEMENTS FOR WOOD RIVER )  
VALLEY CUSTOMERS )

CASE NO. IPC-E-16-28

PETITION TO INTERVENE  
OF LAURA MIDGLEY

COMES NOW, Laura Midgley, and pursuant to this Commission's Rules of Procedure, Rules 43.02 (a "natural person" may represent herself) 71 IDAPA 31.01.01.71 (interventions generally), and pursuant to that Notice of Intervention Deadline issued on November 29, 2016, in Order No. 33657 and hereby petitions the Commission for leave to intervene herein and to appear and participate herein as a party, and as grounds therefore states as follows:

1. The name and address of this Intervenor is:

Laura Midgley  
231 Valley Club Drive  
Hailey, Idaho 83333  
(206) 551-0176  
Midgley2215@gmail.com

Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Ms. Midgley as noted above.

2. This Intervenor, Ms. Midgley, is an Idaho Power customer and the owner, and resident, of real property located in Hailey, Idaho. Ms. Midgley has made substantial investments in said property.

3. Ms. Midgley claims a direct and substantial interest in this proceeding in that Idaho Power's proposed transmission line will run adjacent to the Valley Club Development and it will be in the direct vicinity of her property on Valley Club Drive in Hailey, Idaho. Ms. Midgley will suffer economic impacts as the result of the construction of overhead transmission lines are in the direct proximity of the western edge of her property.

4. If the proposed overhead transmission line is constructed as proposed along scenic Highway 75 (parallel and adjacent to the Valley Club development, of which Ms. Midgley is a member and resident) Ms. Midgley will suffer substantial economic harm. Ms. Midgley's property is maintained in compliance with the goals that are central to the Blaine County Comprehensive Plan. Idaho Power's proposed transmission line is in direct conflict with said Comprehensive Plan and will also directly impair Ms. Midgley's property value as well as her ability to continue to enjoy the open views, scenic vistas and natural aesthetics that are currently protected by the Blaine County Comprehensive Plan. The significant and irreparable harm to Ms. Midgley as the result of the proposed transmission line gives her a direct and substantial interest in the present action.

5. Unless Ms. Midgley is permitted to intervene in this action, she will be without adequate means to fully participate and represent her interests in the determination of either the need for and/or the location of the proposed transmission line.

6. Ms. Midgley intends to participate herein as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of evidence which Ms. Midgley will introduce is dependent upon the nature and effect of other evidence in this proceeding.

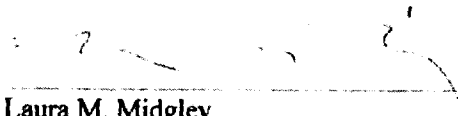
7. Without the opportunity to intervene herein, Ms. Midgley would be without any means of participation in this proceeding which may have a material impact on the value of her property as well as her electric rates.

8. Granting Ms. Midgley's petition to intervene will not unduly broaden the issues nor will it prejudice any party to this case.

**WHEREFORE**, Ms. Laura Midgley respectfully requests that this Commission grant her Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate; and to present evidence, call and examine witnesses, present argument and to otherwise fully participate in these proceedings.

DATED this 20th day of December, 2016.

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//

  
\_\_\_\_\_  
Laura M. Midgley  
Intervenor

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 20th day of December, 2016, a true and correct copy of the within and foregoing PETITION TO INTERVENE BY LAURA M. MIDGLEY was served by HAND DELIVERY, to:

Donovan Walker, Lead Counsel  
Tim Tatum, Vice President, Regulatory Affairs  
Idaho Power Company  
1221 West Idaho Street  
Boise, Idaho 83707-0070  
dwalker@idahopower.com  
ttatum@idahopower.com

Kiki Leslie A. Tidwell  
c/o Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
P.O. Box 7218  
Boise, Idaho 83702  
peter@richardsonadams.com

Jean Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 West Washington  
Boise, Idaho 83702

  
\_\_\_\_\_  
Laura M. Midgley, Intervenor

Zack Waterman  
IDAHO SIERRA CLUB  
503 W Franklin St  
Boise, ID 83702  
Telephone: (208) 384-1023  
[zack.Waterman@sierraclub.org](mailto:zack.Waterman@sierraclub.org)

RECEIVED

2016 DEC 20 AM 11:24

PUBLIC  
COMMISSION

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IDAHO POWER )      CASE NO. IPC-E-16-28**  
**COMPANY'S APPLICATION FOR )**  
**CERTIFICATE OF PUBLIC CONVENIENCE )**  
**AND NECESSITY FOR WOOD RIVER )**  
**VALLEY )**

**PETITION TO INTERVENE OF SIERRA CLUB**

Pursuant to IDAPA 31.01.01.042, Sierra Club hereby submits this petition to intervene in the above captioned matter.

1. Sierra Club is a national, non-profit environmental and conservation organization incorporated under the laws of the State of California, duly qualified to do business in the State of Idaho. Sierra Club has 2,400 members who live and purchase utility services in Idaho, many of those Sierra Club members are customers of Idaho Power who live in the Wood River Valley. Sierra Club's Idaho members have a direct and substantial interest in this proceeding.
2. Sierra Club's work includes advocating for the implementation of programs that assist its members and utility consumers generally to access renewable energy and increase energy efficiency. The Sierra Club's work includes intervening in dockets at public utility commissions nationwide, submitting comments in numerous state and federal agency energy-related proceedings and rule-makings, attending and speaking at public hearings, speaking to students and civic and other organizations, and holding seminars and symposia - all in support of policies to

reduce the impact of climate change and other air pollution by promoting clean energy alternatives and energy efficiency. Sierra Club members have worked tirelessly to promote clean energy alternatives and energy efficiency measures.

3. Sierra Club's Beyond Coal campaign seeks rapid replacement of fossil-fueled generating units with cleaner forms of energy to eliminate or reduce global climate change emissions, reduce utility bills, and generate renewable energy. Previous requests that Idaho Power fairly consider alternatives to building a redundant transmission line, including local renewable generation, are consistent with Sierra Club's Beyond Coal campaign goals.
4. Sierra Club's Ready for 100 campaign seeks to assist cities in transitioning to 100% clean energy. City of Ketchum goals for 2030 including 50% per capita energy reduction, 50% local renewable generation, 100% renewable power and a 75% reduction in GHG emissions are consistent with Sierra Club Ready for 100 goals.
5. Sierra Club has actively sought accurate and fair evaluation of the locational value of distributed energy resources as alternatives allowing the deferment of or as substitutes for adding transmission and distribution system resources. This docket raises those issues.
6. Sierra Club's participation as an intervenor in this proceeding will not unduly broaden the issues or delay the proceeding because Sierra Club's interest is directly related to the subjects addressed in Idaho Power's application. Sierra Club's involvement in this proceeding will not be duplicative of other parties in

this proceeding because no other party adequately represents Sierra Club's interests.

7. The name and address of the intervenor is:

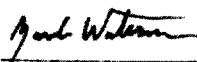
Sierra Club  
c/o Zack Waterman  
Director, Idaho Sierra Club  
503 W Franklin St  
Boise, ID 83702  
Telephone: (208) 384-1023

8. Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Zack Waterman as noted above and to:

Michael Heckler  
3606 N Prospect Way  
Garden City, ID 83714  
Telephone: (208) 841-5667  
michael.p.heckler@gmail.com

WHEREFORE, Sierra Club respectfully requests that the Commission issue an order granting Sierra Club permission to intervene in this matter.

Dated this 20th day of December, 2016

  
\_\_\_\_\_  
Zack Waterman  
Director, Idaho Sierra Club  
503 W Franklin St  
Boise, Idaho 83702

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20 day of December 2016, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

Jean Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
P.O. Box 83720  
Boise, ID 83720-0074  
[Jean.jewell@puc.idaho.gov](mailto:Jean.jewell@puc.idaho.gov)

Hand Delivered X  
U.S. Mail ☐  
Fax ☐  
Fed. Express ☐  
Email ☐

Donovan Walker  
Idaho Power Company  
1221 West Idaho Street  
P.O. Box 70  
Boise, Idaho  
[Dwalker@idahopower.com](mailto:Dwalker@idahopower.com)

Hand Delivered ☐  
U.S. Mail ☐X  
Fax ☐  
Fed. Express ☐  
Email X

BY: *Zack Waterman*  
Zack Waterman  
Director, Idaho Sierra Club



**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF IDAHO POWER COMPANY FOR A</b>	)	<b>CASE NO. IPC-E-16-28</b>
<b>CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY TO</b>	)	
<b>CONSTRUCT SYSTEM IMPROVEMENTS</b>	)	<b>ORDER NO. 33683</b>
<b>FOR WOOD RIVER VALLEY</b>	)	
<b>CUSTOMERS</b>	)	

City of Ketchum petitioned to intervene in this case on December 20, 2016, pursuant to Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075.

Laura Midgley petitioned to intervene in this case on December 20, 2016, pursuant to Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075.

Idaho Conservation League petitioned to intervene in this case on December 20, 2016, pursuant to Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075.

Sierra Club petitioned to intervene in this case on December 20, 2016, pursuant to Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075.

**FINDINGS OF FACT**

We find that no party timely opposed these Petitions to Intervene.

We further find that based on the pleadings and other documents filed in this case, intervention by these parties would serve the purposes of intervention as described by Rule 74 of the Rules of Procedure and should be granted.

**ORDER**

IT IS THEREFORE ORDERED that the Petition to Intervene filed by the City of Ketchum is hereby granted.

IT IS THEREFORE ORDERED that the Petition to Intervene filed by Laura Midgley is hereby granted.

IT IS THEREFORE ORDERED that the Petition to Intervene filed by the Idaho Conservation League is hereby granted.

IT IS THEREFORE ORDERED that the Petition to Intervene filed by the Sierra Club is hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. These Intervenors are represented by the following for purposes of service:

**City of Ketchum:**

Matthew A. Johnson  
Wm. F. Gigray  
White Peterson Gigray & Nichols, P.A.  
5700 E. Franklin Road, Suite 200  
Nampa, ID 83687  
E-mail: [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

**Laura Midgley:**

Laura Midgley  
231 Valley Club Drive  
Hailey, ID 83333  
E-mail: [midgley2215@gmail.com](mailto:midgley2215@gmail.com)

**Idaho Conservation League:**

Benjamin J. Otto  
Idaho Conservation League  
710 N. 6<sup>th</sup> Street  
Boise, ID 83702  
E-mail: [botto@idahoconservation.org](mailto:botto@idahoconservation.org)

**Sierra Club:**

Sierra Club  
c/o Zack Waterman  
Director, Idaho Sierra Club  
503 W. Franklin Street  
Boise, ID 83702  
E-mail: [zack.waterman@sierraclub.org](mailto:zack.waterman@sierraclub.org)

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714  
E-mail: [Michael.p.heckler@gmail.com](mailto:Michael.p.heckler@gmail.com)

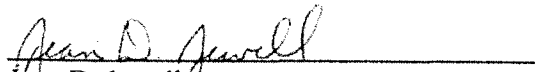
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29<sup>th</sup>  
day of December 2016.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

bls/O:IPC-E-16-28\_in2

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF IDAHO POWER COMPANY FOR A )** **CASE NO. IPC-E-16-28**  
**CERTIFICATE OF PUBLIC CONVENIENCE )**  
**AND NECESSITY TO CONSTRUCT )** **NOTICE OF PARTIES**  
**SYSTEM IMPROVEMENTS FOR WOOD )**  
**RIVER VALLEY CUSTOMERS )**

**YOU ARE HEREBY NOTIFIED** that the following are parties to this proceeding. Unless otherwise notified, service in this matter need be made only upon and to the following parties and their representatives at the addresses given below:

**IDAHO POWER COMPANY:**  
**(Exhibit Nos. 1-100)**

Donovan E. Walker  
Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Tim Tatum  
Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [ttatum@idahopower.com](mailto:ttatum@idahopower.com)

**COMMISSION STAFF:**  
**(Exhibit Nos. 101-200)**

Daphne Huang  
Camille Christen  
Deputy Attorneys General  
Idaho Public Utilities Commission  
472 W. Washington (83702)  
PO Box 83720  
Boise, ID 83720-0074  
E-mail: [daphne.huang@puc.idaho.gov](mailto:daphne.huang@puc.idaho.gov)  
[camille.christen@puc.idaho.gov](mailto:camille.christen@puc.idaho.gov)

**KIKI LESLIE A. TIDWELL:**  
(Exhibit Nos. 201-300)

Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
PO Box 7218  
Boise, ID 83702  
E-mail: [peter@richardsonadams.com](mailto:peter@richardsonadams.com)

Kiki Leslie A. Tedwell  
300 Let 'er Buck Road  
Hailey, ID 83333  
E-mail: [ktinsv@cox.net](mailto:ktinsv@cox.net)

**SIERRA CLUB:**  
(Exhibit Nos. 301-400)

Zack Waterman  
Director, Idaho Sierra Club  
503 W. Franklin St.  
Boise, ID 83702  
E-mail: [zack.waterman@sierraclub.org](mailto:zack.waterman@sierraclub.org)

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714  
E-mail: [Michael.p.heckler@gmail.com](mailto:Michael.p.heckler@gmail.com)

**IDAHO CONSERVATION LEAGUE:**  
(Exhibit Nos. 401-500)

Benjamin J. Otto  
Idaho Conservation League  
710 N. Sixth Street  
Boise, ID 83702  
E-mail: [botto@idahoconservation.org](mailto:botto@idahoconservation.org)

**LAURA MIDGLEY:**  
(Exhibit Nos. 501-600)

Laura Midgley  
231 Valley Club Drive  
Hailey, ID 83333  
E-mail: [midgley2215@gmail.com](mailto:midgley2215@gmail.com)

**CITY OF KETCHUM:**  
(Exhibit Nos. 601-700)

Matthew A. Johnson  
Wm. F. Gigray  
White Peterson Gigray & Nichols, PA  
5700 E. Franklin Rd., Suite 200  
Nampa, ID 83687  
E-mail: [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

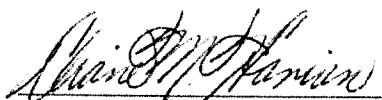
**NOTICE OF PARTIES**

**YOU ARE FURTHER NOTIFIED** that any testimony and exhibits in Case No. IPC-E-16-28 must comport with the requirements of Rule 231 and 267 of the Commission's Rules of Procedure. IDAPA 31.01.01.231 and 267.

**YOU ARE FURTHER NOTIFIED** that service of any discovery, testimony, and exhibits among the parties is to be accomplished by electronic mail to the email addresses reflected above pursuant to Rule 63. IDAPA 31.01.01.063.

**YOU ARE FURTHER NOTIFIED** that when filing discovery with the Commission, the parties shall provide either an original and three copies, or an electronic copy to the Commission Secretary per Rule 61. IDAPA 31.01.01.06.02.

**DATED** at Boise, Idaho this *10th* day of January, 2017.



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DIANE M. HANIAN  
COMMISSION SECRETARY

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IDAHO PUBLIC UTILITIES COMMISSION

C. Tom Arkoosh, ISB No. 2253  
ARKOOSH LAW OFFICES  
802 W. Bannock Street, Suite 900  
P.O. Box 2900  
Boise, ID 83701  
Telephone: (208) 343-5105  
Facsimile: (208) 343-5456  
Email: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

Attorneys for CoxCom, LLC

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE )  
APPLICATION OF IDAHO POWER )  
COPMANY FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND )  
NECESSITY TO CONTRUCT SYSTEM )  
IMPROVEMENTS FOR WOOD RIVER )  
VALLEY CUSTOMERS )  
)  
)  
)  
)  
)

Case No. IPC-E-16-28

**COXCOM, LLC'S PETITION FOR  
LATE INTERVENTION**

COMES NOW CoxCom, LLC, d/b/a Cox ("Cox"), by and through its counsel of record, C. Tom Arkoosh of Arkoosh Law Offices, and hereby petitions to intervene in the above-captioned matter pursuant to the Rules of Procedure of the Idaho Public Utilities Commission (IDAPA 31.01.01.71, *et seq.*) and the Commission's Order No. 33657 with *Notice of Application and Notice of Intervention Deadline* issued on November 29, 2016.

In support of this Petition, Cox provides as follows:

1. Cox is duly organized as a limited liability company of the State of Delaware, duly authorized to do and doing business in the State of Idaho.

2. Cox is engaged in the commercial cable television service and

telecommunications business as a service corporation.

3. Cox has a direct and substantial interest in the above-captioned matter. Currently, Cox's transmission equipment between the City of Hailey, Idaho and the City of Ketchum, Idaho are attached on the Idaho Power poles proposed for replacement in the pending Application before the Commission. Cox desires to assure that there will be continued room for their equipment on any new construction resulting from the requested Certificate of Public Convenience and Necessity for the Wood River Valley. The exclusion of Cox from the pending proceedings could result in extreme and substantial hardship, needless expense, and redundant proceedings and processes.

4. Intervention by Cox will not unduly broaden this issues in this matter because manner of construction, equipment used therefor, and placement of equipment are directly before the Commission in the pending Application on file.

5. Intervention by Cox is in the public interest because settlement of the issues regarding placement and cost of the new facilities contemplated by the prayed-for Certificate of Public Convenience and Necessity are currently directly before the Commission in the pending Application.

6. Intervention by Cox will not cause delay or prejudice to the parties in the above-captioned matter because the issues of interest to Cox are currently squarely before the Commission.

7. Intervention by Cox is appropriate to allow Cox to present to the Commission the perspective regarding the most effective and efficient means and manner to accommodate the continued carriage of telecommunication facilities on the new distribution facility contemplated by the Application.



8. Cox participated in the Blaine County Planning and Zoning proceedings described in detail in the Application, and reasonably contemplated that this was the primary jurisdiction for determination of the issue of providing space and capacity to carry the equipment of Cox on the new distribution facilities of Idaho Power contemplated in the Application. The Blaine County Planning and Zoning Commission came to their ultimate decision denying the pending application on Thursday, January 5, 2017. This Commission set the date for intervention in the above matter for 21 days following the Application herein, or November 29, 2016. The decision of the Blaine County Planning and Zoning Commission denying the request for rebuild came 37 days after the deadline for intervention at this Commission. Idaho Power articulates in the Application that it now contemplates this Commission, and not the Blaine County authorities, is the primary jurisdiction for determination of this matter. This juxtaposition of jurisdictions, and the ultimate and very recent denial of the construction now sought before the Commission, sufficiently obfuscated the clear procedural path forward for resolution of the issues in the Application such that Cox has good cause and substantial reason to have failed to file in this matter by the intervention date and to now Petition for late intervention. Cox believes that status as an intervenor will now allow for clearer communication about and resolution of the pending issues of concern to Cox in a single forum.

9. Cox represents its intervention in the pending matter will not prejudice any party, but instead will streamline resolution of concrete issues that the reconstruction of the facilities contemplated by the Application has placed before the Commission.

10. Cox acknowledges it takes the record as it finds it in late intervention and proposes no disruption to the Commission's ongoing processing of the Application.

11. The name and address of the intervenor is:

CoxCom, LLC  
c/o C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock Street, Suite 900  
P.O. Box 2900  
Boise, ID 83701  
Telephone: (208) 343-5105  
Facsimile: (208) 343-5456  
Email: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided as noted above.

Wherefore, Cox respectfully prays the Commission issue its order allowing Cox's intervention in the above entitled matter subject to the record as it is at the date of this Petition.

DATED this 13<sup>th</sup> day of January, 2017.

ARKOOSH LAW OFFICES



---

C. Tom Arkoosh  
Attorney for CoxCom, LLC

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 13<sup>th</sup> day of January, 2017, I served a true and correct copy of the foregoing document(s) upon the following person(s), in the manner indicated:

Jean Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington  
Boise, ID 83702

\_\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_\_ Overnight Courier  
X \_\_\_\_\_ Hand Delivered  
\_\_\_\_\_ Via Facsimile  
\_\_\_\_\_ E-mail

Donovan E. Walker  
Tim Tatum  
Idaho Power Company  
PO Box 70  
Boise, ID 83707

\_\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_\_ Overnight Courier  
\_\_\_\_\_ Hand Delivered  
\_\_\_\_\_ Via Facsimile  
X \_\_\_\_\_ E-mail  
[dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)  
[ttatum@idahopower.com](mailto:ttatum@idahopower.com)

Daphne Huang  
Camille Christen  
Deputy Attorneys General  
Idaho Public Utilities Commission  
472 W. Washington (83702)  
PO Box 83720  
Boise, ID 83720

\_\_\_\_\_ U.S. Mail, Postage Prepaid  
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\_\_\_\_\_ Hand Delivered  
\_\_\_\_\_ Via Facsimile  
X \_\_\_\_\_ E-mail  
[daphne.huang@puc.idaho.gov](mailto:daphne.huang@puc.idaho.gov)  
[camille.christen@puc.idaho.gov](mailto:camille.christen@puc.idaho.gov)

Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
PO Box 7218  
Boise, ID 83702

\_\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_\_ Overnight Courier  
\_\_\_\_\_ Hand Delivered  
\_\_\_\_\_ Via Facsimile  
X \_\_\_\_\_ E-mail  
[peter@richardsonadams.com](mailto:peter@richardsonadams.com)

Kiki Leslie A. Tedwell  
300 Let'er Buck Road  
Hailey, ID 83333

\_\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_\_ Overnight Courier  
\_\_\_\_\_ Hand Delivered  
\_\_\_\_\_ Via Facsimile  
X \_\_\_\_\_ E-mail [ktinsv@cox.net](mailto:ktinsv@cox.net)

Zach Waterman  
Director, Idaho Sierra Club  
503 W. Franklin St.  
Boise, ID 83702

\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_ Overnight Courier  
\_\_\_\_ Hand Delivered  
\_\_\_\_ Via Facsimile  
 E-mail  
[zach.waterman@sierraclub.org](mailto:zach.waterman@sierraclub.org)

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714

\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_ Overnight Courier  
\_\_\_\_ Hand Delivered  
\_\_\_\_ Via Facsimile  
 E-mail  
[michael.p.heckler@gmail.com](mailto:michael.p.heckler@gmail.com)

Benjamin J. Otto  
Idaho Conservation League  
710 N. Sixth Street  
Boise, ID 83702

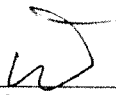
\_\_\_\_ U.S. Mail, Postage Prepaid  
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\_\_\_\_ Hand Delivered  
\_\_\_\_ Via Facsimile  
 E-mail  
[botto@idahoconservation.org](mailto:botto@idahoconservation.org)

Laura Midgley  
231 Valley Club Drive  
Hailey, ID 83333

\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_ Overnight Courier  
\_\_\_\_ Hand Delivered  
\_\_\_\_ Via Facsimile  
 E-mail [midgley2215@gmail.com](mailto:midgley2215@gmail.com)

Matthew A. Johnson  
Wm. F. Gigray  
White Peterson Gigray & Nichols, PA  
5700 E. Franklin Rd., Suite 200  
Nampa, ID 83687

\_\_\_\_ U.S. Mail, Postage Prepaid  
\_\_\_\_ Overnight Courier  
\_\_\_\_ Hand Delivered  
\_\_\_\_ Via Facsimile  
 E-mail  
[mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

  
\_\_\_\_\_  
C. Tom Arkoosh

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF

**FROM:** CAMILLE CHRISTEN  
DAPHNE HUANG  
DEPUTY ATTORNEYS GENERAL

**DATE:** JANUARY 20, 2017

**SUBJECT:** PROPOSED SCHEDULE FROM INFORMAL SCHEDULING  
CONFERENCE IN IDAHO POWER'S APPLICATION FOR WOOD  
RIVER VALLEY CPCN, CASE NO. IPC-E-16-28

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements and to secure adequate and reliable service to customers in the Wood River Valley. The Company wishes to construct a new 138 kilovolt (kV) transmission line and related facilities "to provide redundant service from the Wood River substation near Hailey into the Ketchum substation," and asks that the CPCN permit the particular line route and facilities identified in testimony accompanying the Application. Application at 1-2.

The Commission issued a Notice of Application and set a deadline for Petitions to Intervene. Order No. 33657. The Commission granted timely intervention petitions from Kiki Tidwell, Laura Midgeley, the Sierra Club, the Idaho Conservation League, and the City of Ketchum. Order Nos. 33675, 33683. On January 13, 2017, CoxCom, LLC filed a petition requesting late intervention, which is pending.

The parties conferred informally and agreed – or did not object – to a technical hearing before the Commission, with the following proposed schedule, subject to the Commission's approval:

May 5, 2017	Staff's and Intervenors' prefiled direct testimony
June 23, 2017	All parties' rebuttal filing
July 14, 2017	Company sur-rebuttal filing

Date for Technical Hearing: The parties discussed scheduling the technical hearing for the week of August 7, 2017, and agreed more specifically to August 7-8, 2017. It has since come to Staff's attention that the Commission may prefer to schedule the technical hearing for August 8-9, 2017.


Public Hearing: Staff proposes holding a public hearing for the Company's customers at a date and time to be determined.

#### STAFF RECOMMENDATION

Staff recommends that the Commission issue a Notice of Schedule and Notice of Technical Hearing adopting the parties' proposed schedule above for filing of direct, rebuttal and sur-rebuttal testimony, setting August 8-9, 2017, for a technical hearing, and indicating that the notice of a public hearing will be issued later. Staff has confirmed that Blaine County, the City of Sun Valley, and other local government agencies were sent copies of the Notice of Application in this case on November 29, 2016. Thus, Staff believes these agencies have been given notice of their opportunity to appear before or consult with the Commission. *See Idaho Code § 67-6528.* Nonetheless, Staff suggests that the Commission direct the Commission Secretary to send copies of its Notice of Schedule and Notice of Technical Hearing to the potentially affected governmental agencies to provide additional notice of their opportunity to appear before or consult with the Commission regarding this case.

#### COMMISSION DECISION

1. Does the Commission wish to issue a Notice of Schedule and Notice of Technical Hearing that adopts the schedule recommended by Staff and notes that a public hearing for customers will be scheduled at a later date? Does the Commission wish to adopt a different schedule?
2. Does the Commission wish to direct the Commission Secretary to send a copy of the Order to the City of Sun Valley, Blaine County, and any other potentially affected governmental agency?

  
Camille Christen  
Daphne Huang  
Deputy Attorneys General

M:IPC-E-16-28\_cc

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-16-28  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY FOR THE WOOD RIVER ) NOTICE OF SCHEDULE  
VALLEY )  
)  
) NOTICE OF  
) TECHNICAL HEARING  
)  
) ORDER NO. 33705**

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements and to secure adequate and reliable service to customers in the Wood River Valley. The Company wishes to construct a new 138 kilovolt (kV) transmission line and related facilities “to provide redundant service from the Wood River substation near Hailey into the Ketchum substation,” and asks that the CPCN permit the particular line route and facilities identified in testimony accompanying the Application. Application at 1-2.

The Commission issued a Notice of Application and set a deadline for Petitions to Intervene. Order No. 33657. The Commission granted timely Petitions to Intervene from Kiki Leslie A. Tidwell, Laura Midgeley, the Sierra Club, the Idaho Conservation League, and the City of Ketchum. Order Nos. 33675, 33683. On January 13, 2017, CoxCom, LLC filed a petition requesting late intervention, which is pending.

The parties conferred informally and agreed – or did not object – to process the Application via a technical hearing before the Commission and to a proposed schedule. Staff filed the proposed schedule with the Commission.

With this Order, we adopt the proposed schedule for the filing of direct, rebuttal, and sur-rebuttal testimony. We also set dates for and provide notice of a technical hearing at which the parties’ witnesses may testify. We will provide notice of a public hearing for the Company’s customers at a later date.

The Commission Secretary sent the Notice of Application, Order No. 33657, to local governments in the Company’s service territory. As a result, local governments were provided notice of their opportunity to participate in this proceeding. Nonetheless, as additional notice,

NOTICE OF SCHEDULE  
NOTICE OF TECHNICAL HEARING  
ORDER NO. 33705

we direct the Commission Secretary to send this Order and Notice to Blaine County and the Cities of Sun Valley and Hailey, potentially affected governmental entities which have not intervened in this proceeding.

**NOTICE OF SCHEDULE**

YOU ARE HEREBY NOTIFIED that the Commission adopts the following schedule for this proceeding:

<b>DATE</b>	<b>ACTIVITY</b>
May 5, 2017	Staff and Intervenor Prefile Direct Testimony
June 23, 2017	All Parties' Rebuttal Testimony
July 14, 2017	Company Sur-rebuttal Testimony
August 8-9, 2017	Technical Hearing
Date and Time to be determined	Public Hearing

**NOTICE OF TECHNICAL HEARING**

YOU ARE FURTHER NOTIFIED that the Commission will conduct a technical hearing in this case. The purpose of the technical hearing is to take testimony from the parties (the Company, Staff, and any intervenors). The technical hearing shall convene at 9:30 A.M. (MST) TUESDAY, AUGUST 8, 2017, IN THE COMMISSION HEARING ROOM AT 472 WEST WASHINGTON STREET, BOISE, IDAHO, AND CONTINUE WEDNESDAY, AUGUST 9, 2017, OR BEYOND AS MAY BE NECESSARY. Parties intending to present testimony and exhibits shall submit the prepared testimony and exhibits as set out in the schedule above. Parties shall present their evidence at the technical hearing. The prepared testimony and exhibits must conform to the requirements of Rules 231, 266, and 267 of the Commission's Rules of Procedure, IDAPA 31.01.01.231, .266-.267.

YOU ARE FURTHER NOTIFIED that, besides a technical hearing, the Commission will conduct one or more public hearings for customers who wish to testify in this case. A Notice of Public Hearing will issue at a later date that will explain how customers may participate in the hearing.



YOU ARE FURTHER NOTIFIED that all workshops and hearings in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand testimony and argument at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0338 (Telephone)  
(208) 334-3762 (FAX)  
E-Mail: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

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**

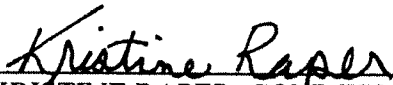
IT IS HEREBY ORDERED that the above-referenced schedule is adopted.

IT IS FURTHER ORDERED that the Commission Secretary will send this Order and Notice to Blaine County and the Cities of Sun Valley and Hailey.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26<sup>th</sup>  
day of January 2017.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian  
Commission Secretary

O:IPC-E-16-28\_cc

NOTICE OF SCHEDULE  
NOTICE OF TECHNICAL HEARING  
ORDER NO. 33705

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** DAPHNE HUANG  
CAMILLE CHRISTEN  
DEPUTY ATTORNEYS GENERAL

**DATE:** JANUARY 26, 2016

**SUBJECT:** COXCOM'S LATE PETITION TO INTERVENE IN IDAHO POWER'S  
APPLICATION FOR WOOD RIVER VALLEY CPCN, CASE NO. IPC-E-  
16-28

In November 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements in the Wood River Valley. The Commission issued a Notice of Application and Order setting a deadline of December 20, 2016 for petitions to intervene. The Commission received and granted timely intervention petitions from Kiki Tidwell, Laura Midgeley, the Sierra Club, the Idaho Conservation League, and the City of Ketchum. Order Nos. 33675, 33683. The Commission issued a Notice of Schedule and Notice of Technical Hearing on January 26, 2017, adopting the schedule proposed by the parties in an informal scheduling conference. Order No. 33705.

On January 13, 2017, CoxCom, LLC filed a late Petition to Intervene. The Commission received no objections by the January 20 deadline per Rule 75. CoxCom's Petition is now before the Commission.

### LATE PETITIONS TO INTERVENE

Commission Rules provides that a petitioner seeking intervention must state its "direct and substantial interest . . . in the proceeding." IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." IDAPA 31.01.01.073. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons." *Id.* Also,

“Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition.” *Id.*

#### COXCOM'S PETITION FOR INTERVENTION

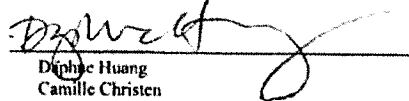
CoxCom is a limited liability company providing commercial cable television and telecommunications services in Idaho. Petition at 1-2. CoxCom states it has “a direct and substantial interest” in this matter because it has transmission equipment between the cities of Hailey and Ketchum that is attached to Idaho Power’s poles for which Idaho Power proposes replacement in its pending Application. *Id.* at 2. CoxCom wants to ensure that any new construction resulting from Idaho Power’s requested CPCN will still allow room for its equipment. *Id.*

CoxCom asserts that its exclusion from these proceedings could “result in extreme and substantial hardship, needless expense, and redundant proceedings.” *Id.* Also, CoxCom states its intervention would “not unduly broaden [the] issues in this matter because manner of construction, equipment used therefor, . . . placement of equipment” and the new facilities’ cost are already directly at issue in the case. *Id.* Because its issues of interest are “currently squarely before the Commission,” CoxCom states that granting intervention would not cause delay or prejudice to the parties. *Id.*

According to CoxCom, it participated in the Blaine County Planning and Zoning proceedings and “reasonably contemplated that [that] this was the primary jurisdiction” for determining whether Idaho Power’s new distribution facilities would have capacity to carry CoxCom’s equipment. *Id.* at 3. The Blaine County Planning and Zoning Commission denied Idaho Power’s application on January 5, 2017 – 37 days after the Idaho Public Utilities Commission’s deadline to intervene in this matter. *Id.* CoxCom states that obtaining status as an intervenor would “allow for clearer communication about and resolution of” its concerns in a single forum. *Id.*

**COMMISSION DECISION**

Does the Commission wish to find that CoxCom has stated good cause for its late petition, has identified direct and substantial interest in this case, and will not unduly broaden the issues, and thus grant the late petition to intervene?

  
\_\_\_\_\_  
Daphne Huang  
Camille Christen  
Deputy Attorneys General

M:IPC-E-16-28\_djh2

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF IDAHO POWER COMPANY FOR A</b>	)	<b>CASE NO. IPC-E-16-28</b>
<b>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY FOR THE WOOD RIVER</b>	)	<b>ORDER NO. 33711</b>
<b>VALLEY</b>	)	

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements in the Wood River Valley. The Commission issued a Notice of Application and Order setting a deadline of December 20, 2016, for petitions to intervene. The Commission received and granted timely intervention petitions from Kiki Tidwell, Laura Midgeley, the Sierra Club, the Idaho Conservation League, and the City of Ketchum. Order Nos. 33675, 33683. The Commission issued a Notice of Schedule and Notice of Technical Hearing on January 26, 2017, adopting the schedule proposed by the parties in an informal scheduling conference. Order No. 33705.

CoxCom, LLC petitioned to intervene in this case on January 13, 2017, after the December 20, 2017, deadline for intervention had passed. *See* Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075. No objections were filed to the late petition by the deadline per Rule 75, IDAPA 31.01.01.075.

**LATE PETITIONS TO INTERVENE**

Commission Rules provide that a petitioner seeking intervention must state its “direct and substantial interest . . . in the proceeding.” IDAPA 31.01.01.072. Petitions to intervene that are not timely filed “must state a substantial reason for delay.” IDAPA 31.01.01.073. “The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons.” *Id.* Also, “[i]ntervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition.” *Id.*

**COXCOM’S PETITION TO INTERVENE**

CoxCom states it has “a direct and substantial interest” in this matter because it has transmission equipment between the cities of Hailey and Ketchum that is attached to Idaho Power’s poles for which Idaho Power proposes replacement in its pending Application. *Id.* at 2.

CoxCom wants to ensure that any new construction resulting from Idaho Power's requested CPCN will still allow room for its equipment. *Id.*

CoxCom asserts that its exclusion from these proceedings could "result in extreme and substantial hardship, needless expense, and redundant proceedings." *Id.* Also, CoxCom states its intervention would "not unduly broaden [the] issues in this matter because manner of construction, equipment used therefor, . . . placement of equipment" and the new facilities' cost are already directly at issue in the case. *Id.* Because its issues of interest are "currently squarely before the Commission," CoxCom states that granting intervention would not cause delay or prejudice to the parties. *Id.*

According to CoxCom, it participated in the Blaine County Planning and Zoning proceedings and "reasonably contemplated that [that] was the primary jurisdiction" for determining whether Idaho Power's new distribution facilities would have capacity to carry CoxCom's equipment. *Id.* at 3. The Blaine County Planning and Zoning Commission denied Idaho Power's application on January 5, 2017 – 37 days after the Idaho Public Utilities Commission's deadline to intervene in this matter. *Id.* CoxCom states that obtaining status as an intervenor would "allow for clearer communication about and resolution of" its concerns in a single forum. *Id.*

#### **COMMISSION FINDINGS**

We find that no party opposed this late Petition to Intervene.

We further find that based on the pleadings and other documents filed in this case, intervention by this party would serve the purposes of intervention as described by Rule 74 of the Rules of Procedure, IDAPA 31.01.01.074. We also find that granting this late intervention will not prejudice any party and that late intervention should be granted. As set forth in Rule 73, IDAPA 31.01.01.073, CoxCom is "bound by orders and notices earlier entered as a condition of granting the untimely petition" including, but not limited to, the scheduling Order issued on January 26, 2017. Order No. 33705.

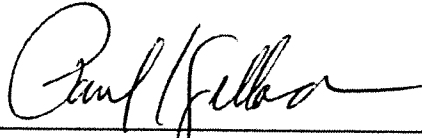
#### **ORDER**

IT IS THEREFORE ORDERED that the Petition to Intervene filed by CoxCom, LLC is hereby granted.

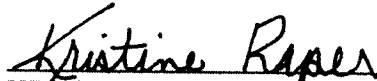
IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. This intervenor is represented by the following for purposes of service:

CoxCom, LLC  
c/o C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock Street, Suite 900  
P.O. Box 2900  
Boise, ID 83701  
E-mail: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

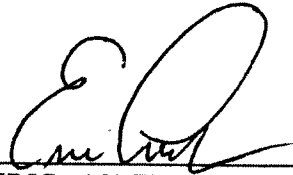
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *2nd* day of February 2017.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian  
Commission Secretary

O:IPC-E-16-28\_cc\_late intervention



**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-16-28  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT ) AMENDED  
SYSTEM IMPROVEMENTS FOR WOOD ) NOTICE OF PARTIES  
RIVER VALLEY CUSTOMERS )**

**YOU ARE HEREBY NOTIFIED** that the following are parties to this proceeding. Unless otherwise notified, service in this matter need be made only upon and to the following parties and their representatives at the addresses given below:

**IDAHO POWER COMPANY:  
(Exhibit Nos. 1-100)**

Donovan E. Walker  
Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Tim Tatum  
Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [ttatum@idahopower.com](mailto:ttatum@idahopower.com)

**COMMISSION STAFF:  
(Exhibit Nos. 101-200)**

Daphne Huang  
Camille Christen  
Deputy Attorneys General  
Idaho Public Utilities Commission  
472 W. Washington (83702)  
PO Box 83720  
Boise, ID 83720-0074  
E-mail: [daphne.huang@puc.idaho.gov](mailto:daphne.huang@puc.idaho.gov)  
[camille.christen@puc.idaho.gov](mailto:camille.christen@puc.idaho.gov)

AMENDED  
NOTICE OF PARTIES

**KIKI LESLIE A. TIDWELL:**  
(Exhibit Nos. 201-300)

Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
PO Box 7218  
Boise, ID 83702  
E-mail: [peter@richardsonadams.com](mailto:peter@richardsonadams.com)

Kiki Leslie A. Tedwell  
300 Let 'er Buck Road  
Hailey, ID 83333  
E-mail: [ktinsv@cox.net](mailto:ktinsv@cox.net)

**SIERRA CLUB:**  
(Exhibit Nos. 301-400)

Zack Waterman  
Director, Idaho Sierra Club  
503 W. Franklin St.  
Boise, ID 83702  
E-mail: [zack.waterman@sierraclub.org](mailto:zack.waterman@sierraclub.org)

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714  
E-mail: [Michael.p.heckler@gmail.com](mailto:Michael.p.heckler@gmail.com)

**IDAHO CONSERVATION LEAGUE:**  
(Exhibit Nos. 401-500)

Benjamin J. Otto  
Idaho Conservation League  
710 N. Sixth Street  
Boise, ID 83702  
E-mail: [botto@idahoconservation.org](mailto:botto@idahoconservation.org)

**LAURA MIDGLEY:**  
(Exhibit Nos. 501-600)

Laura Midgley  
231 Valley Club Drive  
Hailey, ID 83333  
E-mail: [midgley2215@gmail.com](mailto:midgley2215@gmail.com)

**CITY OF KETCHUM:**  
(Exhibit Nos. 601-700)

Matthew A. Johnson  
Wm. F. Gigray  
White Peterson Gigray & Nichols, PA  
5700 E. Franklin Rd., Suite 200  
Nampa, ID 83687  
E-mail: [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

**AMENDED  
NOTICE OF PARTIES**

**COXCOM, LLC:**  
(Exhibit Nos. 701-800)

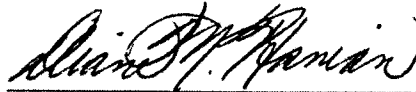
C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock St., Suite 900  
PO Box 2900  
Boise, ID 83701  
E-mail: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

**YOU ARE FURTHER NOTIFIED** that any testimony and exhibits in Case No. IPC-E-16-28 must comport with the requirements of Rule 231 and 267 of the Commission's Rules of Procedure. IDAPA 31.01.01.231 and 267.

**YOU ARE FURTHER NOTIFIED** that service of any discovery, testimony, and exhibits among the parties is to be accomplished by electronic mail to the email addresses reflected above pursuant to Rule 63. IDAPA 31.01.01.063.

**YOU ARE FURTHER NOTIFIED** that when filing discovery with the Commission, the parties shall provide either an original and three copies, or an electronic copy to the Commission Secretary per Rule 61. IDAPA 31.01.01.06.02.

**DATED** at Boise, Idaho this <sup>3<sup>rd</sup></sup> day of February, 2017.



---

DIANE M. HANIAN  
COMMISSION SECRETARY

**AMENDED  
NOTICE OF PARTIES**

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-16-28  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT ) FIRST AMENDED  
SYSTEM IMPROVEMENTS FOR WOOD ) NOTICE OF PARTIES  
RIVER VALLEY CUSTOMERS )**

**YOU ARE HEREBY NOTIFIED** that the following are parties to this proceeding. Unless otherwise notified, service in this matter need be made only upon and to the following parties and their representatives at the addresses given below:

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(Exhibit Nos. 1-100)**

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Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Tim Tatum  
Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [ttatum@idahopower.com](mailto:ttatum@idahopower.com)

**COMMISSION STAFF:  
(Exhibit Nos. 101-200)**

Daphne Huang  
Camille Christen  
Deputy Attorneys General  
Idaho Public Utilities Commission  
472 W. Washington (83702)  
PO Box 83720  
Boise, ID 83720-0074  
E-mail: [daphne.huang@puc.idaho.gov](mailto:daphne.huang@puc.idaho.gov)  
[camille.christen@puc.idaho.gov](mailto:camille.christen@puc.idaho.gov)

**FIRST AMENDED  
NOTICE OF PARTIES**

**KIKI LESLIE A. TIDWELL:**  
(Exhibit Nos. 201-300)

Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
PO Box 7218  
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Kiki Leslie A. Tedwell  
300 Let 'er Buck Road  
Hailey, ID 83333  
E-mail: [ktinsv@cox.net](mailto:ktinsv@cox.net)

**SIERRA CLUB:**  
(Exhibit Nos. 301-400)

Kelsey Jae Nunez  
Kelsey Jae Nunez LLC  
920 N. Clover Dr.  
Boise, ID 83703  
E-mail: [kelsey@kelseyaenunez.com](mailto:kelsey@kelseyaenunez.com)

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714  
E-mail: [Michael.p.heckler@gmail.com](mailto:Michael.p.heckler@gmail.com)

**Electronic Copies Only:**  
Zack Waterman  
Sierra Club  
E-mail: [zack.waterman@sierraclub.org](mailto:zack.waterman@sierraclub.org)

**IDAHO CONSERVATION LEAGUE:**  
(Exhibit Nos. 401-500)

Benjamin J. Otto  
Idaho Conservation League  
710 N. Sixth Street  
Boise, ID 83702  
E-mail: [botto@idahoconservation.org](mailto:botto@idahoconservation.org)

**LAURA MIDGLEY:**  
(Exhibit Nos. 501-600)

Laura Midgley  
231 Valley Club Drive  
Hailey, ID 83333  
E-mail: [midgley2215@gmail.com](mailto:midgley2215@gmail.com)

**FIRST AMENDED  
NOTICE OF PARTIES**

**CITY OF KETCHUM:**  
(Exhibit Nos. 601-700)

Matthew A. Johnson  
Wm. F. Gigray  
White Peterson Gigray & Nichols, PA  
5700 E. Franklin Rd., Suite 200  
Nampa, ID 83687  
E-mail: [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

**COXCOM, LLC:**  
(Exhibit Nos. 701-800)

C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock St., Suite 900  
PO Box 2900  
Boise, ID 83701  
E-mail: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

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**YOU ARE FURTHER NOTIFIED** that when filing discovery with the Commission, the parties shall provide either an original and three copies, or an electronic copy to the Commission Secretary per Rule 61. IDAPA 31.01.01.06.02.

**DATED** at Boise, Idaho this 14<sup>th</sup> day of February, 2017.



---

DIANE M. HANIAN  
COMMISSION SECRETARY

**FIRST AMENDED  
NOTICE OF PARTIES**

Gregory M. Adams (ISB No. 7454)  
Peter J. Richardson (ISB No. 3195)  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> Street  
P.O. Box 7218  
Boise, Idaho 83702  
Telephone: (208) 938-2236  
Fax: (208) 938-7904  
greg@richardsonadams.com  
peter@richardsonadams.com

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OCT 13 AM 11:01  
IDAHO PUBLIC UTILITIES COMMISSION

Attorneys for Rock Rolling Properties, LLC

BEFORE THE  
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF ) IDAHO POWER COMPANY FOR A ) CERTIFICATE OF PUBLIC CONVENIENCE ) AND NECESSITY TO CONSTRUCT SYSTEM ) IMPROVEMENTS FOR WOOD RIVER ) VALLEY CUSTOMERS ) _____ )	CASE NO. IPC-E-16-28  PETITION TO INTERVENE OUT OF TIME OF ROCK ROLLING PROPERTIES, LLC
--	---

Rock Rolling Properties, LLC hereby petitions to intervene out of time in this proceeding under the Idaho Public Utilities Commission ("Commission") Rule of Procedure, Rule 71 IDAPA 31.01.01.71, and the Notice of Intervention Deadline issued on November 29, 2016, in Order No. 33657, and as grounds therefore states as follows:

1. The name and address of this Intervenor is:

Rock Rolling Properties, LLC  
c/o Kris Dondero  
PO Box 739  
Sun Valley, ID 83353

Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Gregory M. Adams at the address noted above.

PETITION TO INTERVENE OUT OF TIME OF ROCK ROLLING PROPERTIES, LLC  
IPC-E-16-28  
PAGE 1

2. Rock Rolling Properties, LLC is the owner of real property located on the east side of Hospital Drive in Blaine County, Idaho, identified as Tax Lot 7158. For ease of reference, Attachment One to this Petition depicts the lot owned by Petitioner Rock Rolling Properties, LLC, and Attachment Two depicts an aerial view of the lot.

3. There is currently no distribution or transmission line running along Hospital Drive, and Rock Rolling Properties, LLC's lot possesses a view to the west of the slopes of Bald Mountain where Sun Valley's ski resort is operated. Idaho Power seeks authorization in this proceeding to place an overhead 138-kilovolt transmission line along the east side of Hospital Drive. Idaho Power has not contacted Rock Rolling Properties, LLC to discuss a precise location, but it appears that the overhead configuration along Hospital Drive would place the transmission line either directly abutting the property owned by Rock Rolling Properties, LLC, or possibly even running across the property. Rock Rolling Properties, LLC is not aware of whether Idaho Power intends to condemn its property. In any event, however, the above-ground configuration along Hospital Drive would substantially impair the value, use, and enjoyment of the property by, among other impacts, directly impairing the view of Bald Mountain from Rock Rolling Properties, LLC's lot, limiting future beneficial uses of the property, and generally changing the character of the property and the surrounding area.

4. The substantial impact of Idaho Power's proposal on Rock Rolling Properties, LLC cannot be seriously disputed. The Idaho Supreme Court has recognized that "by their very nature, utility transmission lines impact the land they occupy both visually and physically. Depending on the present and future use of the property, there are innumerable ways the effects



could be encountered.”<sup>1</sup> In this case, the Wood River Community Advisory Committee, referenced in Idaho Power’s application, recommended that the 138-kilovolt transmission line be placed underground along Hospital Drive to mitigate these impacts. Additionally, in denying Idaho Power’s application for a conditional use permit, the Blaine County Planning and Zoning Commission specifically relied upon “the impact to property value of lands running adjacent to a new transmission line,” and it further found that “[w]here an existing distribution line does not exist along Hospital Drive and then along either the highway or the bike path to the north from there, a new transmission line will not be harmonious and appropriate in appearance with the existing or intended character of this area.”<sup>2</sup>

5. As a directly impacted property owner, Rock Rolling Properties, LLC received a notice of the local land use approval proceedings from Blaine County by letter dated September 26, 2016. The representatives of Rock Rolling Property, LLC attended and participated in the ensuing proceedings before the Blaine County Planning and Zoning Commission, which resulted in denial of Idaho Power’s request for a conditional use permit for the overhead transmission line.

6. Rock Rolling Properties, LLC therefore claims a direct and substantial interest in this proceeding. It will suffer substantial economic impacts if, as proposed by Idaho Power, the western boundary of its property is permanently marred by industrial transmission towers that may be up to 60 feet tall with high-voltage lines.

---

<sup>1</sup> *Manookian v. Blaine County*, 112 Idaho 697, 701, 735 P.2d 1008, 1012 (1987).

<sup>2</sup> *Re: Application of Idaho Power Company for a Condition Use Permit (CUP)*, Blaine County Planning and Zoning Commission, Findings of Fact, Conclusions of Law and Decision, at 9-10 (March 1, 2017).

7. Good cause exists to grant this Petition to Intervene out of time under the Commission's Rule of Procedure 73, IDAPA 31.01.01.73. Although receiving written notice from Blaine County regarding the conditional use permit proceedings, to the best of Rock Rolling Properties, LLC's information and belief, Rock Rolling Properties, LLC did not receive a notice from Idaho Power that it would initiate this separate proceeding where Idaho Power would argue that Blaine County's land use decision would be "null and void" to the extent it conflicts with the outcome of this proceeding.<sup>3</sup> Rock Rolling Property, LLC more recently became aware of Idaho Power's position before this Commission and is now justifiably concerned that its property value, as well as use and enjoyment of its property and the general quality of life in the Wood River Valley, will be adversely impacted by the overhead line as proposed to this Commission.

8. Additionally, good cause also exists because Rock Rolling Property, LLC represents a unique interest not currently represented in this proceeding. Hospital Drive is uniquely impacted by Idaho Power's proposal because there is currently no distribution or transmission line along the street. It is not clear from Idaho Power's application that it has fully and adequately considered the economic costs and safety implications of placing a new 138-kilovolt line in this area. Without waiving its right to seek compensation in appropriate fora for diminished property value resulting from construction of the transmission line, Rock Rolling Properties, LLC may be able to assist the Commission to understand the economic impacts to the properties along Hospital Drive. These are unique and important factors that the Commission

---

<sup>3</sup> See *Idaho Power's Application* at 14, ¶ 25.

should consider in deciding whether to approve a Certificate of Public Convenience and Necessity as requested by Idaho Power.

9. Although it is after the deadline for petitions to intervene, Rock Rolling Properties, LLC makes this filing prior to the due date for the first round of intervenor and staff testimony set for May 5, 2017, and over three months in advance of the scheduled technical hearing on August 8-9, 2017. If granted intervention, Rock Rolling Properties, LLC consents to be bound by orders and notices entered prior to its intervention. No party is prejudiced by this proposed untimely intervention. Therefore, good cause exists for untimely intervention, and it would be unreasonable and unjust to deny this Petition to Intervene.

10. Rock Rolling Properties, LLC, through legal counsel, intends to participate herein as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of evidence which Rock Rolling Properties, LLC will introduce is dependent upon the nature and effect of other evidence in this proceeding.

11. Without the opportunity to intervene herein, Rock Rolling Properties, LLC would be without any means of participation in this proceeding which may have a material impact on the value, use, and enjoyment of its property.


12. Granting Rock Rolling Properties, LLC Petition to Intervene will not unduly broaden the issues beyond their proper scope, nor will it prejudice any party to this case.

**WHEREFORE**, Rock Rolling Properties, LLC respectfully requests that this Commission grant this Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate; and to present evidence, call and examine witnesses, present argument and to otherwise fully participate in these proceedings.

PETITION TO INTERVENE OUT OF TIME OF ROCK ROLLING PROPERTIES, LLC  
IPC-E-16-28  
PAGE 5

DATED: April 18, 2017.

RICHARDSON ADAMS, PLLC

By   
\_\_\_\_\_  
Gregory M. Adams (ISB No. 7454)

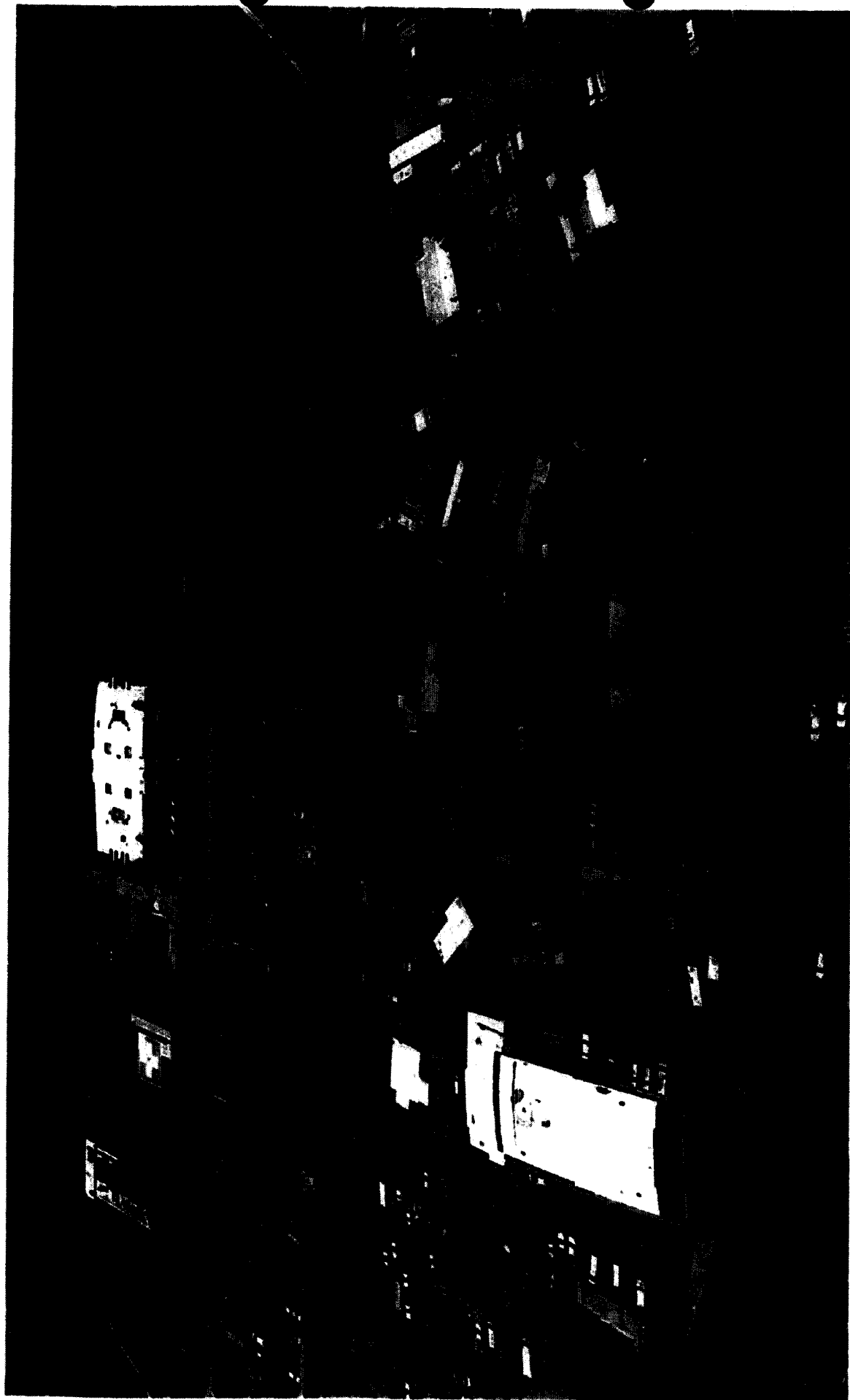
**ATTACHMENT 1**

**Record of Survey of  
Rock Rolling Properties, LLC (Tax Lot 7158) and  
Rock Rolling Properties #2, LLC (Tax Lot 8024)**



**ATTACHMENT 2**

**Aerial Photograph of  
Rock Rolling Properties, LLC and  
Rock Rolling Properties #2, LLC**





CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18<sup>th</sup> day of April 2017, I served a true and correct copy of this PETITION TO INTERVENE on the following via First Class Mail and Electronic Mail:

Diane Hainan, Secretary  
(Hand Delivery)  
Idaho Public Utilities Commission  
472 W Washington Street  
Boise, ID 83702  
Diane.holt@puc.idaho.gov

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Boise, Idaho 83702  
dwalker@idahopower.com  
dockets@idahopower.com

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Idaho Power Company  
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Boise ID 83702  
t.tatum@idahopower.com

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Director, Idaho Sierra Club  
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Michael Heckler  
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Garden City, Idaho 83714  
Michael.p.heckler@gmail.com

By:   
\_\_\_\_\_  
Gregory M. Adams  
Richardson Adams, PLLC

Gregory M. Adams (ISB No. 7454)  
Peter J. Richardson (ISB No. 3195)  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> Street  
P.O. Box 7218  
Boise, Idaho 83702  
Telephone: (208) 938-2236  
Fax: (208) 938-7904  
greg@richardsonadams.com  
peter@richardsonadams.com

RECEIVED  
JULY 18 AM 11:01  
PUBLIC UTILITIES COMMISSION

Attorneys for Rock Rolling Properties #2, LLC

BEFORE THE  
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF ) IDAHO POWER COMPANY FOR A ) CERTIFICATE OF PUBLIC CONVENIENCE ) AND NECESSITY TO CONSTRUCT SYSTEM ) IMPROVEMENTS FOR WOOD RIVER ) VALLEY CUSTOMERS ) _____ )	CASE NO. IPC-E-16-28  PETITION TO INTERVENE OUT OF TIME OF ROCK ROLLING PROPERTIES #2, LLC
--	--

Rock Rolling Properties #2, LLC hereby petitions to intervene out of time in this proceeding under the Idaho Public Utilities Commission ("Commission") Rule of Procedure, Rule 71 IDAPA 31.01.01.71, and the Notice of Intervention Deadline issued on November 29, 2016, in Order No. 33657, and as grounds therefore states as follows:

1. The name and address of this Intervenor is:

Rock Rolling Properties #2, LLC  
c/o John Dondero  
PO Box 739  
Sun Valley, ID 83353

Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Gregory M. Adams at the address noted above.

PETITION TO INTERVENE OUT OF TIME OF ROCK ROLLING PROPERTIES #2, LLC  
IPC-E-16-28  
PAGE 1

2. Rock Rolling Properties #2, LLC is the owner of real property located on the east side of Hospital Drive in Blaine County, Idaho, identified as Tax Lot 8024. For ease of reference, Attachment One to this Petition depicts the lot owned by Petitioner Rock Rolling Properties #2, LLC, and Attachment Two depicts an aerial view of the lot.

3. There is currently no distribution or transmission line running along Hospital Drive, and Rock Rolling Properties #2, LLC's lot possesses a view to the west of the slopes of Bald Mountain where Sun Valley's ski resort is operated. Idaho Power seeks authorization in this proceeding to place an overhead 138-kilovolt transmission line along the east side of Hospital Drive. Idaho Power has not contacted Rock Rolling Properties #2, LLC to discuss a precise location, but it appears that the overhead configuration along Hospital Drive would place the transmission line either directly abutting the property owned by Rock Rolling Properties #2, LLC, or possibly even running across the property. Rock Rolling Properties #2, LLC is not aware of whether Idaho Power intends to condemn its property. In any event, however, the above-ground configuration along Hospital Drive would substantially impair the value, use, and enjoyment of the property by, among other impacts, directly impairing the view of Bald Mountain from Rock Rolling Properties #2, LLC's lot, limiting future beneficial uses of the property, and generally changing the character of the property and the surrounding area.

4. The substantial impact of Idaho Power's proposal on Rock Rolling Properties #2, LLC cannot be seriously disputed. The Idaho Supreme Court has recognized that "by their very nature, utility transmission lines impact the land they occupy both visually and physically. Depending on the present and future use of the property, there are innumerable ways the effects

could be encountered.”<sup>1</sup> In this case, the Wood River Community Advisory Committee, referenced in Idaho Power’s application, recommended that the 138-kilovolt transmission line be placed underground along Hospital Drive to mitigate these impacts. Additionally, in denying Idaho Power’s application for a conditional use permit, the Blaine County Planning and Zoning Commission specifically relied upon “the impact to property value of lands running adjacent to a new transmission line,” and it further found that “[w]here an existing distribution line does not exist along Hospital Drive and then along either the highway or the bike path to the north from there, a new transmission line will not be harmonious and appropriate in appearance with the existing or intended character of this area.”<sup>2</sup>

5. As a directly impacted property owner, Rock Rolling Properties #2, LLC received a notice of the local land use approval proceedings from Blaine County by letter dated September 26, 2016. The representatives of Rock Rolling Property, LLC attended and participated in the ensuing proceedings before the Blaine County Planning and Zoning Commission, which resulted in denial of Idaho Power’s request for a conditional use permit for the overhead transmission line.

6. Rock Rolling Properties #2, LLC therefore claims a direct and substantial interest in this proceeding. It will suffer substantial economic impacts if, as proposed by Idaho Power, the western boundary of its property is permanently marred by industrial transmission towers that may be up to 60 feet tall with high-voltage lines.

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<sup>1</sup> *Manookian v. Blaine County*, 112 Idaho 697, 701, 735 P.2d 1008, 1012 (1987).

<sup>2</sup> *Re: Application of Idaho Power Company for a Condition Use Permit (CUP)*, Blaine County Planning and Zoning Commission, Findings of Fact, Conclusions of Law and Decision, at 9-10 (March 1, 2017).

7. Good cause exists to grant this Petition to Intervene out of time under the Commission's Rule of Procedure 73, IDAPA 31.01.01.73. Although receiving written notice from Blaine County regarding the conditional use permit proceedings, to the best of Rock Rolling Properties #2, LLC's information and belief, Rock Rolling Properties #2, LLC did not receive a notice from Idaho Power that it would initiate this separate proceeding where Idaho Power would argue that Blaine County's land use decision would be "null and void" to the extent it conflicts with the outcome of this proceeding.<sup>3</sup> Rock Rolling Property, LLC more recently became aware of Idaho Power's position before this Commission and is now justifiably concerned that its property value, as well as use and enjoyment of its property and the general quality of life in the Wood River Valley, will be adversely impacted by the overhead line as proposed to this Commission.

8. Additionally, good cause also exists because Rock Rolling Property, LLC represents a unique interest not currently represented in this proceeding. Hospital Drive is uniquely impacted by Idaho Power's proposal because there is currently no distribution or transmission line along the street. It is not clear from Idaho Power's application that it has fully and adequately considered the economic costs and safety implications of placing a new 138-kilovolt line in this area. Without waiving its right to seek compensation in appropriate fora for diminished property value resulting from construction of the transmission line, Rock Rolling Properties #2, LLC may be able to assist the Commission to understand the economic impacts to the properties along Hospital Drive. These are unique and important factors that the

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<sup>3</sup> See Idaho Power's Application at 14, ¶ 25.

Commission should consider in deciding whether to approve a Certificate of Public Convenience and Necessity as requested by Idaho Power.

9. Although it is after the deadline for petitions to intervene, Rock Rolling Properties #2, LLC makes this filing prior to the due date for the first round of intervenor and staff testimony set for May 5, 2017, and over three months in advance of the scheduled technical hearing on August 8-9, 2017. If granted intervention, Rock Rolling Properties #2, LLC consents to be bound by orders and notices entered prior to its intervention. No party is prejudiced by this proposed untimely intervention. Therefore, good cause exists for untimely intervention, and it would be unreasonable and unjust to deny this Petition to Intervene.

10. Rock Rolling Properties #2, LLC, through legal counsel, intends to participate herein as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of evidence which Rock Rolling Properties #2, LLC will introduce is dependent upon the nature and effect of other evidence in this proceeding.

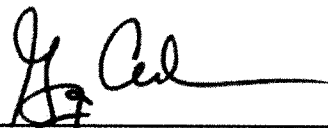
11. Without the opportunity to intervene herein, Rock Rolling Properties #2, LLC would be without any means of participation in this proceeding which may have a material impact on the value, use, and enjoyment of its property.

12. Granting Rock Rolling Properties #2, LLC Petition to Intervene will not unduly broaden the issues beyond their proper scope, nor will it prejudice any party to this case.

**WHEREFORE**, Rock Rolling Properties #2, LLC respectfully requests that this Commission grant this Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate; and to present evidence, call and examine witnesses, present argument and to otherwise fully participate in these proceedings.

DATED: April 18, 2017.

RICHARDSON ADAMS, PLLC

By   
\_\_\_\_\_  
Gregory M. Adams (ISB No. 7454)



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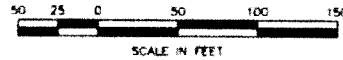
**ATTACHMENT 1**

**Record of Survey of  
Rock Rolling Properties, LLC (Tax Lot 7158) and  
Rock Rolling Properties #2, LLC (Tax Lot 8024)**

# RECORD OF SURVEY FOR TAX LOTS 7158 & 8024

LOCATED WITHIN  
N1/2 SE1/4, SECTION 30, T.4 N., R.18 E., B.M., BLAINE COUNTY, IDAHO

NOVEMBER 2015



### LEGEND

- Property Boundary Line
- Adjacent Lot Line
- Previous Lot Line
- Easement Line
- Centerline of Right-of-Way
- (TD) Right-of-Way
- Tie Line
- Found Brass Cap
- Found 5/8" Rebar
- Found 1/2" Rebar
- Set 5/8" Rebar
- #596076 Deed Instrument Number

### NOTES

1. The following Exceptions are per Title Report Schedule B Exceptions provided by Sun Valley Title Company dated May 28, 2015, Order No. 1528192:

Exceptions 1-13, 15-20, 22, 23, 25 affect the property shown hereon, but are not plottable. Refer to above mentioned title policy for information contained in said items.

The plottable Exceptions are depicted hereon:

- 14. Permanent Easement granted to Idaho Transportation Department, Inst. #598074;
- 21. Idaho Power Easement, Inst. #336957;
- 24. Idaho Power Easement, Inst. #571196;
- 26. Permanent Easement granted to Idaho Transportation Department, Inst. #596077, Records of Blaine County, Idaho.

2. Reference is made to two additional Blaine County Deeds, not included in the above Title Report, recorded as follows:

Inst. #517870, wherein Parcel 66.6, identified as a portion of Acquisition Parcel 66.5, is transferred from Idaho Transportation Department to Rock Rolling Properties, L.L.C.;

Inst. #625598, wherein the remainder of Acquisition Parcel 66.5 is transferred from Idaho Transportation Department to Rock Rolling Properties, L.L.C.

### CERTIFICATE OF SURVEYOR

I hereby certify that I am a Registered Land Surveyor in the State of Idaho and that this map is a true and accurate representation of a survey done under my direct supervision.



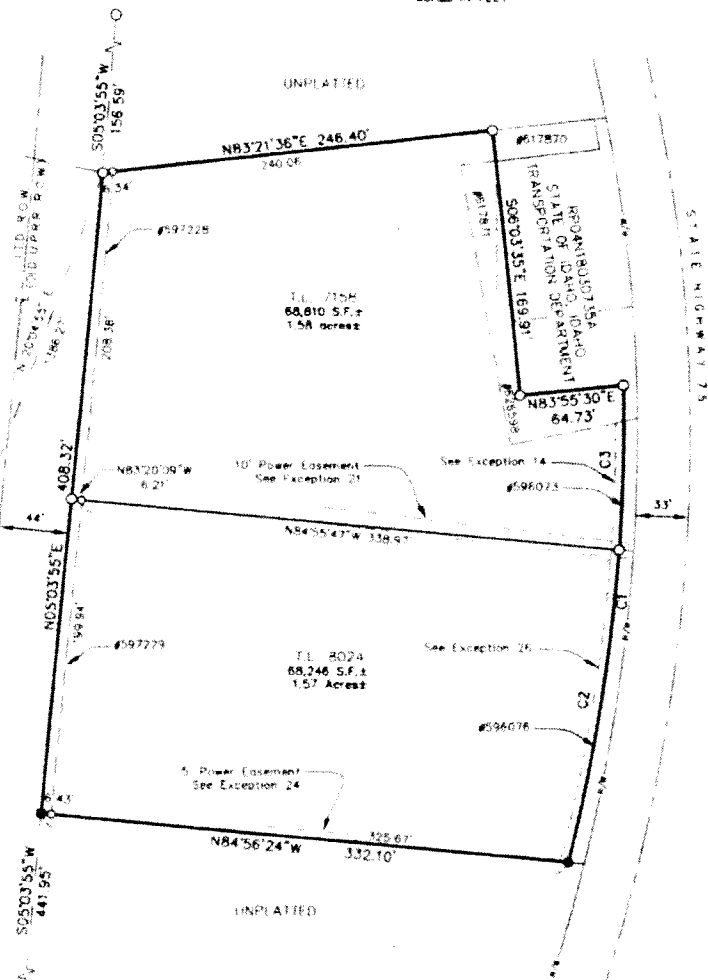
BRIAN D. YEAGER, P.L.S. 13260

RECORD OF SURVEY FOR  
TAX LOTS 7158 & 8024

GALENA ENGINEERING, INC.  
HAILEY, IDAHO

SHEET 1 OF 1

Job No. 6032-01



CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD DIRECTION
C1	305.09'	1104.00'	153.52'	19°30'01"	304.12'	S 06°05'47" W
C2	209.41'	1104.00'	100.46'	19°24'02"	200.13'	S 08°48'46" W
C3	104.68'	1104.00'	52.23'	19°25'58"	104.64'	S 00°55'24" W

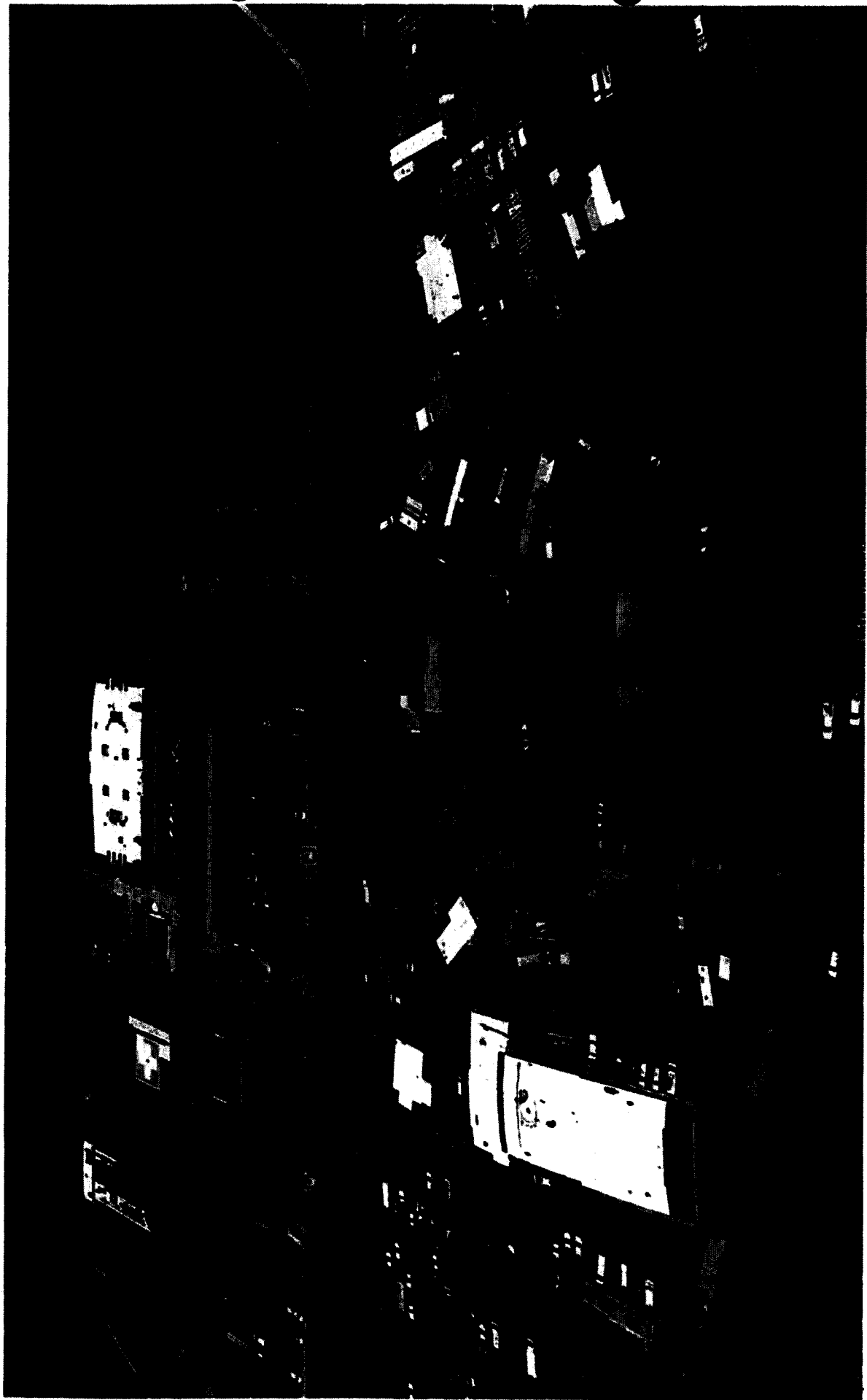
Blaine County G5  
"4N18E30C1/4"  
BRASS CAP  
CPI #413479

SCALE: 1" = 50'

Blaine County G5  
"8A"  
BRASS DISC  
STAMPED "8 A 1932"

**ATTACHMENT 2**

**Aerial Photograph of  
Rock Rolling Properties, LLC and  
Rock Rolling Properties #2, LLC**



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18<sup>th</sup> day of April 2017, I served a true and correct copy of this PETITION TO INTERVENE on the following via First Class Mail and Electronic Mail:

Diane Hainan, Secretary  
(Hand Delivery)  
Idaho Public Utilities Commission  
472 W Washington Street  
Boise, ID 83702  
Diane.holt@puc.idaho.gov

Donovan Walker  
Idaho Power Company  
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Idaho Power Company  
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Laura Midgley  
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Zack Waterman  
Director, Idaho Sierra Club  
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Boise, Idaho 83702  
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Benjamin Otto  
Idaho Conservation League  
710 N Sixth Street  
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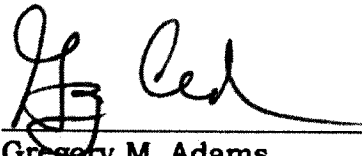
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Michael Heckler  
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Garden City, Idaho 83714  
Michael.p.heckler@gmail.com

By:   
\_\_\_\_\_  
Gregory M. Adams  
Richardson Adams, PLLC

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** DAPHNE HUANG  
DEPUTY ATTORNEY GENERAL

**DATE:** APRIL 26, 2017

**SUBJECT:** PETITIONS TO INTERVENE OUT OF TIME BY ROCK ROLLING PROPERTIES IN IDAHO POWER'S APPLICATION FOR CPCN IN WOOD RIVER VALLEY, CASE NO. IPC-E-16-28

In November 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements in the Wood River Valley. The Commission issued a Notice of Application and Order setting a deadline of December 20, 2016, for petitions to intervene. The Commission received and granted timely intervention petitions from Kiki Tidwell, Laura Midgeley, the Sierra Club, the Idaho Conservation League, and the City of Ketchum. Order Nos. 33675, 33683. The Commission issued a Notice of Schedule and Notice of Technical Hearing on January 26, 2017, adopting the schedule proposed by the parties in an informal scheduling conference. Order No. 33705. In February, the Commission granted a late-filed petition to intervene by CoxCom, LLC. Order No. 33711.

On April 18, 2017, Rolling Rock Properties, LLC and Rolling Rock Properties #2 (Petitioners), LLC filed Petitions to Intervene out of time. The Commission received no objections by the April 25 deadline per Rule 75. The Rolling Rock Petitions are now before the Commission.

### LATE PETITIONS TO INTERVENE

Commission Rules provides that a petitioner seeking intervention must state its "direct and substantial interest . . . in the proceeding." IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." IDAPA

31.01.01.073. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons." *Id.* Also, "Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition." *Id.*

#### **ROLLING ROCK'S PETITIONS TO INTERVENE**

Petitioners are owners of real property on the east side of Hospital Drive in Blaine County, Idaho. Petitions at 2. Petitioners assert a number of reasons for their "direct and substantial interest in this proceeding." *Id.* at 3. According to Petitioners, the overhead configuration of Idaho Power's proposed transmission line along Hospital Drive, at issue in this case, "would place the transmission line either directly abutting . . . or possibly even running across" the Petitioners' properties. *Id.* Petitioners state that such configuration "would substantially impair the value, use, and enjoyment of the property by, among other impacts, directly impairing the view of Bald Mountain from [Rock Rolling Properties' lots], limiting future beneficial uses of the propert[ies], and generally changing the character of the propert[ies] and the[ir] surrounding area[s]." *Id.* Petitioners further assert they "will suffer substantial economic impacts if, as proposed by Idaho Power, the "western boundar[ies] of [their] propert[ies] [are] permanently marred by industrial transmission towers that may be up to 60 feet tall with high-voltage lines." *Id.* at 3.

Petitioners contend there is good cause for their late intervention because, to their "best . . . information and belief," they did not receive notice from Idaho Power that it would initiate this proceeding – separate from the Blaine County conditional use permit proceedings – and where Idaho Power would "argue that Blaine County's land use decision would be 'null and void' to the extent it conflicts with the outcome of this proceeding." *Id.* at 4 (*citing* Idaho Power's Application at 14). According to Petitioners, they "more recently became aware of Idaho Power's position before this Commission." *Id.* Petitioners also assert they have good cause because their interest is "unique . . . [and] not currently represented in this proceeding." *Id.*

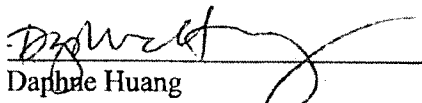
As to the potential for disruption, Petitioners note that their filing is "prior to the due date for the first round of intervenor and staff testimony . . . and over three months in advance of the scheduled technical hearing." *Id.* at 5. Petitioners state they would consent to "be bound by



orders and notices entered prior to [their] intervention,” if intervention is granted. Petitioners further state that, if allowed to intervene, they intend to participate “as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument.” *Id.* If granted intervention, they contend they “will not unduly broaden the issues beyond their proper scope,” and that no party would be prejudiced. *Id.*

#### COMMISSION DECISION

Does the Commission wish to find that Rock Rolling Properties and Rock Rolling Properties #2 have stated good cause for their late Petitions, have identified direct and substantial interest in this case, and will not unduly broaden the issues or prejudice other parties, and thus grant the late Petitions to Intervene?

  
Daphne Huang  
Deputy Attorney General

M:IPC-E-16-28\_djh3\_Late Intervention

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF IDAHO POWER COMPANY FOR A</b>	)	<b>CASE NO. IPC-E-16-28</b>
<b>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY FOR THE WOOD RIVER</b>	)	<b>ORDER NO. 33760</b>
<b>VALLEY</b>	)	

In November 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements in the Wood River Valley. The Commission issued a Notice of Application and Order setting a deadline of December 20, 2016 for petitions to intervene. The Commission received and granted timely intervention petitions from Kiki Tidwell, Laura Midgeley, the Sierra Club, the Idaho Conservation League, and the City of Ketchum. Order Nos. 33675, 33683. The Commission issued a Notice of Schedule and Notice of Technical Hearing on January 26, 2017, adopting the schedule proposed by the parties in an informal scheduling conference. Order No. 33705. In February, the Commission granted a late-filed petition to intervene by CoxCom, LLC. Order No. 33711.

On April 18, 2017, Rock Rolling Properties, LLC and Rock Rolling Properties #2 (Petitioners), LLC filed Petitions to Intervene out of time, after the December 20, 2017, deadline for intervention had passed. *See* IDAPA 31.01.01.071-.075. The Commission received no objections by the April 25, 2017 deadline per Rule 75. IDAPA 31.01.01.075. The Commission now grants the Rock Rolling Petitions.

**LATE PETITIONS TO INTERVENE**

Commission Rules provide that a petitioner seeking intervention must state its "direct and substantial interest . . . in the proceeding." IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." IDAPA 31.01.01.073. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons." *Id.* Also, "Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition." *Id.*

## ROCK ROLLINGS' PETITIONS TO INTERVENE

Petitioners are owners of real property on the east side of Hospital Drive in Blaine County, Idaho. Petitions at 2. Petitioners asserted a number of reasons for their “direct and substantial interest in this proceeding.” *Id.* at 3. According to Petitioners, the overhead configuration of Idaho Power’s proposed transmission line along Hospital Drive, at issue in this case, “would place the transmission line either directly abutting . . . or possibly even running across” the Petitioners’ properties. *Id.* Petitioners stated that such configuration “would substantially impair the value, use, and enjoyment of the property by, among other impacts, directly impairing the view of Bald Mountain from [Rock Rolling Properties’ lots], limiting future beneficial uses of the propert[ies], and generally changing the character of the propert[ies] and the[ir] surrounding area[s].” *Id.* Petitioners further asserted they “will suffer substantial economic impacts if, as proposed by Idaho Power, the “western boundar[ies] of [their] propert[ies] [are] permanently marred by industrial transmission towers that may be up to 60 feet tall with high-voltage lines.” *Id.* at 3.

Petitioners contended there is good cause for their late intervention because, to their “best . . . information and belief,” they did not receive notice from Idaho Power that it would initiate this proceeding – separate from the Blaine County conditional use permit proceedings – and where Idaho Power would “argue that Blaine County’s land use decision would be ‘null and void’ to the extent it conflicts with the outcome of this proceeding.” *Id.* at 4 (*citing* Idaho Power’s Application at 14). According to Petitioners, they “more recently became aware of Idaho Power’s position before this Commission.” *Id.* Petitioners also asserted they have good cause because their interest is “unique . . . [and] not currently represented in this proceeding.” *Id.*

As to the potential for disruption, Petitioners noted that their filing is “prior to the due date for the first round of intervenor and staff testimony . . . and over three months in advance of the scheduled technical hearing.” *Id.* at 5. Petitioners stated they would consent to “be bound by orders and notices entered prior to [their] intervention,” if intervention is granted. Petitioners further stated that, if allowed to intervene, they intend to participate “as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument.” *Id.* If granted intervention, they contended they “will not unduly broaden the issues beyond their proper scope,” and that no party would be prejudiced. *Id.*

## COMMISSION FINDINGS

We find that no party opposed the Petitions to Intervene out of time.

We further find that based on the pleadings and other documents filed in this case, intervention by this party would serve the purposes of intervention as described by Rule 74 of the Rules of Procedure, IDAPA 31.01.01.074. We also find that granting this late intervention will not prejudice any party and that late intervention should be granted. As set forth in Rule 73, IDAPA 31.01.01.073, Petitioners are "bound by orders and notices earlier entered as a condition of granting the untimely petition" including, but not limited to, the scheduling Order issued on January 26, 2017. Order No. 33705.

## ORDER

IT IS THEREFORE ORDERED that the Petitions to Intervene filed by Rock Rolling Properties, LLC and Rock Rolling Properties #2, LLC are hereby granted.

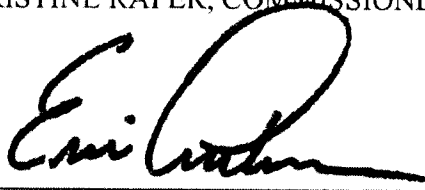
IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. This intervenor is represented by the following for purposes of service:

Gregory M. Adams  
Richardson Adams, PLLC  
515 N. 27th Street  
P.O. Box 7218  
Boise, ID 83702  
E-mail: [greg@richardsonadams.com](mailto:greg@richardsonadams.com)


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 31  
day of May 2017.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Diane M. Hanian  
Commission Secretary

O:IPC-E-16-28\_djh\_late intervention

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-16-28  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT ) SECOND AMENDED  
SYSTEM IMPROVEMENTS FOR WOOD ) NOTICE OF PARTIES  
RIVER VALLEY CUSTOMERS )**

**YOU ARE HEREBY NOTIFIED** that the following are parties to this proceeding. Unless otherwise notified, service in this matter need be made only upon and to the following parties and their representatives at the addresses given below:

**IDAHO POWER COMPANY:  
(Exhibit Nos. 1-100)**

Donovan E. Walker  
Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Tim Tatum  
Idaho Power Company  
1221 W. Idaho St. (83702)  
PO Box 70  
Boise, ID 83707-0070  
E-mail: [ttatum@idahopower.com](mailto:ttatum@idahopower.com)

**COMMISSION STAFF:  
(Exhibit Nos. 101-200)**

Daphne Huang  
Camille Christen  
Deputy Attorneys General  
Idaho Public Utilities Commission  
472 W. Washington (83702)  
PO Box 83720  
Boise, ID 83720-0074  
E-mail: [daphne.huang@puc.idaho.gov](mailto:daphne.huang@puc.idaho.gov)  
[camille.christen@puc.idaho.gov](mailto:camille.christen@puc.idaho.gov)

**SECOND AMENDED  
NOTICE OF PARTIES**

**KIKI LESLIE A. TIDWELL:**  
(Exhibit Nos. 201-300)

Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
PO Box 7218  
Boise, ID 83702  
E-mail: [peter@richardsonadams.com](mailto:peter@richardsonadams.com)

Kiki Leslie A. Tedwell  
300 Let 'er Buck Road  
Hailey, ID 83333  
E-mail: [ktinsv@cox.net](mailto:ktinsv@cox.net)

**SIERRA CLUB:**  
(Exhibit Nos. 301-400)

Kelsey Jae Nunez  
Kelsey Jae Nunez LLC  
920 N. Clover Dr.  
Boise, ID 83703  
E-mail: [kelsey@kelseyaenunez.com](mailto:kelsey@kelseyaenunez.com)

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714  
E-mail: [Michael.p.heckler@gmail.com](mailto:Michael.p.heckler@gmail.com)

**Electronic Copies Only:**

Zack Waterman  
Sierra Club  
E-mail: [zack.waterman@sierraclub.org](mailto:zack.waterman@sierraclub.org)

**IDAHO CONSERVATION LEAGUE:**  
(Exhibit Nos. 401-500)

Benjamin J. Otto  
Idaho Conservation League  
710 N. Sixth Street  
Boise, ID 83702  
E-mail: [botto@idahoconservation.org](mailto:botto@idahoconservation.org)

**LAURA MIDGLEY:**  
(Exhibit Nos. 501-600)

Laura Midgley  
231 Valley Club Drive  
Hailey, ID 83333  
E-mail: [midgley2215@gmail.com](mailto:midgley2215@gmail.com)

**SECOND AMENDED  
NOTICE OF PARTIES**

**CITY OF KETCHUM:**  
(Exhibit Nos. 601-700)

Matthew A. Johnson  
Wm. F. Gigray  
White Peterson Gigray & Nichols, PA  
5700 E. Franklin Rd., Suite 200  
Nampa, ID 83687  
E-mail: [mjohnson@whitepeterson.com](mailto:mjohnson@whitepeterson.com)

**COXCOM, LLC:**  
(Exhibit Nos. 701-800)

C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock St., Suite 900  
PO Box 2900  
Boise, ID 83701  
E-mail: [tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

**ROCK ROLLING PROPERTIES, LLC**  
**ROCK ROLLING PROPERTIES #2, LLC:**  
(Exhibit Nos. 801-900)

Gregory M. Adams  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
PO Box 7218  
Boise, ID 83702  
E-mail: [greg@richardsonadams.com](mailto:greg@richardsonadams.com)

**YOU ARE FURTHER NOTIFIED** that any testimony and exhibits in Case No. IPC-E-16-28 must comport with the requirements of Rule 231 and 267 of the Commission's Rules of Procedure. IDAPA 31.01.01.231 and 267.

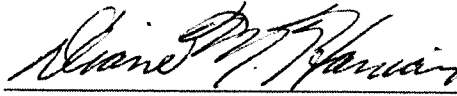
**YOU ARE FURTHER NOTIFIED** that service of any discovery, testimony, and exhibits among the parties is to be accomplished by electronic mail to the email addresses reflected above pursuant to Rule 63. IDAPA 31.01.01.063.

**YOU ARE FURTHER NOTIFIED** that when filing discovery with the Commission, the parties shall provide either an original and three copies, or an electronic copy to the Commission Secretary per Rule 61. IDAPA 31.01.01.06.02.

**SECOND AMENDED  
NOTICE OF PARTIES**



DATED at Boise, Idaho this 3<sup>rd</sup> day of May, 2017.



---

DIANE M. HANIAN  
COMMISSION SECRETARY

Benjamin J. Otto (ISB No. 8292)  
710 N 6<sup>th</sup> Street  
Boise, ID 83701  
Ph: (208) 345-6933 x 12  
Fax: (208) 344-0344  
botto@idahoconservation.org

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IDAHO PUBLIC UTILITIES COMMISSION

Attorney for the Idaho Conservation League

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER )  
COMPANY'S APPLICATION FOR A )  
CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
CONSTRUCT SYSTEM )  
IMPROVEMENTS TO SECURE )  
ADEQUATE AND RELIABLE SERVICE )  
TO CUSTOMERS IN THE WOOD )  
RIVER VALLEY. )

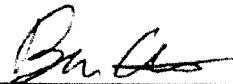
CASE NO. IPC-E-16-28

IDAHO CONSERVATION LEAGUE

NOTICE OF WITHDRAWAL

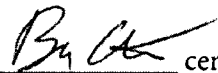
The Idaho Conservation League hereby withdraws from this docket. We provide our comments on this docket in a separate letter filed with the Commission on June 19, 2017.

Respectfully submitted this 19<sup>th</sup> day of June 2017,



Benjamin J. Otto  
Attorney for Idaho Conservation League

CERTIFICATE OF SERVICE

I  certify that on this 19th day of June 2017, I delivered true and correct copies of the foregoing NOTICE OF WITHDRAWAL to the following persons via the method of service noted:

Hand delivery:

Jean Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
427 W. Washington St.  
Boise, ID 83702-5983  
(Original and seven copies provided)

Electronic Mail:

**Idaho Power**  
Donovan E. Walker  
Tim Tatum  
Idaho Power Company  
1221 West Idaho St  
Boise, ID 83707  
dwalker@idahopower.com  
dockets@idahopower.com  
ttatum@idahopower.com

**Sierra Club**  
Kelsey Jae Nunez  
Kelsey Jae Nunez, LLC  
920 N. Clover Dr.  
Boise, ID 83703  
kelseey@kelseeyjaenunez.com

Michael Heckler  
3606 N. Prospect Way  
Garden City, ID 83714  
Michael.p.heckler@gmail.com

Zack Waterman  
Director, Idaho Sierra Club  
Zack.waterman@sierraclub.org

**City of Ketchum**  
Matthew A Johnson  
Wm. F. Gigray  
White Peterson Gigray & Nichols, PA  
5700 E. Franklin Rd., Suite 200  
Nampa, ID 83687  
mjohnson@whitepeterson.com

**CoxCom LLC**  
C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock St., Suite 900  
Boise, ID 83701  
Tom.arkoosh@arkoosk.com

**Laura Midgley**  
231 Valley Club Drive  
Hailey, ID 83333  
Midgley123@gmail.com

**Kiki Leslie A Tidwell**  
Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27th St.  
Boise, ID 83702  
peter@richardsonadams.com

**Kiki Leslie A Tidwell**  
300 Let 'er Buck Road  
Hailey, Idaho 83333  
ktinsv@cox.net

**Rolling Rock Properties, LLC; Rolling Rock Properties #2 LLC**  
Gregory M. Adams  
Richardson Adams, PLLC  
515 N. 27<sup>th</sup> St.  
Boise, ID 83702  
greg@richardsonadams.com

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-16-28  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT ) NOTICE OF  
SYSTEM IMPROVEMENTS FOR WOOD ) PUBLIC HEARING  
RIVER VALLEY CUSTOMERS )  
\_\_\_\_\_ )**

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements and to secure adequate and reliable service to customers in the Wood River Valley. Specifically, the Company seeks a CPCN to construct a new (second) 138 kilovolt (kV) transmission line and related facilities “to provide redundant service from the Wood River substation near Hailey into the Ketchum substation.” Application at 1-2. The Company asks that the CPCN permit the particular line route and facilities identified in testimony accompanying the Application. *Id.* at 2.

The Commission issued a Notice of Application, and granted timely Petitions to Intervene from Kiki Tidwell, Laura Midgeley, the Sierra Club, Idaho Conservation League, and the City of Ketchum, as well as late Petitions to Intervene from CoxCom, LLC, and Rock Rolling Properties. Order Nos. 33657, 33675, 33683. The Commission issued a Notice of Technical Hearing in the case, to convene at 9:30 a.m. on Tuesday, August 8, 2017, and continue through Wednesday, August 9, 2017, at the Commission Hearing Room in Boise, Idaho. Order No. 33705. In that same Order, the Commission gave notice it would convene a public hearing at a time and date to be determined later. *Id.* This Notice now sets the date, time, and place of the public hearing in this matter.

**NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Commission will conduct a public hearing in this matter on **WEDNESDAY, JULY 26, 2017 AT 7:00 P.M. AT KETCHUM CITY HALL, 480 EAST AVENUE N, KETCHUM, IDAHO.** The purpose of the public hearing is to take testimony from customers and other interested members of the public. Testimony will be made part of the Commission’s formal record.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA).

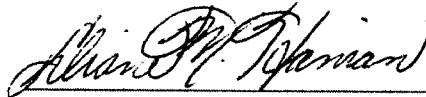
NOTICE OF  
PUBLIC HEARING

Persons needing the help of a sign language interpreter or other assistance in order to participate in or understand testimony and argument at the public hearing may ask the Commission to provide such assistance. The request for assistance must be received at least five working days before the hearing, by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
Telephone: (208) 334-0338  
FAX: (208) 334-3762  
Email: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

YOU ARE FURTHER NOTIFIED that all proceedings will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code. The Commission may enter any final Order consistent with its authority under Title 61. All proceedings will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000, *et seq.*

DATED at Boise, Idaho this 27<sup>th</sup> day of June 2017.



---

Diane M. Hanian  
Commission Secretary

N:IPC-E-16-28\_djh\_Public Hearing



## Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

C.L. Butch Otter, Governor

Paul Kjellander, Commissioner  
Kristina Raper, Commissioner  
Eric Anderson, Commissioner

Case No: IPC-E-16-28

Contact: Matt Evans

(208) 334-0339 or 520-4763

[www.puc.idaho.gov](http://www.puc.idaho.gov)

# Public hearing set for Idaho Power proposal to build new transmission line

**BOISE (July 14, 2017)** – The Idaho Public Utilities Commission has scheduled a public hearing regarding Idaho Power Company’s proposal to construct a new transmission line in the Wood River Valley.

The hearing is set for July 26 from 7 pm to 9 pm at Ketchum City Hall.

There will be no formal presentation at the hearing; instead, the Commission will take testimony from Idaho Power customers and members of the public.

Testimony offered will be made part of the formal record as the Commission considers Idaho Power’s application for a Certificate of Public Convenience and Necessity (CPCN) to build a second high-voltage power line between Hailey and Ketchum. Idaho Code requires a public utility to obtain a CPCN before constructing certain facilities or infrastructure.

In its application, Idaho Power said redundancy afforded by a second transmission line is necessary for several reasons, including increased reliability and the need to rebuild the existing, “aged” transmission line without long-term disruption of service to the approximately 9,000 customers in the area, which is home to several resort communities.

The area is served by two substations fed by a single, 138-kilovolt transmission line that spans 12.4 miles to connect substations near Hailey and Ketchum.

The existing line was built in 1962 on wooden poles, in steep and rugged terrain that can be difficult to access, the company said, adding that structure failure along the line could lead to an extended power outage. A redundant line would eliminate that risk, Idaho Power said.

The need for a second energy source for the area was identified in the mid-1970s, and Idaho Power said it has engaged the communities that would be affected “on a consistent basis” for more than two decades.

A previous CPCN issued by the Commission was canceled in 1995 at the company's request because of public opposition related to aesthetic impacts, perceived health and safety concerns, and difficulty in finding an agreed-upon route.

In its current CPCN application, Idaho Power listed four options for the route that range in cost from approximately \$30 million to \$45.9 million.

Each option calls for approximately 7.5 miles to run alongside state Highway 75 from the substation near Hailey north to the area near Owl Rock Road south of St. Luke's Wood River Medical Center.

From there, the options vary in either route or configuration – overhead or underground - for the section that runs into the Ketchum substation on Sun Valley Road.

The company's preferred route is estimated to cost \$30 million and calls for a transition from an overhead configuration to underground at Elkhorn Road, north of the medical center. Its cost is equivalent to the option with all overhead lines, and is significantly less than the all-underground configuration.

The case has generated nearly two dozen comments to the PUC, a mix of support and opposition.

Those who have submitted written comment do not need to testify at the public hearing since those comments are included in the case's official record. Anyone wishing to testify may do so, however.

Anyone with questions about testifying is encouraged to call the commission at (800) 432-0369.

Ketchum City Hall is located at 480 East Avenue N. in Ketchum.

In addition to the public hearing, the Commission has scheduled a technical hearing for August 8 and 9 in the Commission's hearing room, 472 W. Washington St. in Boise.

Parties to the case, including commission staff, have submitted their comments. Those comments and other documents filed in the case can be found at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the electric icon, then on "Open Electric Cases," and scroll down to Case No. IPC-E-16-28.



## Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

C.L. Butch Otter, Governor

Paul Kjellander, Commissioner  
Kristina Ruper, Commissioner  
Eric Anderson, Commissioner

Case No. IPC-E-16-28

Contact: Matt Evans (208) 334-0339 or 520-4763

[www.puc.idaho.gov](http://www.puc.idaho.gov)

# PUC to hold technical hearing on Idaho Power's plans for new transmission line

**BOISE (Aug. 1, 2017)** - The Idaho Public Utilities Commission has scheduled a technical hearing regarding Idaho Power Company's proposal to construct a new transmission line in the Wood River Valley.

The hearing is set to begin Aug. 8 at 9:30 am in the Commission Hearing Room at 472 W. Washington St. in Boise. The hearing will continue Aug. 9 if necessary.

A technical hearing provides an opportunity for intervening parties to present testimony and cross-examine witnesses as the Commission considers Idaho Power's application for a Certificate of Public Convenience and Necessity (CPCN) to build a second high-voltage power line between Hailey and Ketchum. Idaho Code requires a public utility to obtain a CPCN before constructing certain facilities or infrastructure.

Public testimony was taken at a public hearing in Ketchum on July 26. Additional written comments may be submitted to the Commission until the record closes at the conclusion of the technical hearing.

The Wood River Valley is currently served by two substations fed by a single, 138-kilovolt transmission line that spans 12.4 miles to connect substations near Hailey and Ketchum.

Idaho Power contends that a second transmission line is necessary for several reasons, including increased reliability, quicker restoration of power when outages occur and the need to rebuild the existing transmission line without long-term disruption of service to approximately 9,000 customers in the area.

The existing line was built in 1962 on wooden poles, in steep and rugged terrain that can be difficult to access. Structure failure along the line could lead to an extended power outage, but a redundant line would eliminate that risk, Idaho Power said.

The need for a redundant transmission line for the area was identified in the mid-1970s. A previous CPCN issued by the Commission was canceled in 1995 at the company's request because of public opposition related to aesthetic impacts, perceived health and safety concerns, and difficulty in finding an agreed-upon route.

In its current CPCN application, Idaho Power listed four options for the route that range in cost from approximately \$30 million to \$45.9 million.



Each option calls for approximately 7.5 miles to run alongside state Highway 75 from the substation near Hailey north to the area near Owl Rock Road south of St. Luke's Wood River Medical Center.

From there, the options vary in either route or configuration – overhead or underground - for the section that runs into the Ketchum substation on Sun Valley Road.

The company's preferred route is estimated to cost \$30 million and calls for a transition from an overhead configuration to underground at Elkhorn Road, north of the medical center. Its cost is equivalent to all-overhead configuration and is significantly less than the all-underground option.

Intervening parties in the case include the company, commission staff, the city of Ketchum, CoxCom, Idaho Conservation League, Rock Rolling Properties, Sierra Club and two property owners.

Documents related to the case, including public comments and the company's application, can be found at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the electric icon, then on "Open Electric Cases," and scroll down to Case No. IPC-E-16-28.

To submit comments, go to the website and click on "Case Comment Form," under the "Electric" heading. Fill in the case number (IPC-E-16-28) and enter your comments. Comments can also be mailed to P.O. Box 83720, Boise, ID 83720-0074 or faxed to (208) 3343762.

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PUBLIC UTILITIES COMMISSION

Kelsey Jae Nunez, ISB No. 7899  
Kelsey Jae Nunez LLC  
920 N. Clover Dr.  
Boise, ID 83703  
208.391.2961  
[kelsey@kelseyjaenunez.com](mailto:kelsey@kelseyjaenunez.com)

*Attorney for Idaho Sierra Club*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IDAHO POWER  
COMPANY'S APPLICATION FOR  
CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY FOR  
WOOD RIVER VALLEY**

**CASE NO. IPC-E-16-28  
REQUEST FOR  
INTERVENOR FUNDING**

COMES NOW the Idaho Sierra Club ("Sierra Club"), pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161-165 with the following request for intervenor funding. Sierra Club is an intervenor in this case pursuant to Order No. 33683. This request is timely pursuant to the Commission's instruction at the technical hearing to submit such requests within 14 days by August 22, 2017.

**I. Applicability of Idaho Code § 61-617A and IDAPA Rule 31.01.01.161**

Idaho Power Company ("Idaho Power" or the "Company") is a regulated public utility that has gross Idaho intrastate annual revenues exceeding \$3,500,000.00.

**II. IDAPA Rule 31.01 .01.162 requirements**

**A. Itemized list of expenses**

The attached Exhibit A is an itemized list of expenses incurred by Sierra Club in this proceeding. Exhibit A indicates a subset of hours spent on investigating the Application and

direct testimonies of Idaho Power, Commission Staff, and other Intervenors; analyzing and conducting discovery; preparing and filing the direct and rebuttal testimony of Michael Heckler; reviewing the direct and rebuttal testimony of other parties; preparing for cross examination of witnesses; and participating in the public and technical hearings.

**B. Statement of proposed findings**

Sierra Club requests that the Commission find that: (i) the Company has not demonstrated that the proposed redundant transmission line is necessary or in the public interest; (ii) a more robust analysis of the alternatives is needed to determine the most cost-effective means of providing reliable and adequate service; and (iii) a technical advisory committee or similar body should be appointed to conduct such analysis. Idaho Sierra Club also asks the Commission to grant this request for intervenor funding.

**C. Statement showing costs**

Idaho Sierra Club requests \$14,850 in intervenor funding for attorney fees, as shown in Exhibit A. These fees were incurred reasonably and appropriately. This case covered complex and technical issues and required reviewing and responding to extensive filings of the Company, Commission Staff, and other active parties. To uncover and understand the facts, we reviewed multiple rounds of discovery requests and submitted our own discovery requests, the results of which were used by Sierra Club and other parties in prepared testimony and at the technical hearing. Counsel for Sierra Club was an active participant in all stages of the proceeding. For each of these efforts, we endeavored to be efficient and have chosen not to request reimbursement for all billable hours. Many hours were billed exploring creative options and strategies with fellow parties and other internal and external stakeholders, and only a portion of

those hours are included in this request. Other costs not included in this request include travel, printing, and more than one hundred hours collectively invested by Sierra Club staff, including that of Energy Committee Chair and Witness Michael Heckler. We request an hourly rate for legal counsel of \$150 per hour, which is a reasonable local rate and in line with the guidance provided in Order No. 32846. For all these reasons, our request for intervenor funding to pay the costs of the listed attorney fees is reasonable.

**D. Explanation of cost statement**

Sierra Club is a nonprofit organization supported through charitable donations from our members and foundations. In this proceeding, we represent our members and supporters who are Idaho Power ratepayers as well as those who have an interest in promoting distributed energy generation and resiliency throughout Idaho. To provide consistent, professional, and impactful advocacy for our members and supporters, Sierra Club dedicates significant staff time to energy issues. The cost of employing and training staff members and hiring outside legal counsel is a significant financial commitment for a charitable organization. Because charitable contributions are inherently unstable and sometimes insufficient, the availability of intervenor funding is essential for Sierra Club to participate in these proceedings. Sierra Club has no pecuniary interest in the outcome of this case; rather we dedicated our time and resources to represent the interests of our supporters who have a strong interest in robust distributed energy in Idaho.

**E. Statement of difference**

Sierra Club's proposed findings are materially different than the Commission Staff. Staff took the position that local generation and storage options considered by the Company exceed the cost of the proposed redundant line, which indicated that Staff believes the Company's

alternatives analysis was sufficient and need not be redone by a technical advisory committee or other similar body. Our direct and rebuttal testimony thoroughly explains our position on the insufficiency of the alternatives analysis and our disagreement with Staff's characterization of the costs and benefits associated with distributed energy resources. Our participation provides a detailed counterpoint to the Staff position in this case so that the Commission has a complete and robust record upon which to base its decision.

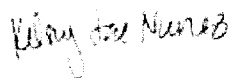
**F. Statement of recommendation**

Sierra Club's proposed findings address issues of concern for general ratepayers who will be subject to rate increases when Idaho Power seeks to recover the costs of the proposed redundant line, as well as local ratepayers who may be assessed additional charges for local undergrounding. Sierra Club asserts that all customers, regardless of class, share a strong interest in ensuring Idaho Power makes cost effective expenditures after a thorough and proper analysis of alternatives. Our participation in this case raises issues relating to the investment in redundant infrastructure for the sake of redundancy and the dismissal after only "high-level" and "conceptual" analysis of alternative technologies that can serve in providing cost-effective, reliable service at various locations within our state, including the North Wood River Valley.

**G. Statement showing class of customer**

Sierra Club's members and supporters are residential and small commercial customers of Idaho Power.

Respectfully submitted this 21st day of August, 2017.



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Kelsey Jae Nunez, Attorney for Idaho Sierra Club

**Exhibit A**  
**Cost Statement for Idaho Sierra Club**

**For attorney fees billed by Kelsey Jae Nunez LLC**

Analyzing Idaho Power's application and direct testimonies, conducting relevant legal research, and crafting response strategies	25 hours
Analyzing discovery requests and responses of other parties and drafting Sierra Club discovery	15 hours
Preparing and filing the direct testimony and rebuttal testimony of Michael Heckler	35 hours
Reviewing the direct and rebuttal testimony of other parties	6 hours
Preparing for and participating in the public hearing of July 26, <i>not including travel to and from Ketchum</i>	3 hours
Preparing for and participating in the technical hearing of August 8	15 hours
<b>Total</b>	<b>99 hours</b>
<b>@ \$150/hour</b>	<b>\$14,850</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of August, 2017, I caused to be served true and correct copies of the foregoing document upon:

**Original and 7 copies via hand delivery**

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*Kelsey Jae Nunez*

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Kelsey Jae Nunez  
*Attorney for Idaho Sierra Club*



**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-16-28  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT )  
SYSTEM IMPROVEMENTS FOR WOOD ) ORDER NO. 33872  
RIVER VALLEY CUSTOMERS )**

On November 8, 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to make system improvements and to secure adequate and reliable service to customers in the Wood River Valley. Specifically, the Company requested a CPCN to construct a new (second) 138 kilovolt (kV) transmission line and related facilities “to provide redundant service from the Wood River substation near Hailey into the Ketchum substation.” Application at 1-2. The Company asked that the CPCN permit the particular line route and facilities identified in testimony accompanying the Application. *Id.* at 2.

The Commission received testimony and comments from numerous intervenors and members of the public, both in writing and in technical and public hearings. We are grateful for the effort by parties and members of the public to provide a full and complete record for this proceeding. Having considered the record, we issue this Order granting Idaho Power the requested CPCN for a second 138 kV transmission line as requested in the Company’s Application. This Order does not constitute approval of costs incurred for ratemaking purposes.

**BACKGROUND**

The Commission issued a Notice of Application and granted Petitions to Intervene from Kiki Tidwell; Laura Midgley; the Sierra Club; Idaho Conservation League; the City of Ketchum; CoxCom, LLC; Rock Rolling Properties, LLC; and Rock Rolling Properties #2, LLC. Order Nos. 33657, 33675, 33683, 33711 and 33760. The Commission conducted a public hearing in Ketchum, Idaho on July 26, 2017, and a technical hearing in Boise, Idaho on August 8, 2017. In addition to the testimony filed by parties and taken at the technical and public hearings, the Commission received and the record includes over 30 written comments from members of the public, including local governments, other entities and associations, and individuals.

## IDAHO POWER'S APPLICATION AND SUPPORTING TESTIMONY

Idaho Power applied for a CPCN to construct a second transmission line from the Wood River substation near Hailey into the Ketchum substation, asserting the line is necessary to secure reliable and adequate service to its customers. Application at 1-2. In support of its Application and in response to other parties' positions, the Company presented testimony from four witnesses: Manager of Regulatory Projects in the Regulatory Affairs Department, Michael Youngblood; Planning Manager in the Customer Operations Engineering and Construction Department, David Angell; Customer Operations Project Manager in the Customer Operations Engineering and Construction Department, Ryan Adelman; and Vice President of Transmission and Distribution Engineering and Construction and Chief Safety Officer, Vern Porter.

### 1. Redundant Line needed to ensure Reliable Service

The Company asserted that the existing transmission line serves over 9,000 customers in the North Valley, including the resort communities of Ketchum and Sun Valley, and the Sun Valley ski resort. *Id.* at 4. According to the Company, although its sole existing radial transmission line has a good record of reliability it has experienced sustained outage line events, is aging, and requires reconstruction. *Id.* at 2, 16; Tr. at 432. The Company estimates the existing transmission line "will result in average sustained outages of more than 209 minutes per year." Application at 5; Tr. at 225. Outages can be caused by, "among other things, vandalism, inclement weather, wood decay, woodpecker damage, avalanche, fire, and micro-burst wind events." Application at 4; Tr. at 203. The risk of power outages and economic impacts therefrom is heightened when tourism activity, and thus electrical demand, are at their peak. Application at 4-5; Tr. at 201-03, 224. Peak demand swells in the North Valley at the height of tourist seasons in summer and winter, but especially winter. Tr. at 201.

The Company stated that, under reliability standards established by the North American Electric Reliability Corporation (NERC) and approved by the Federal Energy Regulatory Commission (FERC) in October 2013, the maximum non-consequential load loss for a single transmission line is 75 MW. *Id.* at 250-52. Because the simultaneous loss of two transmission lines "has a much lower probability than the loss of one transmission line, the NERC reliability standards allow for unlimited non-consequential load loss for the loss of two transmission lines." *Id.* at 252; *see also id.* at 255 (stating "NERC reliability standards embody the concept of redundant service and elimination of radial service as required reliability

improvements.”). Idaho Power states it typically initiates and constructs a second transmission source and transformer in an area when peak load for the area’s substations is projected to surpass 40 megawatts (MW), thus exceeding NERC’s reliability standard. Application at 4-5; Tr. at 223, 244-45. The winter 2007 peak load for the Ketchum and Elkhorn substations serving the North Valley was 63 MW. Application at 4.

## **2. History and Community Outreach**

Idaho Power obtained a Certificate (No. 272) to construct a second transmission line to the North Valley, and related facilities, in 1974. Application at 6; Order No. 11315. In 1995, the Company participated in public meetings about the proposed construction of a second transmission line, including an open house for which it sent invitations to more than 8,000 Idaho Power customers. Application at 6. There was considerable public opposition to the proposal, based on the route that the transmission line would take, aesthetic impacts, perceived health and safety issues, and the requirement that the incremental cost of placing the line (in part or all) underground be funded locally. *Id.* at 7. The Company concluded that the line was no longer needed nor feasible. Ex. 103 at 4, 7. At the Company’s request, the Commission cancelled Certificate No. 272, finding that “the present public convenience and necessity no longer require[d] construction of a second 138 kV transmission line to provide adequate, efficient, just and reasonable service to the Ketchum/Sun Valley area.” Order No. 26107.

In 2007, the Company initiated a Community Advisory Committee (CAC) to develop the Wood River Valley Electrical Plan, a comprehensive plan for future transmission facilities in the Wood River Valley, including the North Valley area. Application at 8-9. In 2011, the CAC recommended that Idaho Power construct the second 138 kV transmission line. *Id.* at 9. From 2012-2014, the CAC took additional input from the community, including the City of Ketchum and the Ketchum Energy Advisory Committee, and reaffirmed the need for a second energy path into the North Valley. *Id.*; Tr. at 205-14.

## **3. A Temporary Line in Lieu of a Redundant Line would be Inadequate**

The Company stated that the existing transmission line must be rebuilt, and that its reconstruction would be best facilitated by building a redundant line. Application at 16. According to the Company, the existing line cannot be rebuilt while energized, and reconstruction “would require as many as 40 eight-hour line outages . . . [as well as] a six to 12 week continuous outage.” *Id.* at 17; Tr. at 226-27. However, a temporary overhead line would

face insurmountable obstacles (siting, excessive costs, opposition to visual impacts). Tr. at 434-35. "Idaho Power views routing any overhead transmission line through the city of Ketchum, whether new or temporary, as not viable for many of the same reasons a permanent overhead transmission line is not a viable option." *Id.* at 434. Also, if a temporary rather than a redundant line were built, the Company would be able to salvage some, but not all of the materials. Application at 17. The Company thus asserted, not only would a temporary line (absent a redundant line) fail to secure reliable and adequate service, it would also involve wasted investment, preliminarily estimated at roughly \$4 million. *Id.*; Tr. at 359-60.

#### **4. Redundant Service Options**

Idaho Power stated it investigated four configurations that would provide the needed redundancy. Application at 17. Each configuration utilizes a "Common Route" that would extend overhead from the Wood River substation near Hailey, north along Highway 75 for about 7.5 miles, to the area near Owl Rock Road and south of the St. Luke's Medical Center. *Id.* at 18. From there, north to the Ketchum substation, they would differ. *Id.* Idaho Power characterized the four configurations using the following descriptions: (1) overhead transmission; (2) underground transmission; (3) overhead distribution; and (4) underground distribution. *Id.* at 18-23.

Overhead Transmission. Idaho Power asserted that "the Company's traditional practice to reduce the likelihood of sustained outages would be to construct multiple overhead transmission lines . . . or to implement distribution circuits with tie switches." Tr. at 112, 230. The Company determined the overhead transmission route was not viable due to siting obstacles such as geographical constraints (*id.* at 230) and local ordinances (*id.* at 230-31); excessive costs such as condemnation of private property (*id.* at 236, 417) and installation of engineered steel structures (*id.* at 361, 416); legal obstacles such as need to secure easements and likely litigation (*id.* at 445, 491); and strong community opposition to visual impacts (*id.* at 236). Application at 18-20; Tr. at 237. The Company asserted that, while theoretically possible from an engineering perspective, an overhead transmission line through downtown Ketchum would be infeasible from a practical perspective. Tr. at 444-48. The Company posited that there may be no cost at which it could obtain the rights-of-way required to construct an overhead transmission line through downtown Ketchum. *Id.*

Underground Transmission. Idaho Power stated that the CAC recommended this option. Application at 20. The Company asserted the underground transmission option “would support a build-out demand in the North Valley area of 120 MW” – twice the area’s approximate peak of 60 MW. *Id.*; Tr. at 381-82. The Company estimated this option would cost between \$30 million and \$35.7 million, depending on the location where the transmission line would be underground. Application at 20-21. The Company examined three potential points where the line would transition from overhead to underground transmission: Elkhorn Road, Hospital Drive, and Owl Rock Road. *Id.* at 20. The Company’s preferred transition point was Elkhorn Road (also referred to as transition point 1), the lowest-cost option at \$30 million. *Id.* at 21; Tr. at 387.

Although Idaho Power acknowledged it “currently does not have any underground transmission line anywhere on its system,” the Company noted that underground transmission is not a new technology, and is used by utilities elsewhere in the country. Tr. at 382.

Overhead Distribution. Idaho Power stated this option would include a new substation, five overhead distribution circuits, and acceleration of a 2018 planned Ketchum substation distribution circuit. Application at 21. The Company noted that the overhead distribution option would provide “only 60 MW of backup service for the existing customers.” *Id.* at 22; *see* Tr. at 382. The Company estimated the option would cost between \$29.1 and \$31.1 million, and described it as a “base case . . . consistent with the Company’s standard practice of providing redundant electrical service to an area.” Application at 22; *see* Tr. at 112.

Underground Distribution. The Company described this option as substantially similar to the overhead distribution option, but with greatly reduced visual impacts, and an estimated cost between \$43.4 and \$45.9 million. Application at 22-23. The Company determined that the underground distribution option’s cost was excessive and ruled it out as not viable. *Id.* at 23; Tr. at 384-85.

##### **5. Idaho Power’s Proposal: Underground Transmission**

The Company selected the underground transmission option with undergrounding at Elkhorn Road as the proposed configuration for its requested CPCN. Application at 23-24. The Company described the route as an “economic equivalent to the standard overhead distribution base option.” *Id.* at 21; Tr. at 389, 396. In the event that local governmental entities require undergrounding at a point other than Elkhorn Road to accommodate aesthetic preferences, the

Company asked “that the incremental cost difference between the overhead distribution and [such] underground transmission configurations be assessed to the cities of Ketchum and Sun Valley and to Blaine County.” Application at 24; Tr. at 319, 398. Idaho Power asserted it was not seeking any specific rate recovery in its Application, but would “do so in a proper rate recovery proceeding in the future.” Application at 23. As to alternative sources (such as diesel engine, gas turbines, and photovoltaic plus battery energy storage systems), Idaho Power asserted they would be less reliable, and the costs significantly higher, than the Company’s proposed line. *Id.* at 9; Tr. at 215-23.

#### **6. Rebuttal to Other Parties’ Concerns**

Sierra Club raised concerns about the proximity of the proposed and existing transmission lines. In response, Idaho Power clarified that the proposed and existing lines do not cross nor do they share common towers. Tr. at 256-57, 315-16; Exhibit 9. The Company asserted that “‘proximity’ is not prohibited nor addressed by NERC reliability standards beyond a common tower configuration.” Tr. at 257. According to the Company, although one would expect “two circuits on a single tower . . . to go out of service at some point in time,” two independent tower-built transmission lines, even if they are “right next to each other[,] . . . will not be subjected to the same outage.” *Id.* at 309. Also, reliability gains from adding a second line are not lost because the two lines originate in the (same) Wood River substation. *Id.* at 257. This is because the Wood River substation itself is “sourced by two redundant transmission sources of energy,” and because substations, by virtue of their construction, “have much less exposure to line events” and fail much less frequently than transmission lines. *Id.* at 257-58.

The Company emphasized that its proposal to build a redundant line is “to meet [the Company’s] reliability and service quality standards that are consistent with other utilities as well as national standards.” *Id.* at 253. According to the Company, no matter how reliable the existing line has been, a second transmission line is necessary to address the North Valley’s growth, difficult-to-access terrain, substantial seasonal resort economy, and “the risk of harm from potential long-term outage and the potential catastrophic effects of a long-term outage during extreme winter conditions when electric load peaks.” *Id.* at 253.

#### **7. Idaho Power’s Requested Relief**

The Company thus asked that the Commission grant its requested CPCN authorizing it to construct a redundant transmission line to ensure reliable and adequate service to the North

Valley. As requested, the line would extend overhead from the Wood River substation, then transition underground near Elkhorn Road, and continue underground to the Ketchum substation.

## STAFF AND INTERVENOR TESTIMONY

### A. Commission Staff

Commission Staff argued that the Company failed to demonstrate the need for a redundant line at this time, but if the Commission were to approve a redundant line, Staff recommended that the base case be the overhead transmission option rejected by the Company.

#### 1. Redundant Line not justified

Staff asserted the Company failed to show that the benefits of a second line justified the \$30 million cost of the Company's proposed route. *Id.* Staff examined the Company's rationale for cancelling its CPCN in 1995 for a project that included a second Wood River-Ketchum line. *Id.* Part of that rationale was an assessment that the risk of avalanches, fires, and other unplanned events were low, and that the Company's maintenance and emergency plans could quickly repair any damage caused by such events. *Id.* at 631. Staff testified that, in light of the risk assessment, the Company found a second redundant line was not needed. *Id.* Staff asserted the Company provided no evidence that its assessment of risks has changed, or that response time to repair damage has increased, since 1995. *Id.* at 652. Accordingly, Staff argued the Company did not show that a redundant line is needed nor that ratepayers should bear the cost. *Id.* at 631-32, 652. Although Staff agreed with the Company that the existing line is aging and needs to be replaced, Staff believed that could be accomplished with a temporary line at a lower cost, rather than with a \$30 million permanent redundant line. *Id.* at 632-35.

#### 2. The Base Case, if any, should be Overhead Transmission

If a second line were approved, Staff recommended that the base case should be overhead transmission (through downtown Ketchum) rather than the Company's proposals (overhead distribution, or underground transmission as its economic equivalent). *Id.* at 638, 640, 643. Staff acknowledged that the Company determined overhead transmission was not viable, but asserted that – per the Company's own analysis – there are options for the route that are technically feasible and may not require easements (such as the Davit Arm design described in Exhibit 110). *Id.* at 639-40. Staff indicated that the Company rejected these options because of local aesthetic concerns. *Id.* at 640. Staff noted that the Idaho Legislature enacted a funding

mechanism for communities that prefer undergrounding of utilities to pay for doing so via local improvement districts under *Idaho Code* § 50-2503. *Id.*

Staff testified it was difficult to see how the Company's base case, overhead distribution, would provide the North Valley any noticeable reliability improvement. *Id.* at 642. Staff asserted that with a capability of 60 MW, overhead distribution may not be capable of serving the North Valley's peak load (63 MW). *Id.* at 641. Further, overhead distribution would not decrease the frequency of outage events, but might decrease their duration. *Id.* Finally, overhead distribution would rely upon remotely-controlled automated distribution ties, which Staff testified may not be a standard practice for the Company. *Id.* at 641-42. Considering that overhead distribution was estimated to cost \$30 million, and that the existing line could be rebuilt using a temporary line at a much lower cost, Staff asserted the overhead distribution option appeared to be an "inadequate, non-standard alternative used to justify the high cost of [the Company's] preferred alternative." *Id.*

As to the underground transmission option (with undergrounding at Elkhorn Road), Staff argued that the Company's analysis did not fully address the costs and logistics of underground transmission. *Id.* at 643-45. Staff stated it was \$11.5 million more expensive than the "far more standard practice of using Overhead Transmission." *Id.* at 643. Further, Staff observed that the Company has no experience repairing underground transmission lines (the Company said it would use qualified contractors, but does not currently have a list of such contractors). *Id.* Finally, Staff noted that the Company estimated the cost of annual operations and maintenance for the underground transmission option to be twice that of the overhead transmission option. *Id.* at 644.

As to local generation and distribution options, Staff agreed with the Company's analysis which concluded that the costs of each of these options exceeded the costs of the proposed redundant line. *Id.* at 645.

In sum, Staff testified that the Company did not demonstrate that a redundant line would provide a significant reliability benefit to justify its cost. *Id.* at 646-47. Staff concluded that the existing line should be rebuilt using a temporary line to provide power to the North Valley during the reconstruction. *Id.* Staff recommended that overhead transmission be considered the base case if the Commission approved a redundant line, and that any additional costs of undergrounding be funded locally. *Id.* at 647.



### ***B. Sierra Club***

Sierra Club testified that while the existing line is aging and needs to be rebuilt, the Company has “failed to show that building an additional transmission line is the most cost-effective solution available.” Tr. at 516. According to Sierra Club, the Company’s proposal “does not contain enough relevant information about alternative solutions to reliability problems in this relatively remote and mountainous portion of the company’s service territory” and as such, an “informed decision on how to best ensure reliable and adequate service” cannot be made. *Id.* at 518.

Sierra Club expressed concern that the proposed redundant line may not achieve the reliability goal, particularly because the existing and proposed new lines would run near each other at certain points and would source out of the same substation, which would continue to be a single point of failure. *Id.* at 524-26. Further, Sierra Club argued that the existing line has had excellent reliability, and that rebuilding that line, particularly with steel poles, would allow that excellent reliability to continue. *Id.* at 531. Given the existing line’s excellent reliability, Sierra Club asserted that a redundant line would do little to improve reliability and would not justify its costs. *Id.* at 534. Finally, Sierra Club argued that a redundant line is not needed to serve load growth, and even if additional capacity were needed, over and above what the existing line provides, the existing line could be rebuilt with larger conductor. *Id.* at 534-41.

Sierra Club also asserted the Company’s analysis of alternative resources (including distributed generation and batteries) was deficient and that it was undertaken with a predetermined outcome—its preferred alternative. *Id.* at 541-43. According to Sierra Club, the Company used its redundant line proposal as the baseline against which alternatives were compared, rather than comparing alternatives against a need for reliable service. *Id.* at 542-45. Sierra Club also argued the Company’s analysis overestimated costs and failed to evaluate all benefits, among other deficiencies. *Id.*

Sierra Club disagreed with Staff’s opinion that the Company’s distributed generation analysis was sufficient, and suggested the analysis failed to explore the “reasonable cost for general ratepayers to ensure reliable service to the [North Wood River Valley].” *Id.* at 567-68. To remedy these deficiencies and supplement the record, Sierra Club recommended that a technical advisory council or other mechanism be established to collect the necessary data or complete additional studies. *Id.* at 553-54, 588.

### *C. CoxCom, LLC*

CoxCom (Cox) testified that it provides advanced digital video, Internet, telephone and home and business security and automation services in Blaine County, and its subscribers include residential, business and government entities, schools, hospitals, and health care providers. Tr. at 497. Cox explained that it is a significant customer of Idaho Power, which powers Cox's entire network and facilities. *Id.* at 503. Cox stated it has a pole attachment agreement with the Company under which Cox attaches its equipment to the Company's poles along Highway 75 and the route of the proposed redundant line, in exchange for compensation. *Id.* at 503-4. If the Application is granted, Cox asked that the Commission ensure that the physical facilities authorized can continue to accommodate attachment of Cox's equipment. *Id.* at 507-9.

### *D. City of Ketchum*

The City of Ketchum advocated for a "true consideration of alternatives" and questioned whether the Company has "truly evaluated and considered alternatives and feasibility costs that can achieve goals of resiliency and redundancy without simply reverting to building more lines." Tr. at 599-600. The City provided a proposal (as part of public comments in this docket) for an independent analysis of "[b]etter grid integration, accommodation for growing local generation trends, and . . . storage." *Id.* at 599-602.

The City stated it shares the Company's reliability goals, but believes the Company has overlooked the benefits of rebuilding the existing line with a temporary line and considering other alternatives. *Id.* at 603. The City agreed with Sierra Club's suggestion for the establishment of a technical review committee, and it and its Ketchum Energy Advisory Committee would be interested in participating in such a committee. *Id.* at 605.

The City argued it is premature to consider assigning costs of undergrounding a redundant line to certain communities. *Id.* The City indicated that undergrounding may be appropriate for reasons other than aesthetics—for example, for healthy, safety, and economic reasons. *Id.* at 605-6. While the City "accepts that some level of local responsibility for incremental costs to address purely local concerns may be necessary," first there should be "better analysis of such cost alternatives and actual needed construction." *Id.* at 609. At the technical hearing, the City's witness Mayor Nina Jonas testified that if local funding were

required, a franchise fee or payments based on use, rather than property values, might be more palatable to North Valley constituents. *Id.* at 611.

In response to Cox's testimony, the City indicated that "[h]eighting of poles should be restricted to a minimum to preserve the character of these communities" and that "issues pertaining to co-location should be of lower priority until the multitude of technical review concerns are addressed." *Id.* at 607. The City asserted that the high-priority issues in this case should be resiliency and the source of power. *Id.* at 594. When outages have occurred or have been at risk of occurring, the outage sources have been south of the Wood River substation, so a redundant line as proposed in this case would not resolve the true reliability issue. *Id.* at 613. The City conveyed its citizens' desire for resiliency and the ability to tap into an available source of energy when the primary source is unavailable. *Id.* at 615. The City acknowledged that there are unanswered questions about siting alternative generation sources, but nonetheless asked for further discussion about options and reliability as an alternative to a redundant transmission line. *Id.* at 617-18.

In sum, the City "supports more sophisticated analysis of technological advancement and a reluctance to rush into overbuilding traditional infrastructure just because that is the way it has been done before." *Id.* at 608.

#### ***E. Public Testimony and Comments***

The Commission held a public hearing in Ketchum, Idaho on July 26, 2017, to take testimony from members of the public. Twenty-seven members of the public testified at the hearing. In addition, the public had the opportunity to submit written comments for the record at any point during this case. We received written comments over the course of the case from more than 30 individuals or organizations (some of whom also provided testimony at the public hearing).

Testimony or comments from 12 individuals or organizations expressed support for the proposed redundant line. These individuals and organizations, including the City of Sun Valley, the St. Luke's Wood River Medical Center, the Sun Valley Resort, homeowners' groups, and an association of emergency responders, agreed that a redundant line is needed to support public safety and welfare and to mitigate the economic and other risks of an outage of the existing line. For example, testimony described that the St. Luke's Wood River Medical Center currently does not have enough backup generation available, in the event of an outage of the

existing line, to power certain diagnostic machines. Tr. at 29. The redundant line would increase the likelihood that the Medical Center could continue to provide all its services even if the existing line suffered an outage. *Id.* Other comments and testimony described other health and safety and economic risks from a sustained outage of the existing line in winter, including concerns about the impact of an outage on emergency responders and concerns about frozen pipes and property damage and other economic impacts. Some of the commenters in support of the line also supported further exploration of distribution generation and alternative energy sources in addition to construction of a redundant line.

Testimony or comments from a few individuals or organizations did not explicitly support or oppose the proposed redundant line, but instead asked questions or requested more analysis. One acknowledged the complexity of the issues in this case and expressed sympathy for and understanding of opinions on all sides.

Testimony or comments from 19 individuals and organizations, including the City of Ketchum, opposed the proposed line or questioned the need for it. Many of these individuals and organizations expressed that a redundant line is not needed, due to the excellent reliability of the existing line and the ability to reconstruct it using a temporary line, or that a redundant line would not solve outages that occur south of the Wood River substation. Many called for additional analysis of other options, including both rebuilding the existing line using a temporary line and alternative energy options. Many expressed a desire for additional resiliency in the Wood River Valley in the form of micro-grids and local generation such as rooftop solar and energy storage. Commenters also expressed concern about the cost of the proposed redundant line and its aesthetic (impact on the view shed along Highway 75), economic (including negative impact on property values and tourism), and health and safety impacts. Some commenters also objected to the Company's proposal to underground just a portion of the proposed line at all ratepayers' expense, and suggested that the entire line should be underground.

#### **COMMISSION FINDINGS AND DECISION**

The Commission has jurisdiction in this case under its express statutory authority to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential discriminatory, or in any way in violation of any provision of law, and may fix the same by Order. *Idaho Code* §§ 61-502 and 61-503. By law, public utilities shall "furnish, provide and maintain such service,

instrumentalities, equipment and facilities as shall promote the health, safety, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.” *Id.* § 61-302. The Commission has authority to order a utility to build new structures or upgrade and improve existing plant and structures to secure adequate services or facilities. *Id.* § 61-508.

Before constructing “a line, plant, or system,” a public utility providing electrical service must obtain a CPCN from the Commission (establishing that the “public convenience and necessity” requires it). However, a CPCN is not required to extend lines, plant or system in an area already served by the utility. *Id.* § 61-526. Under *Idaho Code* § 61-526, whether the “public convenience and necessity does not require or will require” the construction or extension of lines, plant or system, the Commission “may, after hearing, make such order and prescribe such terms and conditions for the locating or type of the line, plant or system affected” as the Commission finds just and reasonable. *Id.* § 61-526.

The Commission appreciates the considerable time and expense that parties and participants, including local governments, organizations, and citizens, dedicated to providing testimony and comments. The submissions were very well informed and thoughtful and have greatly aided our understanding of the issues in this case. Likewise, we appreciate the Company’s efforts to involve the communities in its decision-making processes and to keep the communities informed through the CAC processes. We believe those processes were successful, as demonstrated by the high-level of public involvement in this case. We encourage all interested parties to continue to work together on these issues, as there may still be opportunities to find areas of common interest and common ground, notwithstanding the outcome of this proceeding.

At its root, this case presents the question of what facilities are required in the North Wood River Valley for Idaho Power Company to meet its obligation to provide service that promotes the “health, safety and convenience” of the public and that is “adequate, efficient, just and reasonable.” *See id.* § 61-302. Having reviewed the record, we find that the Company has demonstrated the need for a redundant line from the Wood River substation to the Ketchum substation. The redundant line is justified by the Company’s own planning standard (Tr. at 244-248), supports national reliability standards (*id.* at 250-52, 308-10), and will increase resiliency in the North Valley. The existing line has had minimal reliability concerns, and we commend

the Company for its efforts in maintaining the line. However, we must take into consideration whether the proposed redundant line provides resiliency after a major outage that could avoid catastrophic consequences.

The Company provided evidence that a major outage could take days or weeks to repair, particularly given the line's mountainous terrain and access limitations. *Id.* at 201-03, 253, 426. An outage of days or weeks could have devastating impacts, particularly if it occurred in the middle of winter. The hospital may be unable to provide full services, emergency responders may be hampered in their ability to do their jobs, and the public may be without power to heat their homes. *See, e.g., id.* at 426. We believe this possibility poses an unacceptable risk to public health and safety.

A redundant line would meaningfully reduce the likelihood that the communities would lose power if the existing line experienced an outage. The Company provided evidence that, although an event such as an avalanche or wind or ice storm might take out one transmission line, it is extremely unlikely to impact a second transmission line configured on separate towers, as the redundant line is proposed by the Company. *Id.* at 309, 326-30. Moreover, in the event both lines are impacted by an outage, a redundant line provides resiliency that would enable Idaho Power to restore power faster. We find that a second transmission line would enhance the reliability and resiliency of Company's service to the North Valley.

We recognize that the redundant line does not eliminate the risk of outages to North Valley customers. However, the Company has undertaken improvements to its system south of the Wood River substation to reduce the risk of outages there. *Id.* at 429-30.

Nearly all the parties and participants agreed that the existing line needs to be rebuilt. Idaho Power explained that the redundant line would allow the existing line to be rebuilt without interruption to customers. Application at 16. Other parties and participants argued that the existing line could be rebuilt using a temporary line to avoid interruption to customers. Tr. at 531, 603, 632-35. Regardless, rebuilding the existing line using a temporary line instead of a second permanent line does not create redundancy and thus does not improve resiliency to the North Valley in a permanent way going forward.

Many parties and participants called for additional analysis of alternative solutions, such as distributed local generation and energy storage systems. We do not believe these options are effective stand-alone alternatives to a redundant line today. For example, parties and

participants suggested these options could be used (and need only be used) to meet just a portion of the North Valley's load. That is, there would be some process to determine which loads get served in an outage, and which do not. We do not believe an option that only meets a small part of the load is an effective solution for providing adequate and reliable service, when the redundant line option would be capable of serving all of the load. That being said, we agree that these options should continue to be explored, particularly as the North Valley's load increases and as the alternatives become more cost-effective.

Given the record before us, we find that redundancy is needed to provide adequate and reliable service to the North Valley and promote public health, safety and convenience, and thus grant the Company's requested CPCN authorizing construction of a second transmission line. Further, we approve the Company's requested route of overhead transmission from the Wood River substation to the transition point near Elkhorn Road, then underground transmission to the Ketchum substation.

Parties and participants questioned the need for that route and its cost. In response, the Company further explained why an overhead transmission configuration along the whole route is not feasible, including geographical and other constraints. Tr. at 230-31, 236, 361, 416-17, 445-51. As an example, siting an overhead transmission line through the downtown Ketchum area could require placing large steel poles in the sidewalks or the edge of the road (*id.* at 237, 417), which could impair drivers' and pedestrians' sight lines in intersections and would be a detriment to public safety. In addition, the Company might need to obtain a significant number of easements or condemnations, which could be extremely costly. *Id.* at 236, 417, 445, 491. We find that the Company has demonstrated that the overhead transmission option through downtown Ketchum is not feasible, and that the preferred route is overhead transmission to the Elkhorn Road transition point, then underground transmission to the Ketchum substation. That is the route for which we grant the CPCN.

As to Cox's request to continue to attach equipment to Idaho Power's poles, we understand that Idaho Power's proposed design for the overhead portion of the line will allow for attachment of Cox's equipment while keeping pole heights to a minimum. We appreciate the willingness of Cox and Idaho Power to work together to find a solution.

In summary, having considered the record before us, we issue this Order granting Idaho Power the requested CPCN for a second 138 kV transmission line as requested in the

Company's Application. This Order does not constitute approval of any cost of the line for ratemaking purposes. The Company will be required to apply to the Commission for inclusion of the costs of the line in its rates at a later date.

### INTERVENOR FUNDING

Intervenor funding is available under *Idaho Code* § 61-617A and Commission Rules 161 through 165. Section 61-617A(1) declares it is "the policy of [Idaho] to encourage participation at all stages of all proceedings before this commission so that all affected customers receive full and fair representation in those proceedings." *Idaho Code* § 61-617A(2). The statute authorizes the Commission to order any regulated utility with intrastate annual revenues exceeding \$3.5 million to pay all or a portion of the costs of one or more parties. Intervenor funding costs include legal fees, witness fees, transportation and other expenses, so long as the total funding for all intervening parties does not exceed \$40,000 in any proceeding. *Idaho Code* § 61-617A(2).

The Commission must consider the following factors when deciding whether to award intervenor funding:

- (1) That the participation of the intervenor has materially contributed to the Commission's decision;
- (2) That the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor;
- (3) The recommendation made by the intervenor differs materially from the testimony and exhibits of the Commission Staff; and
- (4) The testimony and participation of the intervenor addressed issues of concern to the general body of customers.

*Idaho Code* § 61-617A(2). An intervenor's petition must contain: an itemized list of expenses broken down into categories; a statement explaining why the costs constitute a significant financial hardship; and a statement showing the class of customer on whose behalf the intervenor participated. IDAPA 31.01.01.162. Expenses awarded shall be chargeable to the class of customers represented by the qualifying intervenors. *Idaho Code* § 61-617A(3).

#### **A. Sierra Club's Request**

Sierra Club filed the sole Petition for Intervenor Funding in this case, requesting \$14,850 for attorney fees. Sierra Club submitted, and it is undisputed, that Idaho Power is a



regulated public utility with gross intrastate annual revenues exceeding \$3.5 million. Petition at 1. Sierra Club stated its “members and supporters are residential and small commercial customers of Idaho Power.” *Id.* at 4. Sierra Club asserted its position and requested relief were materially different from and disagreed with those of Commission Staff with respect to local generation and storage options. *Id.* at 3. Also, Sierra Club stated it pursued “issues of concern for general ratepayers who will be subject to rate increases when Idaho Power seeks to recover the costs of the proposed redundant line, as well as local ratepayers who may be assessed additional charges for local undergrounding.” *Id.* at 4.

Sierra Club asserted it is a non-profit organization supported through charitable donations that are “inherently unstable and sometimes insufficient,” such that intervenor funding is essential for Sierra club to participate in these proceedings.” *Id.* at 3. With its request, Sierra Club provided an itemized list of legal expenses (hours billed by legal counsel at an hourly rate of \$150). Exhibit A to Petition.

#### ***B. Commission Findings and Decision***

The Commission finds that Sierra Club’s request for intervenor funding satisfies the statutory requirements. Sierra Club participated in the case and materially contributed to our analysis and decision. We find that Sierra Club’s position regarding local generation and storage options contrasted with that of Staff, thus helping to create a record with broader perspectives of the issues before us. Also, Sierra Club supported the establishment of a technical advisory committee to complete additional studies of local generation and storage options. We find that lack of intervenor funding would be a significant financial hardship to Sierra Club, as it is a nonprofit organization dependent upon such funding for its ability to participate and represent its members, who include customers of Idaho Power. Finally, we find that the hourly attorney fee rate of \$150 and the itemized hours for which Sierra Club requests funding, and to which no one objected, are fair, just and reasonable. Accordingly, we grant Sierra Club’s Petition for Intervenor Funding in the requested amount of \$14,850. Because Sierra Club states that its members are residential and small commercial customers of Idaho Power, we find that this amount shall be chargeable to the Company’s residential and small commercial customers.

**ORDER**

IT IS HEREBY ORDERED that the Application of the Idaho Power Company in Case No. IPC-E-16-28 is granted. The Commission issues the Company a CPCN for a second 138 kV transmission line as requested in the Application.

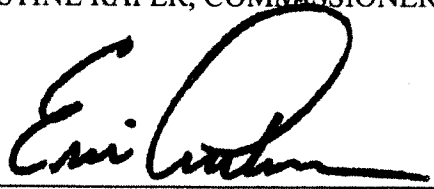
IT IS FURTHER ORDERED that Sierra Club's Petition for Intervenor Funding is granted as requested in the amount of \$14,850. This amount will be chargeable to the Company's residential and small commercial customers.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See Idaho Code § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 15<sup>th</sup> day of September 2017.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Diane M. Hanian  
Commission Secretary

O:IPC-E-16-28\_djh4\_Final

ORDER NO. 33872

18

160



## Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

C.L. Butch Otter, Governor

Paul Kjellander, Commissioner  
Kristine Raper, Commissioner  
Eric Anderson, Commissioner

Case No: IPC-E-16-28, Order No. 33872 Final Order

Contact: Matt Evans

(208) 334-0339 or (208) 520-4763

[www.puc.idaho.gov](http://www.puc.idaho.gov)

# PUC approves IPC CPCN for redundant transmission line in Wood River Valley

**BOISE (Sept. 15, 2017)** – State regulators have approved Idaho Power’s application for a Certificate of Public Convenience and Necessity to construct a new transmission line to serve the Wood River Valley.

In granting the request, the Idaho Public Utilities Commission said Idaho Power demonstrated that a redundant line is necessary to mitigate the risk to public health and safety of the valley’s 9,000 residents.

The Wood River Valley is currently served by two substations fed by a single transmission line that links substations near Hailey and Ketchum.

The existing line was built in 1962 on wooden poles in mountainous terrain that can be difficult to access. It needs to be rebuilt, Idaho Power said, and a redundant line would allow the line to be rebuilt without planned power outages.

In its CPCN application, Idaho Power said structure failure along the line could lead to an extended power outage of days or weeks. A redundant line would eliminate that risk, the company said.

In weighing the evidence, the Commission was persuaded that a major outage could last days or weeks due to access limitations along the current line that would hamper repair efforts.

“We believe this possibility poses an unacceptable risk to public health and safety,” the Commission said.

The need for a redundant transmission line in the valley was identified in the mid-1970s. A previous CPCN issued by the Commission was canceled in 1995 at the company’s request. The Commission based its ruling on a showing that the line was no longer needed.

Opposition to Idaho Power’s plan focused on a number of issues, including the aesthetic impact of the new infrastructure, while questioning whether the new line would significantly improve the reliability of service.

Critics also contended that Idaho Power should explore adding distributed local generation resources, such as solar arrays or energy storage systems, to meet a portion of the load in the valley in the event of an outage, rather than building a redundant transmission line.

In its order, the Commission said it appreciated the "very well informed and thoughtful" comments and testimony provided by local residents, organizations and governmental entities.

However, the Commission said, distributed local generation resources and energy storage systems are not an effective stand-alone alternative unless they can provide adequate and reliable service to the entire valley.

Options such as distributed generation should continue to be explored as the technology evolves and costs decrease, the Commission said, adding that it encouraged interested parties to continue their collaboration on the issues surrounding the case.

"There may still be opportunities to find areas of common interest and common ground," the Commission said.

Granting the CPCN is not a mandate to build the new line. In fact, the Commission's 18-page order notes that while Idaho Code requires a public utility to obtain a CPCN before constructing certain facilities or infrastructure, a CPCN is not required to extend lines, plant or system in an area already served by a utility.

The order also does not constitute approval of the cost of the project for ratemaking purposes. Idaho Power is required to apply to the Commission in order to recover expenses associated with the project from its customers.

The project is expected to cost \$30 million, with the company's proposed route calling for a transition from overhead lines to underground lines for a portion of the route leading into Ketchum.

Underground configurations are typically more expensive than overhead configurations, but the Commission found that Idaho Power demonstrated that an overhead configuration through downtown Ketchum was not feasible.

Additionally, the Commission found, the company's proposed route, on separate towers and at a distance from the current line, would reduce the risk of an avalanche or weather event damaging both lines.

"In the event both lines are impacted by an outage, a redundant line provides resiliency that would enable Idaho Power to restore power faster," the Commission said, adding that a redundant line is "justified" by the company's planning standard and supported by national reliability standards.

Ultimately, the Commission said, its responsibility in the case was to determine what facilities are required to ensure Idaho Power is able to meet its obligation to provide service that promotes the "health, safety and convenience" of the public and that is "adequate, efficient, just and reasonable."

"Having reviewed the record, we find that the Company has demonstrated the need for a redundant line from the Wood River substation to the Ketchum substation," the Commission said.

Intervening parties in the case included the company, commission staff, the city of Ketchum, CoxCom, Rock Rolling Properties, Sierra Club and two property owners.

Interested parties may petition the Commission for reconsideration of the order by no later than Oct. 6.

Reconsideration petitions must set forth specifically why the petitioner contends that the order is unreasonable, unlawful or erroneous. Petitions should include a statement of the nature and quantity of evidence the petitioner will offer if reconsideration is granted. Petitions can be delivered to the Commission at 472 W. Washington St. in Boise, mailed to PO Box 83720, Boise, ID, 83720-0074, or faxed to (208) 334-3762.

The Commission's order and other documents related to the case can be found at [www.puc.idaho.gov](http://www.puc.idaho.gov). Under the "Electric" heading, click on "Open Electric Cases," and scroll down to Case No. IPC-E-16-28.

Kiki Leslie A. Tidwell  
300 Let Er Buck Rd.  
Hailey, ID 83333

September 16, 2017

Idaho Public Utilities Commission

RE: Intervenor Funding Request

Dear Commissioners Raper, Kjellander, and Anderson,

I was not aware of the possibility of Intervenor funding under Idaho Code 61-617A; my attorney never presented me this information. I intervened in Case No. IPC-E-16-28 as a homeowner at 300 Let 'Er Buck Rd, impacted directly by the path of the proposed transmission line on Buttercup Rd adjacent to my property and crossing our subdivision's private road. This transmission line will significantly negatively impact my property value if built. An Elkhorn homeowner, Peggy Tierney, testified to Idaho Power in a community workshop meeting that she cannot sell her home because her Realtor has advised her that there is no market for her property as it is located under existing transmission lines.

Furthermore, I believe the routing of the proposed transmission line is designed to impact me personally. I undertook a shareholder initiative with Idaho Power in 2008-2009 by hiring As You Sow and was successful. Idaho Power's documents provided in discovery detail how irritating that the company finds me. The Wood River substation is located on Highway 75 and it would seem logical to route the proposed line from there directly up Highway 75 rather than have it routed up to Buttercup, within yards of the existing transmission line, and requiring a re-wiring of the existing line. I believe this convoluted routing is designed to impact me and my property value.

Therefore, I became an Intervenor in this case. I am a homeowner facing a decimation of my property value. I hired legal counsel and paid for many hours of discovery that many other intervenors used as information basis for their testimony. My attorney also spent many hours cross-examining Idaho Power employees on their testimony and provided valuable information to the Idaho PUC in the process.

In reading Idaho Code 61-617A, I see the wording, "The determination of the commission with regard to the payment of these expenses shall be based on the following considerations:

(a) A finding that the participation of the intervenor has materially contributed to the decision rendered by the commission; and

(b) A finding that the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor; and

(c) The recommendation made by the intervenor differed materially from the **testimony** and exhibits of the commission staff; and

(d) The testimony and participation of the intervenor addressed issues of concern to the general body of users or consumers.

It does not state that all of these requirements be met, but that consideration would be given to each and I believe that my intervention meets all. For the considerations (a) and (d) my Intervenor discovery and cross-examination work was material in helping the Idaho PUC fully understand the case. For (b), I paid my attorney \$18,538.47 and I believe that it was a reasonable cost at reasonable rate. It is comparable to the Sierra Club's legal fees submitted and probably kept their fees down considerably. I believe that for any homeowner to have to hire legal representation to defend their property valuation from a transmission line impact is a financial hardship. I have been peacefully living in my home for 17 years and did not ask for this intensive intrusion on my time and finances. For (c), the discovery requests and questions that my attorney asked Idaho Power representatives during testimony were materially different from the testimony and exhibits of the commission staff.

I apologize that this request is being submitted late due the lack of communication to me that this compensation was available to me as an Intervenor. I submit the request for compensation of \$18,538.47 as a property-owning Intervenor in Case No. IPC-E-16-28.

Sincerely,



Kiki Leslie A. Tidwell

KT/encs.

**RICHARDSON ADAMS, PLLC**

515 North 27th Street  
P.O. Box 7218  
Boise, ID 83707

**Invoice**

Invoice #: 7560  
Invoice Date: 12/15/2016

**Bill To:**

Kiki Tidwell  
300 Let'er Buck Road  
Hailey, ID 83333

**Matter**

1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
11/9/2016	PR05	Draft initial comments on IPCO transmission line and forward the same to Mrs. Tidwell for review;	250.00	2.9	725.00
11/9/2016	PR05	Telephone with Mrs. Tidwell regarding tomorrow's P & Z hearing;	250.00	0.4	100.00
11/10/2016	PR05	Finalize comments, attend and present comments to the Blaine County Planning and Zoning Commission;	250.00	4.2	1,050.00
11/11/2016	PR05	Draft letter to editor for local newspapers and separate letter for statewide newspapers; prepare summary of last night's planning and zoning hearing;	250.00	2.1	525.00
11/29/2016	PR05	Begin preparations for Thursday's hearing at Blaine County P & Z;	250.00	1.1	275.00

**Total** \$2,675.00

**Payments/Credits** \$0.00

**Balance Due** \$2,675.00



**RICHARDSON ADAMS, PLLC**  
515 North 27th Street  
P.O. Box 7218  
Boise, ID 83707

# Invoice

Invoice #: 7587  
Invoice Date: 1/16/2017

**Bill To:**  
Kiki Tidwell  
300 Let'er Buck Road  
Hailey, ID 83333

**Matter**  
1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
12/1/2016	PR05	Attend and participate in Planning & Zoning hearing at Blaine County;	250.00	2.5	625.00
12/2/2016	PR05	Draft Petition to Intervene incorporating Ms. Tidwell's recommended changes and forward the same to Ms. Tidwell for review;	250.00	1.2	300.00
12/5/2016	PR05	Edit, pursuant to Ms. Tidwell's comments, and file Petition to Intervene at PUC;	250.00	1.3	325.00
12/7/2016	PR05	Confirm with Ms. Cooley of Blaine County that the hearing scheduled for the 15th will be moved to a later date;	250.00	0.5	125.00
12/20/2016	PR05	Draft Petition to Intervene before IPUC for Ms. Midgley at Ms. Tidwell's direction;	250.00	1.2	300.00

**Total** \$1,675.00  
**Payments/Credits** \$0.00  
**Balance Due** \$1,675.00

**RICHARDSON ADAMS, PLLC**  
515 North 27th Street  
P.O. Box 7218  
Boise, ID 83707

# Invoice

Invoice #: 7643  
Invoice Date: 3/15/2017

**Bill To:**  
Kiki Tidwell  
300 Let'er Buck Road  
Hailey, ID 83333

**Matter**  
1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
2/9/2017	PR05	Work with PUC staff on accessing old files on Idaho Power's withdrawal of its original certificate of public conveniences and necessity; research the same at the Idaho State Archives building; finalize draft production request to Idaho Power and provide to Ms. Tidwell for review;	250.00	3.3	825.00
2/10/2017	PR05	Finalize and file first production request to Idaho Power on the Wood River Redundant Transmission line;	250.00	0.9	225.00
2/17/2017	PR05	Attend meeting at the Sierra Club offices with the other intervenors in the Wood River Valley Transmission case to discuss strategy and discovery request options;	250.00	2.1	525.00

**Total** \$1,575.00

**Payments/Credits** \$0.00

**Balance Due** \$1,575.00

**RICHARDSON ADAMS, PLLC**  
 515 North 27th Street  
 P.O. Box 7218  
 Boise, ID 83707

# Invoice

Invoice #: 7715  
 Invoice Date: 5/15/2017

**Bill To:**  
 Kiki Tidwell  
 300 Let'er Buck Road  
 Hailey, ID 83333

**Matter**  
 1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
4/4/2017	PR05	Telephone call with Mr. Walker regarding supplemental responses to Ms. Tidwell's discovery requests; review ICL's petition to intervene and first set of discovery on Idaho power;	250.00	0.9	225.00
4/6/2017	PR05	Review Sierra Club's first production request to Idaho Power; review IPUC staff's third production request to Idaho Power;	250.00	1.1	275.00
4/10/2017	PR05	Prepare and serve request for privilege log on Idaho Power; telephone call with Mr. Walker at Idaho Power regarding the same;	250.00	1.2	300.00
4/11/2017	PR05	Prepare and file Third Request for Production of Documents; telephone call with Ms. Tidwell regarding the same;	250.00	1.9	475.00
4/13/2017	PR05	Telephone call with Mr. Williams, attorney for Intermountain Gas, regarding availability of natural gas service in the Wood River Valley to displace electric usage.	250.00	0.5	125.00
4/26/2017	GMA	Draft Joint Appearance before Blaine County Board of Commissioners (1 hr total, split with Rock Rolling Properties);	200.00	0.5	100.00
4/27/2017	PR05	Work with Mr. Heckler on draft testimony issues for the Wood River Valley Transmission project, specifically draft section dealing with the integrity of the Customer Advisory Group composition and mission.	250.00	1.9	475.00

<b>Total</b>	<b>\$1,975.00</b>
<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$1,975.00</b>

RICHARDSON ADAMS, PLLC

515 North 27th Street

P.O. Box 7218

Boise, ID 83707

# Statement

Date
5/15/2017

To:
Kiki Tidwell 300 Let'er Buck Road Hailey, ID 83333

		Amount Due	Amount Enc.
		\$3,275.00	
Date	Transaction	Amount	Balance
04/01/2017	Balance forward		0.00
04/13/2017	1 Hailey-Ketchum Redundant Trans Line- INV #7676.	1,300.00	1,300.00
05/15/2017	INV #7715.	1,975.00	3,275.00
<b>CURRENT</b>			
1,975.00			
<b>1-30 DAYS PAST DUE</b>			
0.00			
<b>31-60 DAYS PAST DUE</b>			
1,300.00			
<b>61-90 DAYS PAST DUE</b>			
0.00			
<b>OVER 90 DAYS PAST DUE</b>			
0.00			
			<b>Amount Due</b>
			\$3,275.00

**RICHARDSON ADAMS, PLLC**  
515 North 27th Street  
P.O. Box 7218  
Boise, ID 83707

# Invoice

Invoice #: 7742  
Invoice Date: 6/15/2017

**Bill To:**  
Kiki Tidwell  
300 Let'er Buck Road  
Hailey, ID 83333

**Matter**  
1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
5/5/2017	PR05	Review staff's testimony and report on the same to Ms. Tidwell.	250.00	1.2	300.00
5/22/2017	PR05	Review Idaho Power's responses to discovery questions from Rock Rolling Properties; discuss the same with Mr. Adams;	250.00	1.2	300.00
5/30/2017	PR05	Telephone call with Blaine County Prosecutor's office regarding appeal schedule; telephone conference with Mr. Heckler and Mr. Waterman regarding the same.	250.00	1.1	275.00

**Total** \$875.00

**Payments/Credits** \$0.00

**Balance Due** \$875.00

**RICHARDSON ADAMS, PLLC**  
515 North 27th Street  
P.O. Box 7218  
Boise, ID 83707

# Invoice

Invoice #: 7770  
Invoice Date: 7/17/2017

**Bill To:**  
Kiki Tidwell  
300 Let'er Buck Road  
Hailey, ID 83333

**Matter**  
1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
6/9/2017	PR05	Telephone call with Ms. Tidwell regarding status of case and possible additional discovery questions;	250 00	0.6	150.00
6/12/2017	PR05	Prepare and file fourth set of discovery questions to Idaho Power;	250 00	1.2	300.00
6/20/2017	PR05	Prepare and file Fifth Production Request to Idaho Power; telephone call with Mr. Heckler regarding the same;	250 00	1.5	375.00
6/22/2017	PR05	Review and edit guest editorial and draft advertisement prepared by Sierra Club on the Wood River Transmission Line docket; discuss the same with Mr Adams;	250 00	1.2	300.00

<b>Total</b>	<b>\$1,125.00</b>
<b>Payments/Credits</b>	<b>\$0.00</b>
<b>Balance Due</b>	<b>\$1,125.00</b>

**RICHARDSON ADAMS, PLLC**

515 North 27th Street  
P.O. Box 7218  
Boise, ID 83707

**Invoice**

Invoice #: 7791  
Invoice Date: 8/15/2017

**Bill To:**

Kiki Tidwell  
300 Let'er Buck Road  
Hailey, ID 83333

**Matter**

1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
7/7/2017	PR05	Review/edit Sierra Club's talking points; telephone call with Mr. Heckler regarding the same;	250.00	1.5	375.00
7/10/2017	PR05	Participate in conference call regarding the Wood River Valley transmission line with like-minded parties;	250.00	1.2	300.00
7/14/2017	PR05	Meeting with Mr. Arkoosh of Cox Communication regarding their position in the Wood River Valley transmission line docket; prepare and file additional discovery requests to Idaho Power; telephone call with Mr. Heckler regarding the same;	250.00	1.4	350.00
7/25/2017	PR05	Prepare of tomorrow's public witness night hearing before the PUC; split 50/50 with Rock Rolling Properties, LLC;	250.00	0.55	137.50
7/26/2017	PR05	Attend public witness night hearing before the IPUC in Ketchum, split 50/50 with Rock Rolling Properties, LLC;	250.00	2.1	525.00

**Total** \$1,687.50

**Payments/Credits** \$0.00

**Balance Due** \$1,687.50

**RICHARDSON ADAMS, PLLC**  
 515 North 27th Street  
 P.O. Box 7218  
 Boise, ID 83707

# Invoice

Invoice #: 7817  
 Invoice Date: 9/15/2017

**Bill To:**  
 Kiki Tidwell  
 300 Let'er Buck Road  
 Hailey, ID 83333

**Matter**  
 1 Hailey-Ketchum Redundant Tra...

Date	Item	Description	Rate	Hours/Qty	Amount
8/1/2017	GMA	Review land use appeal materials and recent newspaper articles on transmission line case; attend board of county commissioners meeting on Idaho Power's appeal and take detailed notes for use in IPUC hearing. (total of 5 hours - split 50/50 with Rock Rolling Properties)	200.00	2.5	500.00
8/4/2017	PR05	Review Blaine County denial and Idaho Power appeal; discuss the same with Mr. Adams,	250.00	0.8	200.00
8/7/2017	PR05	Prepare for tomorrow's hearing; draft cross questions;	250.00	4.6	1,150.00
8/8/2017	PR05	Participate in public hearing on Wood River transmission line issue at the IPUC;	250.00	8.5	2,125.00
8/1/2017		Boise to Hailey mileage (total \$151.94 split - 50/50 with Rock Rolling Properties)	75.97		75.97

**Total** \$4,050.97

**Payments/Credits** \$0.00

**Balance Due** \$4,050.97



**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF IDAHO POWER COMPANY FOR A</b>	)	<b>CASE NO. IPC-E-16-28</b>
<b>CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY TO</b>	)	<b>ORDER NO. 33906</b>
<b>CONSTRUCT SYSTEM IMPROVEMENTS</b>	)	
<b>FOR WOOD RIVER VALLEY</b>	)	
<b>CUSTOMERS</b>	)	
	)	

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In November 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to construct a second transmission line and related facilities and secure adequate and reliable service in the Wood River Valley. The Commission issued a Notice of Application, and granted intervention petitions from Kiki Tidwell, Laura Midgley, the Sierra Club, the Idaho Conservation League, the City of Ketchum, CoxCom, and Rock Rolling Properties #1 and #2. Order Nos. 33657, 33675, 33683, 33711, 33760. The Commission conducted a public hearing on July 26, 2017, and a technical hearing on August 8, 2017. At the conclusion of the technical hearing, Chair Anderson set a deadline of August 22, 2017 for intervenor funding requests.

Sierra Club timely petitioned for intervenor funding. On September 15, 2017, the Commission issued Final Order No. 33872 granting the Company's Application and granting Sierra Club's intervenor funding request. On September 20, 2017, Kiki Tidwell filed a late petition for intervenor funding,<sup>1</sup> to which no one objected. The Commission denies Ms. Tidwell's petition as untimely.

**PETITIONS FOR INTERVENOR FUNDING**

Intervenor funding is available under *Idaho Code* § 61-617A and Commission Rules 161 through 165. Section 61-617a(1) declares it is "the policy of [Idaho] to encourage participation at all stages of all proceedings before this commission so that all affected customers receive full and fair representation in those proceedings." *Idaho Code* § 61-617A(2). Commission Rule 164 provides, "Unless otherwise provided by order, an intervenor requesting intervenor funding must

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<sup>1</sup>Ms. Tidwell filed the petition on her own behalf. However, Ms. Tidwell's attorney, Peter Richardson, confirmed that his office still represents Ms. Tidwell.

apply no later than fourteen (14) days after the last evidentiary hearing in a proceeding or the deadline for submitting briefs . . .” IDAPA 31.01.01.164.

### COMMISSION DECISION

The Commission received Ms. Tidwell’s late petition for intervenor funding on September 20, 2017. In her request, Ms. Tidwell states, “I was not aware of the possibility of Intervenor funding.” Petition at 1. The Commission notes that Ms. Tidwell attended the technical hearing conducted on August 8, 2017. Ms. Tidwell was present when Chair Anderson stated, “Intervenor funding requests under Rule 164 are due 14 days from today.” Transcript at 686, lines 15-16. Ms. Tidwell’s petition was received almost a month after the deadline. Accordingly, we deny the petition as untimely.

### ORDER


IT IS HEREBY ORDERED that Ms. Tidwell’s late petition for intervenor funding is denied as untimely.


THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this  
day of October 2017.


12<sup>th</sup>

  
PAUL KJELLANDER, PRESIDENT

  
KRISTINE RAPER, COMMISSIONER

  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
Diane M. Hanian  
Commission Secretary

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Kiki Leslie A. Tidwell  
300 Let Er Buck Rd.  
Hailey, ID 83333

October 22, 2017

Idaho Public Utilities Commission

RE: Intervenor Funding Request Order 33906, Case IPC-E-16-28

Dear Commissioners Raper, Kjellander, and Anderson,

You denied my request for compensation of \$18,538.47 as a property-owning Intervenor in Case No. IPC-E-16-28 due to the "untimeliness of submittal of request". I appeal this decision on the grounds that 1) the request was timely as it was submitted during the period that a petition for reconsideration could have been submitted and 2) the PUC had a duty to "provide a full and fair representation in the proceedings to all affected customers" but the PUC failed to provide a fair proceeding by failing to provide adequate information about Section 61-617a to intervenors in advance of the written September 15, 2017 written order. Once the information was provided to me as an intervenor, I promptly submitted a request in a timely manner. My request was submitted September 16<sup>th</sup>, 2017.

The technical hearing in Case IPC-E-16-28 was held August 8, 2017. The PUC issued a written decision September 15, 2017 and noted that, "Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order", or up until October 5, 2017. I, as an Intervenor, could have petitioned for reconsideration and incurred additional legal expenses up until October 5<sup>th</sup>, 2017. Therefore, an Intervenor request for reimbursement of funding would be timely if it was submitted within the October 5<sup>th</sup> date as the Case was still open to be reconsidered.

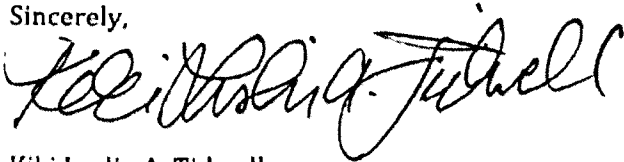
The intention of Section 61-617a is "to encourage participation at all stages of all proceedings before this commission so that all affected customers receive full and fair representation in those proceedings". The PUC must anticipate that not all intervenors will be well-versed in all aspects of the law. In order to achieve a fair process, it was the burden of the PUC to explain the intervenor process and options of reimbursement funding to intervenors. I am a first time Intervenor and I intervened as a homeowner whose property values will be directly affected by the proposed transmission line routing. Laura

Midgley was also a first-time Intervenor as a homeowner. Neither of us received any information about the process nor the option of Intervenor reimbursement. Furthermore, the PUC did not provide adequate information about Section 61-617a even to legal counsel in the case; my attorney was under the impression that only non-profits could apply for reimbursement. On their latest 990, the Sierra Club listed \$82,273,496 in Assets, and \$121,545,133 annually in revenue. <https://www.guidestar.org/profile/94-1153307>. The Sierra Club is a non-profit, 501(C) organization, but I would say I am more personally impacted, financially and in the quiet enjoyment of my residence, by the decision in this case.

It was only until I received the September 15<sup>th</sup> decision notice that I was alerted that intervenor funding was available due to the fact that the Sierra Club received it. At the August 8<sup>th</sup> hearing, Chair Anderson could have stated, "Intervenor funding requests under Rule 164 are due 14 days from today" (I did not hear it). However, there was no explanation to Intervenor of what that meant, nor what Rule 164 was; the sentence probably would not have made any sense to any other novice intervenor in that hearing room. I submitted for reimbursement as soon as I had information about the possibility to do so.

Therefore, I petition the PUC reconsider my request for reimbursement of intervenor expenses as I submitted my request as soon as I was provided knowledge about the option to do so and it was submitted within the October 5, 2017 Petition for Reconsideration deadline.

Sincerely,



Kiki Leslie A. Tidwell

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**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	<b>CASE NO. IPC-E-16-28</b>
<b>OF IDAHO POWER COMPANY FOR A</b>	)	
<b>CERTIFICATE OF PUBLIC</b>	)	<b>ORDER NO. 33928</b>
<b>CONVENIENCE AND NECESSITY TO</b>	)	
<b>CONSTRUCT SYSTEM IMPROVEMENTS</b>	)	
<b>FOR WOOD RIVER VALLEY</b>	)	
<b>CUSTOMERS</b>	)	

In November 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity to construct a second transmission line in the Wood River Valley. The Commission granted seven intervention petitions, including one from Kiki Tidwell. Order No. 33675. The Commission conducted a public hearing on July 26, 2017, and a technical hearing on August 8, 2017, both of which were attended by Ms. Tidwell and her counsel, Peter Richardson. At the conclusion of the technical hearing, Chair Anderson set a deadline of August 22, 2017 for intervenor funding requests.

On September 15, 2017, the Commission issued Final Order No. 33872 granting the Company's Application and granting Sierra Club's timely intervenor funding request. On September 20, 2017, Kiki Tidwell filed a late request for intervenor funding.<sup>1</sup> On October 12, 2017, the Commission denied Ms. Tidwell's request as untimely. Order No. 33906. Mr. Richardson withdrew as Ms. Tidwell's counsel on October 17, 2017. On October 25, 2017, Ms. Tidwell filed a timely petition asking the Commission to reconsider its decision denying her request for intervenor funding. We now deny Ms. Tidwell's petition.

**PETITIONS FOR RECONSIDERATION**

Reconsideration provides an opportunity for a party to bring to the Commission's attention any issue previously determined, and thereby affords the Commission an opportunity to correct any mistake or omission. *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). Under Commission Rule 331.01, "Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is unreasonable, unlawful, erroneous or not in conformity with the law...." IDAPA 31.01.01.331.01.

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<sup>1</sup>Although Ms. Tidwell filed the petition herself, Mr. Richardson confirmed that his office still represented her at the time.

### **MS. TIDWELL'S PETITION FOR RECONSIDERATION**

Ms. Tidwell asserts the Commission should reconsider its denial of her request for intervenor funding for two reasons. First, she argues her request "was timely as it was submitted during the period that a petition for reconsideration could have been submitted" regarding the Commission's Final Order No. 33872. Petition for Reconsideration at 1. Second, she argues the Commission "failed to provide a fair proceeding by failing to provide adequate information about Section 61-617a [the statute providing for intervenor funding] to intervenors." *Id.*

### **COMMISSION DISCUSSION AND FINDINGS**

In denying Ms. Tidwell's request for intervenor funding, we noted that it "was received almost a month after the deadline." Order No. 33906 at 2. Although Ms. Tidwell now asserts her request for intervenor funding was timely, she stated in her intervenor funding request, "I apologize that this request is being submitted late due [to] the lack of communication to me that this compensation was available to me as an Intervenor." Late Request for Intervenor Funding at 2. Commission Rule 164 provides, "Unless otherwise provided by order, an intervenor requesting intervenor funding must apply no later than fourteen (14) days after the last evidentiary hearing in a proceeding." IDAPA 31.01.01.164. The evidentiary hearing took place August 8, 2017, thus the deadline for intervenor funding requests was August 22 per Rule 164. Moreover, Chair Anderson gave explicit notice to all parties at the conclusion of the technical hearing, including Ms. Tidwell and her counsel, about the deadline for intervenor funding requests. Transcript at 686; Order No. 33906 at 2. Consequently, we find no reasonable basis for reconsideration of our prior decision finding Ms. Tidwell's request for intervenor funding untimely. We thus deny Ms. Tidwell's petition for reconsideration.

**ORDER**

IT IS HEREBY ORDERED that Ms. Tidwell's Petition for Reconsideration is denied.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. *See Idaho Code § 61-627.*


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *17<sup>th</sup>* day of November 2017.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Diane M. Hanian  
Commission Secretary

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PUBLIC  
COMMISSION

Samuel L. Linnet, Esq.  
Linnet Law Office, PLLC  
115 Second Avenue South  
Hailey, Idaho 83333  
Tel: 208.788.6688  
Fax: 208.788.7901  
sam@linnetlaw.com  
ISB#: 9788

Attorney for Intervenor/Appellant Kiki Leslie A. Tidwell

Sup-E-17-01

**IN THE PUBLIC UTILITIES COMMISSION OF THE STATE OF IDAHO WITH PAUL  
KIELLANDER, ITS PRESIDENT, AND KRISTINE RAPER AND ERIC ANDERSON,  
COMMISSIONERS, PRESIDING**

IN THE MATTER OF THE APPLICATION  
OF IDAHO POWER COMPANY FOR A  
CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY TO  
CONSTRUCT SYSTEM  
IMPROVEMENTS FOR WOOD RIVER  
VALLEY CUSTOMERS

Supreme Court No. 45644

Case No. IPC-E-16-28

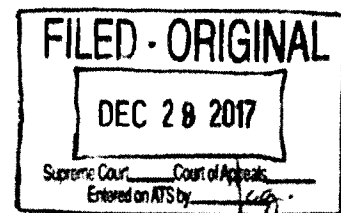
NOTICE OF APPEAL

**TO: RESPONDENTS IDAHO PUBLIC UTILITIES COMMISSION AND IDAHO  
POWER COMPANY**

**NOTICE IS HEREBY GIVEN THAT:**

1. The above-named Intervenor/Appellant, Kiki Leslie A. Tidwell ("Appellant"), appeals against the above-named Respondent, Idaho Public Utilities Commission ("Respondent" or "Commission") and Idaho Power Company to the Idaho Supreme Court from the Commission's final order on reconsideration Order No. 33928 entered on November 17, 2017 ("Order").

Notice of Appeal - 1



2. The following is a preliminary statement of the issues on appeal which Appellant presently intends to assert in the appeal, subject to modification and development as appropriate:
- a. Whether the Commission abused its discretion in failing to award intervenor funding to Appellant pursuant to Idaho Code § 61-617A and the Commission's Rules of Procedure, IDAPA 31.01.01.161-165, solely on the asserted grounds that Appellant did not timely submit an application for intervenor funding.
  - b. Whether the Commission's denial of Appellant's intervenor funding request based solely on timing is arbitrary and capricious in light of previous Commission orders awarding intervenor funding to late applicants, as occurred in Commission Case No. IPC-E-17-03, and approving late intervenor applications, as occurred in the present Commission proceeding.
  - c. Whether the August 8, 2017 evidentiary hearing was "the last evidentiary hearing in a proceeding or the deadline for submitting briefs, proposed orders, or statements of position," as described in IDAPA 31.01.01.164.
  - d. Whether the Commission adequately provided notice to all parties that intervenor funding requests were due 14 days from the August 8, 2017 evidentiary hearing.
  - e. Whether IDAPA 31.01.01.164 is arbitrary and capricious.
  - f. Appellant reserves the right to identify and raise other issues as the basis for this appeal to the extent permitted by law.

3. Appellant has a right to appeal to the Idaho Supreme Court, and the Order from which this appeal is taken is an appealable final order under and pursuant to Idaho Appellate Rule 11(e) and Idaho Code § 61-629.
4. Appellant makes no request for a transcript.
5. Appellant requests that the following documents be included in the agency's record in addition to those automatically included under Idaho Appellate Rule 28(b)(3):

<b>Date</b>	<b>Description</b>
1/13/2017	CoxCom LLC's Petition for Late Intervention
1/20/2017	Staff Decision Memo
1/26/2017	Notice of Technical Hearing Order No. 33705
2/2/2017	Intervention Order No. 33711
2/3/2017	Amended Notice of Parties
2/14/2017	First Amended Notice of Parties
4/28/2017	Staff Decision Memo
5/3/2017	Intervention Order No. 33760
5/3/2017	Second Amended Notice of Parties
6/27/2017	Notice of Public Hearing
7/14/2017	Staff Press Release
8/01/2017	Staff Press Release
8/21/2017	Intervenor Sierra Club Request for Intervenor Funding
9/15/2017	Staff Press Release
9/15/2017	Final Order No. 33872

10/12/2017

Final Order No. 33906

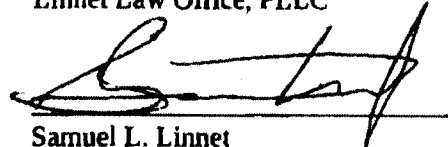
11/17/2017

Reconsideration Order No. 33928

6. No portion of the record has been sealed.
7. I certify:
  - a. No notice has been made upon the reporter of the proceeding because a transcript is not being requested.
  - b. The estimated fees for preparation of the agency's record have been paid.
  - c. The appellate filing fees have been paid to the Commission in the amount of \$94.00.
  - d. Service has been made upon all parties required to be served pursuant to Idaho Appellate Rule 20.

Dated this 22nd day of December 2017.

Linnet Law Office, PLLC



Samuel L. Linnet  
Attorney for Intervenor/Appellant

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22nd day of December, 2017, I served a true and correct copy of the within and foregoing on the following person in the manner noted:

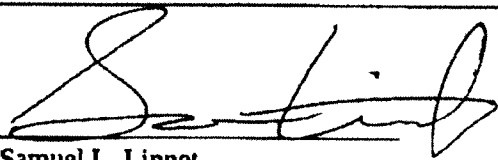
**Original Plus Eight Filed:**

Daphne Huang, Deputy Attorney General Camille Christen, Deputy Attorney General Idaho Public Utilities Commission 472 W. Washington St. P.O. Box 83720 Boise, ID 83720-0074 <a href="mailto:daphne.huang@puc.idaho.gov">daphne.huang@puc.idaho.gov</a> <a href="mailto:camille.christen@puc.idaho.gov">camille.christen@puc.idaho.gov</a>	<input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy <input type="checkbox"/> Email
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**Service Copies:**

Donovan E. Walker Tim Tatum Idaho Power Company 1221 W. Idaho St. (83702) PO Box 70 Boise, ID 83707-0070 <a href="mailto:dwalker@idahopower.com">dwalker@idahopower.com</a> <a href="mailto:dockets@idahopower.com">dockets@idahopower.com</a>	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy <input checked="" type="checkbox"/> Email
Kelsey Jae Nunez Kelsey Jae Nunez LLC 920 N. Clover Dr. Boise, ID 83702 <a href="mailto:kelsey@kelseyjaenunez.com">kelsey@kelseyjaenunez.com</a>	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy <input checked="" type="checkbox"/> Email
Michael Heckler 3606 N. Prospect Way Garden City, ID 83714 <a href="mailto:michael.p.heckler@gmail.com">michael.p.heckler@gmail.com</a>	<input type="checkbox"/> U.S. Mail, Postage Prepaid <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Telecopy <input checked="" type="checkbox"/> Email

<p>Benjamin J. Otto          Idaho Conservation League          710 N. Sixth Street          Boise, ID 83702          botto@idahoconservation.org</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Telecopy  <input checked="" type="checkbox"/> Email</p>
<p>Laura Midgley          231 Valley Club Drive          Hailey, ID 83333</p>	<p><input checked="" type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Telecopy  <input type="checkbox"/> Email</p>
<p>Mathew A. Johnson          Wm. F. Gigray          White Peterson Gigray &amp; Nichols, PA          5700 E. Franklin Rd., Suite 200          Nampa, ID 83687          mjohanson@whitepeterson.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Telecopy  <input checked="" type="checkbox"/> Email</p>
<p>C. Tom Arkoosh          Arkoosh Law Offices          802 W. Bannock St., Suite 900          PO Box 2900          Boise, ID 83701          tom.arkoosh@arkoosh.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Telecopy  <input checked="" type="checkbox"/> Email</p>
<p>Gregory M. Adams          Richardson Adams, PLLC          515 N. 27th St.          PO Box 7218          Boise, ID 83702          greg@richardsonadams.com</p>	<p><input type="checkbox"/> U.S. Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivered  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Telecopy  <input checked="" type="checkbox"/> Email</p>



Samuel L. Linnet

SUP-E-17-01

Office of the Secretary

Service Date

November 17, 2017

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION ) CASE NO. IPC-E-16-28  
 OF IDAHO POWER COMPANY FOR A )  
 CERTIFICATE OF PUBLIC ) ORDER NO. 33928  
 CONVENIENCE AND NECESSITY TO )  
 CONSTRUCT SYSTEM IMPROVEMENTS ) Supreme Court No. 45644  
 FOR WOOD RIVER VALLEY )  
 CUSTOMERS )

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 COURT OF APPEALS

In November 2016, Idaho Power Company filed an Application for a Certificate of Public Convenience and Necessity to construct a second transmission line in the Wood River Valley. The Commission granted seven intervention petitions, including one from Kiki Tidwell. Order No. 33675. The Commission conducted a public hearing on July 26, 2017, and a technical hearing on August 8, 2017, both of which were attended by Ms. Tidwell and her counsel, Peter Richardson. At the conclusion of the technical hearing, Chair Anderson set a deadline of August 22, 2017 for intervenor funding requests.

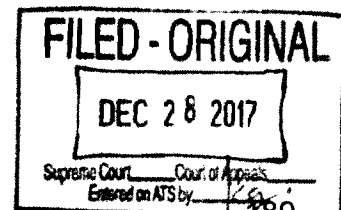
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**PETITIONS FOR RECONSIDERATION**

Reconsideration provides an opportunity for a party to bring to the Commission's attention any issue previously determined, and thereby affords the Commission an opportunity to correct any mistake or omission. *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). Under Commission Rule 331.01. "Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or any issue decided in the order is unreasonable, unlawful, erroneous or not in conformity with the law...." IDAPA 31.01.01.331.01.

<sup>1</sup>Although Ms. Tidwell filed the petition herself, Mr. Richardson confirmed that his office still represented her at the time.

ORDER NO. 33928



### **MS. TIDWELL'S PETITION FOR RECONSIDERATION**

Ms. Tidwell asserts the Commission should reconsider its denial of her request for intervenor funding for two reasons. First, she argues her request "was timely as it was submitted during the period that a petition for reconsideration could have been submitted" regarding the Commission's Final Order No. 33872. Petition for Reconsideration at 1. Second, she argues the Commission "failed to provide a fair proceeding by failing to provide adequate information about Section 61-617a [the statute providing for intervenor funding] to intervenors." *Id.*

### **COMMISSION DISCUSSION AND FINDINGS**

In denying Ms. Tidwell's request for intervenor funding, we noted that it "was received almost a month after the deadline." Order No. 33906 at 2. Although Ms. Tidwell now asserts her request for intervenor funding was timely, she stated in her intervenor funding request, "I apologize that this request is being submitted late due [to] the lack of communication to me that this compensation was available to me as an Intervenor." Late Request for Intervenor Funding at 2. Commission Rule 164 provides, "Unless otherwise provided by order, an intervenor requesting intervenor funding must apply no later than fourteen (14) days after the last evidentiary hearing in a proceeding." IDAPA 31.01.01.164. The evidentiary hearing took place August 8, 2017, thus the deadline for intervenor funding requests was August 22 per Rule 164. Moreover, Chair Anderson gave explicit notice to all parties at the conclusion of the technical hearing, including Ms. Tidwell and her counsel, about the deadline for intervenor funding requests. Transcript at 686; Order No. 33906 at 2. Consequently, we find no reasonable basis for reconsideration of our prior decision finding Ms. Tidwell's request for intervenor funding untimely. We thus deny Ms. Tidwell's petition for reconsideration.



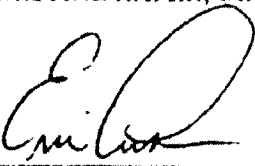
**ORDER**

IT IS HEREBY ORDERED that Ms. Tidwell's Petition for Reconsideration is denied  
THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by  
this Order may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the  
Idaho Appellate Rules. *See Idaho Code § 61-627.*

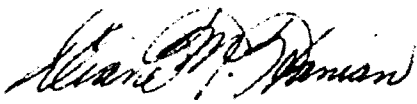
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17<sup>th</sup>  
day of November 2017.

  
PAUL KELLANDER, PRESIDENT

  
KRISTINE RAPER, COMMISSIONER

  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
Diane M. Hanian  
Commission Secretary

FILED ORDERS IN FILE NO. 17-1000000

ORDER NO. 33928

3

**IN THE PUBLIC UTILITIES COMMISSION OF THE STATE OF IDAHO**

<b>IN THE MATTER OF THE</b>	)	
<b>APPLICATION OF IDAHO POWER</b>	)	<b>Supreme Court</b>
<b>COMPANY FOR A CERTIFICATE OF</b>	)	<b>Docket No. <u>45644</u>-2017</b>
<b>PUBLIC CONVENIENCE AND</b>	)	
<b>NECESSITY TO CONSTRUCT SYSTEM</b>	)	<b>Idaho Public Utilities Commission</b>
<b>IMPROVEMENTS FOR WOOD RIVER</b>	)	<b>No. IPC-E-16-28</b>
<b>VALLEY CUSTOMERS</b>	)	

Appeal from the Idaho Public Utilities Commission, The Honorable Eric Anderson presiding.

Case Number from Idaho Public Utilities Commission: IPC-E-16-28

Order or Judgment Appealed from: Final Reconsideration Order No. 33928

Attorney for Appellant: Samuel L. Linnet, Linnet Law Office, PLLC, 115 Second Avenue South, Hailey, ID 83333

Attorneys for Respondent: Daphne Huang, Deputy Attorney General, and Karl Klein, Lead Deputy Attorney General, Idaho Public Utilities Commission, P. O. Box 83720, Boise, ID 83720-0074

Attorney for Respondent: Donovan E. Walker, Idaho Power Company, P. O. Box 70, Boise, ID 83707-0070

Appealed by: Kiki Leslie A. Tidwell

Appealed against: Idaho Public Utilities Commission, and Idaho Power Company

Notice of Appeal Filed: December 27, 2017

Amended Notice of Appeal filed: NA

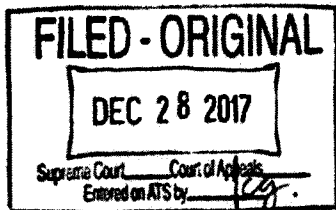
Notice of Cross-appeal Filed: NA

Amended Notice of Cross-appeal Filed: NA

Appellate Fee Paid: \$94.00 (December 27, 2017)

Respondent or Cross-Respondent's Appeal Request for Additional Record Filed: NA

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IDAHO SUPREME COURT  
COURT OF APPEALS  
2017 DEC 28 PM 1:39



CLERK'S CERTIFICATE OF APPEAL - 1

**Respondent or Cross-Respondent's Request for Additional Reporter's  
Transcript Filed: December 28, 2017**

**Was Agency Reporter's Transcript Requested: Yes (by Respondent)**

**Estimated Number of Pages: 2**

**If so, name of each reporter of whom a transcript has been requested as named  
below at the address set out below: Constance Bucy, CSR, CSB Reporting, P.O.  
Box 9774, Boise, ID 83707**

**Dated this 28th day of December, 2017**



**Diane M. Hanian  
Secretary of the Public Utilities Commission**

**(SEAL)**

Sup-E-17-01

RECEIVED  
IDAHO SUPREME COURT  
COURT OF APPEALS

2017 DEC 28 PM 1:38

DAPHNE HUANG  
KARL KLEIN  
DEPUTY ATTORNEYS GENERAL  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
TELEPHONE: 208-334-0318  
EMAIL: [daphne.huang@puc.idaho.gov](mailto:daphne.huang@puc.idaho.gov)  
IDAHO BAR NO. 8370

STREET MAILING ADDRESS:  
472 WEST WASHINGTON STREET  
BOISE, IDAHO 83702-5983

Attorneys for the Idaho Public Utilities Commission

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION	)	
OF IDAHO POWER COMPANY FOR A	)	Supreme Court
CERTIFICATE OF PUBLIC	)	Docket No. <u>45644-2017</u>
CONVENIENCE AND NECESSITY TO	)	
CONSTRUCT SYSTEM IMPROVEMENTS	)	IPUC Case No. IPC-E-16-28
FOR WOOD RIVER VALLEY CUSTOMERS	)	
	)	REQUEST FOR PARTIAL
	)	TRANSCRIPT
	)	
	)	

The Respondent on Appeal, Idaho Public Utilities Commission, per Idaho Appellate Rule 19(b), requests that a partial transcript be included in the record on the appeal brought by Kiki Leslie A. Tidwell against the Public Utilities Commission and Idaho Power Company, respondents.

The Public Utilities Commission respectfully requests that the partial transcript include a list of appearances (those who attended the hearing), and transcript pages 686, line 6 through page 387, line 7. The Public Utilities Commission shall be responsible for paying the cost of the partial transcript pursuant to Rule 19(b).

REQUEST FOR PARTIAL TRANSCRIPT

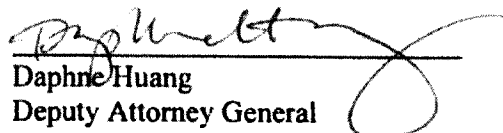
**FILED - ORIGINAL**

DEC 28 2017

Supreme Court \_\_\_\_\_ Court of Appeals \_\_\_\_\_  
Entered on ATS by 169

I certify that a copy of this request was served upon the Secretary of the Public Utilities Commission and upon all parties required to be served under Rule 20.

DATED this 28<sup>th</sup> day of December 2017.

  
Daphne Huang  
Deputy Attorney General

Attorney for Respondent on Appeal  
Idaho Public Utilities Commission

**CERTIFICATE OF SERVICE**

I hereby certify that on the 28<sup>th</sup> day of December, 2017, I served a true and correct copy of the *Request for Partial Transcript* on the following person(s) in the manner noted:

Samuel L. Linnet  
Linnet Law Office  
115 Second Avenue South  
Hailey, Idaho 83333

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 E-Mail [sam@linnetlaw.com](mailto:sam@linnetlaw.com)

Donovan E. Walker  
Idaho Power Company  
PO Box 70  
Boise, Idaho 83707-0070

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 E-Mail [dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Diane Hanian  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street  
Boise, Idaho 83702

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 E-Mail [diane.hanian@puc.idaho.gov](mailto:diane.hanian@puc.idaho.gov)

Keri J. Hawker  
Keri J. Hawker  
Legal Assistant

CAMILLE CHRISTEN  
DEPUTY ATTORNEY GENERAL  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
TELEPHONE: 208-334-0314  
EMAIL: [camille.christen@puc.idaho.gov](mailto:camille.christen@puc.idaho.gov)  
IDAHO BAR NO. 10177

STREET MAILING ADDRESS:  
472 WEST WASHINGTON STREET  
BOISE, IDAHO 83702-5983

Attorney for the Idaho Public Utilities Commission

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION ) Supreme Court  
OF IDAHO POWER COMPANY FOR A ) Docket No. 45644-2017  
CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO ) IPUC Case No. IPC-E-16-28  
CONSTRUCT SYSTEM IMPROVEMENTS )  
FOR WOOD RIVER VALLEY ) AMENDED  
CUSTOMERS ) REQUEST FOR PARTIAL  
 ) TRANSCRIPT  
 )

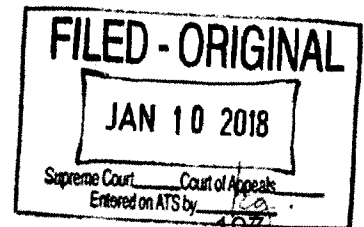
This amended request corrects an error in a page number describing the requested partial transcript, and substitutes Camille Christen, Deputy Attorney General, for Daphne Huang as assigned counsel for Respondent.

The Respondent on Appeal, Idaho Public Utilities Commission, per Idaho Appellate Rule 19(b), requests that a partial transcript be included in the record on the appeal brought by Kiki Leslie A. Tidwell against the Public Utilities Commission and Idaho Power Company, respondents.

The Public Utilities Commission respectfully requests that the partial transcript include a list of appearances (those who attended the hearing), and transcript pages 686, line 6 through page 687, line 7. The Public Utilities Commission shall be responsible for paying the cost of the partial transcript pursuant to Rule 19(b).


AMENDED REQUEST FOR  
PARTIAL TRANSCRIPT

1



I certify that a copy of this request was served upon the Secretary of the Public Utilities Commission and upon all parties required to be served under Rule 20.

DATED this 10th day of January 2018.

  
Camille Christen  
Deputy Attorney General

Attorney for Respondent on Appeal  
Idaho Public Utilities Commission



**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of January, 2018, I served a true and correct copy of the *Amended Request for Partial Transcript* on the following person(s) in the manner noted:

Samuel L. Linnet  
Linnet Law Office  
115 Second Avenue South  
Hailey, Idaho 83333

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 E-Mail [sam@linnetlaw.com](mailto:sam@linnetlaw.com)

Donovan E. Walker  
Idaho Power Company  
PO Box 70  
Boise, Idaho 83707-0070

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 E-Mail [dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Diane Hanian  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington Street  
Boise, Idaho 83702

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 E-Mail [diane.hanian@puc.idaho.gov](mailto:diane.hanian@puc.idaho.gov)

Keri J. Hawker  
Keri J. Hawker  
Legal Assistant





**CERTIFICATE OF SERVICE  
OF PROPOSED AGENCY RECORD ON APPEAL**

I HEREBY CERTIFY THAT I HAVE THIS 1<sup>st</sup> DAY OF FEBRUARY 2018, SERVED THE FOREGOING **PROPOSED AGENCY RECORD ON APPEAL AND PARTIAL TRANSCRIPT**, IN SUPREME COURT DOCKET NO. 45644, BY MAILING A COPY THEREOF TO THE FOLLOWING:

**Samuel L. Linnet  
Linnet Law Office  
115 Second Avenue South  
Hailey, ID 83333**

**Attorney for Intervenor - Appellant  
Kiki Leslie A. Tidwell**

AT THERE RESPECTIVE PLACES OF BUSINESS; AND WAS HAND DELIVERED TO THE FOLLOWING:

**Camille Christen  
Deputy Attorney General  
Karl Klein  
Lead Deputy Attorney General  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074**

**Attorneys for Respondent  
on Appeal  
Idaho Public Utilities Commission**

**Donovan E. Walker  
Idaho Power Company  
1221 West Idaho (83702)  
PO Box 70  
Boise, ID 83707**

**Attorney for Applicant - Respondent  
Idaho Power Company**



COMMISSION SECRETARY

**CERTIFICATE REGARDING LODGING OF EXHIBITS**

STATE OF IDAHO )  
                  ) ss.  
COUNTY OF ADA )

I, **Diane M. Hanian**, Secretary of the Idaho Public Utilities Commission, pursuant to Idaho Appellate Rule 31(c), do hereby certify that no exhibits were lodged with the Supreme Court in this case on appeal.

IN WITNESS WHERE OF, I have hereunto set my hand and affixed the seal of the Idaho Public Utilities Commission this 6<sup>th</sup> day of March, 2018.



\_\_\_\_\_  
Diane M. Hanian,  
Commission Secretary

(SEAL)

CERTIFICATE REGARDING  
LODGING OF EXHIBITS

**CERTIFICATE OF RECORD ON APPEAL**

STATE OF IDAHO )  
                          ) ss.  
COUNTY OF ADA )


I, **Diane M. Hanian**, Secretary of the Idaho Public Utilities Commission, pursuant to the provisions of Sections 61-627 and 13-203, *Idaho Code*, do hereby certify that the foregoing papers are the pleadings, findings of the Commission, orders appealed from and all other papers designated by the Notice of Appeal to be included in the Agency's Record in this matter;

**THAT** all papers comprising the Agency's Record were compiled and prepared under my direction and are true and correct copies of the proceedings before the Commission in this case;

**THAT** said Agency's Record was bound by me to form the Record on Appeal which constitutes the full and complete record in this cause on appeal to the Supreme Court of the State of Idaho;

**THAT** said Agency's Record was prepared and three (3) copies filed with the Supreme Court, one copy provided to each petitioner/appellant and one copy provided to each respondent on appeal.

**IN WITNESS WHERE OF**, I have hereunto set my hand and affixed the seal of the Idaho Public Utilities Commission this <sup>6<sup>th</sup></sup> day of March, 2018.

  
\_\_\_\_\_  
Diane M. Hanian,  
Commission Secretary

(SEAL)

CERTIFICATE OF  
RECORD ON APPEAL