

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: JOHN R. HAMMOND JR.
DEPUTY ATTORNEY GENERAL

DATE: MARCH 20, 2020

SUBJECT: IDAHO POWER COMPANY'S APPLICATION FOR APPROVAL OF
THE TRANSFER AND SALE OF CERTAIN ASSETS TO THE CITY OF
NAMPA, IDAHO; CASE NO. IPC-E-20-10.

On March 3, 2020, Idaho Power Company ("Idaho Power" or "Company") applied for Commission approval of its proposed sale and transfer of certain assets to the City of Nampa, Idaho ("City"). The Company requests that this case be processed by Modified Procedure under the Commission's Rules of Procedure.

THE APPLICATION

The Company provides electric service to the City's wastewater treatment plant. *Application* at 1-2. Idaho Power owns and operates transformers and other facilities beyond the point of delivery ("POD") for the sole purpose of meeting the City's service requirements. *Id.* at 2. The City pays Idaho Power monthly facilities charges to use them. *Id.* The City now wants to buy the Company's facilities under Company Rule M, Section 3. *Id.* The Company and City have thus signed an Assets Purchase and Transfer of Title Agreement ("Agreement"). *Id.* The Company asks the Commission to approve the Agreement as soon as practicable.


Idaho Power asserts the Assets \$793,526 sale price was set through Rule M. *Id.* at 5-6. The Company states the Rule M methodology ensures the transaction will not harm Idaho Power's other customers. *Id.* at 6. Besides the sale price, the City also would pay the Company certain transaction-related costs. *Id.* at 8-9.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Application, Notice of Intervention Deadline, Notice of Modified Procedure and Notice of Telephonic Public Hearing. First, Staff recommends the Commission set a twenty-one (21) day intervention deadline. Staff also recommends that the Commission set a May 5, 2020, comment deadline for Staff and any interested parties and a May 12, 2020, deadline for the Company to file reply comments, if needed. Staff also believes the statutory language in *Idaho Code* § 61-328 describing the supply of power to "the public or any portion thereof" could be read to include the supply of power to the City for its wastewater treatment facility. As a result, in a past, similar case the Commission has held a public hearing. *See* IPC-E-17-17. Accordingly, Staff recommends that the Commission schedule a telephonic public hearing in this case. *See* Order No. 34602 (telephonic/virtual hearings to replace public hearings in an effort to reduce exposure to Covid-19). Staff recommends that the Commission set a telephonic public hearing during the proposed comment period.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Petition, Notice of Intervention Deadline, and Notice of Modified Procedure setting a day twenty-one (21) day intervention deadline, an May 5, 2020, comment deadline, and an May 12, 2020 deadline for Idaho Power to file reply comments, if needed? Does the Commission wish to schedule a telephonic public hearing in this case to take place during the comment period?



John R. Hammond Jr.
Deputy Attorney General

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