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ATTORNEYS FOR UNITED ELECTRIC
COOPERATIVE, INC.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF UNITED)	
ELECTRIC CO-OP, INC.'S FORMAL	)	CASE NO. C15-E-23-01
COMPLAINT FOR VIOLATION)	
OF CONTRACT ENTERED INTO	)	DIRECT TESTIMONY
PURSUANT TO THE IDAHO	)	OF MICHAEL T.
ELECTRIC STABILIZATION ACT	)	DARRINGTON
)	

FOR UNITED ELECTRIC
CO-OP, INC.

1 **Q. Please state your name, business address and present**
2 **position with United Electric Co-op, Inc.**

3 A. My name is Michael T. Darrington and my business address is
4 1330 21st Street, Heyburn, Idaho, 83336. I am the General Manager of
5 United Electric Co-op, Inc.

6 **Q. Would you briefly describe United Electric Co-op?**

7 A. United Electric Co-op, Inc.¹ is a member-owned, non-profit
8 electric cooperative which was incorporated in 1997, as a result of the
9 consolidation of Unity Light and Power in Burley, Idaho, and Rural Electric
10 Company in Rupert, Idaho. United Electric began functional operations as
11 one utility on January 1, 1998. The Board of Directors from each previous
12 cooperative were combined to form the new, and current, 8-member board.
13 United Electric provides service to Minidoka and Cassia counties with
14 approximately 620 miles of line to about 4,900 customers with 7,200 meters.
15 United Electric's power sales generally consist of 30% residential, 20%
16 general service, commercial, and lighting, 31% industrial, and 19%
17 irrigation. The primary source of United Electric's wholesale energy is the
18 Bonneville Power Administration and market purchases.

¹ Sometimes herein referred to as "United Electric" or "United".

1 **Would you please describe your responsibilities as the General**
2 **Manager of United Electric Co-op?**

3 A. My primary areas of responsibility include managing the day-
4 to-day business operations, administration, coordination, and control of
5 United Electric as well as the development of long and short-range plans,
6 work and safety programs, and budgets for consideration and approval by
7 the cooperative's Board of Directors. In addition, my responsibilities include
8 providing vision, advice, and assistance to the Board of Directors regarding
9 policy needs and business objectives to advance the mission of the
10 cooperative and provide effective guidance for the operation of the
11 organization.

12 **Q. Would you briefly describe your educational background**
13 **and professional experience?**

14 A. I received a Bachelor of Business Administration degree in
15 Business Management and a Master of Public Administration degree from
16 Boise State University. I have attended several electric utility courses,
17 including "Practical Skills for the Electric Industry," offered through New
18 Mexico State University's Center for Public Utilities. Prior to joining United
19 Electric, I was employed by the Idaho Power Company. My work experience

1 with Idaho Power included energy efficiency analysis and evaluation,
2 integrated resource planning and analysis, system operations coordination,
3 forecasting, energy contract negotiation and administration, and
4 participation in numerous regulatory proceedings. In addition, I previously
5 served as a Utility Analyst at the Idaho Public Utilities Commission where I
6 was involved in utility rate cases and analysis of utility applications.

7 **Q. What is the scope of your testimony in this proceeding?**

8 A. My testimony is being filed in response to this Commission's
9 Order No. 35855 that was issued on July 21 of this year. In that Order the
10 Commission requires the parties to this case to file hearing briefs with
11 supporting affidavits and exhibits along with a "recitation of the party's
12 position, and any factual support for that position", and "if the parties intend
13 to call witnesses, the parties shall also file prepared testimony."

14 **Q. Why did United Electric decide to file testimony in this**
15 **case?**

16 United Electric thanks the Commission for its invitation to the parties
17 to provide testimony via a witness who will appear at the hearing. I believe
18 it will be helpful to the Commission to hear, firsthand, United Electric's story
19 and understand the motivation that caused United Electric to, reluctantly,

1 lodge its formal complaint against the City of Burley. My prefiled testimony
2 responds directly to the Commission's request and provides the factual
3 support underpinning our position that the Suntado plant, that is now under
4 construction, is wholly located within the boundaries of United Electric's
5 duly established service territory.

6 **Q. Are you sponsoring any Exhibits that accompany your**
7 **testimony?**

8 A. Yes. I am sponsoring Exhibits 6 and 12 to my testimony.
9 Exhibit 6 is the same Exhibit 6 in United Electric's Complaint and Exhibit
10 12 is the same Exhibit 12 from United Electric's Complaint. The
11 Commission is certainly free to reference and rely upon either the exhibits
12 in United Electric's Complaint or in my testimony. I simply reproduced the
13 exhibits here for the convenience of the Commission.

14 **Q. What is your understanding of the factual question to be**
15 **resolved in this proceeding?**

16 A. Several of the City of Burley's² responses to United Electric's
17 Complaint presents the Commission with a factual dispute as to where the
18 respective boundaries of the two utilities are located with respect to the new

² Sometimes referred to herein as "Burley."

1 Suntado plant. Specifically, the Commission quoted United Electric's
2 Complaint at Paragraph 13 and Burley's answer to that Paragraph as follows:

3 [United]: 13. Exhibit 6, in addition to showing the location of the
4 proposed new Suntado facility, also shows the boundary between the
5 City of Burley's service territory and United Electric's service
6 territory. As is apparent from Exhibit 6, although the Suntado site
7 abuts on two sides the boundary dividing the City and United's
8 respective service territories, it is entirely within the boundaries of
9 United's exclusive service territory.
10 [Burley]: 13. The Respondents deny the allegations of Paragraph 13.

11
12 **Q. In light of Burley's denial of the truth of United Electric's**
13 **assertions in its Complaint at Paragraph 13, have you had an**
14 **opportunity to review and confirm the veracity of United Electric's**
15 **assertion in that Paragraph, and if so, what are your conclusions?**

16 A. I was surprised at Burley's denial of the verity of Exhibit 6 to
17 our Complaint. I therefore double checked the accuracy of the map by
18 comparing it to the maps we have on file related to the service territory
19 agreements United Electric has (through its predecessor utility) with Burley.
20 In addition, on May 12, 2023, I visited the law office of Parsons, Smith,
21 Stone, Loveland, and Shirley in Burley, Idaho, which is the same law office
22 that represented United Electric in its 2003 application to the Commission
23 regarding the Territory Agreements and Amendments between United
24 Electric and Burley, in Case No. GNR-E-03-03. In reviewing the case file of

1 the attorney representing United Electric, I found the service territory map
2 that was agreed to by United Electric and Burley and confirmed that it
3 matches the service territory map on file at United Electric and Exhibit 6.
4 As a result of that double (indeed triple checking) I can state with confidence,
5 and under oath, that Exhibit 6 to our complaint (reproduced as Exhibit 6 to
6 my testimony) is an accurate depiction of the service territory boundary
7 between United Electric and Burley and that the Suntado plant is squarely
8 and wholly located on the United Electric side of the boundary. For ease of
9 the Commission's reference, the map the accuracy of which I am certain, is
10 attached as Exhibit 6 to United Electric's complaint and as Exhibit 6 to my
11 testimony herein.

12 **Q. Did the Commission's Order raise other factual issues that**
13 **were denied in Burley in its response to United's Complaint?**

14 A. Yes. The Commission next quoted from United's Complaint at
15 Paragraph 17 along with Burley's response to United's Paragraph 17:

16 [United]:³ The location of the Suntado proposed processing plant on
17 the site in question may be generally described as being bounded by
18 16th Street on the south, the railroad on the east and roughly by
19 Washington Street on the west. The northern and eastern boundaries
20 of the lot are conterminous with the existing boundary separating
21 United's service territory from the City's service territory. It is located

³ Quoting Paragraph 17 of United Electric's Complaint in its entirety.

1 at approximately the 1200 through 1600 blocks on the north side of
2 16th Street and west of the railroad right-of-way in the City of Burley.
3 [Burley]: 17. The Respondents deny the allegations of Paragraph 17.
4

5 **Q. What was your response when you noted Burley's denial of**
6 **the verity of United's assertions in Paragraph 17?**

7 A. Again, I was surprised by their denial of what I know to be the
8 factual assertion as to the existing boundary between United Electric's and
9 Burley's electric systems. I therefore double and triple checked our maps
10 and the existing service territory allocation agreements. I again concluded
11 that Burley is mistaken in its denial of the legitimacy of our existing
12 boundaries. I can also attest to the accuracy of our assertions in Paragraph
13 17.

14 **Q. What was the last factual disparity the Commission**
15 **identified in its Order No. 35855?**

16 A. The final quotation in the Commission's Order is in reference
17 to Paragraph 18 of United Electric's Complaint:

18 [United] 18. The site in question is wholly located within the
19 Commission approved service territory of United Electric co-op, Inc.
20 [Burley]: 18. The Respondents deny the allegations of Paragraph 18.
21

22 **Q. Again, what was your response to Burley's denial of United**
23 **Electric's assertion that the Suntado site is wholly within United's**

1 **exclusive electric service territory?**

2 A. My response was the same as with the first two denials
3 discussed above. I checked to ensure our allegations were factually correct
4 and I concluded that, indeed, all of the allegations in our complaint are
5 factually accurate -- including Paragraph 18. I also noted several factual
6 inconsistencies in Burley's Answer that suggest perhaps the City hasn't been
7 very thorough in vetting its Answer.

8 **Q. Please explain.**

9 A. Burley's response to Paragraph 11 of United Electric's
10 Complaint is an example of Burley's contradictory answers. Paragraph 11 of
11 United Electric's Complaint states:

12 In the Fall of last year, (2022), United learned that Suntado, LLC, is
13 in the process of developing a large milk processing plant on a tract of
14 land that is wholly in United's service territory.
15

16 Burley's response to Paragraph 11 includes the statement, ..."Respondents
17 (Burley) admit the Suntado facility is currently in United Electric's currently
18 existing service territory". In addition, Burley's response to Paragraphs 32
19 and 33 of United Electric's Complaint provides another good example of the
20 City's internally inconsistent and contradictory answers. Paragraph 32 of
21 United's Complaint provides:

1 Attached as Exhibit No. 12 is a map of the proposed Suntado facility
2 site indicating the location of the City's newly constructed line
3 extension onto the Suntado site that is within the boundaries of United
4 Electric Coop's exclusive service territory.

5
6 Exhibit 12 to the Complaint is attached to my testimony. It consists of four
7 pages (including the cover page) of maps that contain narrative descriptions
8 of the boundaries. The Exhibit also clearly asserts that the new plant is
9 located in United's Service territory. But Burley doesn't deny the verity of
10 Exhibit 12 to United Electric's complaint. Instead, Burley says that, "*the*
11 *Respondents state that Exhibit 12 speaks for themselves.*" At the same time,
12 however, Burley denied United Electric's assertions in Paragraphs 32 and 33
13 referencing the fact that Exhibit 12 contains maps showing the City's
14 incursion into United Electric's exclusive service territory.

15 **Q. What do you conclude from these apparent contradictions?**

16 A. The City's Answer states that the maps contained in Exhibit 12
17 to the Complaint speak for themselves, and I certainly agree. The maps are
18 unambiguous in that they clearly show the City's incursion into United's
19 exclusive service territory. By admitting that Exhibit 12 to United's
20 Complaint, (Exhibit 12 to my testimony here) is accurate – e.g. it speaks for
21 itself while denying the verity of the paragraphs that introduce Exhibit 12 in
22 the very same 'breath' suggests that the City's Answer is not well thought

1 out and that its denials as well as its admissions are not reliable. In other
2 words, the Commission would be well within the bounds of reason to reject
3 Burley's denials of the factual assertions contained in United Electric's
4 Complaint.

5 **Q. Were you personally involved in the drafting and**
6 **negotiation of the service territory agreements at issue in this**
7 **proceeding?**

8 A. No. I am relatively new at United Electric. I have therefore, of
9 necessity, relied on United's files, mapping systems and other original and
10 verified copies of documents, Commission orders, maps, pleadings and
11 correspondence to arrive confidently at my conclusions relative to the
12 location and existence of the existing boundaries between United Electric
13 and Burley. In addition, however, until just last year three members of
14 United Electric's Board of Directors were present and participated to various
15 degrees when those agreements were negotiated and approved. Today
16 United still has one Board member from that time. I have gained valuable
17 background on the salient issues that were motivating the parties back then
18 as a result of discussions with those three individuals.

19 **Q. Do you have any other comments relative to Burley's denial**

1 **of United Electric's assertions that the Suntado plant location is wholly**
2 **located in United Electric's service territory, which service territory**
3 **boundaries have been approved by order of this Commission?**

4 A. Yes. Burley does not deny any of the allegations in the first
5 section of United's Complaint (Section I A. pages 2 – 5, paragraphs 1
6 through 10). That Section lays the foundation for United's assertion of the
7 existence and location of the service territory boundaries separating the two
8 utilities. That section references the agreements, maps, and Commission
9 orders that have comprised the IPUC-sanctioned 'lay of the land' between
10 United Electric and Burley's utility for the past thirty-plus years. It is
11 inconsistent and contradictory for Burley to acquiesce in the validity of the
12 foundational documents creating our mutual boundaries while at the same
13 time denying the very existence of those boundaries in the subsequent pages
14 of its Answer to our complaint.

15 **Q. Do you have any final observations?**

16 A. Yes. United Electric very much appreciates the Commission's
17 time and attention in this matter. Be assured that United Electric does not
18 avail itself of the Commission's complaint process lightly. United Electric
19 has, and continues to, endeavor to work productively and cooperatively with

1 its neighbors (including the City of Burley). In addition, United Electric
2 appreciates the Commission's suggestion that the parties engage in
3 settlement discussions, and we remain available to participate in good faith
4 in such discussions. In the interest of discretion, I will not detail the
5 existence and/or nature of such discussions that have taken place in the past
6 – suffice it to say that United Electric is always willing to work with its
7 neighbors to craft mutually agreeable solutions to common problems.

8 **Q. Does this complete your pre-filed direct testimony?**

9 A. Yes, it does.

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July 2023, I caused to be delivered via electronic mail only the foregoing prefiled direct testimony of Michael T. Darrington in IPUC Docket No. C15-E-23-01 on the following Parties:

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//

Idaho Public Utilities Commission
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By



Peter J. Richardson, ISB # 3195

BEFORE THE
IDAHO PUBLIC UTILITIES
COMMISSION

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ELECTRIC CO-OP, INC.'S FORMAL)	Docket No. C15-E-23-01
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CONTRACT ENTERED INTO)	
PURSUANT TO THE IDAHO)	
ELECTRIC STABLIZATION ACT.)	
)	
)	
)	

EXHIBIT NO. 6
TO MICHAEL T. DARRINGTON'S DIRECT TESTIMONY

(Note that Mr. Darrington's two exhibits are reproduced from United Electric Co-op, Inc.'s Complaint and are labeled herein to match the numbered exhibits in the Complaint. Thus, Mr. Darrington's two exhibits are numbered "6" and "12" respectively which are reproduced from Exhibits 6 and 12 from United's Complaint)

BEFORE THE
IDAHO PUBLIC UTILITIES
COMMISSION

UNITED ELECTRIC CO-OP, INC.,)	
Complainant,	)	Docket No. _____
v.)	
)	
THE CITY OF BURLEY, IDAHO,	)	UNITED ELECTRIC CO-OP INC.'s
Respondent.	)	FORMAL COMPLAINT FOR VIOLATION
	)	OF CONTRACT ENTERED INTO
	)	PURSUANT TO THE IDAHO ELECTRIC
	)	STABILIZATION ACT
_____)	

UNITED ELECTRIC CO-OP'S
EXHIBIT NO. 6

Map of the City of Burley with the proposed Suntado site circled. The line marking the boundary between the City's service area and United's service area is the dark line generally encompassing the City's area in the center of the map.



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EXHIBIT NO. 12
TO MICHAEL T. DARRINGTON'S DIRECT TESTIMONY

(Note that Mr. Darrington's two exhibits are reproduced from United Electric Co-op, Inc.'s Complaint and are labeled herein to match the numbered exhibits in the Complaint. Thus, Mr. Darrington's two exhibits are numbered "6" and "12" respectively which are reproduced from Exhibits 6 and 12 from United's Complaint)

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UNITED ELECTRIC CO-OP'S
EXHIBIT NO. 12

Exhibit 12 consists of the following three pages.

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EXHIBIT 12, page 2 of 4.

United's service territory is to the left (west) of the Burley/United boundary line that runs along the railroad tracks and then jogs to the west along the northern border of the site. The red line ("City of Burley Service Line") is the new service line recently constructed by the City of Burley from its existing line on 16th street. United serves all of the homes on 16th street shown on this map, including the home in the southeast corner of the Customer Property/Plant Site. The City serves all of the mobile homes shown on the map that are on the east side of the railroad tracks. The large highway shown on the northwest corner of the map is old U.S. 30.



New City of Burley service pole in United Service Territory on Suntado site.



