

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. 37103
_____)

On April 14, 2026, Brenda Charles sent an email to the Idaho Public Utilities Commission (“Commission”) secretary alleging that actions taken by Idaho Power Company (“Company”) against Ms. Charles violated provisions of the Idaho Administrative Procedure Act (“Email”). Email at 1. On April 29, 2026, the Commission, treating the Email as a formal complaint, issued Order No. 37017 conditionally dismissing the complaint and providing leave to file an amended complaint. On May 6, 2026, Ms. Charles filed an amended formal complaint (“Amended Complaint”). On June 2, 2026, the Commission issued a final order dismissing the Amended Complaint for failure to satisfy the relevant pleading requirements. Order No. 37057.

On June 24, 2026, Ms. Charles filed a Petition for Reconsideration of Order No. 37057 (“Petition”), which was filed beyond the deadline for reconsideration of Order No. 37057, and a Motion for Late Filing Waiver of Brenda Charles (“Motion”).

Based on our review of the record, we issue this Final Order denying the Petition and the Motion.

PETITION AND MOTION

In her Petition, Ms. Charles requested reconsideration of Order No. 37057 under Commission Rule of Procedure 331.01 (“Rule 331”). Petition and Motion at 1. In her Motion, Ms. Charles asked the Commission to waive the 21-day filing deadline for petitions for reconsideration under Commission Rule of Procedure 13 (“Rule 13”). *Id.* Ms. Charles argued there was good cause for the Motion because of her financial status and because an individual that lives in Ms. Charles’ household is managing a medical crisis. *Id.*

Ms. Charles stated that the record needed to be expanded to address an alleged violation of Commission rules by the Company. *Id.* Ms. Charles alleged that on October 10, 2025, the Company disconnected her power while the Commission was investigating her claims. *Id.* Ms. Charles argued this action by the Company was illegal, caused property damage, and endangered Ms. Charles’ pregnant daughter—who lives with her and is required to use a continuous positive airway pressure machine. *Id.*

Ms. Charles represented that the Company charged \$7,270.67 for “2060 West Shy Creek Pl.” to her account. *Id.* Ms. Charles stated she was not the owner of “that account,” that she did not sign a contract, and did not authorize “identity usage.” *Id.* Ms. Charles stated the account owner was her ex-partner and that the ex-partner had “unilaterally” listed Ms. Charles on an assistance application. *Id.* Ms. Charles argued that the Company’s act of holding “an uncontracted dependent liable for a third party’s separate debt” violated Utility Customer Relations Rule (“UCRR”) 206. *Id.* Ms. Charles claimed that the Commission erred in dismissing her claim that the Company violated UCRR 206. *Id.*

Ms. Charles alleged that she was approved for \$1,200 in energy assistance funds through Western Idaho Community Action Partnership (“WICAP”). *Id.* at 2. Ms. Charles alleged that the Company failed to apply those funds to her account. *Id.* Ms. Charles argued also that the Company refused to “accept or provide” medical paperwork pursuant to UCRR 308, and as a result was threatening medical equipment needed by her daughter used in Ms. Charles’ home. *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has the authority to grant or deny reconsideration pursuant to *Idaho Code* § 61-626(2). Reconsideration allows any interested person to bring to the Commission’s attention any question previously determined, and it affords the Commission an opportunity to rectify any mistakes or omissions. *Washington Water Power Co., v. Kootenai Environmental Alliance*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979).

Based on our review of the Petition and the Motion, and the previously filed materials in the case record, the Commission declines to grant reconsideration of Order No. 37057 because the request for reconsideration was untimely. The Commission also denies the Motion because Ms. Charles did not establish sufficient justification for why the Commission should grant her a waiver to the time requirements imposed by *Idaho Code* § 61-626 and Rule 331. Even setting aside the issue of timeliness, the Commission believes that it would decline to grant reconsideration because Ms. Charles repeats arguments she made in the Amended Complaint that were addressed in Order No. 37057 and Ms. Charles tries to raise issues for the first time in the Petition.

I. Timeliness

Petitions for reconsideration must be filed within 21 days after the date of the final order issued by the Commission. *Idaho Code* § 61-626(1). Under Rule 331, a petition for reconsideration is considered timely when it is filed with the Commission no later than 21 days “after the final

order's service date." IDAPA 31.01.01.331.04. A petitioner can only request reconsideration of a matter that was already determined in the final order. *Idaho Code* § 61-626(1). A petition for reconsideration cannot be used as a mechanism to introduce new facts or arguments for the Commission's consideration. *See Idaho Code* § 61-626(1). Further, Rule 331 provides:

Petitions for reconsideration must specify (a) why the order or any issue decided in it is *unreasonable, unlawful, erroneous or not in conformity with the law*, and (b) the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.

IDAPA 31.01.01.331.01 (emphasis added). After a petition for reconsideration is filed, the Commission must issue a decision within 28 days of the filing of the petition on whether it will grant or deny the request. *Idaho Code* § 61-626(2).

We find that Ms. Charles' Petition was not filed within 21 days of Order No. 37057. Order No. 37057 was signed and served by the Commission on June 2, 2026. The 21-day deadline to file a petition for reconsideration of Order No. 37057 was June 23, 2026. Because Ms. Charles' filed her Petition on June 24, 2026, the Petition was filed after the reconsideration deadline had expired. Thus, the Petition was untimely, and we find that Ms. Charles' request for reconsideration can be denied for failing to comply with the filing deadline set forth in *Idaho Code* § 61-626 and Rule 331.

While the Petition includes a Motion which acknowledges missing the filing deadline requirements under *Idaho Code* § 61-626 and Rule 331, we cannot waive statutory deadlines. We also note that Ms. Charles fails to provide sufficient justification for why her Petition should be considered despite its procedural deficiencies. We hereby deny Ms. Charles' Motion requesting waiver of the filing deadline.

II. Petition

Although the Commission is denying the request for reconsideration because the Petition was untimely, even if we were to consider the substantive arguments of the Petition, we believe that the request for reconsideration would be denied on the grounds that the Petition fails to adequately show that Order No. 37057 was "unreasonable, unlawful, erroneous or not in conformity with the law," as required under Rule 331. IDAPA 31.01.01.331.01. The Petition did not meet the requirements of *Idaho Code* § 61-626 and Rule 331 because the Petition repeats arguments that were made in the Amended Complaint and were addressed in Order No. 37057 and

tries to raise new issues without explaining what was unreasonable, unlawful, erroneous or not in conformity with the law.

a. Repeated Arguments

In the Petition, Ms. Charles asserts identical facts to those she set forth in her Amended Complaint about why the Company allegedly violated UCRR 206. Petition and Motion at 1. The Commission would find that asserting the same facts does not meet the standard set forth by Rule 331, which requires a petitioner to articulate specific grounds for why an order is unreasonable, unlawful, erroneous, or not in line with the law, and instead is a reiteration of already denied arguments. Further, Ms. Charles fails to set forth the nature and quality of evidence she would offer in the event the Commission granted her request for reconsideration.

b. New Issues

In addition to reasserting the same arguments, the Commission would find that Ms. Charles set forth new arguments not included in her Amended Complaint but instead were alleged for the first time in the Petition. Ms. Charles requests that the record in the case be “expanded” to include the Company’s allegedly unlawful shut off of Ms. Charles’ power “while an active investigation was openly being conducted by the Idaho Public Utilities Commission,” and that caused damage to her air-conditioning unit. Petition and Motion at 1. No such allegations were made in the Amended Complaint; thus we believe that Ms. Charles is attempting to ask the Commission to consider and decide on matters outside those determined in Order No. 37057, which conflicts with what is permitted under *Idaho Code* § 61-262 and Rule 331.

Further, there was no allegation made in either the Email or the Amended Complaint that the Company failed to process a \$1,200 credit Ms. Charles had received through WICAP. Thus, because those allegations were not raised until the Petition, and therefore not considered by the Commission in Order No. 37057, we find that Ms. Charles does not have grounds under *Idaho Code* § 61-262 or Rule 331 to bring new arguments in her Petition.

Additionally, Ms. Charles alleges in her Petition that the Company failed to provide medical certification paperwork in accordance with UCRR 308. Petition and Motion at 2. While allegations regarding medical certification were made in the Email, Ms. Charles failed to set forth the claims in her Amended Complaint. Because there was no mention of the medical certification failure allegation in the Amended Complaint, the Commission did not address that matter in Order No. 37057 and thus we believe it cannot be addressed by the Commission at this stage.

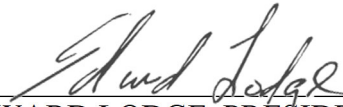
Accordingly, the Commission declines to grant reconsideration of Order No. 37057 because the Petition was untimely. Independent of the issue of timeliness, Ms. Charles fails to articulate the specific grounds for why Order No. 37057 was unreasonable, unlawful, erroneous, or nonconforming with the law, and fails to set forth the nature and quality of evidence she would offer in the event the Commission granted her request for reconsideration. Further, Ms. Charles requests Commission consideration of matters outside of the issues determined in Order No. 37057, which is not permitted under *Idaho Code* § 61-262 and Rule 331.

ORDER

IT IS HEREBY ORDERED that the Petition and Motion are denied.

THIS IS A FINAL ORDER. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this case may appeal to the Supreme Court of Idaho under the Public Utilities Law and the Idaho Appellate Rules.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16th day of July 2026.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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