

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF BRENDA CHARLES') CASE NO. IPC-E-26-11
FORMAL COMPLAINT AGAINST IDAHO)
POWER COMPANY) ORDER NO. 37017
)

On April 14, 2026, Brenda Charles sent an email (“Email”) to the Idaho Public Utilities Commission (“Commission”) alleging that actions taken by Idaho Power Company (“Company”) against Ms. Charles violated provisions of the Idaho Administrative Procedure Act (“IDAPA”). Email at 1.

At the Commission’s April 23, 2026, Decision Meeting, Commission Staff (“Staff”) recommended that the Commission issue an order conditionally dismissing this case due to Ms. Charles’ failure to satisfy the pleading requirements set forth in *Idaho Code* § 61-612 and Idaho Public Utilities Commission Rule of Procedure 54 (“Rule 54”). Staff further recommended that the Commission provide Ms. Charles with a reasonable opportunity to file an amended complaint that satisfies the relevant pleading requirements before issuing a final order of dismissal.

Having reviewed the Email and Staff’s recommendations, the Commission now issues this Order conditionally dismissing this case and providing Ms. Charles with a reasonable opportunity to file an amended complaint that satisfies 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 of a Commission order or rule. *Idaho Code* §§ 61-612, -618. Rule 54 requires Formal Complaints to articulate the act or omission by the Company that is alleged to violate a statute, Commission order, or rule. IDAPA 31.01.01.054.02. Additionally, under Rule 54, a Formal Complaint must “[r]efer to 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. As the Commission has explained:

[t]he 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.

Order No. 36739 at 1–2 (citing *Edwards V. Idaho Pub. Utilities Comm'n*, 568 P.3d 107, 111 (Idaho 2025)).

The Commission finds that Ms. Charles' Email does articulate the act or omission of the Company that allegedly violated two Commission rules, specifically, IDAPA 31.21.01.308 and IDAPA 31.21.01.206, and thus partially satisfies the requirements under *Idaho Code* § 61-612 and Rule 54.03. However, the Commission finds that the Email does not: (1) fully state the facts surrounding the Company's alleged act or omission; (2) detail when the Company's alleged act or omission occurred; and (3) articulate what actions should be taken to resolve the complaints. Thus, the Email does not satisfy all pleading requirements of *Idaho Code* § 61-612 and Rule 54.

Accordingly, the Commission finds it reasonable to conditionally dismiss this case and provide Ms. Charles with seven days from the service date of this Order to file an amended complaint that satisfies the pleading requirements of *Idaho Code* § 61-612 and Rule 54. The Commission will evaluate any amended complaint Ms. Charles files to determine whether it satisfies those requirements. If Ms. Charles does not file an amended complaint, the Commission shall enter a final order dismissing this case.


ORDER


IT IS HEREBY ORDERED that this case is conditionally dismissed.

IT IS FURTHER ORDERED that Ms. Charles may file an amended complaint within seven days of the service date of this Order.

THIS IS AN INTERLOCUTORY ORDER rather than a final and appealable Order of the Commission. While the Commission may review, stay, or clarify an interlocutory order, the period of reconsideration will not begin until the Final Order is issued.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th day of April 2026.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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