

+IDAHO PUBLIC UTILITIES COMMISSION

MINUTES OF DECISION MEETING

SUBJECT TO APPROVAL

November 25, 2025 – 1:30 p.m.

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

The first order of business was the **APPROVAL OF MINUTES FROM THE PREVIOUS MEETING** on November 18, 2025. The Commission voted unanimously to approve the minutes as written.

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

2. Laura Conilogue's November 25, 2025, Decision Memorandum re: In the Matter of Avista Corporation's Fixed Cost Adjustment Mechanism (FCA) Annual Rate Adjustment Filing; Case No. AVU-G-25-05.

3. Jeffrey R. Loll's November 25, 2025, Decision Memorandum re: Investigation into Rivervine Water & Sewer, LLC, Owner of a Water Supply and Distribution System; Case No. RWS-W-25-01.

4. Allison Moore's November 25, 2025, Decision Memorandum re: In the Matter of Qwest Corporation's Application for Approval of Amendment to Interconnection Agreement with Washington RSA No. 8 Limited Partnership c/o Inland Cellular; Case No. QWE-T-25-03.

5. Yao Yin's November 25, 2025, Decision Memorandum re: In the Matter of Idaho Power Company's Tariff Advice No. IPC-TAE-25-02 Revisions to Schedule 87, Intermittent Generation Integration Charges; Case No. IPC-TAE-25-02.

Commissioner Lodge made a motion to approve Staff's recommendations for Items 2 through 5 under the Consent Agenda. A full commission vote was taken on the motion, and it carried unanimously.

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

6. Erika Melanson's November 25, 2025, Decision Memorandum re: In the Matter of the Application of Idaho Power Company for Authority to Increase Its Rates and Charges for Electric Service in the State of Idaho and Authority to Implement Certain Measures to Mitigate the Impact of Regulatory Lag; Case No. IPC-E-25-16.

Ms. Melanson presented the decision memorandum to the Commission. There were two motions before the Commission for parties to attend the technical hearing scheduled for December 2, 2025. The Federal Executive Agencies (FEA) requested that their counsel attend the hearing from Washington, DC. FEA did not file testimony in the matter and does not anticipate having questions for witnesses. Idaho Irrigation

Pumpers Association (IIPA) requested that their witness, Dr. Lance Kaufman, attend the hearing remotely from Oregon. IIPA's counsel is expected to attend the hearing in person.

Ms. Melanson stated that no parties raised any objections to these requests. Commissioner Hammond asked if the hearing room had the ability and if it was possible for Dr. Kaufman to appear at the hearing via video. Adam Rush, Public Information Officer, verified that it was possible.

Commissioner Lodge made a motion to approve FEA's request for their counsel to attend remotely and IIPA's request for their witness, Dr. Lance Kaufman, to attend the hearing remotely with the stipulation that Dr. Kaufman is to appear via video to testify. A vote was taken on the motion, and it carried unanimously.

7. Taylor Thomas' November 25, 2025, Decision Memorandum re: House Bill 180A re: Pole Attachments.

Mr. Thomas presented the decision memorandum, starting with the background of House Bill 180A. House Bill 180A was signed into law on April 14, 2025. It went into effect on July 1, 2025. The bill directed the Commission to establish rules related to the timing and permitting process of pole attachments. On August 29, 2025, Commission Staff submitted a proposed rule. The proposed rule has gone through multiple changes and Staff has worked with all parties throughout the process.

Commission Hardie asked Mr. Thomas to walk the Commission through how they worked with the parties and other interested people to get feedback on the pending rules. Mr. Thomas explained that before the initial proposed rulemaking, which occurred on August 12, 2025, Staff reached out to pole attachers and utilities to submit proposals. Staff combined those proposals into a hybrid rule which was presented to the parties on August 12th. There were issues with some of the content and the parties put together a draft proposal with agreed upon areas and areas that they did not agree on. The Commission made decisions on the areas the parties did not agree upon and submitted the proposal on August 29th. On October 16th, there was a public hearing where 4 or 5 people testified about the concerns they had in the proposed rule. The Commission received 16 public comments and those were due on October 22nd. After receiving all written comments and testimonies, Staff met with the parties, the Governor's Office, the pole attachers, utilities and the Division of Financial Management to go through the proposed changes of the rules. There was not agreement in all areas of the rules, but they were able to get agreement from the parties in areas such as good and sufficient cause and language that is included in the contracts.

Commissioner Hardie verified that the proposed rules in front of the Commission didn't represent a settlement between the parties but represented what the Commission thinks is the best direction based on feedback from the parties. Mr. Thomas confirmed that it is the best path forward for the Commission and it doesn't harm the utilities in terms of the potential impact of the expedited rules.

Commissioner Hardie asked Mr. Thomas if the proposed rules were within the confines of what Legislature expects from HB180A that Representative John Vander Woude expressed in the hearing. Mr. Thomas said that Staff ensured that the rules expressed the intent of handling timing and permitting processes. There were areas that were vague and that caused concern. The areas that were vague or covered fines were removed as they were believed to be beyond the legislative intent.

Commissioner Hammond raised concerns about unauthorized pole attachments that were brought up by the utilities in the hearing. Commissioner Hammond asked if there was anything in the tariffs that addresses this. Mr. Thomas stated he was unsure about the tariffs but that some executed contracts have had that language in them. Going forward, before applications are submitted, pole attachers and the utilities will

have an agreement in place that should have language about violations. Mr. Thomas also pointed out that there is still language in the proposed rule that the utilities could be used if the pole attachers are violating their contracts.

Commissioner Hammond verified that the Federal Communications Commission has their own rules for pole attachment and that states have the ability to elect out of those rules to establish their own. Mr. Thomas stated that it was correct and that Idaho is one of the states that opted out of the FCC rules to establish their own rules.

Commissioner Hammond asked Mr. Thomas for an explanation about section 50 of the proposed rules and that it mentioned applicable time frames in Rules 151 and 152 of the Commission's rules for disputes. Mr. Thomas stated that the time frame from 151 has been in place since 1992 and states that the Commission shall decide on a case within 30 days and that the Commission can petition for an additional 30 days plus 5 months for good cause. After discussions with Staff, it may not be possible to process within 30 days but an effort will be made. Mr. Thomas also noted that Idaho Code 61-538, Section 3 updated the language for cable and telecommunication and broadband companies but rule 151 needs to be updated as it only mentions cable companies.

Commissioner Hammond asked if the parties have tried to develop the proposed rules with the aim of meeting the intent of HB180A to ensure the timely processing of the matters. Mr. Thomas said yes. The utilities do not want to go before the Commission and the pole attachers want to implement rapid broadband development as quickly as possible.

Commissioner Hammond asked if there were any states around Idaho that have opted out of the FCC's rules and if there are differences between the rules or proposed rules of Idaho. Mr. Thomas stated that there are quite a few western states that have opted out of the FCC's rules. Utah does not have proposed timelines. Washington and Oregon do have proposed timelines and are more accommodating to the utilities in terms of sizing of the pole submissions. Washington will review submissions of under 300 poles within 45 days. Idaho's submission is 150 poles. Oregon does anything under 50 poles. Overall, Mr. Taylor stated that what is being proposed will initiate broadband much more quickly across the state.

Commissioner Hammond asked for Mr. Thomas' opinion on whether this is a fair, just and reasonable resolution and balanced approach. Mr. Thomas agreed that it was and that the goal was to find a balance and to find something that was long term and sustainable.

Commissioner Hardie asked about a section in the proposed rules reading: 'multiple pole attachment requests from an attaching entity during a calendar month will be counted toward the number of pole attachment requests in the table above.' Commissioner Hardie asked if the utilities were in favor of it but if the pole attachers were not. Mr. Thomas agreed it was an accurate attachment. He explained that the pole attachers strive to meet the FCC rules which have larger order submissions and this would prevent the gaming of the system and the multiple submissions day after day to get a quicker timeline.

Commissioner Hammond made a motion that the Staff is directed to submit the proper paperwork to DFM for publishing a pending rule to be presented to the Idaho Legislature during the 2026 legislative session. A 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.



INTERIM COMMISSION SECRETARY

11/26/2025

DATE OF APPROVAL