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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF AVISTA'S)	
APPLICATION FOR APPROVAL OF AN)	CASE NO. AVU-E-24-01
AGREEMENT ALLOCATING TERRITORY)	
WITH KOOTENAI ELECTRIC)	
COOPERATIVE)	COMMENTS OF THE
)	COMMISSION STAFF
)	

COMMISSION STAFF ("STAFF") OF the Idaho Public Utilities Commission, by and through its Attorney of record, Adam Triplett, Deputy Attorney General, submits the following comments.

BACKGROUND

On January 8, 2024, Avista Corporation dba Avista Utilities ("Company") applied for approval of a Service Area Allocation Agreement ("Agreement") between the Company and Kootenai Electric Cooperative, Inc. ("KEC"). The Agreement, which the Company and KEC entered pursuant to the Electric Supplier Stabilization Act ("ESSA"), addresses the allocation of service territory within the Prairie Crossing Regional Shopping Center in Post Falls, Idaho ("Development").

The Agreement allocates four lots within the Development to the Company and ten lots to KEC.

The Company represents that the Commission approved a similar agreement between Avista and KEC allocating territory in a commercial development in Case No. AVU-E-05-02.

As set out in *Idaho Code* § 61-332(2), the purposes of the ESSA are to: (1) promote harmony between electric suppliers; (2) prohibit the “pirating” of consumers; (3) discourage duplication of electric facilities; (4) actively supervise the conduct of electric suppliers; and (5) stabilize service territories and consumers.

The Company asserts that approval of the Agreement will avoid unnecessary future disputes, needless duplication of facilities, and ensure provision of the best possible service to the parties’ respective customers.


STAFF ANALYSIS

Based on its review, Staff recommends the Commission approve the Agreement allocating territory between the Company and KEC. Staff reviewed the Application and Agreement to ensure conformance with the ESSA. Additionally, Staff reviewed the Application, exhibits, and previous agreements to determine locations of both the Company’s and KEC’s nearest service lines and territories. Under the Agreement, KEC will serve Block Two Lots 1-10 and the Company will serve Block Two Lots 11-14 at the Prairie Crossing Regional Shopping Center. Staff believes the Agreement is fair and reasonable, conforms with the ESSA, avoids duplication of services, stabilizes service territories and customers, and promotes harmony by avoiding interconnection disputes. *Idaho Code* § 61-332(2).

STAFF RECOMMENDATION

Staff recommends the Commission approve the Application and Agreement allocating territory between the Company and KEC, finding that the Agreement conforms with the provisions and purposes of the ESSA.

Respectfully submitted this 14th day of March 2024.


Adam Triplett
Deputy Attorney General

Technical Staff: Kevin Keyt

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 14TH DAY OF MARCH 2024, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. AVU-E-24-01, BY E-MAILING A COPY THEREOF TO THE FOLLOWING:

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