

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: STEPHEN GOODSON, POLICY ADVISOR

DATE: NOVEMBER 1, 2021

RUC- u- 21-01

SUBJECT: NOTICE OF PENDING RULEMAKING – IDAPA 31.01.01

BACKGROUND

On January 16, 2020 Governor Little signed Executive Order No. 2020-01, “Zero-Based Regulation.” Executive Order No. 2020-01 requires each agency to review its rule chapters over a five-year period.

On June 29, 2021, Staff conducted a negotiated rulemaking session for the Commission’s Rules of Procedure with stakeholders. Staff prepared a written summary of the negotiated meeting and submitted it to DFM on August 16, 2021.

On October 27, 2021, Staff held a public meeting on the Proposed Rules of Procedure and received one set of comments from Idaho Power Company (Company). The Company recommended that the Commission add language in Rule 63 to facilitate service of discovery that exceeds typical email size limitations (see Idaho Power’s comments).

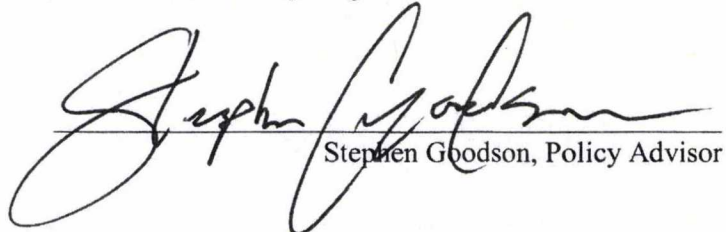
On October 29, 2021 Legislative Service Office (LSO) informed the Commission that the House and Senate Subcommittees had reviewed the Proposed Rule as written and stated that there are no objections to the rule, and no meeting will be schedule (see LSO’s letter).

STAFF RECOMMENDATIONS

Staff recommends the Commission adopt the Proposed Rule as Pending, and direct Staff to submit the necessary forms to publish a Pending Rule Notice with No Changes to Text in the Administrative Bulletin.

COMMISSION DECISION

Does the Commission wish to approve Staff’s recommendations? Anything else?


Stephen Goodson, Policy Advisor



LISA D. NORDSTROM
Lead Counsel
lnordstrom@idahopower.com

October 27, 2021

Ms. Jan Noriyuki
Commission Secretary
Idaho Public Utilities Commission
11331 West Chinden Blvd, Ste 201-A
Boise, ID 83714
secretary@puc.idaho.gov

RE: Case No. RUL-U-21-01
*RULES OF PROCEDURE OF THE IDAHO PUBLIC UTILITIES COMMISSION,
DOCKET NO. 31-0101-2101*

Dear Ms. Noriyuki:

Idaho Power Company ("Idaho Power" or "Company") appreciates the opportunity to comment on proposed changes to the Idaho Public Utilities Commission ("Commission"), Rules of Procedure (IDAPA 31-0101-2101) noticed in the Idaho Administrative Bulletin on October 6, 2021. The Company actively participated in the negotiated phase of this docket and reviewed the Commission Staff's recommended changes. Idaho Power appreciates the thoughtful consideration of the Company's prior informal comments and supports the adoption of these changes.

The Commission might also consider adding language in Rule 63 (Service on Parties and Other Persons) to facilitate service of discovery that exceeds typical email size limitations. Idaho Power believes language like the following would allow parties to transfer voluminous data and models of significant size more efficiently than is currently permitted by email service:

02. Service of Discovery. The service of discovery documents on parties shall be accomplished by email (as attachments to email or the information necessary to access the discovery documents through a data transfer method). For parties without email capability, service shall be made by overnight mail, hand delivery, or the next best available service if these services are not available. See Rule 229.

Very truly yours,

Lisa D. Nordstrom

LDN/sg

cc: Patrick Ehrbar, Avista Corp.
Ted Weston, PacifiCorp



Terri Kondeff
Director

Legislative Services Office Idaho State Legislature

Serving Idaho's Citizen Legislature

October 29, 2021

Jan Noriyuki
Commission Secretary
Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Dear Jan Noriyuki:

The Senate and House Subcommittees for review of administrative rules have reviewed the proposed changes to the Public Utilities Commission rules:

IDAPA 31.01.01 - Rules of Procedure of the Idaho Public Utilities Commission (New Chapter) - Proposed Rule - Docket No. 31-0101-2101

No meeting will be held, and we are pleased to report that no objections will be filed.

Sincerely yours,

Katharine Gerrity
Deputy Division Manager

KAG/jk

cc:

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Glenn Harris, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov