

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN RE COVID-19 RESPONSE) **CASE NO. GNR-U-20-01**
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) **ORDER NO. 35375**

In early 2020, the Governor declared the COVID-19 pandemic to be an emergency. The Idaho Department of Health and Welfare (“IDHW”), Central District Health (“CDH”), and other public health authorities then adopted standards to help prevent COVID-19 from spreading. The Commission, in turn, initiated this docket and issued orders to foster safe practices and procedures at the Commission.

On March 13, 2020, in response to the Governor’s declaration, the Commission directed that (1) its offices would remain open during regular business hours; (2) open meetings and hearings would be conducted telephonically or virtually; (3) Rules 61 and 62 specifying the number of copies of different pleadings that must be filed were suspended; and (4) the Commission Secretary would serve all orders and notices—except Summons or Complaint—electronically. Order No. 34602.

On September 17, 2020, to remain compliant and consistent with the Governor’s objectives, the Commission issued a replacement order updating its practices in Order No. 34602. The Commission (1) encouraged persons to remotely attend the Commission’s public proceedings; (2) required persons who physically attend public proceedings to wear masks and/or keep six-feet away from others while adhering to CDH’s public health directives; (3) suspended Rules 61 and 62 of the Commission’s Rules of Procedure¹ to the extent those rules required persons to physically file copies of pleadings; and (4) provided most pleadings, orders, and notices would be filed and served electronically. Order No. 34781 at 1-3.

On June 3, 2021, in response to public health authorities relaxing COVID-19 guidelines, and vaccines becoming available, the Commission superseded Order No. 34781 by (1) continuing to encourage parties to utilize virtual platforms for meetings, hearings, and other proceedings; (2) altering the safety precautions for physical attendance based on current IDHW and CDH guidelines in effect; and (3) continuing to suspend the requirements of Rules 61 and 62

¹ All references and citations to rules in this Order are to the Commission Rules of Procedure. *See* IDAPA 31.01.01.001 *et seq.*

and permitting electronic service of orders and notices by the Commission Secretary. Order No. 35058 at 1-2.

GOVERNOR’S EMERGENCY DECLARATION TO END

On March 8, 2022, the Office of the Governor issued a press release declaring the “*public health disaster emergency declaration to end April 15 [2022].*” The Governor stated:

We’re hopeful the recent decrease in COVID-19 cases, hospitalizations, and deaths means we are on a downward trend with the pandemic. For weeks, we have been closely examining the needs within Idaho’s healthcare system with an eye toward ending the public health emergency declaration as soon as possible. The April 15 timeframe provides an important bridge . . . to plan for the transition.

The Governor is the only person in the State who can legally end an emergency declaration. The press release notes that the Governor’s Office has been working with stakeholders to ensure Idaho is prepared for the expiration of the emergency declaration on April 15, 2022.

COMMISSION DECISION

Recently, the Governor announced the COVID-19 emergency declaration would end on April 15, 2022. The direction from the Governor means the practices and procedures established by the Commission in response to the emergency declaration during the preceding 25 months are no longer required or necessary. However, some of the procedural alterations in response to the Governor’s declaration appropriately modernized requirements for filing and service at the Commission and will therefore be retained. Because the emergency declaration ended, the Commission finds it appropriate to replace Order No. 35058 with a new order and directs Staff to close this case upon issuance.

The Commission continues to find, under Rule 13 of the Commission’s Rules of Procedure (IDAPA 31.01.01.13), it is in the public interest to provide flexibility for utilities, parties, and the public to participate in Commission proceedings and activities. Consequently, the Commission orders as follows:

- 1. Order No. 35058 superseded.** With this Order, the Commission provides notice that, effective as of April 15, 2022—except as provided herein—the COVID-19 related health and safety protocols established in Order No. 35058 are no longer in effect.
- 2. Virtual meetings, hearings, and other proceedings to continue.** The Commission finds that virtual platforms adopted to meet health and safety requirements established during different stages of the COVID-19 pandemic response allowed the public to participate in matters before the Commission without requiring physical attendance. Going forward, the

Commission will continue using these platforms for meetings, hearings, and other proceedings at our discretion. Staff and parties may continue to use virtual platforms for meetings and settlements as determined appropriate and agreed to by the parties on a case-by-case basis.

- 3. Electronic Filing by Parties.** The requirements of Rules 61 and 62 that a specified number of copies of different pleadings be filed with the Commission is suspended. Filings of applications and other pleadings with the Commission will be deemed filed when the electronic submission is received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Utilities should continue to provide physical copies of rate cases and other application filings that include large or voluminous attachments. (Voluminous discovery-related documents, may be filed and served on CD-ROM or a USB flash drive.) Notice to customers of a change in rates must still be accomplished by a mailing. *See* Rule 125.
- 4. Electronic Service of Commission Notices and Orders.** The Commission Secretary has the discretion to serve all Commission notices and orders by electronic mail. *See* Rule 16.01. The Commission will continue to issue all notices and orders by electronic mail, except for any Summons or Complaint, which will continue to be served by registered/certified mail. *See* Rule 16.01.

This Final Order supersedes Order No. 35058 and is effective immediately.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21st day of April 2022.



ERIC ANDERSON, PRESIDENT

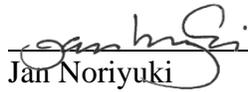


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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