

IDAHO PUBLIC UTILITIES COMMISSION

MINUTES OF DECISION MEETING

August 24, 2021 – 1:30 P.M.

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

The first order of business was **APPROVAL OF MINUTES FROM THE PREVIOUS MEETING** on August 17, 2021. The Commission voted unanimously to approve the minutes as written.

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

2. Action Item: Dayn Hardie's August 20, 2021, Decision Memorandum re: In the Matter of Idaho Power Company's Application for Approval of Its Load Curtailment and Interruption Plan; Case No. IPC-E-21-13.

3. Action Item: Erick Shaner's August 20, 2021, Decision Memorandum re: In the Matter of Idaho Power Company's Application for Approval or Rejection of an Energy Sales Agreement with Michael Branchflower for the Sale and Purchase of Electric Energy from the Trout-Co Hydro Project; Case No. IPC-E-21-26.

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

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

4. Action Item: John R. Hammond, Jr.'s August 18, 2021, Decision Memorandum re: Mary Drake's Formal Complaint Against Atlanta Power Company.

Mr. Hammond reviewed the Decision Memorandum and asked does the Commission wish to issue a Summons to the Company requiring it to respond to the allegations raised, to issue an order to show cause requiring the Company to show cause why the Commission should not reimpose the penalty imposed on the Company in Order No. 34296, impose additional penalties on the Company for its failure to comply with Commission requirements to pay its annual assessments and submit its annual GIOR for 2019 and 2020, impose additional penalties on the Company for failure to keep its contact information updated with the Commission, open a new investigation to determine whether the Company is providing safe and adequate service to its customers and consider whether the Company should make repairs and necessary improvements to its system, seek the appointment of a receiver or other similar relief to operate the Company due to its continued failure to comply with the Commission's regulatory authority, or impose any additional requirements on the Company.

Commissioner Raper made a motion to issue a Summons to the Company requiring it to respond to the allegations raised, to issue an order to show cause requiring the Company to show cause why the Commission should not reimpose the penalty imposed on the Company in Order No. 34296, impose additional penalties on the Company for its failure to comply with Commission requirements to pay its annual assessments and submit its annual GIOR for 2019 and 2020, impose additional penalties on the Company for failure to keep its contact information updated with the Commission, open a new investigation to determine whether the Company is providing safe and adequate service to its customers

and consider whether the Company should make repairs and necessary improvements to its system, and seek the appointment of a receiver or other similar relief to operate the Company due to its continued failure to comply with the Commission's regulatory authority. A vote was taken on the motion and it carried unanimously.

5. Action Item: John R. Hammond, Jr.'s and Jolene Bossard's August 18, 2021, Decision Memorandum re: The Formal Complaint of Nicole Burbank Against Rocky Mountain Utility Company, Inc.

Mr. Hammond reviewed the Decision Memorandum and asked does the Commission wish to accept Ms. Burbank's correspondence dated July 28, 2021, issue a Summons to the Company requiring it to respond to the allegations in the Formal Complaint and Ms. Burbank's correspondence dated July 28, 2021, require the Company to respond to the matters in Staff's recommendations, and allow Staff and Ms. Burbank the opportunity to file written comments after the Company files its responses with the Commission.

Commissioner Raper made a motion to accept Ms. Burbank's correspondence dated July 28, 2021, issue a Summons to the Company requiring it to respond to the allegations in the Formal Complaint and Ms. Burbank's correspondence dated July 28, 2021, require the Company to respond to the matters in Staff's recommendations, and allow Staff and Ms. Burbank the opportunity to file written comments after the Company files its responses with the Commission. A vote was taken on the motion and it carried unanimously.

The next order of business was **RULE MAKING:**

6. Action Item: Stephen Goodson's August 20, 2021, Decision Memorandum re: Notice of Proposed Rulemaking – IDAPA 31.01.01; Case No. RUL-U-21-01.

Mr. Goodson reviewed the Decision Memorandum and asked does the Commission wish to approve Staff's recommendation to submit the necessary forms to publish a Notice of Proposed Rulemaking in the Administrative Bulletin and authorize Staff to conduct proposed rulemaking consistent with Idaho Code § 67-5221, Executive Order No. 2020-01, and DFM Directives.

Commissioner Raper made a motion to approve Staff's recommendation to submit the necessary forms to publish a Notice of Proposed Rulemaking in the Administrative Bulletin and authorize Staff to conduct proposed rulemaking consistent with Idaho Code § 67-5221, Executive Order No. 2020-01, and DFM Directives. A vote was taken on the motion and it carried unanimously.

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

7. Deliberation Memorandum re: In the Matter of the Application of Avista Corporation for Authority to Increase Its Rates and Charges for Electric and Natural Gas Service to Electric and Natural Gas Customers in the State of Idaho; Case Nos. AVU-E-21-01; AVU-G-21-01 [John R. Hammond, Jr., Attorney].

8. Deliberation Memorandum re: In the Matter of the Application of Avista Utilities for an Order Approving a Change in Natural Gas Rates and Charges to Rebate Certain Deferred Credit Balances; Case No. AVU-G-21-03 [John R. Hammond, Jr., Attorney].

9. Deliberation Memorandum re: In the Matter of the Application of Avista Utilities for an Order Approving a Change in Rates for Purchased Gas Costs and Amortization of Gas-Related Deferral Balances; Case No. AVU-G-21-04 [John R. Hammond, Jr., Attorney].

10. Deliberation Memorandum re: In the Matter of Rocky Mountain Power’s Application for Approval or Rejection of the Power Purchase Agreement Between PacifiCorp and Mink Creek Hydro, LLC.; Case No. PAC-E-21-14 [Erick Shaner, Attorney].

11. Deliberation Memorandum re: In the Matter of EarthGrid’s Application to Provide Basic Resold and Facilities-Based Local Exchange Telecommunication Services in the State of Idaho; Case No. EPC-T-21-01 [Erick Shaner, Attorney].

12. Deliberation Memorandum re: In the Matter of Idaho Power Company’s Application to Approve 2021 Service Agreement with the United States Department of Energy; Case No. IPC-E-21-20 [Erick Shaner, Attorney].

13. Deliberation Memorandum re: In the Matter of Idaho Power Company’s Application for Approval or Rejection of the First Amendment to the Energy Sales Agreement with Doug and Nancy Hill; Case No. IPC-E-21-23 [Dayn Hardie, Attorney].

14. Deliberation Memorandum re: In the Matter of Avista’s Application for an Accounting Order Authorizing Accounting and Ratemaking Treatment of Costs Related to Allowance for Funds Used During Construction; Case Nos. AVU-E-21-06; AVU-G-21-05 [Dayn Hardie, Attorney].

Commissioner Kjellander stated that Items 7, 8, 9, 10, 11, 12 and 13 under Fully Submitted Matters would be deliberated privately.

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

COMMISSION SECRETARY

DATE OF APPROVAL