

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF BRENDA CHARLES’)	CASE NO. IPC-E-25-26
FORMAL COMPLAINT AGAINST IDAHO)	
POWER COMPANY)	
)	ORDER NO. 36739

On July 31, 2025, Brenda Charles filed a formal complaint (“Complaint”) with the Idaho Public Utilities Commission (“Commission”) against Idaho Power Company (“Company”). Ms. Charles alleges the Company: (1) wrongfully billed her; (2) wrongfully disconnected her service for non-payment; and (3) failed to notify her about a bill transferred to her account. She requests the Commission enjoin the Company from disconnecting her service while her Complaint is resolved.

At the Commission’s August 19, 2025, Decision Meeting, Commission Staff (“Staff”) recommended the Commission conditionally dismiss Ms. Charles’ Complaint due to a failure to specify the legal requirement(s) allegedly violated by the Company. Staff further recommended that the Commission provide Ms. Charles with a reasonable opportunity to remedy the pleading deficiencies of her Complaint before issuing a final order of dismissal.

Having reviewed the Complaint and Staff’s recommendation, the Commission issues this Order conditionally dismissing Ms. Charles’ Complaint and providing her with 30 days to file an amended complaint that satisfies the relevant pleading requirements.

DISCUSSION AND FINDINGS

The Commission has authority to adjudicate complaints alleging acts or omissions by public utilities that violate the law or a Commission order or rule. *Idaho Code* §§ 61-612, -618. However, to ensure that the Commission does not adjudicate claims outside its jurisdiction, complaints must not only state the facts forming the basis of an alleged violation, but also “the specific provision of the statute, rule, order, notice, tariff, or other controlling law” allegedly violated. IDAPA 31.01.01.054. The Commission will not attempt to cure deficient pleadings by piecing together the facts alleged to determine how a complainant believes a utility’s acts or omissions may constitute a violation of an unspecified statute, rule, order, notice, tariff, or other controlling law. Moreover, because the Commission’s procedural rules do not allow unpleaded issues to be tried by consent, it is critical that a complainant explicitly assert and elucidate how a

utility allegedly violated a specific legal provision. *See Edwards v. Idaho Pub. Utilities Comm'n*, 568 P.3d 107, 111 (Idaho 2025).

While Ms. Charles' Complaint includes many factual allegations, it does not identify any binding authority that the Company allegedly violated. Consequently, Ms. Charles' Complaint does not meet the pleading requirements of *Idaho Code* § 61-612 and IDAPA 31.01.01.054 and must be dismissed. However, at this point, it does not appear that the deficiencies in Ms. Charles' complaint are incurable.

Accordingly, we find it reasonable to provide Ms. Charles with 30 days from the service date of this Order to file an amended complaint that satisfies the requirements of *Idaho Code* § 61-612 and IDAPA 31.01.01.054. We will evaluate any amended complaint Ms. Charles files and determine whether it satisfies the pleading requirements. If it does, we may issue a Summons to the Company directing it to answer or otherwise respond to the amended complaint within 21 days or take other appropriate action. Otherwise, we may enter a final order dismissing Ms. Charles' Complaint without prejudice.

ORDER


IT IS HEREBY ORDERED that Ms. Charles' Complaint is conditionally dismissed.

IT IS FURTHER ORDERED that Ms. Charles has leave to file an amended complaint within 30 days of the service date of this Order.

THIS IS AN INTERLOCUTORY ORDER, not a final and appealable order of the Commission. The period to seek reconsideration will not begin until a final order issues.

///


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27th day of August 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

I:\Legal\ELECTRIC\IPC-E-25-26_Charles\orders\cond_dsm_jl.docx