

IDAHO PUBLIC UTILITIES COMMISSION

MINUTES OF DECISION MEETING

SUBJECT TO APPROVAL

September 11, 2025 – 1:30 p.m.

In attendance was Commissioner Lodge, Commissioner John R. Hammond, Jr. and Commissioner Hardie. Commissioner Lodge called the meeting to order.

The first order of business was the **APPROVAL OF MINUTES FROM THE PREVIOUS MEETINGS** on August 28, 2025 and September 2, 2025. The Commission voted unanimously to approve the minutes as written.

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

2. Action Item: Jeffrey R. Loll's September 11, 2025, Decision Memorandum re: In the Matter of Avista Corporation's Application for a Determination of 2024 Electric and Natural Gas Energy Efficiency Expenses as Prudently Incurred; Case Nos. AVU-E-25-12 and AVU-G-25-09.

3. Action Item: Michael Eldred's September 11, 2025, 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-25-01 and AVU-G-25-01.

4. Action Item: Michael Ott's September 11, 2025, Decision Memorandum re: In the Matter of the Application of Gem State Water Company, LLC, for a General Rate Case; Case No. GSW-W-24-01.

Commissioner Lodge made a motion to approve Staff's recommendations for Items 2 through 4 under the Consent Agenda. A full commission vote was taken on the motion, and it carried unanimously.

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

5. Deliberation Memorandum re: In the Matter of Ziplly Fiber Pacific, LLC, d/b/a Ziplly Fiber's Application for Designation as an Eligible Telecommunications Carrier in the State of Idaho to Receive Federal Lifeline Support; Case No. ZFP-T-24-02 [Chris Burdin, Attorney].

6. Deliberation Memorandum re: In the Matter of Ziplly Wireless, LLC, d/b/a Ziplly Fiber's Application for Designation as an Eligible Telecommunications Carrier in the State of Idaho to Receive Federal Lifeline Support; Case No. ZWL-T-24-02 [Chris Burdin, Attorney].

7. Deliberation Memorandum re: In the Matter of Avista's 2025 Electric Integrated Resource Plan; Case No. AVU-E-24-13 [Adam Triplett, Attorney].

8. Deliberation Memorandum re: In the Matter of the Application of Rocky Mountain Power for Approval of a Capacity Deficiency Period to be Used for Avoided Cost Calculations; Case No. PAC-E-25-08 [Jeffrey R. Loll, Attorney].

9. Deliberation Memorandum re: In the Matter of the Application of Intermountain Sewer and Water, Corp. for the Issuance of a Certificate of Public Convenience and Necessity; Case No. ISW-W-25-01 [Jeffrey R. Loll, Attorney].

10. Deliberation Memorandum re: Deliberation Memorandum re: In the Matter of the Application of Riverside Electric Company, Limited and East End Mutual Electric, Limited for an Order Approving a Service Territory Agreement Between the Applicants; Case No. C10-E-25-02 [Jeffrey R. Loll, Attorney].

11. Deliberation Memorandum re: In the Matter of Gem State Water Company, LLC's Application for Authority to Increase Its Rates and Charges for Water Service in Idaho; Case No. GSW-W-24-01 [Adam Triplett, Attorney].

Commissioner Lodge stated that items 5 through 11 under Fully Submitted Matters would be deliberated privately. He also stated that there were two items that Mr. Tom Arkoosh was present for. Commissioner Lodge asked Mr. Arkoosh if he would like to address matters 5 and 6.

Mr. Arkoosh stated that his office filed a motion for the two Ziply matters, Items 5 and 6. Ziply seeks access to the Universal Fund for low-income people and to expand it. The comments were in conflict. He believes that there are two areas that the Staff and Ziply can come in concurrence if the Staff's concerns are understood. The Staff's concerns as understood by Mr. Arkoosh are that his office made reference to various facts in areas outside of the actual comments, rather than present hard copies of the statistics or facts. Mr. Arkoosh stated that he is prepared to do that and wants to do that for the Staff to allay their concerns. He also stated that they sought to meet with Staff, and it never came together.

The second area of Mr. Arkoosh addressed was about Staff's concerns about the public interest. He believes that Staff and Ziply need to come to an agreement on what that means. To Mr. Arkoosh, it means to expand customer access, and the Staff were worried about the fact that there were already Universal Service Fund services in some of these areas in the State of Idaho that Ziply was also seeking access.

Mr. Arkoosh stated that Ziply is asking the Commission to delay making a decision on Items 5 and 6 and to give them time to meet with Staff and see if they can resolve any concerns about the application.

Mr. Adam Triplett responded that this was not the first time that the company has request to meet with Staff. Two members of Staff informally met with company representatives following Staff's filing of its comments in this case to attempt to give them further direction on what Staff was looking for. Staff also provided Production Requests seeking that information. Regarding the public interest concerns, as far as Staff and the company coming to an agreement is a Commission decision. Staff would like to receive clear direction from the Commission on whether or not Staff's interpretation of the public interest analysis is correct and what documentation is necessary for the company to obtain ETC designation.

Mr. Triplett noted that the company's reply comments indicated that the company provided sufficient information for the Commission to rule on. On page 7 of Ziply's Reply Comments, it states "Ziply Fiber Affiliates urge the Commission to expeditiously grant the requested ETC status and resist Staff's discriminatory recommendation to deny". That statement indicated to Mr. Triplett that the company thought it had fully complied with and no additional information was necessary for the Commission to rule on the application at that point.

Mr. Arkoosh confirmed that they believed that it was true that they had answered all of Staff's concerns. They asked for a meeting to determine if that was true following those comments but a meeting was not had. In subsequent phone conversations that Mr. Arkoosh had with counsel, he was told that they had referred to matters rather than presented matters. The company is a competitive local exchange carrier and the application covers everything that is necessary for the application except the public interest aspect. Mr. Arkoosh stated that they are prepared to present the necessary information. He also stated that he was not a part of the other meetings.

Mr. Triplett stated that if Ziply would have the opportunity to present additional information or evidence in these matters through a Petition for Reconsideration if the Commission denies the applications. The Commission decision would benefit the company in identifying what additional information or matters need to be addressed.

Commissioner Hammond stated that the first issue is that there is a motion that has no request to shorten time. Staff has not had the opportunity to respond. There are concerns about delaying proceedings without a process. It seems like this could have been resolved earlier and this delay seems to be arising from allegedly not receiving enough information. Parties are free to work these issues out at any time. There has been a significant amount of time between the opening of these cases to now.

Commission Hammond saw no reason to delay deliberations. The Commission should move forward with the deliberations and parties are free to discuss the cases even while the Commission is deliberating. If anything comes from those meetings, they are welcome to file that information for consideration.

Commissioner Hardie was in support of Commissioner Hammond's line of thinking. One of the cases has been going on for almost a year, there has been an order setting comment deadlines, and it has now been fully submitted for some time. Staff has had two rounds of production requests, and he is unsure why Staff's questions could not be answered in those. Commissioner Hardie stated he is also for moving forward with deliberations.

Commission Hammond stated that he is unsure if the Commission needs a motion for this but he made a motion to not remove these items from the Fully Submitted Matters. A full commission vote was taken on the motion, and it carried unanimously.

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


COMMISSION SECRETARY

9/15/2025
DATE OF APPROVAL