

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN) CASE NO. PAC-E-23-02
POWER’S APPLICATION FOR APPROVAL)
OF THE ASSET TRANSFER AGREEMENT) NOTICE OF APPLICATION
BETWEEN ROCKY MOUNTAIN POWER)
AND THE CITY OF IDAHO FALLS —) NOTICE OF
BELLIN ROAD #1) MODIFIED PROCEDURE
)
) **NOTICE OF TELEPHONIC**
) **PUBLIC HEARING**
)
) **ORDER NO. 35702**

On February 9, 2023, Rocky Mountain Power, a division of PacifiCorp (“Company”), and the City of Idaho Falls (“City”) (together the “Parties”) applied to the Commission for approval of an Asset Transfer Agreement (“Agreement”) between the Company and the City (“Application”).¹ The Application outlines a process whereby the City would purchase certain electric facilities currently owned and used by the Company at a location in the immediate vicinity of Bellin, Road, Idaho Falls, Idaho. As proposed, the Company would transfer service of one customer (“Customer”) to the City.

We now issue this Notice of Application, and establish dates for public and reply comments, and sets 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. The Customer has requested that their electric service be transferred to the City. 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 Confidential Attachment No. 1 to the Application. Under the Service Allocation Agreement, the City compensates the Company for lost revenues arising from the Customer’s departure in the amount equal to 167% of each customer’s

¹ A less redacted copy of the Application was filed on February 21, 2023.

electric bills from the most recent 12 months of active provision of electric service. The City will pay separation costs and legal/transactional costs based on the amount of the transaction. The City will also purchase poles, wires, cross arms, insulators, guys, and other facilities no longer needed or required by the Company to service the customers.

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* § 61-328.²

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED the a Customer requested that its “electric service be transferred to the City The Company and the City have agreed to transfer electric service and the City has agreed to purchase the facilities described in Exhibit A.” Application at 3.

YOU ARE FURTHER NOTIFIED that the Company asserts that the transfer complies with *Idaho Code* § 61-328 and is in the public interest. The Company asserts the City has the intent and ability to provide electric service to the Customer.

YOU ARE FURTHER NOTIFIED that the City has agreed to pay the Company 167% of the Customer’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 \$13,631. Exhibit A.

YOU ARE FURTHER NOTIFIED that the Application and Amended Redacted Attachment No. 1 are available for public inspection during regular business hours at the Commission’s office. The Application and documents related to this case 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.*

² The Company requested that its Application be processed under Modified Procedure, Rule 201 *et seq.* See IDAPA 31.01.01.201 through .204. Typically, the use of Modified Procedure contemplates written submissions without a live public hearing. However, *Idaho Code* § 61-328 states the Commission “shall issue a public notice and *shall conduct a public hearing* upon the application (emphasis added).”

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 in addition to holding the statutorily required telephonic public hearing the Commission has determined 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 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 must file comments by April 19, 2023.** 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:

Mark Alder
Joe Dallas
1407 W. North Temple, Suite 330
Salt Lake City, UT 84116
Mark.Alder@pacificorp.com
Joseph.Dallas@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 Parties must file any reply comments by April 26, 2023.**

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 accordingly. If written comments are received within the time limit set, the Commission will consider them in making its final decision.

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 public hearing in this matter on **THURSDAY, APRIL 27, 2023, AT 11:00 A.M. (local time).** 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 2469 169 0330** when prompted. Those planning to testify are encouraged to start calling in to the hearing at 10:45 a.m. (local time) on April 27, 2023.

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:

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, Rules 201-204. IDAPA 31.01.01.201 through .204. Persons interested in submitting written comments must do so by April 19, 2023. The Parties must file any reply comments by April 26, 2023.

IT IS FURTHER ORDERED that a telephonic public hearing be held on the Company's Application on **Thursday, April 27, 2023, at 11:00 a.m. local time.**

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.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10th day of March 2023.



ERIC ANDERSON, PRESIDENT

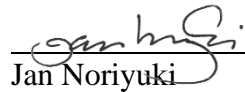


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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