

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT)	CASE NO. IPC-E-23-33
APPLICATION OF IDAHO POWER)	
COMPANY AND UNITED ELECTRIC CO-)	NOTICE OF APPLICATION
OP, INC., TO APPROVE A TERRITORY)	
ALLOCATION AGREEMENT)	NOTICE OF MODIFIED
)	PROCEDURE
)	
)	ORDER NO. 36031

On November 29, 2023, Idaho Power Company (“Idaho Power”) and United Electric Co-op, Inc. (“United”) (collectively the “Parties”) filed a joint application (“Application”) with the Idaho Public Utilities Commission (“Commission”), under the Electric Supplier Stabilization Act (“ESSA”), *Idaho Code* §§ 61-332 *et seq.*, requesting an order approving a Territory Allocation Agreement (“Agreement”) for electrical service for Joel Hobbs.

BACKGROUND

The 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(l).

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Parties represent that they each own and operate electrical power systems that provide electric service to customers in Southern Idaho, and that they

currently have specific service territories in accordance with the terms and conditions of the ESSA. Application at 2. The Parties represent that Mr. Hobbs wishes to receive electric service from United to serve a new residence presently located within Idaho Power service territory. *Id.*

YOU ARE FURTHER NOTIFIED that the Parties represent that it will be less expensive for Mr. Hobbs to interconnect to United's system for single-phase service to the new residence than it is to interconnect to Idaho Power's system. *Id.* at 2-3. The Parties believe that the Agreement benefits Mr. Hobbs with lower line extension charges, will avoid duplication of facilities, and will avoid disputes between the Parties. *Id.* at 3-4.

YOU ARE FURTHER NOTIFIED that the Application is available for public inspection during regular business hours at the Commission's office. The Application is also available on the Commission's website at 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 case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code, and that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

NOTICE OF MODIFIED PROCEDURE

YOU ARE HEREBY NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter, and that it will proceed under Modified Procedure pursuant to the Commission's Rules of Procedure 201-204, 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 who would like a hearing must specifically request a hearing in their written comments and explain why written comments alone are insufficient. **Persons interested in filing written comments must do so by January 11, 2024.** 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 website at <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, persons must e-mail the comments to the Commission Secretary and all parties at the e-mail addresses listed below. Persons submitting a comment by e-mail must provide their name, address, and the Case Number under which they are commenting. Persons submitting a comment by e-mail also acknowledge that submitting a comment in an open case constitutes a public record under Idaho Code § 74-101(13), and all information provided by such person is available for public and media inspection.

If computer access is unavailable, then comments may be mailed to the Commission and the Parties at the addresses below. Persons submitting a comment by mail must provide their name, address, and the Case Number under which they are commenting. Persons submitting a comment by mail also acknowledge that submitting a comment in an open case constitutes a public record under Idaho Code § 74-101(13), and all information provided by such person is available for public and media inspection.

**For the Idaho Public Utilities
Commission:**

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
secretary@puc.idaho.gov

Street Address for Express Mail:

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

For Idaho Power:

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

For the United:

Lance A. Loveland
Parsons, Smith, Stone, Loveland & Shirley,
LLP
P.O. Box 910
Burley, Idaho 83318
Love9593@pmt.org

Sam Andrew
United Electric Co-op, Inc.
1330 21st Street
Heyburn, Idaho 83336
sandrew@uec.coop

YOU ARE FURTHER NOTIFIED that the Parties must file any reply comments **by January 18, 2024.**

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 final order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

ORDER

IT IS HEREBY ORDERED that the Application be processed by Modified Procedure, Rules 201-204 (IDAPA 31.01.01.201-.204). Persons interested in filing written comments must do so by January 11, 2024. The Parties must file any reply comments by January 18, 2024.

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 15th day of December 2023.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Interim Commission Secretary

I:\Legal\ELECTRIC\IPC-E-23-33_Hobbs\orders\IPCE2333_Ntc_App_Mod_cb.docx