

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION OF</b>	)	
<b>AVISTA CORPORATION DBA AVISTA</b>	)	<b>CASE NO. AVU-E-03-1</b>
<b>UTILITIES FOR AN ORDER APPROVING AN</b>	)	
<b>AMENDMENT TO A SERVICE TERRITORY</b>	)	<b>NOTICE OF APPLICATION</b>
<b>AGREEMENT BETWEEN AVISTA UTILITIES</b>	)	
<b>AND KOOTENAI ELECTRIC COOPERATIVE,</b>	)	<b>NOTICE OF MODIFIED</b>
<b>INC.</b>	)	<b>PROCEDURE</b>
	)	
	)	<b>ORDER NO. 29217</b>

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On March 11, 2003, Avista Corporation dba Avista Utilities submitted an amendment to its existing Service Territory Agreement with Kootenai Electric Cooperative, Inc. On December 26, 2002, Avista and Kootenai agreed to two changes to their Service Territory Agreement approved by the Commission in Order No. 28681 issued in March 2001. Avista requests that the Commission review and approve the changes (collectively referred to as Amendment No. 1) pursuant to the Idaho Electric Supplier Stabilization Act (ESSA).

**BACKGROUND**

In Order No. 28681 the Commission approved the Service Territory Agreement entered into by Avista's predecessor "The Washington Water Power Company" and Kootenai. The Commission approved the Territory Agreement pursuant to *Idaho Code* § 61-333. This section provides in pertinent part that

the commission shall after notice and opportunity for hearing, review and approve or reject contracts...between cooperatives and public utilities. ...The commission shall approve such contracts only upon finding that the allocation of territories or consumers is in conformance with the provisions and purposes of [the ESSA].

*Idaho Code* § 61-333(1).

**THE APPLICATION**

YOU ARE HEREBY NOTIFIED that Amendment No. 1 proposes two changes to the parties' Territory Agreement. First, is a housekeeping matter changing the name of "The Washington Water Power Company" to "Avista Corporation dba Avista Utilities." The second

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change is to delete Section 7 of the underlying Agreement. This section included provisions to determine which of two electric suppliers would serve a development when build-out of the development intersects a competing supplier's service line. The parties agree that Section 7 may be ambiguous and have agreed that it should be deleted in its entirety.

#### **NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that *Idaho Code* § 61-333(1) requires the Commission to review Service Territory Agreements and amendments to such agreements entered into by public utilities and electric cooperatives.

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the service date of this Notice. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application may be mailed to the Commission and the Applicant at the addresses reflected below:

COMMISSION SECRETARY  
IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, ID 83720-0074

STREET ADDRESS FOR EXPRESS MAIL:

472 W. WASHINGTON STREET  
BOISE, ID 83702-5983

KELLY NORWOOD  
VP, RATES & REGULATION  
AVISTA CORPORATION  
1411 E. MISSION AVENUE  
PO BOX 3727  
SPOKANE, WA 99220-3727  
E-mail: [kelly.norwood@avistacorp.com](mailto:kelly.norwood@avistacorp.com)

These comments should contain the case caption and case number shown on the first page of this document.

Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at [www.puc.state.id.us](http://www.puc.state.id.us). Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this

document. These comments must also be sent to the Applicant at the e-mail address listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application together with Amendment No. 1 has been filed with the Commission and is available for public inspection during regular business hours at the Commission's office. The Application is also available on the Commission's Website at [www.puc.state.id.us](http://www.puc.state.id.us) under the "File Room" icon.

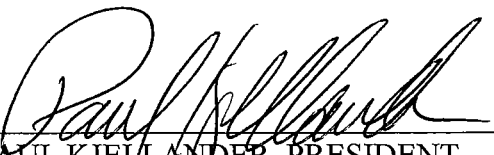
YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and specifically *Idaho Code* §§ 61-332 and 61-333(1).

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

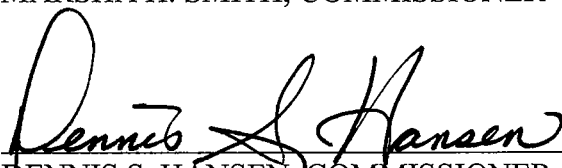
### **ORDER**

IT IS HEREBY ORDERED that this Application be processed under Modified Procedure. Persons interested in submitting written comments regarding this matter should do so within 21 days of the service date of this Order.

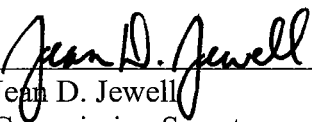
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7<sup>th</sup>  
day of April 2003.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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