IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.01.01 – Rules of Procedure of the Idaho Public Utilities Commission

Who does this rule apply to?
All regulated utilities and their customers.

What is the purpose of this rule?
These rules govern all procedures before the Idaho Public Utilities Commission.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statutes passed by the Idaho Legislature:

General legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304, 61-305, 61-306, 61-307, 61-308, 61-309, 61-501, 61-502, 61-503, 61-504, 61-505, 61-507, 61-516, 61-538, 61-541, 61-601, 61-602, 61-603, 61-604, 61-605, 61-606, 61-607, 61-608, 61-609, 61-610, 61-611, 61-612, 61-613, 61-614, 61-615, 61-616, 61-617, 61-618, 61-619, 61-621, 61-622, 61-623, 61-624, 61-625, 61-626, 61-803, 61-804, 61-805, 61-806, 61-902, 61-903, 61-904, 61-905, 61-909, 61-1003, 61-1004, 61-1005, 61-1007, 61-1305, 61-1306, 61-1603, 61-1604, 61-1605, 61-1606, 61-1607, 61-1703, 61-1704, 61-1705, 61-1706, 61-1707, 61-1708, 61-1709, 62-304, 62-305, 62-424, 62-602, 62-603, 62-604, 62-605, 62-606, 62-607, 62-608, 62-609, 62-610, 62-611, 62-612, 62-613, 62-614, 62-615, 62-616, 62-619, 62-622, 62-1201, 62-1202, 61-1203, 61-1204, 61-1205, 61-1206, 62-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code.

Who do I contact for more information on this rule?

Idaho Public Utilities Commission
Monday-Friday 8:00am – 5:00pm
11331 W. Chinden Blvd, Ste. 201-A
Boise, ID 83714
P.O. Box 83720
Phone: (208) 334-0323
Fax: (208) 334-4045
Email: secretary@puc.idaho.gov
www.puc.idaho.gov

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31.01.01 – RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION

SUBCHAPTER A – GENERAL PROVISIONS
(Rules 0-20)

000. LEGAL AUTHORITY (RULE 0).
These rules are adopted under the general legal authority of the Public Utilities Law, Chapters 1 through 7, Title 61, Idaho Code. Chapters 8 through 10, 13, 15 through 17, Title 61, Idaho Code; Chapters 3 and 4, Title 62, Idaho Code; the Telecommunications Act of 1988, as amended, Chapter 6, Title 62; Chapters 12 and 13, Title 62, Idaho Code; and the particular authority of Sections 56-904, 61-304 through 61-309, 61-501 through 61-505, 61-507, 61-516, 61-538, 61-541, 61-601 through 61-607, 61-610 through 61-619, 61-621 through 61-626, 61-803 through 61-806, 61-902 through 61-905, 61-909, 61-1003 through 61-1005, 61-1007, 61-1305, 61-1306, 61-1603 through 61-1607, 61-1703 through 61-1709, 62-304, 62-305, 62-424, 62-602 through 62-616A, 62-619, 62-622, 62-622A, 62-1201 through 62-1207, 62-1303, 62-1304, 63-3029I, and 67-6528, Idaho Code. (4-7-11)

001. TITLE AND SCOPE (RULE 1).
The name of this chapter is "Rules of Procedure of the Idaho Public Utilities Commission." This chapter has the following scope: These rules govern all procedure before the Idaho Public Utilities Commission (the Commission). (7-1-93)

002. WRITTEN INTERPRETATIONS – AGENCY GUIDELINES (RULE 2).
Written interpretations to these rules can be obtained from the Secretary of the Idaho Public Utilities Commission and are available from the office of the Commission Secretary. (3-20-20)

003. ADMINISTRATIVE APPEALS (RULE 3).
There are no provisions for administrative appeals within the Commission under these rules of procedure, except that under Rules 253 and 265 a presiding officer may in the presiding officer's discretion refer a ruling on evidence or a motion to the full Commission. (7-1-93)

004. PUBLIC RECORDS ACT COMPLIANCE (RULE 4).
Except as provided by statute and Rules 26, 52, 67, 233, and 287, all materials filed with the Commission pursuant to these rules and all materials issued by the Commission pursuant to these rules are public documents subject to inspection, examination and copying. (4-7-11)

005. DEFINITIONS (RULE 5).
Terms of art used throughout these rules are defined within the rules themselves. The term "utility" used in these rules includes every common carrier, pipeline corporation, gas corporation, electric corporation, telephone corporation, and water corporation as defined in Chapter 1, Title 61, Idaho Code, and Section 62-603, Idaho Code. (4-7-11)

006. -- 009. (RESERVED)

010. THESE RULES SUPERSEDE THE ATTORNEY GENERAL'S RULES OF PROCEDURE (RULE 10).
Except as provided in Rule 401 addressing rulemaking, these rules are affirmatively promulgated to supersede the Idaho Rules of Administrative Procedure of the Attorney General, IDAPA 04.11.01.000 et seq. The Attorney General's Idaho Rules of Administrative Procedure do not apply to proceedings before the Commission except as provided in Rule 401. (7-1-93)

011. PROCEEDINGS GOVERNED (RULE 11).
Rules 11 through 401 govern all procedure before the Idaho Public Utilities Commission (the Commission) in all investigations, contested cases, licensing, rulemaking, and other matters specifically addressed by these rules, unless otherwise directed by the Commission. (7-1-93)

012. OFFICE – OFFICE HOURS – FAX NUMBER – MAILING, ELECTRONIC AND STREET ADDRESSES – DROP BOX (RULE 12).
The principal office of the Commission is in Boise, Idaho. This office is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The Commission's telephone number is (208) 334-0300. The hearing or speech impaired may reach the Commission through the Idaho Telecommunications Relay Service by dialing 711. The Commission has no drop box for filing documents after the close of business. (5-8-09)

01. Fax Number, Mailing and Street Addresses. The Commission's FAX number is (208) 334-3762. The Commission's mailing address is: Idaho Public Utilities Commission, PO Box 83720, Boise, Idaho 83720-0074. The street address of the Commission is: 11331 W. Chinden Blvd, Bldg 8, Suite 201-A, Boise, Idaho 83714. Except as noted in Subsection 012.03 of this rule, all documents filed in all proceedings must be filed with the Commission at one (1) of these addresses. (5-8-09)

02. Internet Homepage. The Commission's electronic address is http://www.puc.idaho.gov. (5-8-09)

03. Electronic Address. The Commission's e-mail address is secretary@puc.idaho.gov, for filing authorized documents per Subsections 061.02 through 061.04. (5-8-09)

013. LIBERAL CONSTRUCTION (RULE 13).
These rules will be liberally construed to secure just, speedy and economical determination of all issues presented to the Commission. Unless prohibited by statute, the Commission may permit deviation from these rules when it finds compliance with them is impracticable, unnecessary or not in the public interest. (7-1-93)

014. COMMISSION SECRETARY -- COMMUNICATIONS WITH COMMISSION -- TIMELY FILING (RULE 14).

01. The Commission Secretary. The Commission Secretary is the custodian of all public files of the Commission and is responsible for service of all orders and notices of the Commission and of all complaints filed with the Commission. Unless otherwise directed by order, the Commission Secretary issues all official notices of the Commission. All written communications and documents that are intended to be part of an official Commission record (other than a hearing record) must be filed with the Commission Secretary. (5-8-09)

02. Timely Filing. Unless otherwise provided by statutes, these rules, order or notice, documents are considered filed when received by the Commission Secretary, not when mailed or otherwise transmitted. (5-8-09)

03. Case Information. Information concerning proceedings before the Commission or the status of any matter before the Commission is available from the Commission Secretary or the Commission's Internet homepage. (5-8-09)

015. IDENTIFICATION OF COMMUNICATIONS (RULE 15).
Parties' communications addressing or pertaining to a given case or proceeding must be written under that case caption and case number. General communications by other persons should refer to case captions, case numbers, permit numbers, or the like, if this information is known. (7-1-93)

016. SERVICE BY COMMISSION - DESIGNATION OF AGENT (RULE 16).
The Commission Secretary serves all notices, orders, summonses, and complaints issued by the Commission or by the Secretary. (7-1-93)

01. Service of Orders and Notices. All notices and orders served by the Commission may be served by United States mail. Notices and orders may also be served by electronic mail in cases designated by the Commission. Unless otherwise provided by statute, these rules, order or notice, service of orders and notices is complete when a copy, properly addressed and stamped, is either deposited in the United States mail or transmitted electronically. All orders and notices shall be affixed with the Commission Secretary's official service date on the first page. The Commission Secretary will serve all orders and notices in a proceeding on the representatives of each party designated pursuant to Rule 41 for that proceeding and upon other persons designated by these rules or by the Commission or any Commissioner. (3-16-04)

02. Service of Summonses and Complaints. The Commission Secretary will serve complaints against utilities upon the person designated for that purpose by the utility. Summonses and complaints directed to regulated utilities or other persons shall be served by registered or certified mail. Writs of summons or subpoena and warrants of attachments directed to all other persons must be served by a person authorized to serve process by statute or by the Idaho Rules of Civil Procedure. (4-7-11)

03. Designation of Agent for Service. All utilities shall designate a person as their agent to be served with summons and complaints. Utilities shall be responsible for maintaining on file with the Commission Secretary the current name, mailing address and e-mail address of the person designated as the agent to receive service. (4-7-11)

017. COMPUTATION OF TIME (RULE 17).
Whenever statute, these or other rules, order, or notice requires an act to be done within a certain number of days of a given day, the given day is not included in the count. If the day the act must be done is a Saturday, Sunday or legal holiday, the act may be done on the first day following that is not a Saturday, Sunday or legal holiday. (7-1-93)

018. PAYMENT OF FEES AND REMITTANCES (RULE 18).

01. Payments. Fees and remittances to the Commission must be paid by money order, bank draft or check payable to "Idaho Public Utilities Commission." Remittances in currency or coin are wholly at the risk of the remitter, and the Commission assumes no responsibility for their loss. (2-15-14)

02. Annual Regulatory Fees. Utilities and railroads shall pay their annual special regulatory fees as required by Chapter 10, Title 61 and Section 62-611, Idaho Code. Utilities and railroads that fail to pay their special regulatory fees, are no longer conducting business in Idaho, and fail to maintain a designated agent for service with the Commission Secretary (Subsection 016.03) may be administratively removed from the list of utilities and railroads subject to the annual regulatory fee. (2-15-14)

019. INCORPORATED BY REFERENCE -- IDAHO BAR COMMISSION RULE (RULE 19).
Rule 43 incorporates by reference Idaho Bar Commission Rule 227 (Pro Hac Vice Admission). Bar Rule 227 is promulgated by the Idaho State Bar and adopted by order of the Idaho Supreme Court. Bar Rule 227 may be obtained from the Idaho State Bar, PO Box 895, Boise, ID 83701, or online at http://www.isb.idaho.gov. Bar Rule 227 is also available for inspection and copying at the Idaho State Law Library or at the offices of the Idaho Public Utilities Commission. (2-15-14)

020. DISCONTINUANCE OF TELECOMMUNICATIONS SERVICE (RULE 20).
A telephone corporation that intends to discontinue service in Idaho shall file a notice with the Commission at least ninety (90) days in advance of the date that it intends to cease operations. The telephone corporation proposing to discontinue basic local exchange or message telecommunications services shall also publish a notice of such discontinuance in a legal newspaper circulated in its service area pursuant to Section 62-612, Idaho Code. If the telephone corporation held any customer deposits or advance payments, the telephone corporation shall indicate in the notice how the deposits are to be returned to customers. See also IDAPA 31.41.01, "Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission," Section 312 (4-7-11)

SUBCHAPTER B – CONTESTED CASES
(Rules 21-400)

PART 1 – DEFINITIONS AND GENERAL PROVISIONS
(Rules 21-100)

INFORMAL AND FORMAL PROCEEDINGS
(Rules 21-30)

021. INFORMAL PROCEEDINGS DEFINED (RULE 21).
Informal proceedings are proceedings in cases authorized by statute, rule or order of the Commission to be conducted using informal procedures, i.e., procedures without a record to be preserved for later Commission or judicial review, without the necessity of representation according to Rule 43, without formal designation of parties, without the necessity of presiding officers, or without other formal procedures required by these rules for formal proceedings. Unless prohibited by statute, the Commission may provide that informal proceedings may precede formal proceedings in the consideration of a rulemaking or a case. (7-1-93)

022. INFORMAL PROCEDURE (RULE 22).
These rules encourage the use of informal proceedings to settle or determine cases. Unless prohibited by statute, the Commission may provide for the use of informal procedure at any stage of a case. Informal procedure may include individual contacts by or with the Commission staff asking for information, advice or assistance from the Commission staff, or proposing informal resolution of formal disputes. Informal procedures may be conducted in writing, by telephone, or in person. (7-1-93)

023. FURTHER PROCEEDINGS (RULE 23).
Except as provided in Rule 24, any person participating in an informal proceeding must be given an opportunity for a later formal administrative proceeding before the Commission, at which time the parties may fully develop the record before the Commission. (7-1-93)

024. INFORMAL PROCEEDINGS DO NOT EXHAUST ADMINISTRATIVE REMEDIES (RULE 24).
Unless all parties agree to the contrary in writing, informal proceedings do not substitute for formal proceedings and do not exhaust administrative remedies, and informal proceedings are conducted without prejudice to the right of the parties to present the matter formally to the Commission. The Commission Staff will consider and investigate informal inquiries or complaints without prejudice to the right of the interested persons to present the matter formally to the Commission, unless all affected persons agree in writing to be bound by the informal decision. Settlement offers made in the course of informal proceedings are confidential and shall be excluded from the agency record of any later formal proceedings. Informal procedure is recommended and preferred for informal inquiries or complaints. However, the Commission itself may formally consider any informal inquiry or complaint presented to it or to the Staff. (7-1-93)

025. FORMAL PROCEEDINGS (RULE 25).
Formal proceedings, which are governed by rules of procedure other than Rules 21 through 24, must be initiated by a pleading listed in Rules 51 through 58. (7-1-93)

026. INFORMAL FILES MAY BE INVESTIGATIVE RECORDS (RULE 26).
Files created by the Commission and its Staff in response to informal inquiries or complaints are investigatory records and are generally exempt from disclosure according to Section 74-105(1), Idaho Code, but are available under Section 74-113(1), Idaho Code, to the customer, applicant, utility, carrier, etc., that are the subjects of the investigation. (4-5-00)

027. -- 030. (RESERVED)

PARTIES – OTHER PERSONS
(Rules 31-40)

031. PARTIES LISTED (RULE 31).
Parties to proceedings before the Commission are called applicants, petitioners, complainants, respondents, or intervenors. Applicants, petitioners, complainants, and respondents are original parties. On reconsideration parties are called by their original titles listed above. (7-1-93)

032. APPLICANTS (RULE 32).
Persons who seek any right, license, award, or authority (except intervenors requesting intervenor funding) from the Commission are called "applicants." (7-1-93)

033. PETITIONERS (RULE 33).
Persons not applicants who seek to modify, amend or stay existing orders or rules, to clarify their rights or obligations under law administered by the Commission, to ask the Commission to initiate a proceeding (other than an application or a complaint), or to otherwise take action that will result in the issuance of an order or rule, but not seeking a right or authority from the Commission, are called "petitioners." (7-1-93)

034. COMPLAINANTS (RULE 34).
Persons charging other person(s) with any act or omission are called "complainants." In any proceeding which the Commission charges an act or omission, the Commission is called "complainant." (7-1-93)

035. RESPONDENTS (RULE 35).
Persons against whom complaints or petitions are filed or about whom investigations are initiated are called "respondents." (7-1-93)

036. INTERVENORS (RULE 36).
Persons, not original parties to a proceeding, permitted to participate as parties pursuant to Rules 71 through 75, are called "intervenors." (7-1-93)

037. COMMISSION STAFF (RULE 37).
The Commission Staff, without intervention, may appear at any hearing and has all rights of participation as a party to the proceeding. If counsel is desired, a Deputy Attorney General for the Commission represents the Staff. (3-16-04)

038. RIGHTS OF PARTIES AND OF COMMISSION STAFF (RULE 38).
Subject to Rules 249, 251 and 261, all parties and the Commission Staff may appear at hearing or argument, introduce evidence, examine witnesses, make and argue motions, state positions, and otherwise fully participate in hearings or arguments. (7-1-93)

039. PERSONS -- PERSONS NOT PARTIES -- INTERESTED PERSONS -- PUBLIC INVOLVEMENT (RULE 39).

01. Persons and Person Not Parties. The term "person" includes natural persons, partnerships, corporations, associations, municipalities, government entities and subdivisions, and any other entity authorized by law to participate in administrative proceedings. Persons other than the persons named in Rules 32 through 37 are not parties for the purpose of any statute or rule addressing rights or obligations of parties. (2-15-14)

02. Interested Persons. Interested persons for purposes of the Commission Secretary's service of notice under Rules 113, 123, and 202 are municipalities, counties, and chambers of commerce in the area affected by a proceeding and persons who were parties in any proceeding of a similar kind involving the same utility or railroad in the preceding three (3) years. This rule defines interested persons for purposes of Rules 113, 123, and 202, but not for purposes of Section 61-626, Idaho Code. (2-15-14)

03. Public Involvement. Persons interested in receiving periodic updates about filings made in certain groups of cases, in individual cases, or the issuance of press releases, orders and notices may subscribe to the Commission's Rich Site Summary (RSS) feed located on the Commission's home page at: www.puc.idaho.gov. Subscription to general information will be available at the home page at "Keep Me Updated" and case specific subscription will be available at each case summary page. The Commission's home page also contains links to other utility or Commission topics. (2-15-14)

040. (RESERVED)

REPRESENTATIVES OF PARTIES
(Rules 41-50)

041. INITIAL PLEADING BY PARTY -- LISTING OF REPRESENTATIVES (RULE 41).

01. Designation of Representative Required. The initial pleading of each party to a proceeding (be it an application, petition, complaint, motion, or answer) must name the party's representative(s) for service and state each representative's mailing and electronic (if available) address for purposes of receipt of all official documents. Service of documents on the named representative(s) by mail or by electronic mail is valid service upon the party for all purposes in that proceeding. If no person is explicitly named as a party's representative, the person signing the pleading will be considered the party's representative. (3-16-04)

02. Number of Representatives. No more than two (2) persons may be designated as a party's representatives for purposes of service or receipt of official documents unless otherwise authorized by order. The Commission may condition such an order upon reasonable terms concerning payment of copying costs and mailing costs to additional representatives. (7-1-93)

042. TAKING OF APPEARANCES (RULE 42).
The presiding officer at hearing or prehearing conference will take appearances to identify the representatives of all parties at the hearing. Parties whose pleadings have not been received by or distributed to all other parties may be required to state their interests at the hearing. (7-1-93)

043. REPRESENTATION OF PARTIES (RULE 43).
Proceedings before the Commission are sometimes administrative in nature or quasi-judicial in nature. General requirements for the representation of parties are outlined below. (2-15-14)

01. Administrative Proceedings. Administrative proceedings before the Commission include matters such as the filing of tariff schedules, tariff advices, price lists, certificates to provide local exchange service, interconnection agreements, rulemaking, written comments in modified procedure, or written comments provided at a customer hearing. These filings may be made by a natural person pro se, a partner in a partnership, an employee or officer of a corporation, or a licensed attorney. (4-7-11)

02. Quasi-Judicial Proceedings. The representation of parties at quasi-judicial proceedings for the purpose of adjudicating the legal rights or duties of a party is restricted as set out below. Quasi-judicial proceedings before the Commission include matters such as formal complaints, petitions, motions, applications for modified procedure or technical/evidentiary hearings. Representation of parties of these types of proceedings shall be as follows: (4-7-11)

a. A natural person may represent himself or herself or be represented by a licensed attorney. (4-7-11)

b. A partnership or corporation shall be represented by a licensed attorney. (4-7-11)

c. A municipal corporation; a state, federal, tribal, or local government agency; an unincorporated association; a non-profit organization, or other entity shall be represented by a licensed attorney. (4-7-11)

03. Attorney Representation. Only an active member of the Idaho State Bar may represent a party as an attorney except as provided by Idaho Bar Commission Rule 227 (Pro Hac Vice Admission). The Commission adopts by incorporation Bar Rule 227 as modified below. (2-15-14)

a. Limited admission by out-of-state attorneys will not be necessary in conjunction with administrative proceedings. Out-of-state attorneys representing the same party in one (1) or more quasi-judicial proceedings must request limited admission at least one (1) time per calendar year. (4-7-11)

b. An attorney applying for limited admission to appear before the Commission in a representative capacity shall file a written motion with the Commission Secretary and serve a copy on all parties. The motion shall be substantially in the form set out in Bar Rule 227(j) with references to the Commission instead of the court. (2-15-14)

c. A copy of the written motion shall be submitted to the Idaho State Bar accompanied by the fee prescribed in Bar Rule 227. (2-15-14)

044. SERVICE ON REPRESENTATIVES OF PARTIES AND OTHER PERSONS (RULE 44).
From the time a party files its initial pleading in a proceeding, that party must serve and all other parties must serve all future documents listed in Rule 51 upon all other parties' representatives designated pursuant to Rule 41, unless otherwise directed by order or notice or by the presiding officer on the record. The Commission may order parties to serve past documents filed in the case upon those representatives. The Commission may order parties to serve past or future documents filed in the case upon persons not parties to the proceedings before the Commission. (3-16-04)

045. WITHDRAWAL OF PARTIES (RULE 45).
Any party must move the Commission in writing or at hearing to withdraw from a proceeding. (7-1-93)

046. SUBSTITUTION OF REPRESENTATIVE -- WITHDRAWAL OF REPRESENTATIVE (RULE 46).
A party's representative may be changed and a new representative may be substituted by notice to the Commission and to all other parties so long as the proceedings are not unreasonably delayed. The presiding officer at hearing may

permit substitution of representatives at hearing in the presiding officer's discretion. Persons representing a party who wish to withdraw their representation of a party in a proceeding before the Commission must immediately file in writing a notice of withdrawal of representation and serve that notice on the party represented and all other parties. (7-1-93)

047. CONDUCT REQUIRED (RULE 47).
Representatives of parties and parties appearing in a proceeding must conduct themselves in an ethical and courteous manner. (7-1-93)

048. FORMER EMPLOYEES -- RESTRICTION ON REPRESENTATION OF PARTIES (RULE 48).
No former employee of the Commission or member of the Attorney General's staff may appear in a representative capacity or as an expert witness on behalf of other parties in a formal proceeding in which he or she previously took an active part. (7-1-93)

049. NOTICE OF PARTIES (RULE 49).
As reasonably necessary in a proceeding, and in any event, at least once in every proceeding, the Commission Secretary will issue to the parties a notice of parties. The notice of parties will list all parties, their representative(s) under Rule 41, their representative's(s') mailing or electronic address(es), exhibit numbers assigned to the parties, and any other information required by the Commission. The Commission Secretary will maintain on file a current list of all parties to a proceeding and issue a revised notice of parties as reasonably necessary to reflect changes in the previous notice of parties. (4-5-00)

050. (RESERVED)

PLEADINGS – IN GENERAL
(Rules 51-60)

051. PLEADINGS LISTED -- MISCELLANEOUS (RULE 51).
Pleadings before the Commission are called applications, petitions, complaints, motions, answers and consent agreements. Affidavits may be filed in support of any pleading. Initial pleadings must comply with Rule 41. All pleadings must be filed in accordance with Rules 61 through 66. A party may adopt or join any other party's pleading. Two (2) or more separately stated grounds, claims or answers concerning the same subject matter may be included in one (1) pleading. (7-1-93)

052. APPLICATIONS -- DEFINED -- FORM AND CONTENTS (RULE 52).
All pleadings requesting a right, certificate, permit, or authority from the Commission are called "applications." Applications must: (2-15-14)

01. State Facts. Fully state the facts upon which they are based, (7-1-93)

02. Refer to Provisions. Refer to the particular provisions of statute, rule, order, or other controlling law upon which they are based, and (7-1-93)

03. Pray for the Action Sought. Request the action desired. (3-16-04)

04. Public Information. Unless otherwise exempted from disclosure by statute, information in applications is public information not exempt from disclosure under Section 74-106(8) and 74-106(9), Idaho Code. (3-16-04)

053. PETITIONS -- DEFINED -- FORM AND CONTENTS (RULE 53).
All pleadings requesting: (7-1-93)

01. Modification, Amendment or Stay of Existing Orders or Rules. (7-1-93)

02. Clarification or Construction of Orders, Rules or Statute. (7-1-93)

03. Initiation of Proceeding. The initiation of a proceeding not an application or a proceeding that will lead to the issuance of an order. (7-1-93)

04. Reconsideration. (2-15-14)

05. Request for Intervenor Funding. (2-15-14)

06. Intervention are Called "Petitions." (2-15-14)

07. Form and Content. Petitions must: (2-15-14)

a. Fully state the facts upon which they are based, (7-1-93)

b. Refer to the particular provisions of statute, rule, order or other controlling law upon which they are based, (7-1-93)

c. Pray for the relief desired, and (7-1-93)

d. State the name of the person petitioned against (the respondent), if any. (7-1-93)

054. FORMAL COMPLAINTS -- DEFINED -- CONTENTS AND PROCESS (RULE 54).
All pleadings charging utilities or other person(s) with acts or omissions under law administered by the Commission are called "formal complaints." Formal complaints must be in writing and: (5-8-09)

01. Name the Respondent. State the name of the utility or person complained against (the respondent). (5-8-09)

02. State the Facts. Fully state the facts constituting the acts or omissions of the utility or person against whom the complaint is filed and the dates when the acts or omissions occurred. (5-8-09)

03. Refer to Applicable Provisions. Refer to the specific provision of statute, rule, order, notice, tariff or other controlling law that the utility or person has violated. (5-8-09)

04. State the Relief Desired. State what action or outcome should be taken to resolve the complaint. (5-8-09)

05. Process. The Commission encourages the use of informal proceeding (see Rules 21 through 26) to resolve or settle formal complaints. The Commission shall determine how a formal complaint should be processed, e.g., issuance of a summons, open an investigation, informal procedure with Staff. The Commission Secretary may serve a copy of the formal complaint upon the utility or person to which the formal complaint is directed. (5-8-09)

055. INFORMAL INQUIRIES OR COMPLAINTS (RULE 55).
Informal inquiries or complaints are addressed in Rules 21 through 26. (7-1-93)

056. MOTIONS -- DEFINED -- FORM AND CONTENTS -- TIME FOR FILING (RULE 56).
All other pleadings requesting the Commission to take any other action, except consent agreements or pleadings specifically answering other pleadings, are called "motions." Motions must: (7-1-93)

01. State the Facts. Fully state the facts upon which they are based. (7-1-93)

02. Refer to Provisions. Refer to the particular provision of statute, rule, order, notice, or other controlling law upon which they are based. (7-1-93)

03. Pray for the Relief Sought. If the moving party desires oral argument or hearing on the motion, the moving party must so state in the motion. Any motion to dismiss, strike or limit a complaint or petition must be filed before the answer is due or be included in the answer, if the movant is obligated to file an answer. If a motion is directed to an answer, it must be filed within fourteen (14) days after service of the answer. Other motions may be filed at any time upon compliance with Rule 256. The Commission will act on motions as provided in Rule 256. (7-1-93)

057. ANSWERS -- DEFINED -- FORM AND CONTENTS -- TIME FOR FILING (RULE 57).

01. Answers Defined. All pleadings responding to the allegations or requests of applications, complaints, petitions or motions are called "answers." All pleadings responding to the allegations or prayers of complaints, petitions or motions are called "answers." (7-1-93)

02. Answers to Complaints or Petitions. Answers to complaints or petitions must be filed with the Commission and served on all parties of record within twenty-one (21) days after service of the complaint or petition, unless the Commission modifies the time within which answer may be made or a motion to dismiss is made within twenty-one (21) days. (7-1-93)

a. Answers to complaints or petitions must admit or deny each material allegation of the complaint or petition. Any material allegation not specifically admitted shall be considered to be denied. Matters alleged by cross-complaint or affirmative defense must be separately stated and numbered. (7-1-93)

b. A party that fails to answer a complaint or petition within the prescribed time will be treated as generally denying the allegations of the complaint or petition and will be precluded, except for good cause shown, from setting up any affirmative defense in the proceeding. In these cases, the Commission may proceed with the matter solely upon the issues set forth in the complaint or petition. The complainant or petitioner must offer evidence of its allegations regardless of whether the complaint or petition is answered or denied. (7-1-93)

03. Answers to Motions. Answers to motions may be filed by persons or parties who are the object of a motion or by parties opposing a motion. The person or party answering the motion must do so with all deliberate and reasonable speed. In no event is a party entitled to more than fourteen (14) days to answer a motion or to file a motion for additional time to answer. The Commission may act upon a motion under Rule 256. (7-1-93)

058. CONSENT AGREEMENTS -- DEFINED -- FORM AND CONTENTS (RULE 58).

01. Definition of Consent Agreement. Agreements between a regulated utility or carrier and the Commission Staff, a customer or another utility or regulated carrier in which one (1) or more parties agree prospectively to engage in certain conduct mandated by statute, rule, order, tariff, or other provision of law, or to refrain from engaging in certain conduct prohibited by statute, rule, order, tariff, or other provision of law, are called "consent agreements." Consent agreements are intended to require compliance with existing law. Settlements of differing positions in ongoing cases under Rules 271 through 277 in the development of new rules, orders, tariffs, etc., are not consent agreements. (7-1-93)

02. Form and Content of Consent Agreement. Consent agreements must: (7-1-93)

a. Recite Parties. Recite the parties to the agreement; and (7-1-93)

b. Statement of Conduct. Fully state the conduct proscribed or prescribed by the consent agreement. In addition, consent agreements may; (7-1-93)

c. Recite the consequences of failure to abide by the consent agreement; (7-1-93)

d. Provide for payment of civil or administrative penalties authorized by law; (7-1-93)

e. Provide for payment of reparations of overcharges authorized by law; (7-1-93)

f. Provide for loss of rights, licenses, awards or authority; (7-1-93)

g. Provide for consent to adjustment of rates, charges, certificates, permits, tariffs, or other action as authorized by law; or (7-1-93)

h. Provide that parties waive all further procedural rights (including hearing, consultation with counsel, etc.) with regard to enforcement of the consent agreement. (7-1-93)

059. -- 060. (RESERVED)

FILING, SERVICE, AMENDMENT AND WITHDRAWAL OF DOCUMENTS
(Rules 61-70)

061. FILING DOCUMENTS WITH THE COMMISSION -- NUMBER OF COPIES -- DISCOVERY -- FACSIMILE (FAX) AND ELECTRONIC FILING (RULE 61).
The following numbers of documents shall be filed with the Commission Secretary: (5-8-09)

01. Printed Filings. When filing printed material: (4-5-00)

a. In utilities cases (other than those cases specified in Subsections 061.01.b. and 061.01.c. of this rule): (5-8-09)

i. Pleadings (applications, petitions, complaints, motions, answers and consent agreements)--an original (unbound and unstapled) and seven (7) copies. (5-8-09)

ii. Briefs, proposed orders, statements of position, and exceptions under Rule 312--an original (unbound and unstapled) and seven (7) copies. (5-8-09)

iii. Prepared testimony and exhibits--nine (9) copies (one (1) copy designated as reporter's copy) plus CD-ROM as required by Rule 231.05. (5-8-09)

b. Security issuance cases: (4-5-00)

i. Pleadings--an original (unbound and unstapled) and four (4) copies. (5-8-09)

ii. Other documents except for discovery-related documents -- three (3) copies. (5-8-09)

c. Telecommunication interconnection agreements: (3-16-04)

i. Pleadings--an original (unbound and unstapled) and three (3) copies. (5-8-09)

ii. All other documents -- two (2) copies. (3-16-04)

02. Filing Discovery. Discovery-related documents (notice of taking deposition, production requests, written interrogatories, requests for admission, answers to discovery, explanations in lieu of discovery under Rule 225, and objections to discovery) shall be filed in either printed or electronic format. (5-8-09)

a. If printed filing -- three (3) copies to the Commission Secretary. (5-8-09)

b. If electronic filing -- the discovery document(s) shall be submitted to the Commission Secretary as attachments to an e-mail or placed on a CD-ROM and the CD-ROM is filed with the Secretary. The electronic discovery documents shall be in a computer searchable form of Adobe Acrobat in portable document format (PDF) without password protection. The transmitting e-mail or CD-ROM shall be labeled with the case number, case name, and the name of the person and the party submitting the discovery. (5-8-09)

03. FAX and Electronic Filings. Notices of withdrawal of party or of withdrawal of representative, stipulations, and documents requiring emergency or immediate action by the Commission may be filed with the Commission Secretary as an attachment to an e-mail or by facsimile transmission (FAX). The attached electronic document shall be in a computer searchable form of Adobe Acrobat (PDF) without password protection. Whenever any such document is filed by electronic mail or by FAX, the required number of printed documents per Subsection 061.01 must be delivered to the Commission by overnight mail on the next working day. The use of electronic mail or FAX is prohibited to file prepared testimony and exhibits, discovery-related documents or any other documents except as authorized by this paragraph. (5-8-09)

04. Reducing the Number or Changing the Form of Filing. The Commission Secretary is authorized to reduce the number of required copies or allow electronic copies to be filed in lieu of a printed original or copies. (5-8-09)

062. FORM OF DOCUMENTS (RULE 62).

01. Information to be Listed. All documents listed in Rule 61 submitted by a party and intended to be part of the record must: (7-1-93)

a. Be submitted on white eight and one-half inch by eleven inch (8 1/2" by 11") paper copied on either one (1) side or both sides (duplexed); (5-8-09)

b. State the case caption, case number and title of the document; (7-1-93)

c. Include on the upper left corner of the first page: (3-16-04)

i. The name(s); (3-16-04)

ii. Mailing, street and e-mail address(es); and (3-16-04)

iii. Telephone and FAX number(s) of the person(s) filing the document or the person(s) to whom questions about the document can be directed; and (3-16-04)

d. Have at least one-inch (1") left and top margins. (7-1-93)

02. Example. These documents complying with this rule will be in the following form:

Name of Representative (State Bar No. if applicable)
Mailing Address of Representative
Street Address of Representative (if different)
Telephone Number of Representative
FAX Number of Representative (if there is one)
E-mail address (if available)
Attorney/Representative (for Name of Party)

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

(Title of Proceeding)
)
) CASE NO. ABC-X-XX-XX
) TITLE OF DOCUMENT

(5-8-09)

03. Identification of Parties. Every document filed under this rule must identify the party filing it in its title. The party must be identified by both the party's designation as a party (e.g., intervenor) and the party's name. For example, the Intervenor ABC Company would title its motion to strike as "Motion to Strike of Intervenor ABC Company." A short title of the document must appear at the bottom left corner of each page of the document. For example, the short title of the motion above could be: "ABC's Motion to Strike." (7-1-93)

04. Original Documents. All original documents filed with the Commission Secretary shall be unbound and unstapled. Copies of original documents may be bound or stapled. (5-8-09)

063. SERVICE ON PARTIES AND OTHER PERSONS (RULE 63).

01. Service in General. All documents referred to in Rule 61 (except as noted below) must be served upon the representatives of every party of record concurrently with filing with the Commission Secretary. When a

document has been filed with the Commission Secretary by FAX or electronic mail, it must be served upon all other parties with FAX facilities or by electronic mail, respectively. For parties without electronic capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available. The Commission may direct that some or all of these documents be served on interested or affected persons who are not parties. The Commission Secretary's notice of parties (and revisions to it) will list all persons whom the parties must serve and their representatives as of the date of the notice or its revision. (5-8-09)

02. Service by Electronic Mail. The Commission may direct or the parties may agree that service among parties be accomplished by electronic mail. (5-8-09)

03. Service of Discovery. The service of discovery documents on parties shall be accomplished by electronic mail (as attachments to e-mail). For parties without electronic mail capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available. See Rule 229. (5-8-09)

064. PROOF OF SERVICE (RULE 64).
Every document that is filed with the Commission and intended to be part of the record for decision must be attached to or accompanied by proof of service by the following or similar certificate: (7-1-93)

I HEREBY CERTIFY (swear or affirm) that I have this day of, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).

(Signature)

Each certificate of service must individually list the names and addresses of each person served. (7-1-93)

065. DEFECTIVE, INSUFFICIENT OR LATE PLEADINGS (RULE 65).
Defective, insufficient or late pleadings may be returned or dismissed, except that applications under Rule 121 cannot be dismissed during the period of suspension of rates under Rule 123, but can only be returned for correction once the suspension period has begun. (7-1-93)

066. AMENDMENTS TO PLEADINGS (RULE 66).
The Commission may allow any pleading to be amended or corrected or any omission to be supplied. Pleadings will be liberally construed, and defects that do not affect substantial rights of the parties will be disregarded. (7-1-93)

067. INFORMATION EXEMPT FROM PUBLIC REVIEW -- DEFINITIONS -- FORM -- PROCEDURES (RULE 67).

01. Definitions. (4-5-00)

a. "Trade secrets" filed with the Commission are exempt from public inspection, examination, and copying pursuant to Section 74-107(1), Idaho Code. Trade secrets means information, including a formula, pattern, compilation, program, computer program, device, method, technique, process, or unpublished or in progress research that: (4-5-00)

i. Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (4-5-00)

ii. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. (4-5-00)

b. "Confidential information" means information, documents, or records filed with the Commission that are specifically exempt from public inspection, examination and copying pursuant to Sections 74-104 through 74-109, Idaho Code. (4-5-00)

02. **Form**. In addition to the requirements of Rule 62 (except Subsection 062.01.a.), information that is alleged to be trade secrets, confidential or otherwise exempt from public disclosure shall be served upon the Commission and other parties who have entered into a protective agreement pursuant to Subsection 067.04 in either printed or electronic format. (4-5-00)

a. If in printed form, the page(s) containing the trade secret or confidential information shall be reproduced on yellow paper. Each page shall be marked as "TRADE SECRETS" or "CONFIDENTIAL." See Rule 61 for the number of printed copies. (5-8-09)

b. If in electronic form, the trade secret or confidential information shall be reproduced separately on a CD-ROM or other electronic storage format approved by the Commission Secretary; and not included with other material electronically filed. Each CD-ROM or other storage device containing trade secret or confidential information shall be clearly identified with the case caption, case number, title of document and marked as "TRADE SECRETS" or "CONFIDENTIAL." (5-8-09)

03. **Procedure**. Whenever a party believes that information contained in pleadings or other documents are trade secrets, confidential or otherwise exempt from public disclosure, the attorney of such party designated by Rule 41 must state in writing that the information is protected by law from public inspection, examination or copying, citing the specific grounds and legal authority for that assertion. Documents containing trade secrets or confidential information shall be separated from documents not containing trade secrets or confidential information. Trade secrets or confidential information contained in documents will be removed and replaced with a page marked: "This page allegedly contains trade secrets or confidential material and is separately filed." All materials for which no assertion of protection from public inspection, examination and copying is made will be placed in files available for public inspection. Trade secrets, confidential information and other records exempt from public inspection shall be separately stored in a secured location with limited access and safeguarded from unauthorized disclosure. (4-5-00)

04. **Protective Agreements**. In proceedings before the Commission involving trade secrets or other confidential information, parties may enter into protective agreements to facilitate and safeguard the exchange of necessary information. Protective agreements may include procedures for copying, exchanging, serving, safeguarding, or challenging the characterization of trade secrets or confidential information. The Commission shall not be a party and will not be bound by the terms of a protective agreement. (4-5-00)

068. WITHDRAWAL OF PLEADINGS (RULE 68).
A party desiring to withdraw a pleading must file a notice of withdrawal of the pleading with the Commission and serve all parties with it. Unless otherwise ordered by the Commission, the notice is effective fourteen (14) days after filing. (3-30-01)

069. -- 070. (RESERVED)

INTERVENTION – PUBLIC WITNESSES
(Rules 71-80)

071. ORDER GRANTING INTERVENTION NECESSARY (RULE 71).
Persons not original parties to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the Commission granting intervention to become a party. (7-1-93)

072. FORM AND CONTENTS OF PETITIONS TO INTERVENE (RULE 72).
Petitions to intervene must comply with Rules 41, 61, and 62. The petition must set forth the name and address of the petitioner and clearly and concisely state the direct and substantial interest of the petitioner in the proceeding. If affirmative relief is sought, the petition must state the relief sought and the basis for granting it. Petitions for intervenor funding should be made in a separate document from the petition to intervene. (2-15-14)

073. TIMELY FILING OF PETITIONS TO INTERVENE (RULE 73).
Petitions to intervene must be filed at least fourteen (14) days before the date set for hearing or prehearing conference, whichever is earlier, unless a different time is provided by order or notice. Petitions not timely filed must state a substantial reason for delay. The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties

or undue broadening of the issues, or for other reasons. Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition. (7-1-93)

074. GRANTING PETITIONS TO INTERVENE (RULE 74).
If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the Commission or the presiding officer will grant intervention, subject to reasonable conditions. If it later appears that an intervenor has no direct or substantial interest in the proceeding, or that the intervention is not in the public interest, the Commission may dismiss the intervenor from the proceeding. (7-1-93)

075. ORDERS GRANTING INTERVENTION -- OPPOSITION (RULE 75).
No order granting a petition to intervene will be acted upon fewer than seven (7) days after its filing, except in a hearing in which any party may be heard. Any party opposing a petition to intervene must do so by motion in opposition filed within seven (7) days after receipt of the petition to intervene and served upon all parties of record and upon the person petitioning to intervene. (7-1-93)

076. PUBLIC WITNESSES (RULE 76).
Persons not parties and not called by a party who testify at hearing are called "public witnesses." Public witnesses do not have parties' rights to examine witnesses or otherwise participate in the proceedings. Subject to Rules 249 and 251, public witnesses have a right to introduce evidence at hearing by their written or oral statements and exhibits introduced at hearing, except that public witnesses offering expert opinions at hearing or detailed analysis or detailed exhibits must comply with Rule 231 with regard to filing and service of testimony and exhibits to the same extent as witnesses of parties. Public witnesses' written or oral statements and exhibits are subject to examination and objection. (4-5-00)

077. -- 100. (RESERVED)

PART 2 – SPECIFIC REQUIREMENTS OF CERTAIN FILINGS – RELATED RULES
(Rules 101-200)

PETITIONS FOR DECLARATORY ORDERS
(Rules 101-110)

101. FORM AND CONTENTS OF PETITION FOR DECLARATORY ORDERS (RULE 101).

01. Form of Petition. Any person petitioning for a declaratory ruling must substantially follow this form. (7-1-93)

02. Contents of Petition. The petition shall: (7-1-93)

a. Identify the petitioner and state the petitioner's interest in the matter, (7-1-93)

b. State the declaratory ruling that the petitioner seeks, and (7-1-93)

c. Indicate the statute, order, rule, or other controlling law, and the factual allegations upon which the petitioner relies to support the petition. Legal assertions in these paragraphs may be accompanied by citations of cases and/or statutory provisions. (7-1-93)

102. NOTICE OF PETITION FOR DECLARATORY ORDERS (RULE 102).
Notice of petition for declaratory ruling will be issued to all affected utilities. Orders disposing of the petition will be served on all affected utilities. (4-5-00)

103. -- 110. (RESERVED)

APPLICATIONS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY
(Rules 111-120)

111. FORM AND CONTENTS -- NEW UTILITY (RULE 111).
Applicants for the issuance of a certificate of convenience and necessity for a new utility under Section 61-526, Idaho Code, or Commission order, must submit the data required by this rule (where relevant) with their applications. (4-5-00)

01. Name, Address and Form of Business. (7-1-93)

a. If the applicant is a sole proprietor: (7-1-93)

i. The name, business address, and electronic address (if available) of the applicant; and (4-5-00)

ii. The business name (including "doing business as" (dba)) of the sole proprietorship. (3-16-04)

b. If the applicant is a partnership: (7-1-93)

i. A list of the names, business addresses, and electronic addresses (if available) of all the partners; and (4-5-00)

ii. The business name (including dba) of the partnership. (3-16-04)

c. If the applicant is a corporation or limited liability company (LLC): (2-15-14)

i. A short statement of the character of public service in which it may engage; (7-1-93)

ii. The name of the entity (including dba) and the state in which it is incorporated or organized; (2-15-14)

iii. Its principal business address, its principal business address within Idaho, and electronic address (if available); (4-5-00)

iv. A certified copy of its articles of incorporation or its certificate of organization if an LLC; and (2-15-14)

v. If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the secretary of state of the state in which it is incorporated or organized, and the name and address of its registered agent for service in Idaho. (2-15-14)

02. Written Explanation Why Service Is Proposed. A statement or prepared testimony and exhibits explaining why the proposed utility service is or will be in the public convenience and necessity. (7-1-93)

03. Proposed Operations. A full description of the proposed location, route or routes of the utility service, including a description of the manner of construction, and the names of all public utilities, corporations, or persons with whom the proposed new utility is likely to compete. (7-1-93)

04. Maps. A map of suitable scale showing the location of the utility service and its relation to other public utilities in the area that offer or provide similar utility service. (7-1-93)

05. Financing of Construction. A statement of the manner in which the applicant proposes to finance new utility service construction, the time when the applicant proposes to begin construction and the time when the applicant proposes to begin service. (7-1-93)

06. Cost of Service. Estimates of the cost of extending to and the annual cost of serving the territory for which the certificate is sought, of the number of service connections already made or to be made, of the annual revenue from them or expected annual revenue from them, and of anticipated rates and charges. (7-1-93)

07. Financial Statement. A financial statement of the applicant. (7-1-93)

112. FORM AND CONTENTS -- EXISTING UTILITY (RULE 112).
Existing utilities applying for the issuance of or the amendment of a certificate of convenience and necessity under Section 61-526, Idaho Code, must submit the following data (where relevant): (4-5-00)

01. Statement and Explanation. A statement or prepared testimony and exhibits explaining why the proposed construction or expansion is or will be in the public convenience and necessity. (7-1-93)

02. Description of Construction or Expansion. A full description of the proposed construction or expansion, including the manner of construction or expansion, and if an expansion, the names of all public utilities, corporations, or persons with whom the expanded utility is likely to compete. (7-1-93)

03. Map. A map of suitable scale showing the location of the construction or expansion and its relation to other public utilities in the area(s) that offer or provide similar utility service. (7-1-93)

04. Financial Statement and Construction Timelines. A statement of the manner in which the applicant proposes to finance the construction or expansion, the time when the applicant proposes to begin the construction or expansion, and the time when the applicant proposes to complete the construction or expansion. (7-1-93)

05. Cost Estimates and Revenue Requirements. Estimates of the cost of the construction or expansion, the number of additional customers to be served by the construction or expansion, the revenues to be derived from the construction or expansion, and of the effects of the construction or expansion on revenue requirements. (7-1-93)

113. NOTICE OF APPLICATION -- ORDERS (RULE 113).
Notice of application for a certificate of convenience and necessity will be issued to all interested persons in all cases in which statute requires formal consideration of the application or in which the Commission intends to conduct formal proceedings to consider the application. (4-5-00)

114. APPLICATION FOR NEW COMPETITIVE LOCAL EXCHANGE CARRIER (CLEC) – FORM AND CONTENT (RULE 114).
The Commission issues Certificates of Public Convenience and Necessity to competitive local exchange carriers (CLECs) seeking to provide local exchange services in Idaho. The Commission uses the certification process to register and review applications to provide local telecommunications services. See Commission Order No. 26665 issued November 7, 1996. Each CLEC application shall include the following information: (5-8-09)

01. Name, Address and Form of Business. (5-8-09)

a. If the applicant is the sole proprietor, provide the name and business address of the applicant and the business name of the sole proprietorship. (5-8-09)

b. If the applicant is a partnership, provide a list of the names and business addresses of all the partners, and the business name of the partnership. (5-8-09)

c. If the applicant is a corporation or limited liability company (LLC), along with the entity's name (and dba, if any), provide, if applicable: (2-15-14)

i. A short statement of the character of public service in which it is engaged; (5-8-09)

ii. The name of the entity (including dba, if any) and the state in which it is incorporated or organized; (2-15-14)

iii. Its principal business address and its principal address within Idaho; (5-8-09)

iv. A certified copy of its articles of incorporation or its certificate of organization if an LLC; (2-15-14)

v. The names and addresses of the officers and directors of applicant; (5-8-09)

vi. The names and addresses of subsidiaries owned or controlled by applicant; (5-8-09)

vii. If not incorporated or organized in Idaho, a certificate of authority from the Idaho Secretary of State, a certificate of good standing issued by the secretary of state in the state it is incorporated or organized, and the name and address of its registered agent for service in Idaho; and (2-15-14)

viii. The name and address of any corporation, association, or similar organization holding a five percent (5%) or greater ownership or a managerial interest in the applicant, and indicate the amount and character of the ownership interest. Include a copy of any management agreement with the application. (5-8-09)

02. Services and Territory. The application shall include: (5-8-09)

a. A written description of customer classes and customer services that the applicant proposes to offer to the public. The application shall indicate the date on which the applicant proposes to begin construction or anticipates it will begin to provide service in Idaho. (5-8-09)

b. A description sufficient for determining whether service is to be offered in a particular location and the names of incumbent local exchange corporations (ILECs) with whom the proposed utility is likely to compete. The application shall include a description of the intended manner of service, e.g., resold services or facilities-based services; and a general description of the property owned or controlled by applicant. (5-8-09)

c. A map of reasonable size and detail showing where the applicant is proposing to provide service including exchanges (if different from existing exchanges), rural zones, and local calling areas. If the service area is identical to an incumbent LEC's service area, then applicant may refer to the incumbent's service area. (5-8-09)

03. Financial Information. (5-8-09)

a. The application shall provide the current detailed balance sheets, including a detailed income and profit and loss statements of applicant reflecting current and prior year balance for the twelve (12) months ending as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year. If a balance sheet and income statement are not available, the applicant shall submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed services. (5-8-09)

b. The application shall include the latest annual report, if any. (5-8-09)

04. Tariffs and Price Lists. The application shall include proposed initial tariffs or price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service. Initial tariffs and price lists filings shall be in an electronic form as well as paper. The tariffs and price lists in electronic format will be in computer searchable Adobe Acrobat (PDF), or submitted on a CD-ROM or other format as prescribed by the Commission Secretary. (5-8-09)

05. Tariff and Customer Contact. The application shall include the name, address, and telephone number for those persons responsible for tariff and price list questions, as well as customer complaints and inquiries. The application shall state the toll-free telephone number for customer inquiries and complaints. (5-8-09)

06. Interconnection Agreements. The application shall state whether the applicant has initiated interconnection negotiations and, if so, when and with whom. Include copies of any interconnection contracts which have been completed for the provision of telecommunication services. (5-8-09)

07. Compliance with Commission Rules. The application shall contain a written statement that the applicant has reviewed all of the Commission's rules and agrees to comply with them, or include a request for waiver of those rules believed to be inapplicable. (5-8-09)

08. Conservation of Telephone Numbers. The application shall contain a written statement acknowledging that non-paging telecommunications carriers with telephone numbering resources in Idaho shall be subject to numbering conservation measures including mandatory one thousand (1,000) block pooling. See Commission Order No. 30425. All CLECs shall evaluate their numbering resources and donate to the numbering resource pool unused one thousand (1,000) number blocks and one thousand (1,000) number blocks that have fewer than ten percent (10%) of the telephone numbers assigned. Applicable carriers shall also file the necessary utilization reports with NeuStar and semi-annual report their number resource utilization/forecast (NRUF) data at the one thousand (1,000) block level for each rate center within their service territory. The Federal Communications Commission has appointed NeuStar to manage the assignment and conservation of telephone area codes and telephone numbers in North America. (5-8-09)

115. -- 120. (RESERVED)

APPLICATIONS TO CHANGE RATES OR RULES
(Rules 121-130)

121. FORM AND CONTENTS OF APPLICATION TO CHANGE RATES (RULE 121).

01. Utility Applications to Change Rates. Applications by any public utility subject to Title 61, Idaho Code, to increase, decrease or change any rate, fare, toll, rental or charge or any classification, contract, practice, rule or regulation resulting in any such increase, decrease or change must include the following data: (4-7-11)

a. An exhibit showing in full each proposed change in rates, tolls, rentals, charges, rules or regulation by striking over proposed deletions to existing tariffs and underlining proposed additions or amendments to existing tariffs, except applications to increase or decrease all or almost all rates and charges by a uniform percentage or by a uniform amount may be made by filing a tariff listing the proposed change and all unchanged rates and charges or rates and charges not changed by a uniform percentage or a uniform amount, or by use of another designation previously approved by the Commission that clearly calls attention to all proposed changes in numbers or wording. (7-1-93)

b. If the application is subject to Rule 122, a complete justification of the proposed increase in the form of testimony and exhibits or a narrative exposition. (7-1-93)

c. If the application is subject to Rule 122, a statement showing how and when the application has been or will be brought to the attention of affected customers and a copy of the press release and customer notice required by Rule 125. (2-15-14)

d. A statement that the applicant stands ready for immediate consideration of the application. (7-1-93)

e. If the application is subject to Rule 122, testimony and exhibits showing financial statements, cost of capital and appropriate cost of service studies. (7-1-93)

f. Workpapers or documentation showing how test year data were adjusted. (7-1-93)

g. If the applicant provides utility service in states other than Idaho or utility service subject to federal regulation, a jurisdictional separation of all investments, revenues and expenses allocated or assigned in whole or in part to Idaho intrastate utility business regulated by this Commission showing allocations or assignments to Idaho. (7-1-93)

02. Proposals Based upon Computer Modeling. In addition, in any application in which a computer model is used to represent or simulate processes from which the revenue requirement is derived or upon which allocations of the revenue requirement to different customer classes are based, complete documentation of all those computer models must be supplied to the Staff, upon request, and be available in the utility's office or other depository. The Staff may request that the computer model itself be provided. A computer model includes the representation or simulation of a process, but does not mean or include the compilation of actual data. The application must state that the documentation of the models already on file in the applicant's office or other depository fully

describes the models or that necessary updates or additions to previous documentation that will fully describe the models is on file and will be supplied on request. (4-5-00)

03. Grounds for Returning or Dismissing Application. Failure to comply with Rule 121.01 and 121.02 of this rule is grounds to return or dismiss an application under Rule 65. (7-1-93)

122. NOTICE OF INTENT TO FILE A GENERAL RATE CASE (RULE 122).

01. Which Utilities Must File Notice. Utilities with annual gross revenues from retail customers in the State of Idaho exceeding three million dollars ($3,000,000) must file with the Commission a "notice of intent to file a general rate case" at least sixty (60) days before filing a general rate case. If the general rate case described in the notice is not filed within one-hundred twenty (120) days after filing of the notice of intent to file a general rate case, by operation of this rule a notice of intent to file a general rate case will be considered withdrawn unless it is supplemented with a written statement that the utility still intends to file a general rate case of the kind described in its notice of intent to file a general rate case. (7-1-93)

02. Exceptions for Trackers or Annual Cost Adjustments. This rule applies only to general rate increases. Examples of cases outside the scope of this rule include (but are not limited to) fuel cost adjustments (e.g., PGA), power cost adjustment (PCA), commodity or purchased power tracker rate increases, emergency or other short-notice increases caused by disaster or weather-related or other conditions unexpectedly increasing a utility's expenses, rate increases designed to recover governmentally-imposed increases in costs of doing business, such as changes in tax laws or ordinances, or other increases designed to recover increased expenses arising on short notice and beyond the utility's control. (5-8-09)

123. PROPOSED CHANGES TO RATES OR RULES -- EFFECTIVE DATE -- NOTICE OF APPLICATION -- SUSPENSION (RULE 123).

01. Statutory Notice of Rate Changes. No application by any public utility to change any rate, fare, toll, rental, charge or classification, or any rule, regulation, or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service, or in any privilege or facility, can be effective unless notice is given to the Commission and the public pursuant to Section 61-307, Idaho Code. If the application for such a change proposes an effective date fewer than thirty (30) days after the application is filed, the effective date of the change is delayed until thirty (30) days after the application is filed by operation of Section 61-307, 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 any or all such proposed changes, the changes not suspended or approved go into effect thirty (30) days after filing or on their proposed effective date, whichever is later. If no effective date is proposed for the changes, the changes do not go into effect until approved by order. (4-5-00)

02. Notice of Application. Within twenty-one (21) days of the date of any application to change any rate, fare, toll, charge, or classification, or any rule, regulation or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service, or in any privilege or facility, the Commission Secretary will issue a notice of application to all interested persons, unless notice is issued pursuant to modified procedure or the application is earlier approved or described by order. (4-5-00)

03. Suspension of Proposed Rate Changes. At any time before proposed changes take effect pursuant to Sections 61-307, Idaho Code and Rule 123.01 of this rule, the Commission may suspend the effectiveness of the changes pursuant to Sections 61-622, Idaho Code. Whenever the Commission suspends proposed changes for less than the maximum period of suspension allowed by statute, it may extend the period of the suspension to the statutory maximum consistent with the statutory standards. (7-1-93)

124. DESIGNATION AS GENERAL RATE CASE IN NOTICE OF APPLICATION (RULE 124).
When a notice of application designates a proceeding as a general rate case, all persons are thereby put upon notice that the following are at issue and the Commission may make decisions addressing them, whether the notice explicitly repeats the following or not: (7-1-93)

01. Revenue Requirement. The utility's Idaho intrastate revenue requirement, and every component of it, both rate base and expense, are at issue. The Commission may grant, deny, or modify the revenue requirement

requested and may find a revenue requirement different from that proposed by any party is just, fair and reasonable. (7-1-93)

02. Rates, Charges, and Service. The rates and charges of all Idaho retail customers, both recurring and non-recurring, including those of special contract customers, are at issue, and every component of every existing and proposed rate and charge is at issue. The Commission may approve, reject or modify the rates and charges proposed and may find that rates and charges different from those proposed by any party are just, fair and reasonable. (7-1-93)

a. The Commission may approve, reject or modify existing or proposed relationships between and among rates and charges within, between or among customer classes or rate groupings and may approve, reject or modify existing or proposed relationships among and between customer classes or rate groupings. (7-1-93)

b. The Commission may abolish, reduce or create rate blocks or categories of rates and charges, abolish, create or reduce components of rates and charges, abolish, reduce or create customer classes or rate groupings, and abolish, reduce or create absolute or relative differences among and between existing classes or rate groupings of customers. (7-1-93)

c. The tariffs, practices, rules and regulations, service, instrumentalities, equipment, facilities, classifications, and customer relations of the utility are at issue, and the Commission may address any of them in its order. (7-1-93)

125. NOTICES TO CUSTOMERS OF PROPOSED CHANGES IN RATES (RULE 125).

01. Customer Notice of a Change in Rates. (4-7-11)

a. If a utility is requesting a rate increase, the utility shall issue a customer notice to each customer. The customer notice shall include a brief explanation of the utility's need for additional revenue and the dollar amount requested. The notice shall give the proposed overall percentage change from current rates as well as the proposed percentage increase in revenue for each major customer class. (4-7-11)

b. If the utility is requesting a rate decrease, the utility shall issue a customer notice to each customer. The customer notice shall include a brief explanation of the reason for the decrease, the overall dollar amount of the proposed decrease, and the proposed percentage decrease for each major customer class. (4-7-11)

c. The customer notice shall make it clear that the application is a proposal, subject to public review and a Commission decision. It shall also inform customers that a copy of the utility's application is available for public review at the offices of both the Commission and the utility, and on the Commission's homepage at www.puc.idaho.gov. (2-15-14)

d. The customer notice shall inform customers that written comments regarding the utility's application may be filed with the Commission. It shall also inform customers that they may subscribe to the Commission's RSS feed (Subsection 039.03) to receive periodic updates via e-mail about the case. (2-15-14)

02. Timing of Notice for Trackers or Annual Cost Adjustments. Tracker adjustments occasioned by federal action that result in an increase or decrease in rates may be brought to the attention of customers in compliance with this rule after approval by the Commission. Other tracker or annual cost adjustment cases that result in an increase in rates remain subject to the requirements of advance notice contained in this rule. Other tracker or annual cost adjustment cases that result in a decrease in rates may be brought to the attention of customers in compliance with this rule after being approved by the Commission. (4-7-11)

03. Timely Distribution of Customer Notices. The customer notices referred to in Subsection 125.01 may be mailed separately to customers or included in the customer's regular bill as a bill stuffer. At the customer's option, the customer notice may be provided electronically. The information required by this rule is to be clearly identified, easily understood, and pertain only to the proposed rate change. Distribution of customer notices shall commence when the utility files its application or as soon as possible thereafter. (2-15-14)

04. Press Release. In instances covered by Subsection 125.01, the utility shall also send a press release containing, at minimum, the same information presented in the customer notices to all newspapers, radio, and television stations listed on the Commission's news organization list for that utility. The press releases shall be mailed or delivered simultaneously with filing of the application. (5-8-09)

05. Filing of a Press Release and Customer Notice. A copy of the press release and customer notice shall be filed with the application. (5-8-09)

06. Purposes and Effects of This Rule. The purposes of Subsections 125.01 through 125.05 of this rule are to encourage wide dissemination to customers of information concerning proposed rate changes for utility services. It is not a purpose of these subsections to create due process or other procedural rights in customers by expanding, contracting, or otherwise modifying the notice and due process rights of customers under the Public Utilities Law and the Commission's Rules of Procedure, IDAPA 31.01.01. Accordingly, Subsections 125.01 through 125.05 of this rule create no individual procedural rights in any customer for notice that would give rise to a due process or other procedural claim cognizable by the Commission, but failure to comply with Subsections 125.01 through 125.05 of this rule can be grounds for returning an application for incompleteness. (5-8-09)

126. APPLICATION TO APPROVE INTERCONNECTION AGREEMENTS (RULE 126).

01. Uncontested Agreements. A telephone corporation may file an application for the Commission to approve voluntarily negotiated, adopted or amended interconnection agreements pursuant to Section 252 of the federal Telecommunications Act of 1996, http://www.fcc.gov/telecom.html. The Commission acts on adopted or negotiated interconnection agreements and uncontested amendments to previously approved agreements with the assistance of an ex parte recommendation of the Commission Staff. (5-8-09)

02. Contested Agreements. Petitions to arbitrate, mediate or otherwise resolve interconnection disputes between or among telecommunication carriers shall be processed under Rule 53. (3-16-04)

127. PUBLIC WORKSHOPS ON APPLICATIONS TO INCREASE RATES (RULE 127).

01. Public Workshop. When a public utility files an application to increase any rate, fare, toll, rental or charge regarding any classification or service, the Commission will determine if the staff should conduct a public workshop. The purpose of any workshop is for the staff to dispense information concerning the utility's application and to receive written or oral comments from the public prior to the staff filing testimony or comments in the case. (3-16-04)

02. Notice and Location of Workshop. Notice of the public workshop shall be disseminated a minimum of seven (7) days prior to the workshop to newspapers of general circulation and radio and television stations in the affected area. The Commission shall determine the location for the workshop within the area served by the public utility. The notice shall also be posted on the Commission's website. (3-16-04)

03. Exemptions. The requirements of Subsection 127.01 shall not apply to applications regarding uniform statewide surcharges under Sections 56-904, 62-610 and 62-610F, Idaho Code, or to utility tariff advices. (5-8-09)

128. -- 130. (RESERVED)

TARIFF SCHEDULES
(Rules 131-140)

131. FORM OF TARIFFS (RULE 131).
Tariff schedules of utilities must show the designation "Idaho Public Utilities Commission" on their title page. A blank space approximately three by one and one-half inches (3" x 1-1/2") must be provided for the Commission's stamp of approval in the upper right or lower right corner of each schedule filed. (4-5-00)

132. NUMBER OF TARIFF COPIES FILED (RULE 132).
The Commission encourages public utilities to file their tariff schedules via electronic mail. (3-16-04)

01. Electronic Tariffs. For electronically filed tariffs, each utility shall submit its tariff schedules prepared in searchable Adobe Acrobat in portable document format (PDF) as an attachment to an e-mail, secretary@puc.idaho.gov, message sent to the Commission Secretary. Electronic tariff schedules may also be submitted as PDF documents on appropriately formatted CD-ROM or other electronic storage format approved by the Commission Secretary. (5-8-09)

02. Printed Tariffs. To file printed tariffs, each utility shall file an original and two (2) copies of their tariff schedules with the Commission Secretary. (3-16-04)

03. Approval. The Commission will stamp its approval in the space provided on each copy of an approved tariff, placing the original in its files and returning one (1) copy to the public utility. (3-16-04)

133. TARIFFS SUBMITTED PURSUANT TO ORDER (RULE 133).

01. Order May Require Submission of Tariffs. When the Commission directs or authorizes by order that certain tariffs be filed, the order may require the tariff submissions to the Commission to be accompanied by appropriate explanatory documents, summaries, workpapers, or similar material. When the Commission authorizes a utility to file new tariffs pursuant to order in a general rate case, the Commission may require the utility to file a complete set of tariffs containing both pages with changed rates and charges and those without. (7-1-93)

02. Staff Review of Tariffs Filed Pursuant to Order. When a utility files tariffs with the Commission pursuant to an order of the Commission in a proceeding in which other persons are party, the responsibility for reviewing the tariff submission to determine whether it complies with the Commission's order is upon the Commission Staff, which shall promptly report to the Commission whether the tariffs do comply. The review of tariffs filed pursuant to order is an ex parte, ministerial responsibility of the Commission Staff. Tariffs may be approved in the minutes of the Commission's decision meetings or by minute entry after Staff review without further order. (5-8-09)

03. Motions With Regard to Tariffs Submitted Pursuant to Order. If the Commission has approved tariffs, parties or persons contending that approved tariffs are inconsistent with the Commission's orders may file appropriate motions asking that approval be reviewed. (7-1-93)

134. TARIFF ADVICES (RULE 134).

01. Tariff Advices Authorized. Public utilities may file tariffs adding new or modifying existing services, providing for new or modified rules, or otherwise making minor changes to existing schedules by tariff advice. The tariff advice must include a letter of transmittal from the utility listing all tariff pages changed or added by the tariff advice and stating briefly the reason for filing the tariff advice. If existing tariffs are changed, the advice must contain two (2) copies of each changed page: one (1) showing all the changes with appropriate symbols for deletions, additions, etc., and one (1) showing the pages after the changes as they will appear in the proposed new tariffs. (7-1-93)

02. Filing of Tariff Advice. No tariff advice can be effective unless notice is given to the Commission and the public pursuant to Sections 61-307 and 61-622, Idaho Code. If the tariff advice proposes an effective 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 and 61-622, 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 a written ex parte recommendation of the Commission Staff. The Commission acts upon tariff advices at its open meetings. (5-8-09)

135. -- 140. (RESERVED)

APPLICATIONS FOR APPROVAL TO ISSUE SECURITIES
(Rules 141-150)

141. FORM AND CONTENTS OF APPLICATION TO ISSUE SECURITIES (RULE 141).
Except as provided in Rule 142, 147 or Section 61-909, Idaho Code, any utility applying to issue securities under Sections 61-901 through 61-904, Idaho Code, must submit an application with the following information: (4-5-00)

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)

b. A description of obligations to be refunded or expenditures for which reimbursement is intended; or (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:

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 (date).

(4-5-00)

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. EXEMPTION (RULE 147).
Pursuant to Section 61-909, Idaho Code, the Commission may, by order, exempt any security or a class of security or a class of public utility from the provisions of Sections 61-902 through 61-905, Idaho Code, if it finds the public interest will not be adversely affected. See Commission Order No. 26959. (4-5-00)

148. -- 150. (RESERVED)

CABLE POLE ATTACHMENTS
(Rules 151-160)

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)

153. -- 160. (RESERVED)

APPLICATIONS FOR INTERVENOR FUNDING
(Rules 161-170)

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 three million five hundred thousand dollars ($3,500,000), intervenors may apply for intervenor funding. (3-16-04)

162. FORM AND CONTENTS OF PETITION FOR INTERVENOR FUNDING (RULE 162).
A petition for intervenor funding must contain the following: (2-15-14)

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. Legal and witness fees shall, where applicable, indicate hourly rates. (4-5-00)

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 162.01 constitute a significant financial hardship for the intervenor. (4-5-00)

05. Statement of Difference. A statement showing how the intervenor's proposed finding or recommendation in the case differs materially from the testimony and exhibits of the Commission Staff. (4-5-00)

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 forty thousand dollars ($40,000) in any proceeding. The Commission must find that: (3-16-04)

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 201-300)

MODIFIED PROCEDURE
(Rules 201-210)

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. (4-5-00)

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, and a reply by the moving party. (5-8-09)

02. Distribution of Notice. Copies of the notice of modified procedure will be provided to all interested persons, including newspapers, municipalities, counties, 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. (4-5-00)

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. A copy of the person's protest, support or comment must be served on the representative of the moving party. (4-5-00)

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, comments or a reply are filed within the deadlines, 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. (5-8-09)

205. -- 210. (RESERVED)

PREHEARING CONFERENCES
(Rules 211-220)

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. CONFERENCE PROCEEDINGS PRIVILEGED (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. (3-16-04)

216. -- 220. (RESERVED)

DISCOVERY – RELATED PREHEARING PROCEDURE
(Rules 221-240)

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 (1) 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-one (21) days to answer. (5-8-09)

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 disk or other mutually agreed 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. (3-16-04)

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).
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 shall be filed with the Commission Secretary and copies served on all parties according to Rules 61, 62, 63, and 64. (5-8-09)

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 less than twenty-five (25) lines of double-spaced testimony or more than thirty (30) lines per page. Each page may be printed on the front and back (duplexed). (4-7-11)

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 ABC Company	or	Accountant, Di 5 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 (1) 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-Searchable Copies of Testimony. In addition to the paper copies of prepared testimony, the Commission Secretary may also require or the parties may agree that some or all of the prepared testimony to be submitted to the Secretary, parties and the reporter in computer searchable CD-ROM without password protection. The CD-ROM shall be in Adobe Acrobat (PDF) or other searchable format agreed upon by the reporter and the parties. Each CD-ROM shall be labeled with the Commission's case number, case name, the name of each witness and the sponsoring party. (4-7-11)

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 PROTECTED FROM PUBLIC INSPECTIONS -- PROCEDURES (RULE 233).

01. Assertion of Protection. 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 for the party 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. The attorney's assertion constitutes a representation that the attorney 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. (4-5-00)

02. Procedures. 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 reproduced on yellow paper and separated from material available for public review. Each page of the material exempt from public review must be marked "Trade Secrets" or "Confidential." All material exempt from public review shall be filed with the Commission Secretary and served on all parties under seal pursuant to Rule 229. Material exempt from public review shall be separately stored in a secure location with limited access and safeguarded from unauthorized disclosure. 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. (5-8-09)

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)

HEARINGS – MISCELLANEOUS PROCEDURE
(Rules 241-260)

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)

04. Types of Formal Hearings. The Commission generally conducts two (2) types of formal public hearings. (5-8-09)

a. A technical hearing is a public hearing where parties present witnesses and their prepared testimony and exhibits. (5-8-09)

b. A customer hearing is a public hearing for customers, public officials, and other persons not related to parties in the case to provide testimony. Unless otherwise ordered by the presiding officer, parties are prohibited from presenting evidence at the customer hearing. (5-8-09)

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 (7) days before hearing. (7-1-93)

243. HOW HEARINGS ARE HELD (RULE 243).

01. All Hearings Presumed Open. All hearings conducted by the Commission are open to the public except when a hearing may be partially closed to safeguard trade secrets or other confidential information protected from public disclosure. If parties intend to cross-examine or offer testimony that may necessitate the parital closure of a hearing, they shall advise the Commission or presiding officer at the beginning of the hearing or as soon as thereafter as practical. The Commission disfavors closed hearings and parties shall take all reasonable measures to avoid the need to close a public hearing. Such measures include: (4-5-00)

a. Using references to page and line or column numbers; (4-5-00)

b. Using summaries or generalizations; (4-5-00)

c. Stipulating that the evidence be offered in the public hearing; or (4-5-00)

d. Offering testimony in writing. (4-5-00)

02. Methods of Conducting Hearings. 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. (4-5-00)

244. CONDUCT AT HEARINGS (RULE 244).
All persons attending a hearing must conduct themselves in a respectful and courteous manner. Persons disrupting the hearing shall be asked to leave by the presiding officer. See Rule 47 and Section 18-6409(1), Idaho Code. Smoking is not permitted at hearings. (5-8-09)

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 (2) 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 (2) 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 (1) 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 (1) or more Commissioners or one (1) 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. SUMMARY OF POSITION(S) AND TESTIMONY (RULE 260).

Each utility shall make available to the public at all Commission hearings a brief written summary of the utility's position(s) and testimony filed in the case under consideration except when the Commission has determined that a

summary is not necessary. If the utility is requesting a rate increase, its summary shall address the utility's need for additional revenue, the total dollar amount requested, and the proposed percentage increase or decrease in rates for each major customer class. The Commission Staff and intervenors shall also provide a brief summary of their recommendations and the testimony filed in the case under consideration. These summaries and presentations are provided solely for the convenience of the public and will not be allowed as evidence or form the basis for cross-examination of any witness. (5-8-09)

EVIDENCE
(Rules 261-270)

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 filed with the Commission or federal regulatory agencies. (4-5-00)

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. Public 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. Exhibits that are trade secrets, confidential information or otherwise exempt from public review shall be printed on yellow paper. 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. (5-8-09)

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 labeling on each page of the exhibit. Exhibits reproducing previously existing documents may contain a cover page with this labeling, but need not be labeled 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)

SETTLEMENTS
(Rules 271-280)

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 (1) or more parties negotiate an agreement differing from positions of one (1) 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 and the Commission 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. (5-8-09)

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 (1) 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)

OFFICIAL RECORDS AND FILES
(Rules 281-290)

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, 67, 233, and 287, 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 74-102, Idaho Code. In particular, information obtained in an application for a certificate issued by this Commission inquiring into a person's fitness to be granted or to retain a certificate is not exempted from examination or copying under Sections 74-106(8) and 74-106(9), Idaho Code, but may be exempted under other statutes. (4-5-00)

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 lines of each page shall be double-spaced with a minimum of twenty-five (25) lines and a maximum of thirty (30) lines per page. Quotations, citations and parenthetical notes may be single-spaced. Each line shall be numbered on the left margin. 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:

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)

(4-7-11)

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 unless the transcript can be completed in three hundred fifty (350) pages or less. 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. (3-16-04)

06. Number of Copies -- Binding. The reporter shall prepare an original and one (1) copy of the transcript for the Commission. The original of each transcript shall be filed with the Commission Secretary unbound but each volume shall be separated (if applicable). Copies of the transcript shall be fastened at the left margin in spiral or plastic-type binding, so as to open as flat as possible. (3-16-04)

07. Compressed Transcript. Any party may request a compressed transcript having no more than four (4) pages of regular transcript on a page. Each volume of compressed transcript shall contain no more than two hundred (200) pages unless the transcript can be completed in two hundred fifty (250) pages or less. A compressed transcript may be duplexed. The pagination shall be horizontal as follows:

1	2
3	4

(4-7-11)

08. Computer-Searchable Transcript. Any party may request a computer-searchable disk of the written transcript. The disk shall be in Adobe Acrobat (PDF) or other searchable format agreed upon by the reporter and the party ordering the disk. (4-7-11)

09. Purchase of Transcript. Any party or other person may request and pay for a copy of a transcript or portions of the transcript from the reporter. (3-16-04)

287. SEALED TRANSCRIPTS (RULE 287).

At the direction of the Commission or the presiding officer, the reporter shall prepare a separate transcript volume(s) of closed proceedings involving trade secrets, confidential information or other matters exempt from public disclosure. The reporter shall file the separate transcript volume(s) under seal. Sealed transcripts shall be separately stored in a secure location with limited access and safeguarded from unauthorized disclosure. (4-5-00)

288. -- 300. (RESERVED)

PART 4 – ORDERS AND REVIEW OF ORDERS
(Rules 301-400)

DEFAULTS
(Rules 301-310)

301. FAILURE TO ANSWER OR 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)

DECISIONS AND ORDERS
(Rules 311-320)

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)

INTERLOCUTORY ORDERS – FINAL ORDERS – REVIEW OR STAY OF ORDERS
(Rules 321-330)

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 (1) of the paragraphs set forth in Rule 323 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 Section 61-622, 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 322, 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 (1) 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)

RECONSIDERATION
(Rules 331-340)

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, any person interested in a final order or any issue decided in a final order 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 any issue decided in the order 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. (4-5-00)

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 any issue decided in the order 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. (4-5-00)

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 mailed, rather than personally delivered, and it is not postmarked within eighteen (18) days from the date of service of the final order, 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 mailed, rather than personally delivered, and is not postmarked within four (4) days from the date

of receipt of the petition for reconsideration by the Commission Secretary, the cross-petitioner should notify the Commission Secretary and all other parties by telephone that the cross-petition for reconsideration has been mailed. (4-5-00)

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)

APPEAL
(Rules 341-350)

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(c) 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. (4-5-00)

344. -- 350. (RESERVED)

SETTLEMENT OF APPEAL FROM THE COMMISSION
(Rules 351-360)

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 (1) 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 (1) 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. -- 999. (RESERVED)

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