

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF AVISTA CORPORATION TO APPROVE</b>	)	<b>CASE NO. AVU-E-12-02</b>
<b>AN AGREEMENT ALLOCATING</b>	)	
<b>TERRITORY WITH CLEARWATER</b>	)	<b>NOTICE OF APPLICATION</b>
<b>POWER COMPANY</b>	)	
	)	<b>NOTICE OF</b>
	)	<b>MODIFIED PROCEDURE</b>
	)	
	)	<b>ORDER NO. 32455</b>

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On February 6, 2012, Avista Corporation dba Avista Utilities applied to the Commission for an Order approving Avista’s Electric Service Letter of Agreement with Clearwater Power Company. The Agreement would enable Avista to provide electric service to Clearwater customer Steven A. Henderson under the Electric Supplier Stabilization Act (ESSA), *Idaho Code* §§ 61-332 *et seq.* Avista asks the Commission to process the Application by Modified Procedure.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that, according to the Application, Clearwater’s customer currently receives single-phase electric service to a residential dwelling from Clearwater. Application at 1. However, the customer will require three-phase electric service for the shop under construction on his property. Under the ESSA, Clearwater is entitled to provide this three-phase electric service, but Avista can provide the service for substantially less due to the proximity of Avista’s overhead distribution lines. *Id.* at 2.

YOU ARE FURTHER NOTIFIED that the Application says the parties agree that Avista should provide the three-phase service and that Clearwater shall release the customer to Avista so Avista can also provide the single-phase service. Clearwater will remove its facilities and Avista will extend its existing electrical facilities to provide electric service to the customer’s entire premises. *Id.*

YOU ARE FURTHER NOTIFIED that, according to the Application, the parties further agree that the electric service line being installed by Avista will not be used as a measuring point to determine Avista’s electric service right under the ESSA. Rather, the

location of the poles being removed by Clearwater will be used as a measuring point to determine Clearwater electric service rights to other customers. *Id.* at 3.

### **THE ESSA**

YOU ARE FURTHER NOTIFIED that *Idaho Code* § 61-333(1) provides that electric suppliers may contract for the purpose of “allocating territories, consumers, and future consumers . . . and designating which territories and consumers are to be served by which contracting electric supplier.” Under the ESSA, both Avista and Clearwater are defined as electric suppliers. *Idaho Code* § 61-332A(4). After notice and opportunity for hearing, the Commission may approve agreements allocating service territories and customers between electric suppliers only upon finding that the allocation is in conformance with the purposes of the ESSA. *Idaho Code* § 61-333A(1). As set out in *Idaho Code* § 61-332(2), the purpose of the ESSA is to: discourage duplication of facilities; prohibit “pirating” of consumers; stabilize service territories and consumers; and promote harmony between electric suppliers.

### **NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has preliminarily determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty one (21) days from the service date of this Notice. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

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

Street Address For Express Mail:

472 W. Washington Street  
Boise, ID 83702-5983

Patrick Ehrbar  
Manager, Rates & Tariffs  
Avista Corporation  
1411 E. Mission Avenue  
Spokane, WA 99220  
E-mail: [Pat.ehrbar@avistacorp.com](mailto:Pat.ehrbar@avistacorp.com)

All comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Comments and Questions" icon and complete the comment form using the case number as it appears on the front of this document. These comments must also be sent to Avista at the e-mail address listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. The Application is also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov) by clicking on "File Room" and then "Electric Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and specifically *Idaho Code* §§ 61-322A(4) and 61-333(1). The Commission may enter any final Order consistent with its authority under Title 61.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

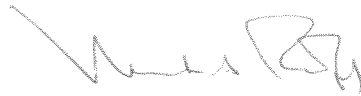
**ORDER**

IT IS HEREBY ORDERED that this case be processed under Modified Procedure. Persons interested in submitting comments on this Application must do so within 21 days of the service date of this Order.

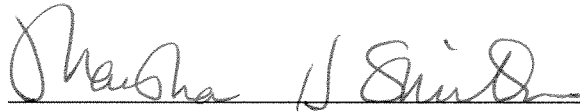
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 15<sup>th</sup> day of February 2012.



PAUL KJELLANDER, PRESIDENT



MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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