

DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: ADAM TRIPLETT
DEPUTY ATTORNEY GENERAL**

DATE: JANUARY 9, 2024

**SUBJECT: SAMUEL AND PEGGY EDWARDS' APPEAL OF ORDER NO. 35904 TO
THE IDAHO SUPREME COURT; IPUC CASE NO. SUP-E-23-02.**

On September 28, 2023, Samuel and Peggy Edwards filed a Notice of Appeal from Order No. 35904 in Case No. PAC-E-23-05.

On October 27, 2023, the Commission issued an order in Case No. PAC-E-23-05 (the case underlying this appeal) amending the title of the appeal. The Idaho Supreme Court overruled the Edwards' objection to the amended title and issued an order of its own amending the title of the appeal in accordance with the Commission's prior order.

On November 20, 2023, the Commission Secretary served the parties with the proposed agency record.

On December 15, 2023, the Edwards filed an objection to the proposed agency record.

On January 3, 2024, PacifiCorp filed a document indicating that it did not oppose the relief requested in the Edwards' objection to the proposed agency record.

THE OBJECTION

The Edwards request the following modifications to the proposed agency record: (1) elimination of a public comment dated March 24, 2023; (2) inclusion of a Clerk's Certificate of Service (dated November 20, 2023) referenced in the table of contents; (3) revision of the filing date for the motion of reconsideration listed in the table of contents for the agency record; and (4) inclusion of an email and associated attachments the Edwards submitted to the Commission on September 27, 2023. As stated, PacifiCorp does not oppose these proposed revisions.

STAFF RECOMMENDATION


Under Idaho Appellate Rule 29, parties have 28 days to request additions, deletions, or corrections to a proposed agency record. Rule 29 generally requires a hearing before resolution of objections to a proposed agency record. However, no such hearing is necessary when the opposing parties stipulate to, or otherwise indicate in writing, that they do not oppose the relief request in the objection. Although the Edwards seek to eliminate a properly filed comment and supplement the record with materials submitted after the Commission's decision on reconsideration, none of the Edwards' proposed revisions obscure the basis of the Commission's decisions in orders being appealed. Nor do the Edwards' proposed revisions appear likely to otherwise negatively affect the future course of the appeal.

Accordingly, it is recommended that the Commission stipulate to the proposed revisions, issue an order granting the relief requested in the Edwards' objection to the proposed agency record, and file a copy of the agency record with the Edwards' proposed revisions with the Clerk of the Idaho Supreme Court within seven days of the issuance of the order amending the proposed agency record as Rule 29 requires.

COMMISSION DECISION

Does the Commission wish to:

1. Issue an order stipulating to and granting the relief requested in the Edwards' objection to the proposed agency record?
2. Direct the Commission Secretary to file a copy of the agency record reflecting the Edwards' proposed revisions with the Clerk of the Idaho Supreme Court within seven days of the issuance of the order granting the Edwards' requested relief?
3. Anything else?


Adam Triplett
Deputy Attorney General