

MINUTES OF DECISION MEETING

January 16, 2024 – 1:30 P.M.

In attendance was Commissioner Eric Anderson, Commissioner John R. Hammond, Jr. and Commissioner Edward Lodge. Commissioner Anderson called the meeting to order.

The first order of business was **ADOPTION OF THE PROPOSED AMENDED AGENDA** for January 16, 2024.

Commissioner Anderson made a motion, under Idaho Code § 74-204, to amend the agenda as proposed, adding Action Item No. 11 to the **CONSENT AGENDA**, Chris Burdin’s January 16, 2024, Decision Memorandum re: In the Matter of the Application of Idaho Power Company for Authority to Increase Its Rates and Charges for Electric Service in the State of Idaho and for Associated Regulatory Account Treatment; Case No. IPC-E-23-11, and

In the Matter of Idaho Power Company’s Application for Authority to Implement Changes to the Compensation Structure Applicable to Customer On-Site Generation Under schedules 6, 8, and 84 and to Establish an Export Credit Rate; Case No. IPC-E-23-14, and

In the Matter of Idaho Power Company’s Application to Implement the Residential and Small Farm Energy Credit Rate Effective January 1, 2024, through December 31, 2025; Case No. IPC-E-23-28. A vote was taken on the motion and it carried unanimously.

The next order of business was **APPROVAL OF MINUTES FROM THE PREVIOUS MEETING** on January 2, 2024. The Commission voted unanimously to approve the minutes as written.

The next order of business was **CONSENT AGENDA**:

2. Action Item: Yao Yin’s January 9, 2024, Decision Memorandum re: In the Matter of Avista’s Annual Compliance filing to Update the Load and Gas Forecasts in the Incremental Cost Integrated Resource Plan Avoided Cost Model to Be Used for Avoided Cost Calculations; Case No. AVU-E-23-13.

3. Action Item: Chris Burdin’s January 9, 2024, Decision Memorandum re: In the Matter of Intermountain Gas Company’s 2023 Integrated Resource Plan; Case No. INT-G-23-07.

4. Action Item: Adam Triplett’s January 9, 2024, Decision Memorandum re: In the Matter of Idaho Power Company’s Annual Compliance Filing to Update the Substation Allowance Under Schedule 19, Large Power Service; Case No. IPC-TAE-23-03.

5. Action Item: Adam Triplett’s January 9, 2024, Decision Memorandum re: Samuel and Peggy Edwards’ Appeal of Order No. 35904 to the Idaho Supreme Court; Case No. SUP-E-23-02.

6. Action Item: Adam Triplett’s January 9, 2024, Decision Memorandum re: In the Matter of the City of Eagle and Veolia Water Idaho’s Joint Application to Amend Veolia Water Idaho’s Certificate of Public Convenience and Necessity; Case No. VEO-W-23-05.

7. Action Item: Michael Duval’s January 9, 2024, Decision Memorandum re: In the Matter of Schweitzer Water Company’s Application for Approval of Acquisition of the Assets of Resort Water Co. Inc. and for the Issuance of a Certificate of Public Convenience and Necessity; Case No. SWC-W-23-01.

8. Action Item: Donn English's January 16, 2024, Decision Memorandum re: In the Matter of the Application of Falls Water Co., Inc. for the Authority to Increase Its Rates and Charges for Water Service in the State of Idaho; Case No. FLS-W-23-01.

9. Action Item: Michael Eldred's January 16, 2024, Decision Memorandum re: In the Matter of Rocky Mountain Power's Proposed Changes to Electric Service Regulation No. 12; Case No. PAC-E-23-21.

10. Action Item: Chris Burdin's January 16, 2024, Decision Memorandum re: In the Matter of United Electric Co-Op Inc.'s Formal Complaint for Violation of Contract Entered into Pursuant to the Idaho Electric Stabilization Act; Case No. C15-E-23-01.

11. Action Item:

Chris Burdin's January 16, 2024, Decision Memorandum re: In the Matter of the Application of Idaho Power Company for Authority to Increase Its Rates and Charges for Electric Service in the State of Idaho and for Associated Regulatory Account Treatment; Case No. IPC-E-23-11, and

In the Matter of Idaho Power Company's Application for Authority to Implement Changes to the Compensation Structure Applicable to Customer On-Site Generation Under schedules 6, 8, and 84 and to Establish an Export Credit Rate; Case No. IPC-E-23-14, and

In the Matter of Idaho Power Company's Application to Implement the Residential and Small Farm Energy Credit Rate Effective January 1, 2024, through December 31, 2025; Case No. IPC-E-23-28.

Commissioner Anderson made a motion to approve Staff's recommendations for Items 2-11 under the Consent Agenda. A vote was taken on the motion and it carried unanimously.

The next order of business was **MATTERS IN PROGRESS:**

12. Action Item: Michael Duval's January 16, 2024, Decision Memorandum re: In the Matter of Sherry Cole's Formal Complaint Against Rocky Mountain Power; Case Nos. PAC-E-23-12 and SUP-E-23-01.

Mr. Duval presented the Decision Memorandum and notified the Commission of a typographical error in the Decision Memorandum. Commissioner Anderson made a motion for unanimous consent to change the language from September 19 to September 6.

Mr. Duval requested approval to send the agency's record to the Supreme Court. After several discussions with Ms. Cole, it is unclear if she wishes to proceed with the proposed agency record as is due to the conflicting conversations with the Appellant.

Commissioner Hammond asked if Appellant, Sherry Cole, has stipulated to what the proposed agency record would be. Commissioner Hammond raised concerns regarding the appellants ability to challenge the proposed agency records if she is not in agreement with the agency record as submitted to the Supreme Court. Mr. Duval stated we have two options: sending the record to the Supreme Court once we receive a clear "Yes" from Appellant or having a hearing to discuss and settle the record prior to being sent to the Supreme Court.

Commissioner Anderson made a motion for unanimous consent to change the language from September 19 to September 6.

Commissioner Anderson made a motion to approve the submission of the updated agency record to the Idaho Supreme Court. A vote was taken on the motion and it carried unanimously.

The next order of business was **EXECUTIVE SESSION MATTERS:**

13. Pending Litigation, under Idaho Code § 74-206 (1)(f) Discussion with Counsel re: Idaho Department of Environmental Quality, Plaintiff, vs. Island Park Water Company, Inc., and Dorothy McCarty, Individually and in her capacity as Owner of Island Park Water Company, Inc., Defendants, Bonneville County Case No. CV10-23-3252.

Commissioner Anderson made a motion to adjourn into Executive Session and cited Idaho Code § 74-206 (1)(f). He stated the purpose of the Executive Session was to communicate with the Commission's counsel about pending litigation in the Matter of Idaho Department of Environmental Quality, Plaintiff, and Idaho Public Utilities Commission, Proposed Co-Plaintiff, vs. Island Park Water Company, Inc., and Dorothy McCarty, Individually and in her Capacity as Owner of Island Park Water Company, Inc., Defendants; Bonneville County Case No. CV10-23-3253. The Commission adjourned into Executive Session at 1:44 p.m. Commissioner Anderson reconvened the regular meeting at 1:57 p.m.

The next order of business was **FULLY SUBMITTED MATTERS:**

14. Deliberation Memorandum re: In the Matter of Idaho Power Company's Application for Approval of the Second Amendment to the 2022 Special Contract for Electric Service Between Idaho Power Company and Micron Technology, Inc.; Case No. IPC-E-23-30 [Adam Triplett, Attorney].

15. Deliberation Memorandum re: In the Matter of Idaho Power Company's Application for Approval of the Capacity Deficiency Period to be Utilized for Avoided Cost Calculations; Case No. IPC-E-23-27 [Adam Triplett, Attorney].

16. Deliberation Memorandum re: In the Matter of Avista's 2023 Electric Integrated Resource Plan; Case No. AVU-E-23-05 [Chris Burdin, Attorney].

Commissioner Anderson stated that Items 14 and 16 under Fully Submitted Matters would be deliberated privately.

Commissioner Anderson stated there was no further business before the Commission and the meeting was adjourned.



COMMISSION SECRETARY

1/22/2024

DATE OF APPROVAL