



Idaho Public Utilities Commission

P.O. Box 83720, Boise, ID 83720-0074

Brad Little, Governor

Eric Anderson, President

John R. Hammond, Jr., Commissioner

Edward Lodge, Commissioner

Case No. PAC-E-23-22
Order No. 36175
Contact: Adam Rush
Office: (208) 334-0339
E-mail: adam.rush@puc.idaho.gov

NEWS RELEASE: Commission denies electric utility's application regarding liability for non-economic damages.

BOISE (May 16, 2024) – The Idaho Public Utilities Commission has denied an application from Rocky Mountain Power that would limit the utility's liability for damages that are not tied to financial loss.

Rocky Mountain Power sought approval from the commission to update Electric Service Regulation No. 3 – Electric Service Agreements, which defines the utility's general rules and regulations for electric service.

Rocky Mountain Power proposed to update provisions regarding liability for non-economic damages. The updates would limit damages arising out of the utility's provision of electric service to actual damages and exclude atypical damages (including special, noneconomic, punitive, incidental, indirect, or consequential). The limitation would only apply prospectively and for actions arising out of the provision of electric service, and the limitation would not apply where state law otherwise disallows the limitation. The utility alleged this proposed provision strikes a balance between enabling actual damages when appropriate, and unreasonable treble damages.

After a review of the application and other information, the commission determined it was not fair, just, or reasonable to approve the application. The commission also determined that limitations of liability regarding willful conduct or gross negligence are contrary to the public interest, unfair, and unreasonable.

Additional information on Rocky Mountain Power's application and the commission's decision is available at puc.idaho.gov/case/Details/7184.