

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER SMITH
COMMISSIONER HANSEN
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

FROM: DONOVAN E. WALKER

DATE: MARCH 15, 2005

**SUBJECT: AVISTA AND IDAHO COUNTY LIGHT & POWER COOPERATIVE'S
AGREEMENT TO ASSIGN CUSTOMER – CASE NO. AVU-E-05-4**

On March 10, 2005, Avista filed an Application to approve an Agreement to Assign Electric Customer with Idaho County Light & Power Cooperative (ICLP). The Company requests that this Application be processed by Modified Procedure. Staff also recommends processing the Application by Modified Procedure.

THE APPLICATION

According to the Application the parties have entered into an agreement pursuant to the Electric Supplier Stabilization Act (ESSA), *Idaho Code* §§ 61-332 *et seq.*, by which ICLP has agreed to relinquish its electric service rights to serve any portion of the Crimson Ridge Subdivision, Phase I, located in Idaho County. The Agreement and property description are attached to the Company's Application.

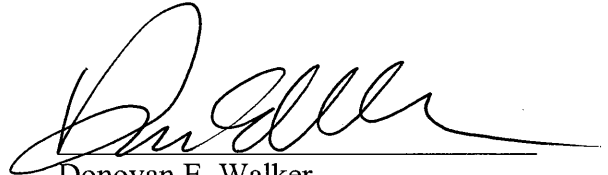
Buy-The-Way LLC (Developer) is developing residential building sites in the Crimson Ridge Subdivision, Phase I, consisting of 32 large lots. The Application states that Avista and ICLP each have electric service rights under the ESSA to provide electric service to certain portions of the development. The developer has requested that Avista provide electric service to the entire development. Through the Agreement ICLP has released its electric service rights to serve any portion of the development. The Application states that the Agreement is in the best interest of the customer, will avoid duplication of facilities, avoid disputes between parties, and provides the consumer with the best possible service.

STAFF RECOMMENDATION

Staff recommends that the Company's Application be processed by Modified Procedure with a 21 day comment period.

COMMISSION DECISION

Does the Commission preliminarily find that the public interest may not require a hearing to consider the issues presented in this case, and that this case is appropriate for Modified Procedure pursuant to Commission Rules of Procedure 201 through 204?



Donovan E. Walker