

# IDAHO PUBLIC UTILITIES COMMISSION

## MINUTES OF DECISION MEETING

**February 7, 2023 – 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 **APPROVAL OF MINUTES FROM THE PREVIOUS MEETING** on January 31, 2023. The Commission voted unanimously to approve the minutes as written.

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

**2. Action Item: Chris Burdin’s February 7, 2023, Decision Memorandum re: In the Matter of the Application of Rocky Mountain Power for a Certificate of Public Convenience and Necessity Authorizing Construction of the Boardman-to-Hemmingway 500-kV Transmission Line Project; Case No. PAC-E-23-01.**

**3. Action Item: Chris Burdin and Dayn Hardie’s February 7, 2023, Decision Memorandum re: In the Matter of the Application of Veolia Water Idaho Inc. for Authority to Increase Its Rates and Charges for Water Service in the State of Idaho; Case No. VEO-W-22-02.**

**4. Action Item: Chris Burdin’s February 7, 2023, Decision Memorandum re: In the Matter of the Application of Avista Corporation for the 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-23-01 and AVU-G-23-01.**

**5. Action Item: Michael Duval and Yao Yin’s February 7, 2023, Decision Memorandum re: Tariff Advice o. 23-01 Revisions to Schedule No. 35, Schedule No. 35A and Schedule No. 36.**

Commissioner Anderson made a motion to approve Staff’s recommendations 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: Chris Burdin’s February 7, 2023, Decision Memorandum re: In the Matter of Donald Sorrell’s Complaint Against Sunnyside Park Utilities; Case No. GNR-U-22-03.**

Mr. Burdin presented the Decision Memorandum and asked if the Commission wished to grant SPU’s motion to review Order No. 35645, to grant the Company an additional thirty (30) days to present evidence in support of its claimed exemption from Commission jurisdiction pursuant to *Idaho Code* § 61-104, to direct the Company to work with Commission Staff during that thirty (30) day period to receive advice and assistance in submitting any such evidence, to stay Order No. 35645 for ninety (90) days unless the Commission issues a new order on the issue, and to suspend consideration of the Company’s request for a regulatory takings analysis until such time as the Commission issues a final decision on the issue of jurisdiction that is unfavorable to the Company.

Commissioner Hammond made a motion to grant SPU’s motion to review Order No. 35645, to grant the Company an additional thirty (30) days to present evidence in support of its claimed exemption from

Commission jurisdiction pursuant to *Idaho Code* § 61-104, to direct the Company to work with Commission Staff during that thirty (30) day period to receive advice and assistance in submitting any such evidence, to stay Order No. 35645 for ninety (90) days unless the Commission issues a new order on the issue, and to suspend consideration of the Company's request for a regulatory takings analysis until such time as the Commission issues a final decision on the issue of jurisdiction that is unfavorable to the Company. The order issued by the Commission covering the stated items would be interlocutory. 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 Gem State Water Company LLC's Application for an Order Authorizing an Increase in Its Rates and Charges for Water Service in the State of Idaho; Case No. GSW-W-22-01 [Riley Newton, Attorney].**

Commissioner Anderson stated that Item 7 under Fully Submitted Matters would be deliberated privately.

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

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COMMISSION SECRETARY

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DATE OF APPROVAL