

ORDER NO. 19-008

ENTERED Jan 14 2019

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IDAHO PUBLIC
UTILITIES COMMISSION

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1897

In the Matter of

HYDRO ONE LIMITED,

Application for Authorization to Exercise
Substantial Influence over the Policies and
Actions of AVISTA CORPORATION.

ORDER

DISPOSITION: OFFICIAL NOTICE TAKEN, DOCKET HELD IN ABEYANCE

On December 5, 2018, and January 3, 2019, respectively, utility regulators in the State of Washington and the State of Idaho denied the proposed acquisition of Avista Corporation by Hydro One Limited. Specifically, the Washington Utilities and Transportation Commission found that the proposed transaction which is the subject this docket was “not consistent with the public interest” and denied the application.¹ One month later, the Idaho Public Utilities Commission found that approval of the merger would violate state law, and denied a request to approve the merger.²

We take official notice of the denials of the Washington Utilities and Transportation Commission and the Idaho Public Utilities Commission. The fact of these denials is not the subject of dispute because it is generally known to all parties and can be accurately and readily determined from publications of both state Commissions.³

Having taken notice of the regulatory denials in Washington and Idaho, we determine that no justiciable controversy currently exists for us to resolve. The approval of the transaction in Washington and Idaho is necessary for the proposed agreement, and

¹ *In the Matter of the Joint Application of HYDRO ONE LIMITED (acting through its indirect subsidiary, Olympus Equity LLC) and AVISTA CORPORATION For an Order Authorizing Proposed Transaction*, Docket No. U-170970, Order No. 07 at 43 (Dec 5, 2018). The Washington Utilities and Transportation Commission took no action on a petition from Hydro One and Avista to reconsider the rejection of the proposed merger, effectively denying the petition by operation of law.

² *In the Matter of the Joint Application of Hydro One Limited and Avista Corporation for Approval of Merger Agreement*, Case Nos. AVU-E-17-09 and AVU-G-17-05, Order No. 34226 at 14 (Jan 3, 2019).

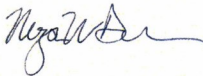
³ Consistent with OAR 860-001-0460, a party to this proceeding is entitled to be heard on the propriety of taking official notice and the nature of the facts noticed, and may object to the facts noticed within 15 days.

therefore impacts this proceeding directly. Accordingly, the Commission will hold this proceeding in abeyance until the applicants inform the Commission that they have sought a reversal of these decisions through appeal or other means that would provide a justiciable issue for the Commission to address.

ORDER

IT IS ORDERED that the current procedural schedule of this proceeding is suspended indefinitely.

Made, entered, and effective Jan 14 2019.



Megan W. Decker
Chair



Stephen M. Bloom
Commissioner



Letha Tawney
Commissioner

