

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

<b>IN THE MATTER OF IDAHO POWER</b>	)	<b>CASE NO. IPC-E-23-07</b>
<b>COMPANY'S APPLICATION FOR AN</b>	)	
<b>ORDER APPROVING THE TRANSFER OF</b>	)	<b>NOTICE OF APPLICATION</b>
<b>CERTAIN ASSETS ASSOCIATED WITH</b>	)	
<b>RITTER ISLAND</b>	)	<b>NOTICE OF</b>
	)	<b>MODIFIED PROCEDURE</b>
	)	
	)	<b>NOTICE OF TELEPHONIC</b>
	)	<b>PUBLIC HEARING</b>
	)	
	)	<b>ORDER NO. 35711</b>

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On March 2, 2023, Idaho Power Company ("Company"), and the Idaho Department of Parks and Recreation ("IDPR") (together the "Parties") applied to the Commission for approval of an Asset Transfer Agreement between the Company and the IDPR ("Application"). As proposed, the Company would transfer approximately 1.09 acres of land on Ritter Island ("Ritter Island") to the IDPR. The Application outlines a process whereby the Company would transfer to IDPR certain electric facilities currently owned and used by the Company at Ritter Island located in Gooding County, Idaho.

We now issue this Notice of Application, and establish dates for public and reply comments, and set the time and date for a Telephonic Public Hearing.

### BACKGROUND

Ritter Island is located south of Hagerman, Idaho "near the Thousand Springs area of the Snake River." Application at 2. The Company acquired approximately 1.09 acres of land on Ritter Island in 1989 "as part of a Federal Energy Regulatory Commission ("FERC") required mitigation package" with the Company. *Id.* At the time, the property owned by the Company was part of a portion of land referred to collectively as the Thousand Springs Project ("TSP"); the TSP was owned by The Nature Conservancy ("TNC"). The Company cooperated with TNC in TNC's purchase of the TSP. Accordingly, TNC conveyed two homesites and certain conservation easements to the Company. TNC later sold the TSP property to IDPR. The Company retained its easements and homesites. "In exchange for supporting Idaho Power's [plan to buy lands around

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the mid-Snake hydro facilities to meet the FERC’s aquatic habitat migration requirements], IDPR asked Idaho Power to relinquish the two homesites it owns on Ritter Island to IDPR, resulting in a win-win situation for Idaho Power and IDPR.” *Id.* at 3. The Company would still be able to utilize the conservation easement while addressing its aquatic habitat mitigation efforts.

The Company submits its Application for approval under the Idaho Electric Supplier Stabilization Act, *Idaho Code* §§ 61-332 *et. seq.*, and the electric utility asset transfer statute, *Idaho Code* § 61-328.<sup>1</sup>

### **NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED the Company states that the proposed conveyance was part of negotiations that led to the relicensing of the Company’s mid-Snake hydro facilities.

YOU ARE FURTHER NOTIFIED that the Company states IDPR would be receiving this conveyance “at zero cost to IDPR.” Application at 3. Section IV of the Application states: “The original cost of the 1.09 acres of land was \$504,985.48. To record the conveyance of the land, the original cost would be removed from FERC Account 101, Electric Plant-in-Service, with an offset to FERC Account 426.1, Donations.” *Id.* at 5.

YOU ARE FURTHER NOTIFIED the Company states that it is compliant with the three prongs of *Idaho Code* § 61-328(3) regarding asset transfers. The Company states the conveyance is in the public interest because the Company would otherwise have had to engage in costlier alternatives to obtain its mid-Snake hydro facility licenses; the Company states that the conveyance thus avoided an increase in the Company’s costs and ratepayers subsequent rates. The Company also notes that IDPR is a governmental entity that will have “the bona fide intent and financial ability to operate and maintain” the property for the public service. *Id.* at 5 (quoting *Idaho Code* § 61-328(3)(c)).

YOU ARE FURTHER NOTIFIED that the Application and Attachment No. 1 are available for public inspection during regular business hours at the Commission’s office. The Application and documents related to this case are also available on the Commission’s website at

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<sup>1</sup> The Company requested that its Application be processed under Modified Procedure, Rule 201 *et seq.* See IDAPA 31.01.01.201 through .204. Typically, the use of Modified Procedure contemplates written submissions without a live public hearing. However, *Idaho Code* § 61-328 states the Commission “shall issue a public notice and *shall conduct a public hearing* upon the application (emphasis added).”

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[www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the “ELECTRIC” icon, select “Open Cases,” and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Title 61 of the Idaho Code.

### **NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that in addition to holding the statutorily required telephonic public hearing the Commission has determined it will review the case through written submissions under the Commission’s Rules of Modified Procedure Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201-204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that persons desiring to state a position on this Application may file a written comment explaining why the person supports or opposes the Application. **Persons must file comments by May 3, 2023.** Comments must be filed through the Commission’s website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission’s home page at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the “Case Comment Form” and complete the form using the case number as it appears on the front of this document. To file by e-mail, the customer must e-mail the comments to the Commission Secretary and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

#### **For the Commission:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074  
[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

#### **For the Company:**

Lisa D. Nordstrom  
Matt Larkin  
1221 W. Idaho Street (83702)  
P.O. Box 70  
Boise, ID 83707  
[lnordstrom@idahopower.com](mailto:lnordstrom@idahopower.com)  
[mlarkin@idahopower.com](mailto:mlarkin@idahopower.com)

Street Address for Express Mail:

[dockets@idahopower.com](mailto:dockets@idahopower.com)  
[energycontracts@idahopower.com](mailto:energycontracts@idahopower.com)

11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, ID 83714

YOU ARE FURTHER NOTIFIED that **the Parties must file any reply comments by May 10, 2023.**

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order accordingly. If written comments are received within the time limit set, the Commission will consider them in making its final decision.

#### **NOTICE OF TELEPHONIC PUBLIC HEARING**

YOU ARE FURTHER NOTIFIED that the Commission's Rules of Modified Procedure contemplate that a case will be processed by written submissions without the need for a public hearing. However, the Commission finds good cause to schedule a public hearing in this case because *Idaho Code* § 61-328, requires it.

YOU ARE FURTHER NOTIFIED that the Commission will conduct a public telephonic public hearing in this matter on **THURSDAY, MAY 11, 2023, AT 11:00 A.M. (local time).** The purpose of the public hearing is to take testimony from members of the public and customers of the Company. To participate, interested persons can call **1-415-655-0001** shortly before the designated time, and enter the **meeting number 2451 727 1983** when prompted. Those planning to testify are encouraged to start calling in to the hearing at 10:45 a.m. (local time) on May 11, 2023.

YOU ARE FURTHER NOTIFIED that the telephonic hearing will meet accessibility requirements of the Americans with Disabilities Act. Persons needing the help of a sign language interpreter or other assistance to participate in or to understand testimony at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
P.O. BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0338 (Telephone)  
(208) 334-3762 (FAX)  
[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

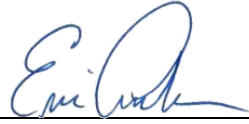
### **ORDER**

IT IS HEREBY ORDERED that the Company's Application be processed by Modified Procedure, Rules 201-204. IDAPA 31.01.01.201 through .204. Persons interested in submitting written comments must do so by **May 3, 2023**. The Parties must file any reply comments by **May 10, 2023**.

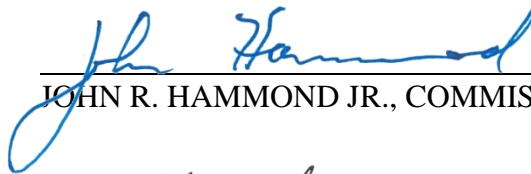
IT IS FURTHER ORDERED that a telephonic public hearing be held on the Company's Application on **Thursday, May 11, 2023, at 11:00 A.M. (local time)**.

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.

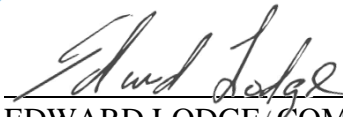
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 22<sup>nd</sup> day of March 2023.



ERIC ANDERSON, PRESIDENT

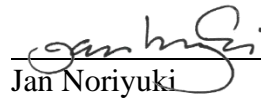


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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