

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE PETITION OF ) CASE NO. AVU-E-21-12**  
**AVISTA CORPORATION FOR APPROVAL )**  
**OF AN AMENDED AND RESTATED ) NOTICE OF PETITION**  
**AGREEMENT FOR ADMINISTERING )**  
**RESIDENTIAL DEVELOPMENTS ) NOTICE OF**  
**BETWEEN AVISTA CORPORATION AND ) MODIFIED PROCEDURE**  
**KOOTENAI ELECTRIC COOPERATIVE, )**  
**INC. ) ORDER NO. 35159**

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On August 5, 2021, Avista Corporation (“Avista” or “Company”) filed a Petition requesting the Commission approve an Amended and Restated Agreement for Administering Residential Developments (“Amended Agreement”) between Avista and Kootenai Electric Cooperative, Inc. (“KEC”). The Company asks that its Petition be processed by Modified Procedure.

The Commission now sets deadlines for interested persons to comment on the Petition, and for Avista to reply.

**NOTICE OF PETITION**

YOU ARE HEREBY NOTIFIED that on March 21, 2001, the Commission issued Order No. 28681 approving a Service Territory Agreement between Avista and KEC (“Original Agreement”). In the Original Agreement, the Parties agreed on a methodology to determine which entity would provide electric service to residential developments and subsequent additions to such developments pursuant to the Idaho Electric Supplier Stabilization Act (“ESSA”), Idaho Code Section 61-332C.

YOU ARE FURTHER NOTIFIED that on February 11, 2021, the Commission issued Order No. 34924 approving an amendment to renew the Original Agreement for successive twelve-month terms to provide Avista and KEC time to complete negotiations on a new service territory agreement to replace the Original Agreement. Consistent with the Commission’s February 11, 2021, Order No. 34924, Avista and KEC have entered into the Amended Agreement to replace the Original Agreement in its entirety effective July 26, 2021, or such other date set by the Commission.

YOU ARE FURTHER NOTIFIED that the Amended Agreement will have an initial term of five years from the effective date and will renew for successive five-year terms, unless either Avista or KEC provides the other written notification of its intent not to renew at least sixty days prior to the expiration of the then-current five-year term.

YOU ARE FURTHER NOTIFIED that the Amended Agreement clarifies whether Avista or KEC will have the right to serve defined residential developments. The Amended Agreement also clarifies that certain facilities cannot be used as measuring points, changes the term to successive five-year periods, and sets out the process and remedies for any breach of the Amended Agreement.

YOU ARE FURTHER NOTIFIED that the Petition is available for public inspection during regular business hours at the Commission's office. These documents are also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the "ELECTRIC" icon, select "Open Cases," and click on the case number as shown on the front of this document.

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* §§ 61-501 to 61-503.

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.*

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

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. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that persons desiring to state a position on this Petition may file a written comment explaining why the person supports or opposes the Petition. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons shall have until October 14, 2021, to file written comments.** Comments must be filed through the Commission website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission's home page at [www.puc.idaho.gov](http://www.puc.idaho.gov).

Click the “Consumers” tab and then “Case Comment Form” and complete the form using the case number as it appears on the front of this document. To file by e-mail, the customer must e-mail the comments to the Commission Secretary and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

**For the Idaho Public Utilities  
Commission:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074

[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Street Address for Express Mail:

11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, Idaho 83714

**For Avista Corporation:**

Michael G. Andrea (MSC-17)  
Senior Counsel  
Patrick Ehrbar  
Director of Regulatory Affairs  
Avista Corporation  
1411 E. Mission Avenue  
Spokane, WA 99220

[michael.andrea@avistacorp.com](mailto:michael.andrea@avistacorp.com)  
[pat.ehrbar@avistacorp.com](mailto:pat.ehrbar@avistacorp.com)

**YOU ARE FURTHER NOTIFIED** that Avista must file any reply comments **by October 21, 2021.**

**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.

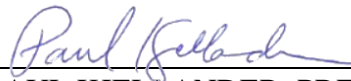
**ORDER**

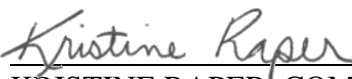
**IT IS HEREBY ORDERED** that Avista’s Petition be processed by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so by October 14, 2021. Avista must file any reply comments by October 21, 2021.

**IT IS FURTHER ORDERED** that parties should continue to comply with Order No. 35058, issued June 3, 2021. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service

between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

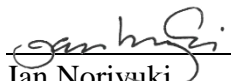
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8<sup>th</sup> day of September 2021.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jan Noriyuki  
Commission Secretary

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