

# IDAHO PUBLIC UTILITIES COMMISSION

## MINUTES OF DECISION MEETING

**August 24, 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 August 15, 2023. The Commission voted unanimously to approve the minutes as written.

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

**2. Action Item: Adam Triplett’s August 24, 2023, Decision Memorandum re: In the Matter of Rocky Mountain Power’s Petition for Approval of an Extension of the 2020 Inter-Jurisdictional Allocation Protocol; Case No. PAC-E-23-13.**

**3. Action Item: Claire Sharp’s August 24, 2023, Decision Memorandum re: In the Matter of Falls Water Co., Inc.’s Application for the Authority to Increase Its Rates and Charges for Water Service in the State of Idaho; Case No. FLS-W-23-01.**

**4. Action Item: Claire Sharp’s August 24, 2023, Decision Memorandum re: In the Matter of Intermountain Gas Company’s Request for Authority to Change Its Prices; Case No. INT-G-23-04.**

Commissioner Anderson made a motion to approve Staff’s recommendations for Items 2, 3 and 4 under the Consent Agenda. A vote was taken on the motion and it carried unanimously.

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

**5. Action Item: Claire Sharp’s August 24, 2023, Decision Memorandum re: In the Matter of Island Park Water Company’s Failure to Comply with Idaho Public Utilities Commission Reporting and Fiscal Requirements; Case No. ISL-W-23-01.**

Ms. Sharp presented the Decision Memorandum and asked if the Commission wished to order the Company to cease and desist from billing its customers out-of-cycle and including interest charges and back-dated fees not allowed by the Company’s tariff.

Commissioner Hammond asked if the Company had responded to Staff’s August 22, 2023 written request to restore access to the Company’s QuickBooks Accounting Software. Ms. Sharp stated that a response had not yet been received. Commissioner Anderson asked if Staff had communicated with the Company’s counsel on these matters. Ms. Sharp stated that the Company’s counsel had been included in this communication.

Commissioner Anderson made a motion to order the Company to cease and desist from billing its customers out-of-cycle and including interest charges and back-dated fees not allowed by the Company’s tariff and to immediately restore Staff’s access to the Company’s QuickBooks Accounting Software. A vote was taken on the motion and it carried unanimously.

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

**6. Deliberation Memorandum re: In the Matter of Atomic Water Works, LLC’s Application for a Certificate of Public Convenience and Necessity; Case No. ATW-W-23-01 [Claire Sharp, Attorney].**

**7. Deliberation Memorandum re: In the Matter of Gem State Water Company's Application for Approval of Acquisition of the Assets of the Water Business of Valiant Idaho, LLC; Case No. GSW-W-23-01 [Claire Sharp, Attorney].**

**8. Deliberation Memorandum re: In the Matter of the Application of Avista Corporation for an Accounting Order to Modify Its Power Cost Adjustment Mechanism to Account for Costs Associated with Washington's Climate Commitment Act; Case No. AVU-E-23-04 [Claire Sharp, Attorney].**

**9. Deliberation 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 [Chris Burdin, Attorney].**

**10. Deliberation Memorandum re: In the Matter of Idaho Power Company's Application for Approval or Rejection of an Energy Sales Agreement with American Falls Reservoir District No. 2; Case No. IPC-E-23-19 [Michael Duval, Attorney].**

**11. Deliberation Memorandum re: In the Matter of Electric Lightwave, LLC's and Zayo Group, LLC's Joint Application for Approval to Assign the Certificate of Public Convenience and Necessity Held by Electric Lightwave, LLC to Zayo Group, LLC; Case Nos. ELI-T-23-01 and ZAY-T-23-01 [Michael Duval, Attorney].**

Commissioner Anderson stated that Items 6, 7, 8, 9, 10 and 11 under Fully Submitted Matters would be deliberated privately.

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

**12. Pending Litigation under Idaho Code § 74-206 (1)(f) re: *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.***

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. A role call was taken and the Commission adjourned into Executive Session at 1:38 p.m. Commissioner Anderson reconvened the regular meeting at 1:58 p.m.

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