

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)	
FOR WOOD RIVER VALLEY)	
CUSTOMERS)	

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.¹ 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.

¹Although 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 17th day of November 2017.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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