

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) CASE NO. C12-E-24-03
OF RIVERSIDE ELECTRIC COMPANY,)
LIMITED AND EAST END MUTUAL) ORDER NO. 36320
ELECTRIC FOR AN ORDER APPROVING A)
SERVICE TERRITORY AGREEMENT)
BETWEEN THE APPLICANTS)
)

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

On June 6, 2024, the Commission issued a Final Order approving the Service Territory Agreement (“Agreement”) and requiring the parties to submit an executed Agreement to the Commission. Order No. 36214. On June 27, 2024, Riverside submitted a notarized Agreement signed only by the Board president of Riverside and legal counsel. Riverside represented:

[T]here is a difference of opinion on the boundary line going through Andoni Farms LLC property Exhibit 1. 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.

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, the record, and the June 27 filing, the Commission finds that the June 27 filing does not comply with the provisions of Order No. 36214. Further, the Commission finds that Riverside has not supported its request that the Commission intervene with any argument or authority to show how, or why, the Commission possesses jurisdiction or authority to intervene in this matter.


ORDER

IT IS HEREBY ORDERED that the unexecuted Agreement filed on June 27, 2024, is rejected.

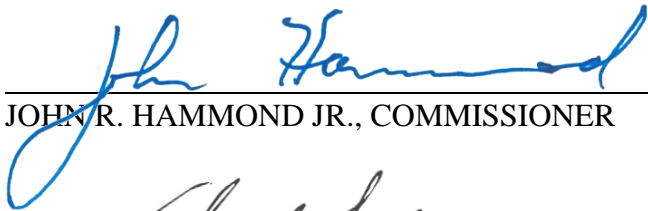
IT IS FURTHER ORDERED that the parties shall have fourteen (14) days to either file an executed Agreement as required by Order No. 36214, or to file an amended request for Commission intervention setting forth argument and authority supporting the request.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, 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 13th day of September 2024.



ERIC ANDERSON, PRESIDENT



JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios Sanchez
Commission Secretary