

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	
APPLICATION OF IDAHO POWER)	CASE NO. IPC-E-17-10
COMPANY AND THE CITY OF RUPERT TO)	
APPROVE A TERRITORY ALLOCATION)	NOTICE OF APPLICATION
AGREEMENT)	
)	NOTICE OF
)	MODIFIED PROCEDURE
)	
)	ORDER NO. 33811

On June 29, 2017, Idaho Power Company (“Idaho Power”) and the City of Rupert (“Rupert”) (collectively the “Parties”) applied to the Commission under the Electric Supplier Stabilization Act (ESSA), *Idaho Code* §§ 61-332 *et seq.*, for an Order approving the Parties’ Territory Allocation Agreement (“Agreement”). The ESSA enables electric utilities to allocate territories and customers if certain conditions are satisfied. Under the Agreement, the Parties propose that Rupert be allowed to serve an Idaho Power customer who operates grain bins on 1.98 acres of property in Idaho Power’s service territory. The Parties’ ask the Commission to process the Application by Modified Procedure.

BACKGROUND

The ESSA prohibits an electric supplier (e.g., a utility, municipality, or co-op) from serving another electric supplier’s existing or former customers. *Idaho Code* § 61-332B. As an exception to this general rule, the ESSA allows electric suppliers to contract for the purpose of “allocating territories, consumers, and future consumers . . . and designating which territories and consumers are to be served by which contracting electric supplier.” *Idaho Code* § 61-333(1). Such contracts must be submitted to the Commission for approval. *Id.* In sum, contracts reviewed under the ESSA will be approved if, after notice and opportunity for hearing, the Commission finds that the agreement conforms with the purposes of the ESSA. *See Idaho Code* §§ 61-333(1) and 61-334B(1). Section 61-332(2) states the purposes of the ESSA are to: (1) promote harmony between electric suppliers; (2) prohibit the “pirating” of consumers; (3) discourage duplication of electric facilities; (4) actively supervise the conduct of electric suppliers; and (5) stabilize service territories and consumers.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that with this Application, the Parties ask the Commission to approve their Agreement to allow Rupert to provide three phase 480 volt service to grain bins on 1.98 acres in Idaho Power's service territory. Application at 1-2. Although this parcel is in Idaho Power's territory, the parcel is closer to Rupert's power lines. Consequently, if Rupert is allowed to serve the parcel, the customer will not need to invest as much money to obtain three phase 480 volt service. *Id.* at 3. Idaho Power has agreed to release its rights to serve the grain bins on the customer's 1.98 acre parcel, and Rupert has agreed to serve the grain bins on that parcel. *Id.*

YOU ARE FURTHER NOTIFIED that according to the Application, approving the Agreement and allowing Rupert to install facilities and provide electric service offers benefits including lowering customer line extension charges, avoiding facilities duplication between electric suppliers, and avoiding future disputes between the Parties. *Id.*

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has preliminarily determined that the public interest may not require a formal hearing for this matter, and that the matter will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty one (21) days from the service date of this Notice. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicants at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address For Express Mail:

472 W. Washington Street
Boise, ID 83702-5983

Lisa D. Nordstrom
Idaho Power Company
1221 W. Idaho Street
PO Box 70
Boise, ID 83707-0070
E-mail: lnordstrom@idahopower.com
dockets@idahopower.com

Kristy Patteson
Idaho Power Company
1221 W. Idaho Street
PO Box 70
Boise, ID 83707-0070
E-mail: kpatteson@idahopower.com

Michael P. Tribe
Robinson & Tribe
PO Box 396
Rupert, ID 83350
E-mail: mpt@idlawfirm.com

James Bowers
Rupert City Department Manager
City of Rupert
121 South 50 West
PO Box 426
Rupert, ID 83350
E-mail: james.bowers@rupert.id.us

All comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Case Comment or Question Form" under the "Consumers" tab, and complete the comment form using the case number as it appears on the front of this document. These comments must also be sent to Applicants at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Application is also available on the Commission's web site at www.puc.idaho.gov. Click on the "File Room" tab at the top of the page, scroll down to the type of "Open Electric Cases," and then click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code, and specifically *Idaho Code* §§ 61-322A(4) and 61-333(1). The Commission may enter any final Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

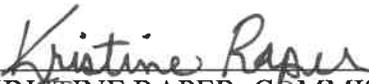
ORDER

IT IS HEREBY ORDERED that this Application be processed by Modified Procedure, IDAPA 31.01.01.201-.204. Persons interested in submitting written comments in this matter must do so within 21 days from the service date of this Order.

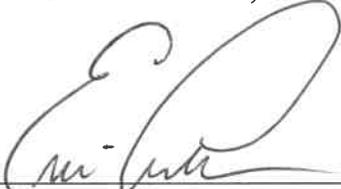
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12th
day of July 2017.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

O:IPC-E-17-10_sc