

date fewer than thirty (30) days after it is filed, the effective date of the tariff is delayed until thirty (30) days after the tariff advice is filed by operation of sections 61-307, 61-622 or 61-623, Idaho Code, unless the Commission by order approves an earlier effective date for good cause shown. In the absence of an order approving or suspending the tariff advice, the tariff advice not suspended or approved goes into effect thirty (30) days after filing or on the proposed effective date, whichever is later. If no effective date is proposed for the tariff advice, the tariff advice does not go into effect until approved by order or minute entry. If a tariff advice is suspended, the Commission will open a formal proceeding and treat the tariff advice as an application. (7-1-93)

03. Ex Parte Action. Ordinarily, the Commission acts upon tariff advices with the assistance of an ex parte recommendation of the Commission Staff. Every recommendation of the Commission Staff is required to specifically state whether it is appropriate to act upon the advice without notice of application being generally distributed to the public. (7-1-93)

135. -- 140. (RESERVED).

**Rules 141 through 150 - Applications for
Approval to Issue Securities**

141. FORM AND CONTENTS OF APPLICATION TO ISSUE SECURITIES (Rule 141).

Except as provided in Rule 142, any utility applying to issue securities under sections 61-901 et seq., Idaho Code, must submit an application with the following information: (7-1-93)

01. Description. A general description of the applicant's field of operations. (7-1-93)
02. A Full Description of the Securities. Including the proposed: (7-1-93)
 - a. Amount; (7-1-93)
 - b. Interest or dividend rates; (7-1-93)
 - c. Date of issue (or statement that the securities will be a shelf registration); (7-1-93)
 - d. Date of maturity; (7-1-93)
 - e. Voting privileges; (7-1-93)
 - f. Call or redemption provisions; and (7-1-93)
 - g. Sinking fund or other provisions for securing payment. (7-1-93)
03. A Statement of the Proposed. (7-1-93)
 - a. Method of marketing; (7-1-93)
 - b. Terms of sale; (7-1-93)
 - c. Underwriting discounts or commissions; (7-1-93)
 - d. Sale price; and (7-1-93)
 - e. Net proceeds to the applicant, including itemized statements of all fees and expenses (estimated if not known) to be paid in connection with the proposed transaction. (7-1-93)
04. A Statement of the Purposes. Statement of the purposes for which the proceeds from the securities will be used, including: (7-1-93)
 - a. A description of the property to be acquired or constructed and a statement of its cost or value

(estimated if not known); (7-1-93)

or b. A description of obligations to be refunded or expenditures for which reimbursement is intended; (7-1-93)

c. Other information advising the Commission of the nature and purposes of the proposed transaction. (7-1-93)

05. Statement of Explanation. A statement explaining why the proposed transaction is consistent with the public interest and necessary or appropriate for or consistent with the applicant's proper performance of service as a public utility. (7-1-93)

06. Financial Statement. A financial statement showing the authorized and outstanding classes of the applicant's securities and certified copies of the resolutions of stockholders or directors authorizing the proposed transaction and other instruments relating to the transaction. (7-1-93)

07. Proposed Order. A proposed order granting the application, captioned proposed order of applicant, suitable for adoption by reference if the application is granted. (7-1-93)

08. Statement of Public Notice Application. A statement that notice of the application has been published in those newspapers in general circulation in the applicant's service area in Idaho or nearest applicant's service area in Idaho or will be published within seven (7) days of the application. These newspapers are: the Coeur d'Alene Press (Coeur d'Alene), the Idaho Business Review (Boise), the Idaho State Journal (Pocatello), the Idaho Statesman (Boise), the Lewiston Morning Tribune (Lewiston), the Post Register (Idaho Falls), the Preston Citizen (Preston), the Bonner County Daily Bee (Sandpoint), and the Times News (Twin Falls). The Commission may require the applicant to furnish further necessary information. (7-1-93)

142. APPLICATIONS FILED WITH OTHER AGENCY (Rule 142).

If the applicant files a similar application with any federal or other state agency, it may file a copy of the federal or other state application in lieu of the application required by this rule. The Commission may require the applicant to furnish further necessary information. (7-1-93)

143. REPORTS (Rule 143)

When the information becomes available, the applicant must file with the Commission a verified report or a copy of a verified report filed with another regulatory agency showing the amount realized by the applicant, including the itemized costs and expenses incurred in connection with the transaction. (7-1-93)

144. HEARING--MODIFIED PROCEDURE--SUMMARY ACTION (Rule 144).

The Commission may consider applications to issue securities without hearing, place the matter on modified procedure, or set the matter for formal hearing. (7-1-93)

145. REQUESTS FOR EXPEDITIOUS ACTION (Rule 145).

If a pleading requests the Commission to issue an order authorizing issuance of securities sooner than thirty (30) days after initial filing with the Commission, each copy of the pleading making that request must be accompanied by a cover letter stating the following: (7-1-93)

ATTENTION COMMISSION SECRETARY AND HEAD LEGAL SECRETARY:

(Name of party) requests that the Commission issue an
Order approving issuance of these securities on or before _____, 19__.

146. FEES MUST BE PAID BEFORE ORDER ISSUED (Rule 146).

No orders authorizing security issuances will be issued until fees required by section 61-905, Idaho Code, are paid. (7-1-93)

147. -- 150. (RESERVED).

Rules 151 through 160 - Cable Pole Attachments

151. TIMETABLE FOR DECISION--CABLE POLE ATTACHMENT PROCEEDINGS (Rule 151).

Whenever a public utility, as defined in section 61-538, Idaho Code, and a cable television company, as defined in section 61-538, Idaho Code, are unable to agree upon the rates, terms, or conditions for pole attachments or the terms, conditions, or cost of production of space needed for pole attachments, and either the public utility or the cable television company files an application, complaint, or petition asking the Commission to establish and regulate rates, terms, or conditions, the Commission shall decide the case within thirty (30) days; provided, the Commission shall have the right, upon reasonable notice, to enter upon a hearing concerning the propriety of such proposed rate, term, or condition and to extend its period for considering the application, complaint, or petition an additional thirty (30) days plus five (5) months and, for good cause shown on the record, an additional sixty (60) days. (7-1-93)

152. RULES OF PROCEDURE TO BE USED (Rule 152).

These Rules of Procedure apply to all proceedings concerning the rates, terms, or conditions for cable pole attachments, provided, that any such proceeding, whether denominated an application, complaint or petition, shall be processed according to the timetable of Rule 151. (7-1-93)

Rules 161 through 170 - Applications for Intervenor Funding

161. CASES IN WHICH INTERVENORS MAY APPLY FOR FUNDING (Rule 161).

In any case involving regulated electric, gas, water or telephone utilities with gross Idaho intrastate annual revenues exceeding one million five hundred thousand dollars (\$1,500,000), intervenors may apply for intervenor funding. (7-1-93)

162. FORM AND CONTENTS OF PETITION FOR INTERVENOR FUNDING (Rule 162).

An application for intervenor funding must contain the following: (7-1-93)

01. Itemized List of Expenses. An itemized list of expenses that the intervenor requests to recover broken down into categories such as legal fees, witness fees, or reproduction fees. (7-1-93)

02. Statement of Proposed Findings. A statement of the intervenor's proposed finding or recommendation that the intervenor wishes the Commission to adopt. (7-1-93)

03. Statement Showing Costs. A statement showing that the costs that the intervenor proposes to recover are reasonable in amount. (7-1-93)

04. Explanation of Cost Statement. A statement explaining why the costs described in Rule 162.03 constitute a significant financial hardship for the intervenor. (7-1-93)

05. Statement of Difference. A statement showing how the intervenor's proposed finding or recommendation described in Rule 162.02 differs materially from the testimony and exhibits of the Commission Staff. (7-1-93)

06. Statement of Recommendation. A statement showing how the intervenor's recommendation or position addressed issues of concern to the general body of utility users or consumers, and (7-1-93)

07. Statement Showing Class of Customer. A statement showing the class of customer on whose behalf the intervenor appeared. (7-1-93)

163. PROHIBITION ON APPLICATION BY COMPETITOR (Rule 163).

No intervenor in direct competition with a public utility involved in a proceeding is entitled to intervenor funding for that proceeding. (7-1-93)

164. TIME TO APPLY (Rule 164).

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 or the deadline for submitting briefs, proposed orders, or

statements of position, whichever is last. Motions in opposition to intervenor funding must be filed within fourteen (14) days after the request for intervenor funding is filed. (7-1-93)

165. AWARDS (Rule 165).

01. Order Awarding Intervenor Funding. The Commission may by order award intervenor funding pursuant to section 61-617A, Idaho Code. The total award for all intervening parties combined shall not exceed twenty-five thousand dollars (\$25,000) in any proceeding. The Commission must find that: (7-1-93)

- a. The intervenor's presentation materially contributed to the Commission's decision, (7-1-93)
- b. The costs of intervention awarded are reasonable in amount, (7-1-93)
- c. The costs of intervention were a significant hardship for the intervenors, (7-1-93)
- d. The recommendations of the intervenor differed materially from the testimony and exhibits of the Commission Staff, and (7-1-93)
- e. The intervenor addressed issues of concern to the general body of users or consumers. (7-1-93)

02. Payment of Awards. Awards of intervenor funding must be paid within twenty-eight (28) days of the order of the Commission awarding intervenor funding, unless the order of the Commission is stayed. (7-1-93)

03. Recovery of Awards of Intervenor Funding. Awards of intervenor funding paid by electric, gas, water or telephone utilities will be an allowable business expense in the pending rate case or, if the proceeding is not a rate case, in the utility's next rate case. Awards of intervenor funding shall be chargeable to the class of customers represented by the intervenors. (7-1-93)

166. -- 200. (RESERVED).

Part 3 - Post-Pleading Procedure
Rules 201 through 300
Rules 201 through 210 - Modified Procedure

201. SCOPE OF MODIFIED PROCEDURE (Rule 201).

The Commission may preliminarily find that the public interest may not require a hearing to consider the issues presented in a proceeding and that the proceeding may be processed under modified procedure, i.e., by written submissions rather than by hearing. The scope and procedure of modified procedure in motor carrier matters are governed by the Motor Carrier Rules, IDAPA 31.61.01.000 et seq. (7-1-93)

202. NOTICE OF MODIFIED PROCEDURE (Rule 202).

01. Notice of Modified Procedure. When the Commission finds that it may not be in the public interest to hold a hearing in a matter, notice of modified procedure will be issued. It will: (7-1-93)

- a. Describe the issues presented in the proceeding, (7-1-93)
- b. Summarize the moving party's justification for the proposed changes and its position, (7-1-93)
- c. State that the Commission finds that it may be in the public interest not to hold a hearing in the proceeding and will not do so unless it receives written protests or comments opposing the use of modified procedure and stating reasons why modified procedure should not be used, and (7-1-93)
- d. Establish the deadline for filing written protests or comments with the Commission. (7-1-93)

02. Distribution of Notice. Except in motor carrier matters, copies of the notice of modified procedure will be mailed to all interested persons, including newspapers, municipalities, and chambers of commerce located

within the territorial scope of the application, petition or complaint whose readers, citizens or members may be affected by the proceedings and to all parties. Unless otherwise provided by the notice of modified procedure, all interested persons will have at least twenty-one (21) days from the date of the notice to file a written protest or comment. Motor carrier matters will be summarized in the Summary of Motor Carrier and Rail Activities. (7-1-93)

203. PROTESTS AND COMMENTS (Rule 203).

Any person affected by the proposal of the moving party may file a written protest, support or comment before the deadline of the notice of modified procedure. Protests, supports and comments must contain a statement of the reasons for the protest, support or comment, but need not ask for a hearing. Persons desiring a hearing must specifically request a hearing in their written protests or comments. (7-1-93)

204. ACTION BY COMMISSION (Rule 204).

If no protests, supports or comments are received within the deadline, the Commission may consider the matter and enter its order without a hearing. If protests, supports or comments are filed within the deadline, the Commission will consider them and may set the matter for hearing or may decide the matter and issue its order on the basis of the written positions before it. (7-1-93)

205. -- 210. (RESERVED).

Rules 211 through 220 - Prehearing Conferences

211. PURPOSES OF PREHEARING CONFERENCES (Rule 211).

The Commission may by order or notice issued to all parties and to all interested persons as defined in Rule 39 convene a prehearing conference for the purposes of formulating or simplifying the issues, obtaining concessions of fact or of identification documents to avoid unnecessary proof, scheduling discovery, arranging for the exchange of proposed exhibits or prepared testimony, limiting witnesses, scheduling hearings, establishing procedure at the hearings, discussing settlement offers or making settlement offers, and addressing other matters that may expedite orderly conduct and disposition of the proceeding or its settlement. (7-1-93)

212. NOTICE OF PREHEARING CONFERENCES (Rule 212).

Notice of the place, date and hour of a prehearing conference will be served at least fourteen (14) days before the time set for the conference, unless the Commission finds by order that the public necessity requires the conference to be held earlier. Notices for prehearing conferences must contain the same information as notices of hearing with regard to the Commission's obligations under the Americans with Disabilities Act. See Rule 242. (7-1-93)

213. RECORD OF CONFERENCE (Rule 213).

Prehearing conferences may be held formally (on the record) or informally (off the record) before or in the absence of a Commissioner or hearing examiner, according to order or notice. Agreements by the parties to the conference may be recorded by the reporter during formal conferences or may be reduced to writing and filed with the Commission Secretary after formal or informal conferences. (7-1-93)

214. ORDERS RESULTING FROM PREHEARING CONFERENCES (Rule 214).

The Commission may issue a prehearing order or notice based upon the results of the agreements reached at a prehearing conference. The order or notice will bind all persons who could have participated in the prehearing conference, but did not, and all those who later file untimely interventions. A prehearing order will control the course of subsequent proceedings unless modified by the Commission for good cause. (7-1-93)

215. FACTS DISCLOSED (Rule 215).

Facts disclosed, offers made and all other aspects of negotiation (except agreements reached) in prehearing conferences are privileged and are not part of the record. Except by agreement, facts disclosed cannot be used against participating parties, before the Commission or elsewhere, unless proved by independent evidence. Offers made and other aspects of negotiations or settlement other than a final agreement itself are privileged. (7-1-93)

216. -- 220. (RESERVED).

Rules 221 through 240 - Discovery--Related Prehearing Procedure

221. KINDS AND SCOPE OF DISCOVERY LISTED (Rule 221).

The kinds of discovery recognized and authorized by these rules are: (7-1-93)

01. Depositions. (7-1-93)

02. Production Requests or Written Interrogatories. (7-1-93)

03. Requests for Admission. (7-1-93)

04. Subpoenas. (7-1-93)

05. Statutory Examination and Audit. Unless otherwise provided by these rules, order, or notice, the scope and procedure of discovery, other than statutory examination and audit, is governed by the Idaho Rules of Civil Procedure. (See Idaho Rule of Civil Procedure 26(b)). (7-1-93)

222. DISCOVERY AUTHORIZED (Rule 222).

The Commission, individual Commissioners, and all parties to a proceeding have a right of discovery of all other parties to a proceeding. The Commission may by order authorize or compel necessary discovery not listed in these rules. (7-1-93)

223. RIGHTS TO DISCOVERY RECIPROCAL (Rule 223).

All parties to a proceeding and the Commission Staff have a right of discovery of all other parties to the proceeding and the Commission Staff according to these rules. The Commission may by order direct further discovery not provided by these rules. (7-1-93)

224. DEPOSITIONS (Rule 224).

Depositions may be taken in accordance with section 61-605, Idaho Code, and the Idaho Rules of Civil Procedure for any purpose allowed by statute, Idaho Rule of Civil Procedure, rule of the Commission, order or notice. Depositions may be taken of expert witnesses notwithstanding contrary provisions of the Idaho Rules of Civil Procedure. Depositions rather than production requests or written interrogatories should be used to obtain statements of opinion or policy not previously written or published. Unless otherwise provided by order or notice or agreed to by the deponent or the deponent's attorney, notice of deposition must be given at least fourteen (14) days before deposition is taken. (7-1-93)

225. PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND REQUESTS FOR ADMISSION (Rule 225).

01. When Requests May Be Used. Production requests or written interrogatories and requests for admission may be taken in accordance with the Idaho Rules of Civil Procedure for any purpose allowed by statute, Idaho Rule of Civil Procedure, rule of the Commission, order or notice, except: (7-1-93)

a. Production requests or written interrogatories should not be used to obtain statements of opinion or policy not previously written or published and may be objected to on that ground; and (7-1-93)

b. Requests for admission concerning a matter of opinion or policy or the application of law, order or rule to fact may be denied generally and the reasons for denial required to be discovered by deposition rather than by request for admission, but a request for admission on any matter of opinion or policy or application of law to fact on an uncontested matter must be answered. (7-1-93)

02. Form of Requests. The caption of a production request or written interrogatory and of a request for admission must identify the party making the request or interrogatory, the party to whom the request or interrogatory is directed, and the number of the request or interrogatory to that party. Separate questions within a production request or written interrogatory or within a request for admission must be numbered consecutively within the request or interrogatory and consecutively with earlier production requests or written interrogatories and requests for admission, respectively, from the same party submitting the questions to the same party answering them. For

example, if the last question of the Third Production Request of the Commission Staff to XYZ Electric Company is numbered 33, the first question of the Fourth Production Request of the Commission Staff to XYZ Electric Company must be numbered 34. But, if the Staff's next production request is its first to intervenor ABC Company, that request must begin with question one to that intervenor. (7-1-93)

03. Time for Objection and Answer. Unless otherwise provided by order, notice, or these rules, or pursuant to agreement with or acquiescence of the answering party, parties have at minimum fourteen (14) days to object or explain why a question cannot be answered according to this rule and twenty-eight (28) days to answer. (7-1-93)

04. Numbers of Requests. The number of production requests or written interrogatories and of requests for admission and individual questions or subparts in them may be limited by order, notice or rule of the Commission, but are not limited by the provisions of the Idaho Rules of Civil Procedure. (7-1-93)

226. SUBPOENAS (Rule 226).

01. Issuance of Subpoenas. Upon a motion in writing, or upon a Commissioner's own initiative without motion, any Commissioner may issue subpoenas: (7-1-93)

a. Requiring the attendance of a witness from any place in Idaho, (7-1-93)

b. The production of documents from any place in Idaho, or (7-1-93)

c. The production of any books, accounts, papers or records of a utility or carrier kept within or without Idaho to any designated place of deposition, hearing or investigation for the purpose of taking testimony or examining documents before the Commission, a Commissioner or hearing examiner. (7-1-93)

02. Witness or Travel Fees. A party's motion to issue a subpoena must be accompanied by a statement that the party will tender to the subpoenaed person all fees required by statute and rules if the subpoena is issued. (7-1-93)

03. Motions to Quash. The Commission upon motion to quash made promptly, and in any event, before the time to comply with the subpoena, may: (7-1-93)

a. Quash the subpoena, or (7-1-93)

b. Condition denial of the motion to quash upon reasonable terms. (7-1-93)

227. STATUTORY EXAMINATION AND AUDIT--CONTRASTED WITH OTHER DISCOVERY (Rule 227).

Statutory examination and audit refers to the right of the Commission, an individual Commissioner, or an authorized member of the Commission Staff to review and inspect the books, records and premises of regulated utilities and carriers pursuant to statute. This right of statutory examination and audit is independent of any right of discovery in formal proceedings and may be exercised whether or not a regulated utility or carrier is party to a formal proceeding before the Commission. Information obtained from statutory examination and audit may be used in formal proceedings or for any other regulatory purpose. The rights of deposition, production request or written interrogatory, request for admission, and subpoenas can be used by parties only in connection with formal proceedings before the Commission. (7-1-93)

228. ANSWERS TO PRODUCTION REQUESTS OR WRITTEN INTERROGATORIES AND TO REQUESTS FOR ADMISSION (Rule 228).

01. When Answers Not Filed. Answers to production requests or written interrogatories and to requests for admission need not be filed and served in the following circumstances: (7-1-93)

a. Voluminous answers may be filed in a depository designated and agreed to by the parties or designated by the Commission, and an explanation notifying the parties of the availability of the answers at the

depository must be filed and served in their stead. (7-1-93)

b. Answers involving data compiled by computer may be transmitted in computer-readable form (e.g., by magnetic tape or other means) to the party requesting them and to all other parties requesting them in similar computer-readable forms and an explanation notifying the parties of their distribution must be filed and served in their stead. (7-1-93)

02. Filing of Answers. Except as provided in Rule 228.01, answers to production requests or written interrogatories and to requests for admission must restate in full each question asked, then state in full the party's response to the question and the persons who will be able to answer questions about or sponsor the answer at hearing. Answers to production requests or interrogatories need not be separately answered under oath by each person preparing the party's response to the question or each witness who will be able to answer questions about or sponsor the answer, but instead can be generally subscribed by the party's representative. The restatement of the question and its accompanying answer must begin on a new page whenever the preceding answer refers to other documents or whenever the preceding question in the particular production request or written interrogatory is not answered in full in that document. (7-1-93)

229. FILING AND SERVICE OF DISCOVERY AND RELATED DOCUMENTS (Rule 229).

Three (3) legible copies of notices of deposition, production requests or written interrogatories, requests for admission, answers to production requests or written interrogatories, answers to requests for admission, explanations in lieu of answers under Rule 228.01, and objections to discovery must be filed with the Commission Secretary and copies served on all parties according to Rules 61, 62, 63, and 64, except that the Staff by letter to the parties may request that additional copies be filed. (7-1-93)

230. EXHIBIT NUMBERS--PREPARED TESTIMONY AND EXHIBITS (Rule 230).

The Commission Secretary assigns exhibit numbers to each party. Applicants, petitioners, or complainants are assigned exhibit nos. 1-100. If the Commission is complainant, the Staff is assigned exhibit nos. 1-100. In all other cases, the Staff is assigned exhibit nos. 101-200. Respondents and intervenors are assigned exhibit nos. 201-300, 301-400, etc., as they make their first pleading, but the lower series are reserved first for respondents, then for intervenors. These assigned numbers should be used in all prepared testimony. (7-1-93)

231. PREPARED TESTIMONY AND EXHIBITS (Rule 231).

01. Prepared Testimony May Be Required. Order, notice or rule may require a party or parties to submit prepared testimony and exhibits to be presented at hearing. (7-1-93)

02. Format for Prepared Testimony. (7-1-93)

a. Prepared testimony and exhibits must be accompanied by a cover sheet showing the case caption and case title, the person testifying, the party for whom the testimony is offered, and the nature of the testimony (direct, rebuttal, etc.). (7-1-93)

b. The first page of prepared testimony should contain testimony only (i.e., it should begin with the first question to the witness and not repeat the information on the cover page). (7-1-93)

c. Prepared testimony must be submitted on white eight and one half by eleven inch (8-1/2" x 11") paper, be double-spaced (except for quoted material and tables or other collections of numerical data), and contain no more than ten (10) characters per inch and no more than twenty-five (25) lines of double-spaced testimony per page. (7-1-93)

d. Each line of prepared testimony must be numbered at the left margin (except single spaced quotations or tables of numerical data, which may be numbered at the left margin as though they were double spaced). Each page of testimony must have a one and one-half (1-1/2) inch left margin that will allow the page to be bound on its left side without obscuring the printed material. Indentations for paragraphing and for "Q" and "A" must be seven (7) spaces. (7-1-93)

e. Each page of prepared testimony must be numbered at the lower right corner and must be blank in

the center of the bottom margin to allow the reporter to insert transcript page numbers there. Each page of prepared testimony must have at least a one-inch (1") top and bottom margin. (7-1-93)

f. Each page of prepared testimony must contain the witness's surname followed by the designation "Di" (signifying direct testimony) or "Di-Reb" (signifying direct testimony on rebuttal) and the name of the party sponsoring the testimony printed in the lower right margin. For example, the marginal notation on page 5 of the testimony of the witness Lynn Accountant of ABC Company would be:

5
Accountant, Di Or Accountant, Di 5
ABC Company ABC Company

(7-1-93)

03. References to Exhibits. All references to exhibits in prepared testimony must refer to the exhibits by their number as assigned by the Commission Secretary. Exhibits accompanying prepared testimony must be consecutively numbered from the first exhibit number assigned to the party by the Commission Secretary if the party has not previously identified exhibits, or from the highest exhibit number previously identified by that party. Exhibits must be filed on eight and one half by eleven inch (8-1/2" x 11") paper unless it is impractical to make them that size. Exhibits accompanying prepared testimony must comply with Rule 267. (7-1-93)

04. Number of Copies--Filing and Service. Unless otherwise provided by order, notice or agreement of the parties, nine (9) legible copies of prepared testimony and exhibits must be filed with the Commission Secretary and copies filed on all parties pursuant to Rules 61, 62, 63 and 64 at least fourteen (14) days before the hearing at which they will be presented. The original, if there is an original, or one of the copies, if there is not, must be specifically designated as the reporter's copy by cover sheet, attached note or otherwise, and be included with the copies filed with the Commission Secretary. In special circumstances, notice or order may provide that the reporter's copy of prepared testimony and exhibits be served directly on the reporter rather than the Commission Secretary. (7-1-93)

05. Computer-Readable Copies of Testimony. In addition to the paper copies of prepared testimony, the Commission Secretary may also require some or all of the prepared testimony to be submitted to the secretary or the reporter in computer-readable ASCII format. (7-1-93)

232. SANCTIONS FOR FAILURE TO OBEY ORDER COMPELLING DISCOVERY (Rule 232).

The Commission may impose all sanctions recognized by the Public Utilities Law for failure to comply with an order compelling discovery. (7-1-93)

233. ASSERTIONS THAT DISCOVERED MATERIAL IS NOT AVAILABLE FOR PUBLIC INSPECTIONS (Rule 233).

Whenever any party to a request for discovery believes that material otherwise discoverable is protected by statute or rule of law from inspection, examination or copying by the general public, the attorney or other representative of the party designated by Rule 41 for the person asserting the material is protected by law from inspection, examination or copying must state that the answer or some portion of it is protected, citing the specific statute or other legal authority for that position. When an answer contains material, some of which is protected by law from public inspection, examination and copying and some of which is not, the protected material must be specifically identified. The attorney's or other representative's assertion constitutes a representation the representative is familiar with the material claimed not to be available for public inspection, examination and copying and in good faith believes there is a basis in law for that claim. All material for which no assertion of protection against public inspection, examination and copying is made will be placed in files available for public inspection. (7-1-93)

234. ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION DURING DISCOVERY--IMMUNITY (Rule 234).

01. Assertion of Right. During discovery any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate the person or subject him or her to penalty or forfeiture. (7-1-93)

02. Granting of Immunity. The Commission or any Commissioner may direct that person to testify or produce documents by written order or upon the record at hearing. In such case, that person shall not be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which he or she shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed in that testimony. (7-1-93)

03. No Immunity Without Assertion of Right. No immunity is granted under this rule or under section 61-606, Idaho Code, in the absence of a specific assertion of the persons' rights under section 61-606, Idaho Code, and the Commission's or a Commissioner's written order or direction on the record at hearing compelling the person to testify or produce written documents and immunizing the person from prosecution, punishment, forfeiture or penalty according to this rule and section 61-606, Idaho Code. No immunity granted under this rule or section 61-606, Idaho Code, shall extend to any public utility. (7-1-93)

235. -- 240. (RESERVED).

Rules 241 through 260 - Hearings--Miscellaneous Procedure

241. NOTICE OF HEARING (Rule 241).

01. Timing of Notice. Notice of the place, date and hour of hearing will be served at least fourteen (14) days, or in the case of formal complaints, twenty-one (21) days, before the time set for hearing, unless the Commission finds by order that the public necessity requires the hearing to be held earlier. (7-1-93)

02. Contents of Notice. Notices must comply with Rule 242's requirements. Notices must list the names of the parties (or the lead parties if the parties are too numerous to name), the case number, and the name of the hearing officer who will conduct the hearing if the case will not be heard by one (1) or more Commissioners. If no document previously issued by the Commission has listed the legal authority of the Commission to conduct the hearing, the notice of hearing must do so. The notice of hearing shall state that the hearing will be conducted under these rules of procedure and inform the parties where they may read or obtain a copy. (7-1-93)

03. Locations of Hearing. Hearings may be held in Boise, Idaho, or at other places designated by notice or order. (7-1-93)

242. FACILITIES AT OR FOR HEARING AND ADA REQUIREMENTS (Rule 242).

All hearings must be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). All notices of hearing must inform the parties that the hearing will be conducted in facilities meeting the accessibility requirements of the Americans with Disabilities Act. All notices of hearing must inform the parties and other persons notified that if they require assistance of the kind that the Commission is required to provide under the Americans with Disabilities Act (e.g., sign language interpreters, Braille copies of documents) in order to participate in or understand the hearing, the Commission will supply that assistance upon request made seven days before hearing. (7-1-93)

243. HOW HEARINGS ARE HELD (Rule 243).

All hearings conducted by the Commission are open to the public. Hearings may be held in person or by telephone or television or other electronic means, if each participant to the hearing has an opportunity to participate in the entire proceeding while it is taking place. (7-1-93)

244. CONDUCT AT HEARINGS (Rule 244).

All persons attending a hearing must conduct themselves in a respectful manner. Smoking is not permitted at hearings. (7-1-93)

245. CONFERENCE AT HEARING (Rule 245).

In any proceeding the presiding officer may convene the parties before hearing or recess the hearing to discuss formulation or simplification of the issues, admissions of fact or identification of documents to avoid unnecessary proof, exchanges of documents, exhibits or prepared testimony, limitation of witnesses, establishment of order of procedure, and other matters that may expedite orderly conduct of the hearing. The presiding officer will state the

results of the conference on the record. (7-1-93)

246. PRELIMINARY PROCEDURE AT HEARING (Rule 246).

Before taking evidence the presiding officer will call the hearing to order, take appearances of parties, and act upon any pending motions or petitions. The presiding officer may allow opening statements as necessary or appropriate to explain a party's presentation. (7-1-93)

247. CONSOLIDATION OF PROCEEDINGS (Rule 247).

The Commission may consolidate two or more proceedings for hearing when it finds that they present issues that are related and that the rights of the parties will not be prejudiced. In consolidated hearings the presiding officer determines the order of the proceeding. (7-1-93)

248. STIPULATIONS (Rule 248).

Parties may stipulate among themselves to any fact at issue by written statement filed with the Commission Secretary or presented at hearing or by oral statement on the hearing record. A stipulation binds all parties agreeing to it only according to its terms. The Commission may regard a stipulation as evidence, but the Commission may require proof by evidence of the facts stipulated. The Commission is not bound to adopt a stipulation of the parties, but may by order do so. If the Commission rejects a stipulation, it will do so before issuing a final order, and it will provide an additional opportunity for the parties to present evidence and arguments on the subject matter of the rejected stipulation. (7-1-93)

249. ORDER OF PROCEDURE (Rule 249).

01. Order of Presentation of Evidence. The parties' evidence will ordinarily be introduced in the following order: (7-1-93)

a. Upon applications: (7-1-93)

i. Applicant; (7-1-93)

ii. Intervenors; (7-1-93)

iii. Commission Staff; and (7-1-93)

iv. Rebuttal by applicant. (7-1-93)

b. Upon formal complaints or petitions (except when the Commission is complainant): (7-1-93)

i. Complainant or petitioner; (7-1-93)

ii. Intervenors; (7-1-93)

iii. Commission Staff; (7-1-93)

iv. Respondents; and (7-1-93)

v. Rebuttal by complainant or petitioner. (7-1-93)

c. Upon complaints by Commission: (7-1-93)

i. Commission Staff; (7-1-93)

ii. Intervenors; (7-1-93)

iii. Respondents; and (7-1-93)

iv. Rebuttal by Commission Staff. This order of presentation of evidence may be modified by the

Commission or presiding officer. Additional evidence may be taken in the discretion of the Commission or presiding officer. Evidence of public witnesses may be taken at any time. (7-1-93)

02. Order of Examination of Witnesses. Witnesses will ordinarily be examined in the following order: (7-1-93)
- a. Direct examination by sponsoring party or direct statement of public witness; (7-1-93)
 - b. Examination by applicants, petitioners or complainants; (7-1-93)
 - c. Examination by intervenors; (7-1-93)
 - d. Examination by respondents; (7-1-93)
 - e. Examination by Commission Staff (except when the Staff acts as complainant); (7-1-93)
 - f. Examination by Commissioners or hearing examiners; and (7-1-93)
 - g. Redirect examination or rebuttal statement. The presiding officer may allow additional examination of witnesses or vary the order of examination of witnesses. The presiding officer may vary the order of examination of witnesses to allow parties with interests adverse to the witness to examine the witness after parties with interests similar to the witness. (7-1-93)

250. TESTIMONY UNDER OATH (Rule 250).

All testimony presented in formal hearings will be given under oath. Before testifying each witness must swear or affirm that the testimony the witness will give before the Commission is the truth, the whole truth, and nothing but the truth. (7-1-93)

251. PARTIES AND PERSONS WITH SIMILAR INTERESTS (Rule 251).

If two or more parties or persons have substantially like interests or positions, to expedite the proceeding and avoid duplication the presiding officer may limit the number of them who testify, examine witnesses, or make and argue motions and objections. (7-1-93)

252. CONTINUANCE OF HEARING (Rule 252).

The Commission or presiding officer may continue proceedings for further hearing. When a hearing for an application described by Rule 121 is continued at the request of the applicant, the applicant may be required, as a condition of granting the motion for continuance, to consent to an order tolling the running of any suspension period if the Commission ultimately finds that a final order cannot be issued within the suspension period because the applicant's request for a continuance was granted. (7-1-93)

253. RULINGS AT HEARINGS (Rule 253).

The presiding officer rules on motions presented at hearing. The presiding officer's rulings may be reviewed by the full Commission in determining the matter on its merits. In extraordinary circumstances, the presiding officer may refer or defer these matters to the full Commission for determination. (7-1-93)

254. ORAL ARGUMENT (Rule 254).

The Commission may set and hear oral argument on any matter before it on reasonable notice according to the circumstances. (7-1-93)

255. BRIEFS--PROPOSED ORDERS OF THE PARTIES--STATEMENTS OF POSITION--PROPOSED ORDER OF THE COMMISSION (Rule 255).

In any proceeding, any party may move to file briefs, memoranda, proposed orders of the parties or statements of position, and the Commission or presiding officer may request briefs, proposed orders of the parties, or statements of position. The Commission or presiding officer may issue a proposed order and ask the parties for comment upon the proposed order. (7-1-93)

256. PROCEDURE ON MOTIONS (Rule 256).

01. Argument. The Commission may consider and decide prehearing motions with or without oral argument or hearing. If oral argument or hearing on a motion is requested and denied, the Commission must state its grounds for denying the request. (7-1-93)

02. Requirements for Motion for Expeditious Substantive Relief. A motion requesting substantive relief on fewer than fourteen (14) days' notice will not be acted upon on fewer than fourteen (14) days' notice unless it states: (7-1-93)

a. The facts supporting its request to act on shorter notice; and (7-1-93)

b. (1) That at least one representative of all parties has received actual notice of the motion, by telephone or personal delivery of the motion; or (2) stating the efforts made to reach representatives of those parties not contacted and what efforts will continue to be made to contact them. Except as otherwise provided in this paragraph, the Commission will allow at least two (2) days (excluding Saturdays, Sundays and legal holidays) after notification by telephone or actual receipt of the motion for parties to inform the Commission Secretary, either in writing personally delivered to the Secretary or by telephone, whether they support or oppose the motion and whether they desire to be heard on the motion in person, in writing or by telephone. Except in extraordinary circumstances in which the Commission states good cause for ruling on a motion without allowing two (2) days for parties to state their positions or to present their position on the motion either in person, in writing or by telephone, the Commission will not rule on a substantive motion. Whenever an order is issued in such extraordinary circumstances, it will expire in no more than seven (7) days. (7-1-93)

03. Motions for Procedural Relief. A motion requesting procedural relief on fewer than fourteen (14) days' notice is properly filed if it complies with provisions of Rule 256.02.a. and 256.02.b. The Commission may act on such a motion without waiting for responses of other parties. (7-1-93)

04. Support or Opposition to Prehearing Motion. When a prehearing motion has been filed, all parties seeking similar substantive or procedural relief must join in the motion or file their own motions within seven (7) days after receiving the original motion. The party answering to or responding to the motion(s) will have fourteen (14) days from the time of filing of the last motion or joinder pursuant to the requirements of the previous sentence in which to respond, except as provided in Rule 256.02 and 256.03 of this rule. (7-1-93)

257. JOINT HEARINGS (Rule 257).

When the Commission participates jointly with a federal regulatory agency, the rules of practice and procedure of the federal agency govern. When the Commission participates jointly with an administrative body of another state or other states, the rules of the state where the hearing is held govern unless otherwise agreed upon by the participating agencies. Any person entitled to appear in a representative capacity for any of the agencies involved in a joint hearing may do so in such joint hearing. (7-1-93)

258. COMMISSIONERS--HEARING EXAMINERS--PROCEDURE (Rule 258).

01. Officers Holding Hearings. Hearings are held before one or more Commissioners or one or more hearing examiners appointed by the Commission. The presiding officer is designated by the Commission. Any Commissioner or hearing examiner may administer oaths. (7-1-93)

02. Procedure When Hearing Examiner Holds Hearing. When a hearing examiner hears a proceeding, the examiner must prepare and file recommended findings of fact with the Commission Secretary and serve copies of them on all parties of record within fourteen (14) days after receipt of the hearing record, unless the examiner's recommended findings are stated on the record at hearing. Unless otherwise provided by order or notice, the Commission will issue its decision based upon its independent review of the record and of the hearing examiner's recommended findings of fact. (7-1-93)

259. ASSERTION OF RIGHT AGAINST SELF-INCRIMINATION AT HEARING--IMMUNITY (Rule 259).

01. Assertion of Right. At hearing any person may assert the right not to testify or not to produce documents upon the ground that the testimony or production of documents may tend to incriminate the person or subject him or her to penalty or forfeiture. (7-1-93)

02. Granting of Immunity. The Commission or any Commissioner may direct that person to testify or produce the document by written order or upon the record at hearing. In such case, that person shall not be prosecuted, punished or subjected to any forfeiture or penalty for or on account of any act, transaction, matter or thing concerning which the person shall under oath have testified or produced documentary evidence: provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him or her in that testimony. (7-1-93)

03. No Immunity Without Assertion of Right. No immunity is granted under this rule or under section 61-606, Idaho Code, in the absence of a specific assertion of the person's rights under section 61-606, Idaho Code, and the Commission's or a Commissioner's written order or direction on the record at hearing compelling the person to testify or produce written documents and immunizing the person from prosecution, punishment, forfeiture or penalty according to this rule and section 61-606, Idaho Code. No immunity granted under this rule or section 61-606, Idaho Code, shall extend to any public utility. (7-1-93)

260. (RESERVED).

Rules 261 through 270 - Evidence

261. RULES OF EVIDENCE--EVALUATION OF EVIDENCE (Rule 261).

The presiding officer at hearing is not bound by the Idaho Rules of Evidence. No informality in any proceeding or in the manner of taking testimony invalidates any order made, approved or confirmed by the Commission. Rules as to the admissibility of evidence used by the district courts of Idaho in non-jury civil cases are generally followed, but evidence (including hearsay) not admissible in non-jury civil cases may be admitted to determine facts not reasonably susceptible of proof under the Idaho Rules of Evidence. The presiding officer, with or without objection, may exclude evidence that is irrelevant, unduly repetitious, inadmissible on constitutional or statutory grounds, or inadmissible on the basis of any evidentiary privilege provided by statute or recognized in the courts of Idaho, and order the presentation of such evidence to stop. All other evidence may be admitted if it is a type generally relied upon by prudent persons in the conduct of their affairs. The Commission's expertise, technical competence and special knowledge may be used in the evaluation of the evidence. (7-1-93)

262. DOCUMENTARY EVIDENCE--INTRODUCTION OF RECORDS IN THE COMMISSION SECRETARY'S OFFICIAL FILE (Rule 262).

Documentary evidence may be received in the form of copies or excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original if available. When a party offers in evidence any portion of a transcript, exhibit, or other record from any other proceeding before the Commission, the portion offered must be specifically described and, if admitted, will be made an exhibit. The party offering the exhibit must comply with Rule 267. (7-1-93)

263. OFFICIAL NOTICE (Rule 263).

01. Matters That May Be Officially Noticed. The Commission may officially note at hearing and in its orders: (7-1-93)

a. (1) Its own orders, notices, rules, certificates and permits, and (2) those of any other regulatory agency, state or federal; (7-1-93)

b. (1) matters of common knowledge, (2) technical, financial, or scientific facts established and published in accepted authorities or in the Commission's specialized knowledge, and (3) matters judicially noticeable; and (7-1-93)

c. Data contained in periodic reports of regulated utilities or carriers filed with the Commission or federal regulatory agencies. (7-1-93)

02. Procedure For Taking Official Notice. When officially noting on its own motion matters described in Rule 263.01.b.(2) or 263.01.c. or adjudicative facts under Rule 263.01.b.(3) of this rule, the Commission will give the parties appropriate opportunity to respond or refute such matters noticed. Unless otherwise agreed by the parties and approved by the presiding officer, parties requesting the Commission to take official notice of documents must submit those documents to the Commission in the manner prescribed for documents in Rule 262.

(7-1-93)

264. DEPOSITIONS (Rule 264).

Depositions may be offered into evidence as allowed by section 61-605, Idaho Code, and the Idaho Rules of Civil Procedure.

(7-1-93)

265. OBJECTIONS--OFFERS OF PROOF (Rule 265).

Grounds for objection to the admission or exclusion of evidence must be stated briefly at the time the evidence is offered. Formal exceptions to rulings admitting or excluding evidence are unnecessary and need not be taken. An offer of proof for the record consists of a statement of the substance of the excluded evidence. When a party objects to the admission of evidence, the presiding officer will rule on the objection or the presiding officer may receive the evidence subject to the later ruling by the full Commission or refer to the matter to the full Commission.

(7-1-93)

266. PREPARED TESTIMONY (Rule 266).

The presiding officer may order a witness's prepared testimony previously distributed to all parties to be incorporated in the transcript as if read if timely filed pursuant to an order, notice or rule requiring its filing before hearing. Without objection, the presiding officer may direct other prepared testimony to be incorporated in the transcript as if read. Admissibility of prepared testimony is subject to the Rule 261.

(7-1-93)

267. EXHIBITS (Rule 267).

01. Exhibit Numbers. Exhibit numbers are assigned to the parties before hearing according to Rule 230.

(7-1-93)

02. Form of Exhibits. Exhibits offered at hearing must ordinarily be typed or printed on eight and one half by eleven inch (8 1/2" x 11") white paper, except maps, charts, photographs and non-documentary exhibits may be introduced on the size or kind of paper customarily used for them. A copy of each documentary exhibit must be furnished to each party present, to the reporter, and to each Commissioner or hearing examiner, except for unusually bulky or voluminous exhibits that have previously been made available for the parties' inspection. Copies must be of good quality.

(7-1-93)

03. Timely Filing of Exhibits. Exhibits offered as part of a party's direct case (except exhibits offered on redirect examination) must be timely filed. Exhibits filed pursuant to any order, notice or rule requiring their filing before hearing are timely filed. Otherwise, exhibits must be distributed or made available to all parties long enough before their introduction into evidence to allow the parties a reasonable opportunity to review them and to prepare to examine their substance, except those exhibits that update exhibits previously timely filed may be filed so long as fair opportunity is afforded other parties to examine the sponsoring witnesses about the updated material.

(7-1-93)

04. Objection--Admission. Exhibits identified at hearing are subject to appropriate and timely objection before the close of proceedings. Exhibits to which no objection is made are automatically admitted into evidence without motion of the sponsoring party.

(7-1-93)

05. Labeling of Exhibits. All exhibits accompanying prepared testimony, exhibits introduced during direct examination of a party's witnesses, and, to the extent practicable, all other exhibits introduced at hearing must label the exhibit number, case number, party and witness sponsoring the exhibit, and any subdivisions within the exhibit, such as separate schedules or charts. Examples of labeling required by this rule are:

Exhibit No. 101 Exhibit No. 507
Case No. XXX-X-XX-XX Case No. XXX-X-XX-XX
P. Engineer, Staff L. Accountant, ABC Company
Schedule 1, p. 1 of 3

Exhibits prepared for the proceeding must contain this labelling on each page of the exhibit. Exhibits reproducing previously existing documents may contain a cover page with this labelling, but need not be labelled on each page.

(7-1-93)

06. Sources for Exhibits. Exhibits prepared from data in workpapers, answers to discovery, periodicals, reports or other documentable sources of information must contain a statement of sources. Examples of the statements of sources required by this rule are:

(7-1-93)

P. Engineer, Workpapers - Answer of XYZ Utility
to First Tab A, pages 1-47 Production Request of ABC
Company, Question 13

Moody's Public Utility - XYZ Utility,
FERC Form 1 (1993)
Manual p. 402a 1993 Vol. 1, p. 606

Exhibits especially prepared for introduction into evidence in a proceeding (i.e., exhibits not otherwise prepared or in existence) should be descriptively titled to show their contents and purpose.

(7-1-93)

07. Certain Exhibits Require Presiding Officer's Approval. Neither motion pictures, slides, opaque projections, video tapes, audio tapes nor other materials not capable of duplication by still photograph or reproduction on paper shall be presented as exhibits without prior approval of the presiding officer. Writing, sketching and drawing on blackboards or other similar surfaces by witnesses presenting testimony do not constitute an exhibit or evidence in the proceeding unless the writing, sketching or drawing is reproduced, photographed, or otherwise preserved for the record.

(7-1-93)

268. -- 270. (RESERVED).

Rules 271 through 280 - Settlements

271. PASSIVE SETTLEMENTS (Rule 271).

Settlements in formal proceedings in which a party agrees to concur in, accept, or not to oppose another party's positions previously on record with the Commission are called passive settlements. Any party may reach a passive settlement with any other party on any issue without prior notification to the Commission or any other party. (7-1-93)

272. PROCEDURES FOR ACTIVE SETTLEMENTS (Rule 272).

Settlements in formal proceedings in which one or more parties negotiate an agreement differing from positions of one or more of the parties previously on record with the Commission are called active settlements. Any party other than the Commission Staff may enter into an active settlement with any party other than the Commission Staff without prior notification to the Commission or other parties. The Commission Staff, however, is precluded from entering into an active settlement without first notifying all other parties that it intends to begin or has begun settlement negotiations. The Commission Staff must give all other parties an opportunity to participate in or be apprised of the course of the settlement negotiations before a final settlement agreement is reached. Settlement negotiations are confidential, unless all participants to the negotiation agree to the contrary. (7-1-93)

273. SUGGESTION FOR OR INQUIRY ABOUT SETTLEMENTS (Rule 273).

Through notice or order or on the record at prehearing conference or hearing, the Commission or an individual Commissioner may inquire of the parties in any proceeding whether settlement negotiations are in progress or contemplated or invite settlement of an entire proceeding or certain issues. In issuing such an invitation for settlement, the Commission or an individual Commissioner may indicate acceptable ranges of settlement, preclude certain issues from settlement, or otherwise inform the parties of his, her or their views on settlement in aid of securing a just, speedy and economical determination of the issues presented to the Commission. Neither the Commission nor individual Commissioners will indicate ex parte their views on the merits of any proposed settlement. (7-1-93)

274. CONSIDERATION OF SETTLEMENTS (Rule 274).

Settlements must be reviewed under this rule. When a settlement, be it active or passive, is presented to the Commission, the Commission will prescribe procedures appropriate to the nature of the settlement to consider the settlement. For example, the Commission may summarily accept settlement of an essentially private dispute that has no significant implications for regulatory law or policy or for other utilities or customers upon the written request of the affected parties. On the other hand, when one or more parties to a proceeding is not party to the settlement or when the settlement presents issues of significant implication for other utilities, other customers or the public interest, the Commission may convene an evidentiary hearing to consider the reasonableness of the settlement and whether acceptance of the settlement is just, fair, and reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. (7-1-93)

275. BURDENS OF PROOF (Rule 275).

Proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. In any instance in which parties or affected persons oppose the settlement, proponents of the settlement should be prepared to call witnesses and argue in favor of the settlement. Opponents of the settlement should be prepared to examine supporting witnesses, offer their own witnesses, or argue against the settlement. The Commission may require the development of an appropriate record in support of or opposition to a proposed settlement as a condition of accepting or rejecting the settlement. (7-1-93)

276. SETTLEMENT NOT BINDING (Rule 276).

The Commission is not bound by settlements. It will independently review any settlement proposed to it to determine whether the settlement is just, fair and reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. When a settlement is presented for decision, the Commission may accept the settlement, reject the settlement, or state additional conditions under which the settlement will be accepted. In the last instance, the parties will have twenty-one (21) days to state their acceptance or rejection of the additional conditions imposed by the Commission. If the Commission rejects the settlement or if the Commission's conditional acceptance of a settlement is rejected by the parties to the settlement, the Commission will notify the parties of procedures to be followed to decide the issues for which settlement was rejected by the Commission. (7-1-93)

277. CONSENT AGREEMENTS NOT SETTLEMENTS (Rule 277).

Consent agreements proscribing or prescribing certain conduct under Rule 58 are not settlements under this rule. (7-1-93)

278. -- 280. (RESERVED).

Rules 281 through 290 - Official Records and Files

281. RECORDS FOR DECISION--RELATIONSHIP TO OFFICIAL FILE (Rule 281).

The Commission bases its decisions and issues its orders on the hearing record (excluding exhibits denied admission), the Commissioners' record and items officially noted. The hearing record and the Commissioners' record are part of the Commission Secretary's official file. (7-1-93)

282. THE COMMISSION SECRETARY'S OFFICIAL FILE (Rule 282).

01. Documents in File. The Commission Secretary's official file for a proceeding is the public file maintained by the Commission Secretary. This file includes all documents filed with regard to a proceeding, whether filed by parties or other persons, and includes (but is not limited to) pleadings, discovery and related materials, briefs, proposed orders, statements of position, correspondence concerning the proceeding directed to the Commission, a Commissioner, or the Commission Secretary (whether by parties or persons not parties), prepared testimony and exhibits, workpapers, transcripts, exhibits presented at hearing, orders, notices, press releases, and other matters pertaining to or related to a proceeding and included in the public files of that proceeding by the Commission Secretary. (7-1-93)

02. Public Records. Except as provided in Rules 26 and 234, which refer to statutory exemptions from disclosure, all material in the Commission Secretary's Official File is subject to inspection, examination and copying under section 9-338, Idaho Code. In particular, information obtained in an application for a certificate or permit

issued by this Commission inquiring into a person's fitness to be granted or to retain a certificate or permit is not exempted from examination or copying under section 9-340(15), Idaho Code, but may be exempted under other statutes. (7-1-93)

283. THE HEARING RECORD (Rule 283).

The hearing record in a proceeding consists of all transcripts of hearings, conferences, arguments and other proceedings on the record and of all exhibits identified, offered, admitted or denied admission at hearing or prehearing conference. Workpapers, requests for discovery, answers to discovery and other documents filed with the Commission Secretary and served on the parties, whether or not discussed at hearing, are not part of the hearing records unless introduced as exhibits at hearing. The Commission or an individual Commissioner may add to the hearing record by reference to any document in the Commission Secretary's official file, but only after notifying the parties of that intention and giving them reasonable opportunity to object, review, examine, and rebut or contest the document. (7-1-93)

284. THE COMMISSIONERS' RECORD (Rule 284).

01. Documents in File. The Commissioners' record in a proceeding automatically includes all pleadings, orders, notices, briefs, proposed orders and position papers. The Commission may add documents officially noticed to the Commissioners' record. (7-1-93)

02. Materials Available at Hearing. The Commissioner(s) or hearing examiner(s) conducting a hearing will have the Commissioners' record and all prepared testimony and exhibits available at hearing. Parties desiring to refer to additional documents at hearing should notify the Commission Secretary and all other parties of their intention so that these other documents will be available to the Commissioner(s) or hearing examiner(s) at hearing or should themselves provide copies at hearing to all other parties and to the Commissioner(s) or hearing examiner(s). (7-1-93)

285. THE REPORTER (Rule 285).

The reporter at all hearings, conferences, arguments and other proceedings on the record must transcribe all oral proceedings on the record and collect all exhibits identified at hearing. Except as otherwise directed by the Commission, presiding officer at hearing, or the Commission Secretary, the reporter must file the complete hearing record of transcripts and exhibits with the Commission Secretary within fourteen (14) days of the close of hearing. (7-1-93)

286. TRANSCRIPTS (Rule 286).

01. Form of Transcripts--Cover Sheet. Transcripts must be prepared on white eight and one half by eleven inch (8 1/2" x 11") paper. The cover page of each volume of transcript must show the title of the proceeding, the case number, the presiding officer, the time and place of hearing, and other information as shown in the following example: (7-1-93)

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

(TITLE OF PROCEEDING))
CASE NO. XXX-X-XX-XX)
)
)
(COMMISSIONER Able Baker, Presiding)

(HEARING OFFICER Charlie Dog, Presiding)

(Date, e.g., January 21, 1983)

(Hearing Room, e.g., Commission Hearing Room)

(Address, e.g., 472 West Washington, Boise, Idaho)

02. Volumes of Transcript--Indices to Volumes. Each day of hearing must be transcribed in a volume or volumes separate from other days of hearing. Each volume of transcript must begin with a list of the parties who appeared that day and their representatives at hearing that day. This list must be followed with a list of all witnesses whose testimony is reported in that volume, showing the pages at which each witness's testimony begins, what party (if any) called the witness, the pages upon which each other party's examination begins, the pages upon which each Commissioner's or hearing examiner's examination begins, and the pages upon which redirect examination or any party's, Commissioner's or hearing examiner's re-examination begins. These lists must be followed with a list showing all exhibits identified in that volume of transcript (including exhibits accompanying prepared testimony), the pages upon which they are first identified, and, if any exhibits are denied admission, the pages upon which the exhibits are denied admission. (7-1-93)

03. Matters Included in Transcript. The transcript must contain all discussions on the record while the hearing is in order. Unless otherwise directed by the Commission, the presiding officer, or the Commission Secretary, prepared testimony must be included in the transcript without change or retyping. Witness's corrections to prepared testimony should be made by distributing replacement pages to the reporter and describing those corrections on the record and/or distributing an errata sheet; unless otherwise directed, no corrections other than replacement pages will be made in the prepared testimony before it is incorporated in the transcript, except the reporter may make minor corrections by interlineation in the prepared testimony. Witnesses may have seven (7) days after hearing to distribute replacement pages to all parties and to the reporter, unless the Commission, the presiding officer or the Commission Secretary otherwise directs. (7-1-93)

04. Marginal Notes. The testimony of all witnesses reported in the transcript must be designated in the lower right margin by the witness's surname and the party sponsoring the witness's testimony. Witnesses not sponsored by any party must be designated "Public". The type of testimony must be shown following the witness's surname as "Di" (direct or redirect), "X" (examination by any party not sponsoring the witness), or "Com" (examination by a Commissioner or hearing examiner). Examples of the designations required by this Rule follow:

Accountant, Di; Accountant, Com; Ratepayer, X
ABC Company ABC Company Public

Discussions on the record that are not testimony or examination may be labeled "argument", "decision", "colloquy", etc., to describe what is reported. (7-1-93)

05. Volume Size--Number of Pages. Transcript volumes should not exceed three hundred (300) pages. Transcript volumes and pages of all proceedings on the record, including prehearing conferences, hearings, arguments, and any other proceedings on the record, must be numbered consecutively. For example, if a prehearing conference on the record preceded a hearing, the transcript volume and page numbers of the hearing would be numbered consecutively with that of the prehearing conference. (7-1-93)

287. -- 300. (RESERVED).

Part 4 - Orders and Review of Orders
Rules 301 through 400

Rules 301 through 310 - Defaults

301. FAILURE TO APPEAR AT HEARING--DEFAULTS (Rule 301).

After an applicant's, petitioner's, complainant's or moving party's failure to appear at the time and place set for hearing, the Commission may dismiss the petition, application, complaint or motion. When a respondent that has been properly served fails to answer or appear at hearing, the Commission may order any relief against the respondent authorized by law. (7-1-93)

302. -- 310. (RESERVED).

Rules 311 through 320 - Decisions and Orders

311. SUBMISSION FOR DECISIONS (Rule 311).

A proceeding is submitted for decision upon filing of the hearing record with the Commission Secretary, filing of timely briefs, filing of timely orders proposed by the parties and timely written comments or exceptions, oral argument, or receipt of recommended findings of fact of the hearing examiner, whichever is last, but no later than twenty-eight (28) days after hearing is closed when a hearing is held, except when all Commissioners participating in the decision have heard the case themselves, they need not await the filing of the hearing record to consider the case submitted for their decision. The Commission (or a hearing examiner presiding over an uncontested matter) may issue a final decision earlier or rule from the bench, but a bench ruling will be followed by written order. (7-1-93)

312. PROPOSED ORDERS BY COMMISSION (Rule 312).

The Commission may issue a proposed order in any proceeding. Any party may file exceptions and briefs to a proposed order within twenty-one (21) days from its date of service, unless a different time is designated by the Commission. Any party may file and serve answers and accompanying briefs to the exceptions within seven (7) days after service of the exceptions. The Commission may adopt or revise the proposed order in response and issue a final order accordingly. The proposed order is not an order of the Commission unless it is adopted by order. In that case, the order of adoption is the final order for all purposes. (7-1-93)

313. -- 320. (RESERVED).

**Rules 321 through 330 - Interlocutory Orders--Final Orders--
Review or Stay of Orders**

321. INTERLOCUTORY ORDERS (Rule 321).

01. Defined. Interlocutory orders are orders that do not finally decide all previously undecided issues presented in a proceeding, except the Commission may by order decide some of the issues presented in a proceeding and provide in that order that its decision on those issues is final and subject to review by reconsideration and appeal, but is not final on other issues. Unless an order contains one of the paragraphs set forth in Rule 322 or a paragraph substantially similar, the order is interlocutory. (7-1-93)

02. Certain Orders Always Interlocutory. The following orders are always interlocutory: orders suspending rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations under sections 61-622 or 61-623, Idaho Code; orders initiating complaints or investigations; orders joining, consolidating or separating issues, proceedings or parties; orders granting or denying intervention; orders scheduling prehearing conferences, discovery, hearing, arguments or deadlines for written communications; orders proposing modified procedure; orders compelling or refusing to compel discovery. (7-1-93)

03. Review of Interlocutory Orders. Interlocutory orders may be reviewed pursuant to Rules 323, 324 and 325. (7-1-93)

322. REVIEW OF INTERLOCUTORY ORDERS (Rule 322).

Any person may petition to review any interlocutory order. The Commission may rescind, alter or amend any interlocutory order on its own motion, but will not on its own motion review any interlocutory order affecting any party's substantive rights without giving all parties notice and an opportunity for written comment. (7-1-93)

323. FINAL ORDERS (Rule 323).

01. Paragraphs Designating Final Orders. Final orders are all orders and only those orders containing one of the following paragraphs or a paragraph substantially similar: (7-1-93)

a. THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. xxx-x-xx-xx 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 or in interlocutory Orders previously issued in this Case No. xxx-x-xx-xx. Within seven (7) days after any person has

petitioned for reconsideration, any other person may cross-petition for reconsideration in response to issues raised in the petition for reconsideration. See section 61-626, Idaho Code; or (7-1-93)

b. **THIS IS A FINAL ORDER** on reconsideration (or denying reconsideration). Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. xxx-x-xx-xx may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See section 61-627, Idaho Code. Orders may be final on some issues and interlocutory on others. If so, the orders will explicitly designate the issues upon which they are final. (7-1-93)

02. **Service of Final Orders.** The Commission Secretary must indicate on every order subject to petition for reconsideration the date upon which the order was served on the representatives of parties listed in Rule 41. The Commission Secretary must indicate on every order subject to appeal the date upon which the order was filed and the date upon which the order was served on the representatives of parties listed in Rule 41. (7-1-93)

03. **Petition to Designate Order as Final.** Whenever a party believes that an order not designated as a final order according to the terms of these rules should be a final order, the party may petition the Commission to designate the order as final. If an order is designated as final after its release, its effective date for purposes of reconsideration or appeal is the date of the order of designation. (7-1-93)

04. **Review of Final Orders.** Final orders may be reviewed pursuant to Rules 324, 325, 326, 331 and 341. (7-1-93)

324. STAY OF ORDERS (Rule 324).

Any person may petition the Commission to stay any order, whether interlocutory or final. Orders may be stayed by the judiciary according to statute. The Commission may stay any order on its own motion. (7-1-93)

325. CLARIFICATION OF ORDERS (Rule 325).

Any person may petition to clarify any order, whether interlocutory or final. Petitions for clarification from final orders do not suspend or toll the time to petition for reconsideration or appeal a final order. A petition for clarification may be combined with a petition for reconsideration or stated in the alternative as a petition for clarification and/or reconsideration. The Commission may clarify any order on its own motion. (7-1-93)

326. RESCISSION, ALTERATION OR AMENDMENT OF FINAL ORDERS (Rule 326).

01. **Petition to Rescind, Alter or Amend a Final Order.** Any person may petition to rescind, alter or amend a final order pursuant to section 61-624, Idaho Code. The petition to rescind, petition to alter, or petition to amend must state: (7-1-93)

a. That it is filed pursuant to section 61-629, Idaho Code, after an order has been set aside or set aside in part on appeal, or (7-1-93)

b. That there have been changed circumstances or that new information has become available since the order was issued, or that there are other good and sufficient reasons for rescinding, altering, or amending the order. The Commission may dismiss as defective any such petition not complying with this rule and with Rule 53. (7-1-93)

02. **Rescission, Alteration or Amendment of Final Order on Commission's Own Motion.** The Commission on its own motion may propose to rescind, alter or amend any final order. The Commission will give all interested persons notice of its proposal to rescind, alter or amend the final order and appropriate opportunity to be heard by evidentiary hearing or written submission. (7-1-93)

327. SUBSTANCE OF ORDERS (Rule 327).

Unless prohibited by statute, the substance of orders and the relief provided by orders may differ from the relief requested or proposed by any party. The Commission's order may provide for any result supported by the record before the Commission without regard to whether each component of the order or any component of the order was specifically recommended by a party to the proceeding. (7-1-93)

328. -- 330. (RESERVED).

Rules 331 through 340 - Reconsideration

331. PETITIONS AND CROSS-PETITIONS FOR RECONSIDERATION (Rule 331).

01. Petition for Reconsideration. Within twenty-one (21) days after the service date of issuance of any final order or rule, any person interested in a final order or rule of the Commission may petition for reconsideration. Petitions for reconsideration must set forth specifically the ground or grounds why the petitioner contends that the order or rule is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted. See section 61-626, Idaho Code. (7-1-93)

02. Cross-Petition for Reconsideration. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration in response to any issues raised in the petition for reconsideration. Cross-petitions for reconsideration must set forth specifically the ground or grounds why the cross-petitioner contends that the order or rule is unreasonable, unlawful, erroneous or not in conformity with the law, and a statement of the nature and quantity of evidence or argument that the cross-petitioner will offer if reconsideration is granted. See section 61-626, Idaho Code. (7-1-93)

03. Methods of Reconsideration Requested. The petition or cross-petition must state whether the petitioner or cross-petitioner requests reconsideration by evidentiary hearing, written briefs, comments, or interrogatories. (7-1-93)

04. Timely Filing--Mailbox Rules. A petition for reconsideration is timely within the meaning of section 61-626, Idaho Code, if it is filed with the Commission or postmarked no later than twenty-one (21) days after the date of service of the final order. Whenever a petition for reconsideration is not personally filed with the Commission Secretary within twenty-one (21) days of the date of service of the final order or is not mailed at least three (3) days before that date, on the day the petition for reconsideration is mailed, the petitioner should notify the Commission Secretary and all other parties by telephone that the petition for reconsideration has been mailed. A cross-petition for reconsideration is timely filed within the meaning of section 61-626, Idaho Code, if it is filed with the Commission or postmarked no later than seven (7) days after the petition for reconsideration to which it responds is received in the Office of the Commission Secretary. Whenever a cross-petition for reconsideration is not personally filed with the Commission Secretary within seven (7) days of the date of receipt of the petition for reconsideration by the Commission Secretary or is not mailed at least three (3) days before that date, on the day the cross-petition for reconsideration is mailed, the cross-petitioner should notify the Commission Secretary and all other parties by telephone that the cross-petition for reconsideration has been mailed. (7-1-93)

05. Answers to Petitions for Reconsideration. Answers to petitions for reconsideration (pleadings that disagree with a petition for reconsideration, but do not ask for affirmative relief from the Commission's orders) must be filed according to the procedures for cross-petitions for reconsideration. (7-1-93)

332. PROCEDURE AT RECONSIDERATION (Rule 332).

The Commission may grant reconsideration upon petition of any interested person or upon its own motion. Prehearing conferences may be convened before reconsideration. Reconsiderations by rehearing are conducted in accordance with the procedure at other hearings, except that parties whose petitions are granted are treated as complainants or petitioners under Rule 249. When the order for reconsideration finds that the grounds upon which the petition is granted present only issues of law and not of fact or issues of fact not requiring hearings, the Commission may direct that these grounds be considered on reconsideration by submission of briefs, memoranda, written interrogatories or written statements and not by further submission of evidence at hearing. Grounds for reconsideration or issues on reconsideration that are not supported by specific explanation may be dismissed. Rule 311 determines when a matter that is reconsidered is finally submitted for purposes of section 61-626, Idaho Code. (7-1-93)

333. EFFECT OF FILING PETITION FOR RECONSIDERATION (Rule 333).

Filing a petition for reconsideration does not excuse compliance with any order nor stay the effectiveness of any

order, unless otherwise ordered. Petitions to stay may accompany or precede petitions for reconsideration. (7-1-93)

334. -- 340. (RESERVED).

Rules 341 through 350 - Appeal

341. PERSONS WHO MAY APPEAL (Rule 341).

01. Parties Aggrieved by Order Following Petition for Reconsideration. After a petition for reconsideration is denied, or, if the petition is granted, then after the rendition of the decision on reconsideration, the state of Idaho or any party aggrieved may appeal from any such order of the Commission by filing with the Commission Secretary a notice of appeal conforming to the requirements of the Idaho Appellate Rules within the time provided by the Idaho Appellate Rules. See section 61-627, Idaho Code. (7-1-93)

02. Parties Aggrieved by Denial of Petition for Reconsideration. No person is a party aggrieved by an order denying reconsideration unless the person is a party that petitioned for reconsideration and presented the ground(s) and issue(s) on which it contends it was aggrieved by earlier orders of the Commission as issue(s) on reconsideration pursuant to Rule 331 and the Commission denied reconsideration on some or all of those issues. (7-1-93)

03. Parties Aggrieved Following Reconsideration. No party is aggrieved by an order issued on reconsideration unless: (7-1-93)

a. The party petitioned or cross-petitioned for reconsideration, its petition or cross-petition was granted, and the order issued on reconsideration did not grant the relief requested in the party's petition or cross-petition for reconsideration with regard to some or all of the grounds and issues on reconsideration presented in its petition or cross-petition; or (7-1-93)

b. The party did not petition or cross-petition for reconsideration, but stated on the record, by motion, or by brief that it opposed any alteration or change in the Commission's earlier order(s) on some or all of the grounds associated with issue(s) on reconsideration, and the order issued on reconsideration altered or changed the earlier order(s) with regard to some or all of the grounds or issues on reconsideration that the party opposed. (7-1-93)

342. NOTICE OF APPEAL (Rule 342).

The notice of appeal must be filed with the Commission Secretary as provided in the Idaho Appellate Rules. A notice of appeal is not considered filed for any purpose when it is mailed, but is only considered filed when it is received by the Commission Secretary. (7-1-93)

343. PREPARATION OF APPELLATE RECORD (Rule 343).

The Commission by order may correct the title of an appeal to properly designate all parties as appellants, cross-appellants, respondents, or cross-respondents and to omit those designations for parties before the Commission who are not parties on appeal. All requests for a transcript on appeal must be served on the reporter and on the Commission Secretary. Reporter's fees under Idaho Appellate Rule 24(e) should be paid directly to the reporter, not to the Commission Secretary. The Secretary's fees under Idaho Appellate Rule 27(b) for preparation of the agency's record are the same fees provided in that rule for the clerk of the district court to charge for preparation of the clerk's record. (7-1-93)

344. -- 350. (RESERVED).

351 through 360 - Settlement of Appeal from the Commission.

351. DISMISSALS (Rule 351).

Settlements in which appellants or cross-appellants from orders of the Commission agree to dismiss appeals, cross-appeals, or issues on appeal or cross-appeal without requiring the alteration, amendment or rescission of any Commission order are called dismissals. Any party may dismiss any appeal, cross-appeal, or issue on appeal or cross-appeal without any involvement of the Commission. Dismissals are governed solely by the procedures established by

the Supreme Court of Idaho.

(7-1-93)

352. SETTLEMENTS CALLING FOR COMMISSION ACTION (Rule 352).

Settlements in which one or more parties agree to dismiss an appeal, cross-appeal, or issue on appeal or cross-appeal in conjunction with the alteration, amendment or rescission of a Commission order are called settlements calling for Commission action. If any party to an appeal wishes to attempt to negotiate a settlement calling for Commission action, it must notify the Commission and all other parties to the appeal of its intention to do so. If the Commission believes that settlement negotiations are in the public interest, it may authorize the Commission Staff to enter into settlement negotiations. In conducting those negotiations, the Staff must abide by Rule 272 with regard to active settlements of issues before the Commission. Settlement negotiations are confidential, unless all participants to the negotiation agree to the contrary.

(7-1-93)

353. SUGGESTION FOR INQUIRY ABOUT SETTLEMENTS (Rule 353).

In authorizing the Staff to enter into settlement negotiations for a settlement calling for Commission action, the Commission may invite settlement of the entire appeal (including cross-appeals) or of certain issues. The authorization must be in writing and served upon all parties, but need not be done by notice or order. In authorizing negotiation for settlement calling for Commission action, the Commission or individual Commissioners may indicate acceptable ranges of settlement, preclude certain issues from settlement, or otherwise inform the parties of its views on settlement of an appeal calling for Commission action in aid of securing a just, speedy and economical settlement negotiation. Neither the Commission nor individual Commissioners will indicate ex parte their views on the merits of any proposed settlement.

(7-1-93)

354. CONSIDERATION OF SETTLEMENT ON APPEAL (Rule 354).

When a settlement of an appeal calling for Commission action is presented to the Commission, the Commission will prescribe procedures appropriate to the nature of the settlement to consider the settlement. For example, the Commission may accept settlement of essentially private disputes that have no significant implications for regulatory law or policy or for other utilities or customers summarily upon the written request of the affected parties. On the other hand, when one or more parties to the appeal is not party to the settlement or when the settlement presents issues of significant implication for other utilities, other customers or the public interest, the Commission may convene an evidentiary hearing to consider the reasonableness of the settlement and whether acceptance of the settlement is in the public interest. In all cases, the Commission will follow the procedure established by section 61-624, Idaho Code, with regard to alteration, amendment or rescission of any order affected by the settlement.

(7-1-93)

355. BURDENS OF PROOF (Rule 355).

Proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in accordance with law or regulatory policy. In any instance in which parties or affected persons oppose the settlement, proponents of the settlement should be prepared to call witnesses and argue in favor of the settlement. Opponents of the settlement should be prepared to examine supporting witnesses, offer opposing witnesses or argue against the settlement. The Commission may require the development of an appropriate record in support of or opposition to a proposed settlement as a condition of accepting or rejecting the settlement.

(7-1-93)

356. SETTLEMENTS NOT BINDING (Rule 356).

The Commission is not bound by settlement agreements. It will independently review any settlement proposed to it to determine whether the settlement is just, fair and reasonable, in the public interest or otherwise in accordance with law or regulatory policy. When a settlement agreement is presented to the Commission for its approval, the Commission may accept the settlement, reject the settlement, or state additional conditions under which the settlement will be accepted. In the last instance, the parties will have twenty-one (21) days to state their acceptance or rejection of the additional conditions imposed by the Commission.

(7-1-93)

357. -- 400. (RESERVED).

Subchapter C - Rulemaking
Rules 401 through 500

401. ADOPTION OF ATTORNEY GENERAL'S RULES OF PROCEDURE FOR RULEMAKING (Rule 401).

The Commission hereby adopts the Attorney General's Idaho Rules of Administrative Procedure for rulemaking,

IDAPA 04.11.01.800 et seq., as its rules for all procedure regarding rulemaking.

(7-1-93)

402. -- 999. (RESERVED).

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