

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN) CASE NO. PAC-E-22-11
POWER’S APPLICATION FOR APPROVAL)
OF THE ASSET TRANSFER AGREEMENT) NOTICE OF APPLICATION
BETWEEN ROCKY MOUNTAIN POWER)
AND THE CITY OF IDAHO FALLS FOR) NOTICE OF
REED’S DAIRY) MODIFIED PROCEDURE
)
) **NOTICE OF TELEPHONIC**
) **HEARING**
)
) **ORDER NO. 35522**

On August 8, 2022, Rocky Mountain Power (“Company”), a division of PacifiCorp, applied to the Commission for approval of an Asset Transfer Agreement (“Agreement”) between the Company and the City of Idaho Falls (“City”). Under the Agreement, the City would purchase “certain electric facilities currently owned and used by the Company to supply electric service to Reed’s Dairy.” Application at 1. The Company requests its Application be processed by Modified Procedure.

We now issue this Notice of Application, establish dates for public comments and for the City and Company’s reply, and set the time and date for a Telephonic Public Hearing.

BACKGROUND

The Company and the City entered into a Service Allocation Agreement in 2017 to reduce duplication of service and promote stability in their respective service areas. The Commission approved the service allocation agreement in Case No. PAC-E-17-12, Order No. 33943. Under the Service Allocation Agreement, the City compensates the Company for lost revenues arising from the Customer’s departure. Under the Agreement just compensation for lost revenues is the amount equal to 167% of each customer’s electric bills from the most recent 12 months of active provision of electric service. The City would also purchase poles, wires, cross arms, insulators, guys, and other facilities no longer needed or required by the Company to service the customers.

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The Company submits its Application for approval under the Idaho Electric Supplier Stabilization Act, *Idaho Code* §§ 61-332 et. seq., and the electric utility asset transfer statute, *Idaho Code* § 61-328.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that Reed’s Dairy has requested that its electric service be transferred to the City and has been notified by the Company that it has entered into the Agreement to transfer service. The Company and the City have agreed to transfer electric service and the City has agreed to purchase the facilities described in Exhibit A of the Agreement, provided as Attachment No. 1 to the Application.

YOU ARE FURTHER NOTIFIED that the Company asserts that the transaction complies with *Idaho Code* § 61-328 and is in the public interest. The Company asserts the City has the intent and ability to provide service to Reed’s Dairy.

YOU ARE FURTHER NOTIFIED that the City has agreed to pay the Company 167% of the Reed’s Dairy’s previous 12 months electric bills, plus the value of the transferred assets, tax gross-up, separation costs, and legal and transactional costs. The total sale price in the contemplated transaction is \$85,594.

YOU ARE FURTHER NOTIFIED that the Application and supporting documentation have been filed with the Commission and are available for public inspection during regular business hours at the Commission’s office. These documents are 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 matter will be conducted pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

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.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and it will review the case through written submissions under the Commission’s Rules of Modified Procedure Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201-204. The

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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. **Persons must file comments by September 14, 2022.** 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 home page at 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, the customer must e-mail the comments to the Commission Secretary and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

For the 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 the Company:

Ted Weston
Emily Wegener
1407 W. North Temple, Suite 330
Salt Lake City, Utah 84116
ted.weston@pacificorp.com
emily.wegener@pacificorp.com

Data Request Response Center
PacifiCorp
825 NE Multnomah Street, Suite 2000
Portland, OR 97232
datarequest@pacificorp.com

For City of Idaho Falls:

Bear Prairie
Idaho Falls City Power
140 S. Capital Ave.
P.O. Box 50220
Idaho Falls, ID 83405

YOU ARE FURTHER NOTIFIED that **the Company must file any reply comments by September 21, 2022.**

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 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.

NOTICE OF TELEPHONIC PUBLIC HEARING

YOU ARE FURTHER NOTIFIED that the Commission's Rules of Modified Procedure contemplate that a case will be processed by written submissions without the need for a public hearing. However, the Commission finds good cause to schedule a public hearing in this case because the Company filed its Application under *Idaho Code* § 61-328, and that statute requires a public hearing.

YOU ARE FURTHER NOTIFIED that the Commission will conduct a public telephonic customer hearing in this matter on **MONDAY, SEPTEMBER 26, 2022, AT 11:00 A.M. MDT.** The purpose of the public hearing is to take testimony from members of the public and customers of the Company. To participate, interested persons can call **1-415-655-0001** shortly before the designated time, and enter the **meeting number 2468 706 9243** when prompted. Those planning to testify are encouraged to start calling in to the hearing at 10:45 a.m. (MDT) on September 26, 2022.

YOU ARE FURTHER NOTIFIED that to identify callers and manage the telephonic hearing efficiently, those interested in testifying are encouraged to contact Adam Rush at adam.rush@puc.idaho.gov or (208) 334-0339 and provide their name and the telephone number they will be calling in on. Please provide this information no later than noon on Friday, September 23, 2022. Additional callers will not be prohibited from testifying but will be accommodated after the pre-identified callers have testified.

YOU ARE FURTHER NOTIFIED that the telephonic hearing will meet accessibility requirements of the Americans with Disabilities Act. Persons needing the help of a sign language interpreter or other assistance to participate in or to understand testimony at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five working days before the hearing by contacting the Commission Secretary at:

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IDAHO PUBLIC UTILITIES COMMISSION
P.O. BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0338 (Telephone)
(208) 334-3762 (FAX)
secretary@puc.idaho.gov

ORDER

IT IS HEREBY ORDERED that the Company's Application be processed by Modified Procedure, Rule 201-204. *See* IDAPA 31.01.01.201 through .204. Persons interested in submitting written comments must do so by September 14, 2022. The Company must file any reply comments by September 21, 2022.

IT IS FURTHER ORDERED that a telephonic public hearing be held on the Company's Application on **Monday, September 26, 2022, at 11:00 a.m. MDT.**

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.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 2nd day of September 2022.



ERIC ANDERSON, PRESIDENT

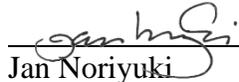


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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