

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. 36816

On July 31, 2025, Brenda Charles filed a formal complaint (“Complaint”) with the Idaho Public Utilities Commission (“Commission”) against Idaho Power Company (“Company”). On August 27, 2025, the Commission issued Order No. 36739 conditionally dismissing Ms. Charles’ Complaint and providing her with 30 days to file an amended complaint that satisfied the relevant pleading requirements. On September 23, 2025, Ms. Charles filed an amended formal complaint (“Amended Complaint”).

At the Commission’s October 14, 2025, Decision Meeting, Commission Staff (“Staff”) recommended the Commission dismiss Ms. Charles’ Amended Complaint due to a failure to state with specificity the facts constituting the Company’s alleged the legal violations and a failure to specify the applicable controlling law allegedly violated by the Company.

Having reviewed the Amended Complaint and the record, the Commission issues this Order dismissing Ms. Charles’ Amended Complaint for failure to satisfy the relevant pleading requirements.

COMMISSION FINDINGS AND DECISION

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. The Rules of Procedure of the Idaho Public Utilities Commission provide that formal complaints must state with specificity the facts forming the basis of a public utility’s alleged violation and also specify the applicable controlling law that the utility allegedly violated. Idaho Administrative Procedure Act (“IDAPA”) 31.01.01.054. Specifically, a formal complaint must “[f]ully state the facts constituting the acts or omissions of the utility or person against whom the complaint is filed and the dates when the acts or omissions occurred.” IDAPA 31.01.01.054.02. Further, a formal complaint must identify “the specific provision of statute, rule, order, notice, tariff or other controlling law that the utility or person has violated.” IDAPA 31.01.01.054.03.

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' Amended Complaint contains numerous factual allegations and purports to identify binding authority that the Company allegedly violated, the Commission finds that the factual allegations do not contain the specificity required by IDAPA 31.01.01.054.02, and the Amended Complaint fails to satisfy IDAPA 31.01.01.054.03 because none of the identified sources of authority stand for the legal propositions offered by Ms. Charles. The Amended Complaint contains no dates on which the alleged violations occurred. Furthermore, the Amended Complaint does not correctly identify any authority that the Company allegedly violated. The statutes and rules that Ms. Charles identifies either merely concern the procedure for complaints against a utility and do not impose any duty on utilities, or they do not exist.

As a result of the insufficient factual allegations and identified authority, Ms. Charles' Amended Complaint does not meet the pleading requirements of *Idaho Code* § 61-612 and IDAPA 31.01.01.054 and must be dismissed.

ORDER

IT IS HEREBY ORDERED that Ms. Charles' Amended Complaint against the Company is dismissed for the reasons set forth above.

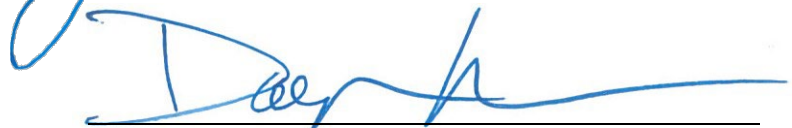
THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

///

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28th day of October 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Laura Calderon Robles
Interim Commission Secretary

I:\Legal\ELECTRIC\IPC-E-25-26_Charles Complaint/orders\Final_dsm_jl.docx