

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 3rd
day of May 2017.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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