

IDAHO PUBLIC UTILITIES COMMISSION

MINUTES OF DECISION MEETING

February 18, 2020 – 1:30 P.M.

In attendance was Commissioner Paul Kjellander, Commissioner Raper, and Commissioner Anderson. Commissioner Kjellander called the meeting to order.

Commissioner Kjellander stated; Earlier today an amendment to the agenda was proposed, and the proposed amended agenda was posted. The propped amendment would add an action item to the agenda after the Commission resumes open session following the executive session discussion of item No. 11. The new item No, 12 would be the 'Appeal or other process regarding item no. 11. Commissioner Kjellander moved that the Commission amend the agenda as proposed. A vote was taken on the motion and it carried unanimously.

The first order of business was **APPROVAL OF MINUTES FROM THE PREVIOUS MEETING** on Tuesday February 4, 2020. The Commission voted unanimously to approve the minutes as written.

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

2. Action Item: Daniel Klein's January 29, 2020, Decision Memorandum re: Application of Earthlink Business, LLC. Requesting a Name Change to Windstream New Edge, LLC. for Certificate No. 507 in Case No. NEN-T-11-01.

3. Action Item: Kevin Keyt's January 29, 2020, Decision Memorandum re: Intermountain Gas Company Tariff Advice No. 20-01 Revision to Rate Schedule EE (Residential Energy Efficiency Rebate Program).

4. Action Item: Dayn Hardie's January 30, 2020, Decision Memorandum re: In the Matter of Avista's Application for an Order Authorizing Accounting and Rate Making Treatment of Costs Associated with the Energy Imbalance Market; Case No. AVU-E-20-01.

5. Action Item: Dayn Hardie's January 31, 2020, Decision Memorandum re: In the Matter of Idaho Power Company's Application to Modify Schedule 30, Special Contract with United States Department of Energy; Case No. IPC-E-20-01.

Commissioner Kjellander made a motion to move approve Staff's recommendation for Items 2, 3, 4 and 5 under the Consent Agenda. A vote was taken on the motion and it carried unanimously.

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

6. Action Item: Matt Hunter's January 31, 2020, Decision Memorandum re: In the Matter of Falls Water Co., Inc.'s Application to Amend Certificate of Public Convenience and Necessity No. 236; Case No. FLS-W-19-02.

Mr. Hunter reviewed his Decision Memorandum and stated; Does the Commission wish to issue a Notice of Application and a Notice of Modified Procedure for the new case, setting a February 11, 2020 comment deadline and a February 18, 2020 reply comment deadline?

Commissioner Kjellander moved that the Commission except Staff's recommendation. A vote was taken on the motion and it carried unanimously.

The next order of business was **RULEMAKING:**

7. Action Item: Stephen Goodson's January 31, 2020, Decision Memorandum re: Notice of Omnibus Rulemaking-Adoption of Temporary Rule: Docket No. 31-0000-2000.

Commissioner Kjellander moved that pursuant to Section 67-5226, Idaho Code, the Governor has found that temporary adoption of this rule is appropriate to protect the public health, safety and welfare of the citizens of Idaho and confer a benefit on its citizens.

These rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly executive and enforcement of those laws.

The expiration of these rules without due consideration and processes would determine the public health, safety and welfare of the citizens for Idaho and deprive them of the benefit intended by these rules.

Therefore, we are adopting this temporary rule to be effective upon sine die of the 2020 session of the Idaho Legislature. The approval is conditional and will only become effective if the rules are not otherwise approved or rejected by the Legislature and /or not extended pursuant to the Idaho Administrative Procedure Act, including sections 67-5291 and 67-5292, Idaho Code."

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

8. Deliberation re: In the Matter of Rocky Mountain Power's Application to Increase the Blue Sky Block Valve from 100 to 200 Kilowatt Hours; Case No. PAC-E-19-17. [Dayn Hardie, Attorney]

9. Deliberation re: Idaho Power Company's Application for Authority to Fund Its Continued Participation in the Northwest Energy Efficiency Alliance through the Energy Efficiency Rider for 2020-2024; Case No. IPC-E-19-34. [John R. Hammond Jr., Attorney]

10. Deliberation re: Rocky Mountain Power's Application for Authority to Modify Electric Service Schedule No. 31 Partial Requirements Service; Case No. PAC-E-19-15. [John R. Hammond Jr., Attorney]

Commissioner Kjellander stated that items 8, 9 and 10 under Fully Submitted Matters would be deliberated privately.

The next order of business was **EXECUTIVE SESSION MATTERS (The Commission must move and vote to enter executive session. Each motion to enter executive session is an "action item." No action will be taken within the executive session itself.)**

11. Franklin Energy Storage One, et al. v. Kjellander, et al.; Case No. 1:18-CV-00236-REB.

Commissioner Kjellander made a motion to adjourn into Executive Session and cited Idaho Code §74-206(1)(f). He stated that the purpose of the Executive Session would be to communicate with the

Commissioner's attorneys about pending litigation; in the Matter of Franklin Energy Storage One, et al. v. Kjellander, et al.; Case No. 1:18-CV-00236-REB.

A role call was taken and they adjourned into Executive Session. The Executive Session began at 1:39 p.m. and ended at 1:49 p.m.

Commissioner Kjellander reconvened the regular meeting at 1:50 pm.

Commissioner Kjellander stated, there was no further business before the Commission, and he adjourned the meeting.

COMMISSION SECRETARY

DATE OF APPROVAL