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LISA D. NORDSTROM Lead Counsel Inordstrom@idahopower.com

June 3, 2020

VIA ELECTRONIC FILING

Diane M. Hanian, Secretary Idaho Public Utilities Commission 11331 W. Chinden Boulevard Building 8, Suite 201-A Boise, Idaho 83714

Re:

Case No. IPC-E-20-25

Idaho Power Company's Application for an Order Approving the Transfer of

Certain Assets Associated with the Hemingway Substation

Dear Ms. Hanian:

Attached for electronic filing in the above matter is Idaho Power Company's Application for an Order Approving the Transfer of Certain Assets Associated with the Hemingway Substation. If you have any questions about this filing, please do not hesitate to contact me.

Very truly yours,

Lisa D. Nordstrom

Lia D. Madotram

LDN:sdh Enclosure LISA D. NORDSTROM (ISB No. 5733) Idaho Power Company 1221 West Idaho Street (83702) P.O. Box 70 Boise, Idaho 83707 Telephone: (208) 388-6117

Facsimile: (208) 388-6936 Inordstrom@idahopower.com

Attorney for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF IDAHO POWER COMPANY FOR AN)	CASE NO. IPC-E-20-25
ORDER APPROVING THE TRANSFER	j	
OF CERTAIN ASSETS ASSOCIATED)	APPLICATION
WITH THE HEMINGWAY SUBSTATION.	j	
)	
)	

Idaho Power Company ("Idaho Power" or "Company"), in accordance with *Idaho Code* § 61-328 and 61-524 and Rule of Procedure 52, hereby respectfully makes application to the Idaho Public Utilities Commission ("Commission") for an order approving the conveyance of an irregular 1.91 acres of land and roadway improvements (the "1.91 Acre Parcel") at the Hemingway Substation site, located in Owyhee County ("County"), Idaho, to the County.

In support of this Application, Idaho Power asserts as follows:

I. BACKGROUND

1. In 2008, the Company purchased nearly 150 acres of land near Melba, Idaho in Owyhee County, for what would become Idaho Power's largest substation. The

Hemingway Substation, with a footprint the size of 60 football fields, was energized in May 2010 and will be the central point joining two major 500-kilovolt ("kV") transmission lines: one from Wyoming and one from Boardman, Oregon. It also allowed for the new 230-kV Hemingway-Bowmont line to go into service the following month, improving reliability and increasing options for Idaho Power to supply electricity to customers.

- 2. As shown on the site layout of the Hemingway Substation site attached hereto as Attachment No. 1, the Company constructed a new unpaved access road on the Hemingway Substation site to provide access from Highway 78 to the substation. The Idaho Power access road travels adjacent to and partly crosses the Wilson Cemetery Road as shown in Attachment No. 1. The Hemingway Substation and associated roadway improvements closed to the Company's Federal Energy Regulatory Commission ("FERC") Account 101, Electric Plant-in-Service, in July 2010.
- 3. After the Company installed the access road, residential property owners located south of the Wilson Cemetery Road began using Idaho Power's access road rather than the Wilson Cemetery Road to enter their properties. Eventually, the Wilson Cemetery Road became overgrown from non-use and impassable for vehicles, and drivers instead used the Idaho Power access road.
- 4. In July 2019, the County denied a building permit for one of the residents along the south of Wilson Cemetery Road because the resident was not able to show public road access to the property. The County declined to grant a waiver or variance when requested. The resident and other concerned neighbors contacted Idaho Power to request assistance in meeting the County's requirements.

II. DESCRIPTION OF TRANSACTION

5. To resolve the situation, on August 26, 2019, the Company appeared in

front of the Owyhee County Board of Commissioners. After determining that a waiver or variance was not available, Idaho Power and the County agreed in January 2020 that the best solution would be for the Company to grant the 1.91-Acre Parcel to the County.

- 6. To re-establish legal access for the land owners, the Company executed and recorded a Special Warranty Deed to Owyhee County for the 1.91 acres of land, subject to easements of Idaho Power, on February 14, 2020. See Attachment No. 2 for the Special Warranty Deed, Legal Description and Record of Survey. As a result of this conveyance, the County took ownership of the access road and also the roadway that extends south from the access road across the 1.91 Acre Parcel to reach the residents south of Wilson Cemetery Road.
- 7. In addition to resolving the access issues of neighboring property owners, the conveyance of land to the County provided several benefits to Idaho Power. First, Idaho Power would continue to have the right to use the access road, now as a County road, without having the obligation to maintain the road. Second, Idaho Power would no longer have the liability that accompanies ownership of access roads used by the public. Finally, the conveyance achieved a beneficial use of the 1.91 Acre Parcel; still encumbered by the Wilson Cemetery Road, which had not been vacated by the County, the value of the 1.91-Acre Parcel was greatly limited for other uses. Consequently, the Company did not require payment from the County for the 1.91 Acre Parcel conveyance.

III. *IDAHO CODE* § 61-328

8. Pursuant to *Idaho Code* § 61-328, an electric utility must obtain approval from the Commission before it sells or transfers ownership in any generation, transmission, or distribution plant located in Idaho.

Before authorizing the transaction, the public utilities commission shall find: (a) That the transaction is consistent with the public interest; (b) That the cost of and rates for supplying service will not be increased by reason of such transaction; and (c) That the applicant for such acquisition or transfer has the bona fide intent and financial ability to operate and maintain said property in the public service.

Idaho Code § 61-328(3). Idaho Power acknowledges that this Application is not timely and will endeavor to improve the timeliness of future filings.

- 9. The transfer of the 1.91 Acre parcel meets the above-stated requirements of *Idaho Code* § 61-328(3). The transaction is in public interest as it resolves potential litigation and does not impact the Company's ability to continue to provide safe, efficient, and reliable service to its customers. Idaho Power will continue to be able to use the access road over the 1.91 Acre Parcel as a public county road, without ownership liability and maintenance obligations.
- 10. The conveyance of the land was the only resolution acceptable to the Owyhee County Commissioners and a reasonable solution to avoid incurring further costs to mitigate access issues, ultimately resulting in little to no financial impact to Idaho Power and its customers. Idaho Power therefore believes the conveyance is consistent with the public interest. Lastly, as a governmental body with taxing authority, the County has the bona fide intent and financial ability to operate and maintain the land in the public service.
- 11. As of February 29, 2020, the original cost of the 1.91 acres of land was \$26,488 while the net book value of the site improvements associated with the grading and roadway access was \$41,394. To record the conveyance of the land, the original cost is removed from FERC Account 101, Electric Plant-in-Service, with an offset to FERC Account 421.2, Loss on the Disposition of Property while the net book value of the site

improvements are removed from FERC Account 101, Electric Plant-in-Service with a corresponding offset to FERC Account 108, Accumulated Reserve. See Attachment No. 3 for the journal entries associated with the transaction.

IV. MODIFIED PROCEDURE

12. Idaho Power believes that a technical hearing is not necessary to consider the issues presented herein, and respectfully requests that this Application be processed under Modified Procedure; i.e., by written submissions rather than by hearing. RP 201 *et seq.* If, however, the Commission determines that a technical hearing is required, the Company will present testimony and support the Application in such hearing.

V. COMMUNICATIONS AND SERVICE OF PLEADINGS

13. Communications and service of pleadings with reference to this proceeding should be served on the following:

Lisa D. Nordstrom
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
Inordstrom@idahopower.com
dockets@idahopower.com

Matt Larkin Idaho Power Company 1221 West Idaho Street (83702) P.O. Box 70 Boise, Idaho 83707 mlarkin@idahopower.com

VI. REQUEST FOR RELIEF

14. Idaho Power respectfully requests a Commission order authorizing the conveyance of the 1.91 Acre Parcel at the Hemingway Substation site to the County consistent with the requirements of *Idaho Code* §61-328.

DATED at Boise, Idaho, this 3rd day of June 2020.

LISA D. NORDSTROM

Attorney for Idaho Power Company

VERIFICATION

STATE OF IDAHO)	
)	SS
County of Ada)	

LISA D. NORDSTROM, being duly sworn, deposes and states that she is an attorney for Idaho Power Company, that she has read the foregoing Application and knows the contents thereof, and that the same are true to the best of her knowledge and belief.

LISA D. NORDSTROM

SUBSCRIBED AND SWORN TO before me, a notary public of the state of Idaho, this 3rd day of June 2020.

NOTARY

PUBLIC

PE OF ION

Notary Public for Idaho Residing at: Bolse

My commission expires: 6/5/2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June 2020 I served a true and correct copy of foregoing APPLICATION upon the following named parties by the method indicated below, and addressed to the following:

Owyhee County	Hand Delivered
Angela Barkell	U.S. Mail
Clerk of the District Court	Overnight Mail
Ex-Officio Auditor & Recorder	FAX
PO Box 128	X Email abarkell@co.owyhee.id.us
Murphy Idaha 93650	

Sandra Holmes,

Legal Administrative Assistant



DS: KF SCALE: 1" = 500' DATE: 05/06/2020
DR: JS
SV: -- SHT: 1 / 1 WO. NO.: 27405025

HEMINGWAY SUBSTATION OWYHEE COUNTY, IDAHO SEC. 11, T. 1S, R. 3W, B.M



224 PM Path: Natilital and Survey O. Preisers 2019/CHOIS (nation) 224/5/25 Hamiltone Road Items/Survey Brand Brown Brands Brown Arrows 2010, Case I was no or

Instrument # 302621
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2020-02-14 08:49:51 No of Pages: 4
Recorded for: IDAHO POWER
ANGELA BARKELL
Ex-Officio Recorder Deputy: HLR
Index To: DEED WARRANTY
Electronically Recorded by Simplifile

SPECIAL WARRANTY DEED

In consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Idaho Power Company, an Idaho corporation, ("Grantor") does hereby convey to the County of Owyhee ("Grantee") whose address is 20381 ID78 Murphy, Idaho the following described real property in Owyhee County, Idaho:

See Legal Description set forth in Exhibit A attached hereto and made a part hereof.

RESERVING UNTO GRANTOR THE FOLLOWING: [Reserving any power line or other easements in favor of Idaho Power]

SUBJECT TO taxes and assessments, all existing easements, rights of way, reservations, restrictions and encumbrances of record, levies, U.S. patent reservations, any existing tenancies, all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the property would show.

Grantee accepts the property "AS IS" subject to all latent and patent defects.

Grantor covenants with Grantee and its successors in interest, that Grantor is the owner in fee simple of the premises; that the premises are free from encumbrances created or suffered by Grantor, excepting those as may be herein set forth, and excepting those of record, and that Grantor will warrant and defend the same from all lawful claims of or through Grantor, but none other.

IN WITNESS WHEREOF, Grantor has executed this instrument on this 137 day of Feb. , 2020.

Signature Appears on Following Page

Exhibit A Description

Exhibit B Survey

Ivan Sim, Director of Corporate Services

Notary Acknowledgment

STATE OF Idaho

County of Ada

On this 131 day of May 2020, before me, D. Kurtis Funke, a Notary Public in and for said State, personally appeared Ivan Sim, personally known or identified to me to be the Corporate Service Director of Idaho Power Company, and that he executed the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Notary Seal]

Residing at: Culdwall, ID





EXHIBIT A LEGAL DESCRIPTION

An access area across a portion of the Purchase Parcel shown on Record of Survey Instrument Number 267494 records of Owyhee County, Idaho being situated in the Southeast ¼ of the Northeast ¼ of Section 11. Township 1 South, Range 3 West, Boise Meridian, more particularly described as follows:

Commencing at the Center-East 1/16th corner being the Southwest corner of said Southeast ¼ of the Northeast ¼, from which the East ¼ of said Section 11 bears South 89°13'35" East 1336.08 feet, thence South 89°13'35" East 474.00 feet along the South line of said Southeast ¼ of the Northeast ¼ to the POINT OF BEGINNING of said access area, thence leaving said South line

North 8°14'34" East 156.53 feet, thence

South 82°01'59" East 646.46 feet, thence

North 71°02'18" East 42.96 feet, thence

South 86°51'11" East 45.49 feet to the Westerly Right-of-Way line of State Highway 78, thence South 10°44'30" East 88.67 feet along said Westerly Right-of-Way line to said South line of the Southeast ¼ of the Northeast ¼, thence

North 89°13'35" West 765.31 feet along said South line to the POINT OF BEGINNING.

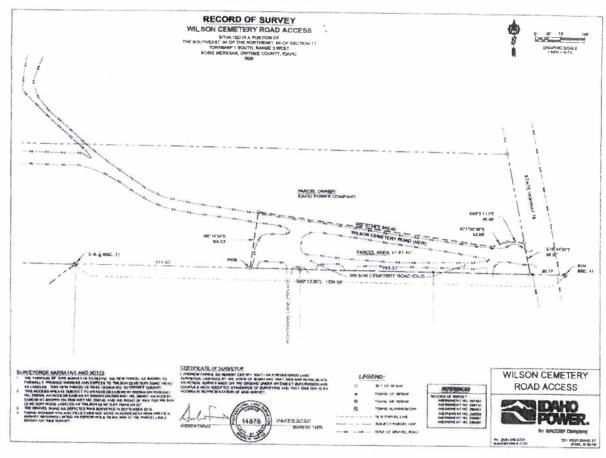
Said access area contains approximately 1.91 acres more or less.



PRELIMINARY

25 OCT 19

Exhibit B



Instrument # 302546
MURPHY, OWYHEE, IDAHO
FOR 124-2020
Recorded for: IDAHO POWER
ANGELA BARKELL
FOR 105-100
MAN IN SERVER
MAN INSTRUMENT TO THE THE TO THE T

IDAHO POWER COMPANY FINAL JOURNAL ENTRIES

FERC Account	FERC Account Description	Debit	Credit	Plant Account	Plant Account Description
421200	Loss on Disp of Property	26,488.38			
101000	Electric Plant In Service		(26,488.38)	35011 Lane	d & Land Rights, Transmission

To retire the 1.91 acre parcel of land conveyed to Owyhee County in February 2020.

FERC Account	FERC Account Description	Debit	Credit	Plant Account	Plant Account Description
108000	Accumulated Reserve	41,394.00		35200 Stru	actures & Improvements, Transmission
101000	Electric Plant In Service		(41,394.00)	35200 Stru	uctures & Improvements, Transmission

To retire the site improvements associated with the 1.91 acre parcel of land conveyed to Owyhee County in February 2020.