

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN)	CASE NO. PAC-E-23-16
POWER’S APPLICATION FOR A)	
DEFERRED ACCOUNTING ORDER)	NOTICE OF APPLICATION
REGARDING WILDFIRE CLAIMS)	
)	NOTICE OF INTERVENTION
)	DEADLINE
)	
)	ORDER NO. 35868
)	

On June 21, 2023, Rocky Mountain Power (“Company”), a division of PacificCorp, applied for an accounting order authorizing deferral of incremental costs associated with third-party claims arising from wildfires in Oregon in September 2020. The Company proposes that these costs would “account for and track the third-party claims that may exceed the Company’s insurance coverage.” Application at 2.

With this Order, the Commission provides notice of the Company’s Application and sets a deadline for interested parties to intervene.

BACKGROUND

In September of 2020, wildfires in Oregon caused extensive damage in the Company’s service territory. The Company states that these wildfires resulted in lawsuits alleging that the Company’s facilities caused the fires and the Company should have discontinued service to customers to prevent their spread. Through the present Application, the Company asks the Commission for authorization to defer costs of third-party claims from all wildfire-related liability related to the September 2020 wildfires.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Company represents that “a number of plaintiffs” have filed suit against it because of wildfires in Oregon in September 2020. *Id.*

YOU ARE FURTHER NOTIFIED that the Company represents that the outcome of these pending lawsuits is uncertain, but one such case has resulted in a jury verdict against the Company

for \$70 million in economic and non-economic damages and over \$18 million in punitive damages.¹

YOU ARE FURTHER NOTIFIED that the Company requests authorization for deferred accounting treatment of incremental costs associated with these third-party claims (*i.e.*, the amount these claims exceed the Company's insurance coverage). The Company proposes to do this by debiting FERC Account No. 182.3-Other Regulatory Assets and crediting FERC Account No. 925-Injuries and Damages.

YOU ARE FURTHER NOTIFIED that the Company represents that it is not seeking to recover these incremental costs at this time, but deferred accounting will preserve the Company's ability to do so in the future.

YOU ARE FURTHER NOTIFIED that the Commission is not allowing deferred accounting treatment of any of costs related to the wildfires at this time. Whether the Company will be authorized to defer the costs related to the wildfires will be determined in a future order after interested parties and the public have an opportunity to submit comments and this matter is fully submitted to the Commission.

YOU ARE FURTHER NOTIFIED that the Company will not be granted authority to recover costs related to the wildfires in this case. Rather, whether to grant the Company authority to recover any deferred costs related to the wildfires will be decided in a future case after careful review of whether such recovery is fair, just, and reasonable.

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 then click on the case number as shown on the front of this document.

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.

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.*

¹ Final Verdict, pages 17-20, No. 20-CV-33885 (Cir. Ct. Multnomah County, Or.), <https://www.pacificorpfirelitigation.com/admin/api/connectedapps.cms.extensions/asset?id=d6aef345-184c-4b07-98c7-f117d8639f1e&languageId=1033&inline=true> (last accessed July 18, 2023).

NOTICE OF INTERVENTION DEADLINE

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter to obtain parties’ rights of participation must file a Petition to Intervene with the Commission pursuant to this Commission’s Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -.073. **Persons who wish to intervene as a party must file a Petition to Intervene no later than 21 days after the date of service of this Order.** Such persons shall also provide the Commission Secretary with their email address to facilitate further communications. After the intervention deadline runs, the Commission Secretary shall issue a Notice of Parties that identifies the parties and assigns exhibit numbers to each party. Once the Notice of Parties has issued, Commission Staff shall informally confer with the Company and any intervening parties about how to further process this case and shall then report back to the Commission on a proposed case schedule.

YOU ARE FURTHER NOTIFIED that persons who would like to present their views without parties’ rights of participation and cross-examination do not have to intervene but may present their views by submitting written comments to the Commission.

YOU ARE FURTHER NOTIFIED that the following people are designated as the Company’s representatives in this matter:

Data Request Response Center
Rocky Mountain Power
825 NE Multnomah St., Suite 2000
Portland, OR 97232
datarequest@pacificorp.com

Mark Alder
Rocky Mountain Power
1407 W. North Temple, Suite 330
Salt Lake City, UT 84116
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joseph.dallas@pacificorp.com
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ORDER

IT IS HEREBY ORDERED that persons desiring to intervene in this matter must file a Petition to Intervene no later than 21 days from the service date of this Order. Once the deadline has passed, the Commission Secretary shall prepare and issue a Notice of Parties.

IT IS FURTHER ORDERED that, after the Notice of Parties has issued, Commission Staff shall confer with the parties regarding a procedural schedule for this matter including, if necessary, a hearing in this matter.

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.

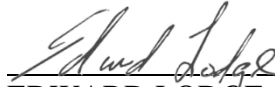
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 1st day of August 2023.



ERIC ANDERSON, PRESIDENT

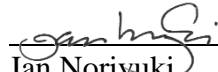


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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