

John R. Hammond, Jr., ISB No. 5470
FISHER LAW GROUP fka BATT & FISHER, LLP
U S Bank Plaza, 5th Floor
101 South Capitol Boulevard
P.O. Box 1308
Boise, Idaho 83701
(208) 331-1000
(208) 331-2400 facsimile
jrh@battfisher.com

REC'D
2007 JUN 14 PM 3:57
IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Avimor, LLC

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF) **Case No. IPC-E-06-23**
IDAHO POWER COMPANY FOR APPROVAL OF)
AN AGREEMENT BETWEEN AVIMOR, LLC)
AND IDAHO POWER TO PROVIDE ELECTRIC) **PETITION FOR**
TRANSMISSION AND SUBSTATION) **RECONSIDERATION OF**
FACILITIES TO THE AVIMOR MULTI-USE) **COMMISSION FINAL**
DEVELOPMENT) **ORDER NO. 30322**
_____)

COMES NOW Avimor, LLC, an Idaho limited liability company, by and through its attorneys of record, Fisher Law Group, LLP, fka Batt & Fisher, LLP, and pursuant to Idaho Public Utilities Commission Rules of Procedure 331 and *Idaho Code* § 61-626 respectfully Petitions for Reconsideration (the "Petition") on the findings made in the Commission's Final Order 30322. Avimor requests that the Commission process reconsideration based on written pleadings and further requests that it be allowed to file a memorandum in support of its Petition at a later date due to the reasons set forth below.

In general, as will be discussed in more detail in subsequent briefing, if allowed, Avimor asserts that Final Order No. 30322 is unreasonable, unlawful, erroneous, unduly discriminatory and not in conformance with the facts of record and/or applicable law.

Specifically, Avimor contends:

1) The Commission's finding that the amended proposal for the Special Facilities Agreement will place a great financial burden and undue risk on existing ratepayers is not supported by substantial and competent evidence in the record.

2) The Commission's Order unjustly turns Avimor's advance into a contribution which insures that other ratepayers will benefit at its expense.

3) The Commission's findings in Order No. 30322 discriminate against Avimor and its future residents in violation of *Idaho Code* § 61-315, and also violates the Equal Protection Clause of the United States Constitution; and,

4) New information has been provided to Avimor in the last few days as a result of the filing of Idaho Power Company's new rate case. *See* Case No. IPC-E-07-08. Not until this case was filed was Idaho Power able to provide Avimor with updated cost information. Specifically, cost information concerning what the average per customer connection cost is. Preliminarily this number is believed to be in the \$1,100.00 but Avimor needs more time to investigate this number.

Avimor respectfully requests that the Commission grant reconsideration for the purpose of allowing the Company to brief these issues more fully and believes that no prejudice results to any other party if this request was granted. Furthermore, as new cost information has just become available, Avimor would like to have additional time to review these materials.

In addition, counsel for Avimor has had two deaths of close family members occur recently and has been traveling and will be continuing to travel to Spokane, Washington, Nashville, Tennessee and Buffalo, New York to attend to family matters

and memorial services. As a result, it has been difficult for counsel to complete the necessary briefing in support of this Petition in light of these events.

Avimor also requests that the Commission clarify or amend Order No. 30322 to allow it to receive refunds based not only on the number of residential connections but also upon the kva ratings of the distribution transformers serving non-residential connections.¹ Avimor believes that the Commission intended that this was allowable but the language of Order No. 30322 does not expressly address this issue.

Accordingly, it is respectfully requested that Avimor be allowed until June 29, 2007 to file its brief in support of its Petition for Reconsideration, with a short period of time following such filing for the parties of record in this case to respond.

REQUEST FOR RELIEF

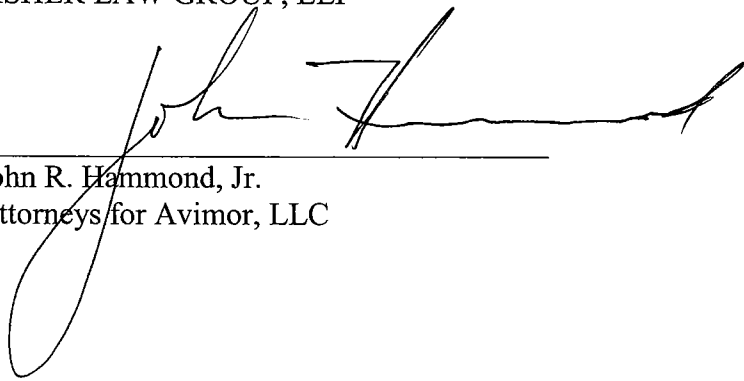
Based on the foregoing, Avimor respectfully requests that its Petition for Reconsideration be granted for the purpose of establishing a procedure allowing the Company to file a brief with the Commission in support of its arguments as stated above. Avimor respectfully requests that it be given until June 29, 2007 to file its brief in support of its arguments and positions, and that the other parties of record be given a short period of time to file written responses.

¹ For example Avimor's wastewater treatment plant.

Avimor also requests that the Commission clarify or amend Order No. 30322 to allow it to receive refunds based not only on the number of residential connections but also upon the kva ratings of the distribution transformers serving non-residential connections.

DATED This 14th day of June, 2007.

FISHER LAW GROUP, LLP



John R. Hammond, Jr.
Attorneys for Avimor, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 14th day of June, 2007, I caused to be served the foregoing upon all parties of record in this proceeding as indicated below:

Jean Jewell
IDAHO PUBLIC UTILITIES COMMISSION
472 W. Washington Street
P. O. Box 83720
Boise, Idaho 83720-5983
jjewel@puc.state.id.us

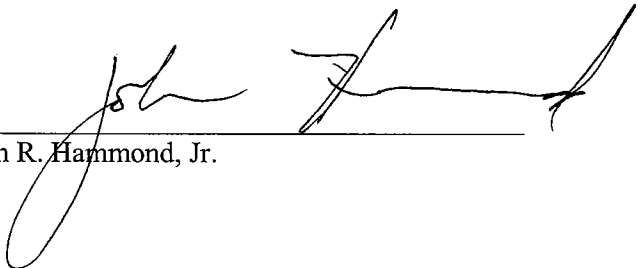
Certified Mail
 First Class Mail
 Hand Delivery
 Facsimile

Monica B. Moen
IDAHO POWER COMPANY
P. O. Box 70
Boise, Idaho 83707-0070
mmon@idahopower.com

Certified Mail
 First Class Mail
 Hand Delivery
 Facsimile

Weldon Stutzman
IDAHO PUBLIC UTILITIES COMMISSION
472 W. Washington Street
P. O. Box 83720
Boise, Idaho 83702-5983
Weldon.stutzman@puc.idaho.gov

Certified Mail
 First Class Mail
 Hand Delivery
 Facsimile



John R. Hammond, Jr.