

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	CASE NO. C12-E-24-02
OF RIVERSIDE ELECTRIC COMPANY,)	
LIMITED AND CITY OF RUPERT FOR AN)	ORDER NO. 36360
ORDER APPROVING A SERVICE)	
TERRITORY AGREEMENT BETWEEN THE)	
APPLICANTS)	

On February 2, 2024, Riverside Electric Company, Limited (“Riverside”) and City of Rupert (“Rupert”) filed an application (“Application”) with the Idaho Public Utilities Commission (“Commission”) for approval of a Service Territory Agreement (“Agreement”) between Riverside and Rupert.

On June 5, 2024, the Commission issued a Final Order approving the Agreement and requiring the parties to submit an executed Agreement to the Commission. Order No. 36208. On June 27, 2024, Riverside submitted a notarized Agreement signed only by the Board president of Riverside Electric Company Limited and legal counsel. Riverside represented:

This application has been in the possession of the City of Rupert since before March 15, 2024 and after several inquiries we have gotten neither a signature nor a written reply. We would like IPUC to intervene.

On September 3, 2024, the Commission considered Riverside’s June 27, 2024, filing during the Commission’s Decision Meeting.

On September 13, 2024, the Commission issued Order No. 36319 rejecting the unexecuted Agreement filed on June 27, 2024, and giving the parties fourteen (14) days to either file an executed Agreement or file an amended request for Commission intervention.

No party submitted any additional filings.

COMMISSION FINDINGS AND DECISION

The Electric Supplier Stabilization Act (“ESSA”) prohibits an electric supplier (e.g., a utility, municipality, or co-op) from serving another electric supplier’s existing or former customers. *Idaho Code* § 61-332B. Section 61-332(2) provides that 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 ESSA enables electric utilities to allocate territories and customers if certain conditions are satisfied. The ESSA allows electric suppliers to

contract for the purpose of “allocating territories, consumers, and future consumers . . . and designating which territories and consumers are to be served by which contracting electric supplier.” *Idaho Code* § 61-333(1). Such contracts must be submitted to the Commission for approval. *Id.* The Commission will approve contracts reviewed under the ESSA if, after notice and opportunity for hearing, the Commission finds that the agreement conforms with the purposes of the ESSA. *See Idaho Code* §§ 61-333(1) and 61-334B(1).

Having reviewed the Application and the record, the Commission finds that the time for additional filings pursuant to Order No. 36319 has passed, and that the parties have not submitted an executed Agreement for the Commission to consider. The Commission finds that the Application should be dismissed.

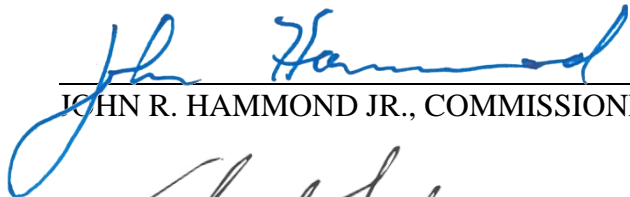
ORDER

IT IS HEREBY ORDERED that the Application is dismissed.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date upon this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 18th day of October 2024.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

I:\Legal\ELECTRIC\C12-E-24-02_Rupert/orders\C12E2402_FO_dis_cb.docx