

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 RIVER VALLEY) ORDER NO. 33830
CUSTOMERS)
)

On July 24, 2017, CoxCom, LLC filed a Motion to allow its expert witness, Michael Stull, to appear and be cross-examined if need be by telephone in the technical hearing set for August 8 and 9, 2017. The Commission denies CoxCom’s Motion.

MOTION

Michael Stull is CoxCom’s corporate counsel and prefiled direct testimony in this case. Mr. Stull lives in Atlanta, Georgia. Local counsel for CoxCom contacted parties asking if it would be necessary for Mr. Stull to travel to Boise, Idaho to appear in person, or if he could instead appear by telephone. Staff did not oppose the request to allow Mr. Stull to appear by telephone. CoxCom indicated that Sierra Club had no objection, and Idaho Power asked that Mr. Stull be available by telephone in case the Company wished to cross-examine him. Motion at 2. CoxCom also indicated that Rock Rolling Properties and Kiki Tidwell stated they lacked adequate information to take a position on the request. *Id*

COMMISSION DECISION

The Commission is disinclined to allow witnesses at a technical hearing to appear by telephone absent an unavoidable reason such as a medical necessity. The Commission finds that no such reason was given here. However, the Commission notes that CoxCom is not without options: Mr. Stull’s direct testimony could be sponsored by a local witness who can appear on Mr. Stull’s behalf, or CoxCom could withdraw its intervention and file Mr. Stull’s testimony as a public comment. CoxCom intervened in this matter with full knowledge that the case would likely proceed and be litigated through a technical hearing. The Company then chose to file testimony of a witness who resides in Georgia. If it is important to CoxCom that its witness’s testimony be included as part of the record in this case, then it is reasonable for the parties and this Commission to expect the witness to appear, submit his testimony for the record, and be

subject to cross-examination. Given the facts before us, the Motion to allow Mr. Stull to appear by telephone is denied.

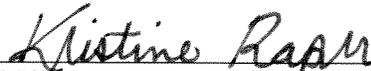
ORDER

IT IS HEREBY ORDERED that CoxCom's Motion to allow its witness Michael Stull to appear by telephone is denied.

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



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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