

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	
COMPANY, AVISTA CORPORATION, AND)	CASE NO. GNR-E-15-02
PACIFICORP DBA ROCKY MOUNTAIN)	
POWER’S TARIFF REVISIONS TO)	
IMPLEMENT AMENDMENT TO <i>IDAHO CODE</i>)	ORDER NO. 33322
§ 61-119.)	

Idaho Power Company, Avista Corporation, and PacifiCorp dba Rocky Mountain Power recently filed tariff advices that seek to modify their tariff schedules to comply with the Legislature’s 2015 amendments to *Idaho Code* § 61-119 (defining “electrical corporation”). *See* Advice Nos. 15-05 (Idaho Power), 15-02-E (Avista), and 15-02 (Rocky Mountain Power).

With this Order, we approve the three utilities’ tariff schedule modifications, effective July 1, 2015, as more fully discussed below.

BACKGROUND

Generally, the Idaho Public Utilities Law sets out a two-part test for determining what conduct defines a “public utility”: (1) any person or corporation that provides utility service (such as electricity); and (2) for compensation in Idaho. *Idaho Code* § 61-129. With the advent of electric vehicles, concerns arose about whether persons or entities that “sell” electricity to recharge the batteries of electric vehicles might unintentionally become public utilities subject to the Commission’s jurisdiction and regulation. Earlier this year, the Legislature passed House Bill (HB) 185 to preclude companies that own or operate electric vehicle charging stations from being Commission-regulated public utilities. *See* HB 185, Statement of Purpose. In summary, HB 185 amends Section 61-119’s definition of “electrical corporation” by creating an exception for those companies that purchase electricity “from a public utility . . . to charge the batteries of an electric motor vehicle as provided by order or rule of the commission.” This amendment takes effect on July 1, 2015.

THE TARIFF ADVICES

On May 28, 2015, Idaho Power filed modifications to Tariff Schedule No. 101. The tariff revision modifies the “Limitation of Use” provision of Rule C to comply with the recent amendment to Section 61-119. Idaho Power has requested that the revised schedule modifying the “Limitation of Use” provision of Rule C become effective on July 1, 2015.

On June 4, 2015, Avista filed modifications to its Tariff Schedule No. 70. The tariff revision modifies the “Supply and Use of Service” section to incorporate the amendment to Section 61-119. Avista also incorporated one minor housekeeping change to the proposed tariff sheet. Avista has requested that the revised schedule modifying the “Supply and Use of Service” be approved with a July 1, 2015 effective date.

On June 9, 2015, Rocky Mountain Power filed modifications to its Tariff Schedule No. 1. The tariff revision modifies the “Customer’s Use of Service” provision to comply with the recent amendment to Section 61-119. Rocky Mountain has requested that the revised schedule modifying the “Customer’s Use of Service” provision be approved with a July 1, 2015 effective date.

STAFF REVIEW

Staff reviewed the three utilities’ revised tariff schedules and determined that they comply with amended Section 61-119. Given that the amendment requires the Commission to issue a rule or Order, Staff recommended the Commission issue a generic Order approving the schedules with a July 1, 2015 effective date.

Staff also noted that Avista and Rocky Mountain filed their new tariff schedules less than 30 days before the July 1, 2015, proposed effective date. Section 61-307 and Rule 134.02 generally prohibit tariff changes on less than 30 days’ notice “unless the Commission by order approves an earlier effective date for good cause shown.” Staff recommended the Commission find good cause to make the tariff schedules effective July 1, 2015, because the proposed July 1 effective date for Avista and Rocky Mountain Power’s new schedules coincides with the effective date of the new law.

DISCUSSION AND FINDINGS

The Commission has jurisdiction over this matter under Title 61 of the Idaho Code, including *Idaho Code* §§ 61-501, -502, -503, -507, and -622. We have reviewed the record, including the three tariff advices and Staff’s recommendations. Based on our review, we find that the tariff advices filed by Idaho Power, Avista, and Rocky Mountain Power reasonably modify each company’s tariff schedule in accordance with the recent amendment to *Idaho Code* § 61-119. Because the tariffs comport with the legislative amendment, we find that good cause exists to approve Avista and Rocky Mountain’s tariff schedules on less than 30 days’ notice. Accordingly, we find that the proposed modifications to Avista Corporation’s Tariff Schedule

No. 70, Rocky Mountain Power's Tariff Schedule No. 1, and Idaho Power Company's Tariff Schedule No. 101 are justified and in the public interest, and we approve them as filed with each tariff schedule to take effect on July 1, 2015. *See also* Rule 134.03, IDAPA 31.01.01.134.03.

ORDER

IT IS HEREBY ORDERED that Avista Corporation's Tariff Schedule No. 70, PacifiCorp dba Rocky Mountain Power's Tariff Schedule No. 1, and Idaho Power Company's Tariff Schedule No. 101 are approved as filed with each tariff schedule to take effect on July 1, 2015.

THIS IS A FINAL ORDER. Any person interested in this order (or in issues finally decided by this order) may petition for reconsideration within twenty-one (21) days of the service date of this order with regard to any matter decided in this order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* §§ 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 16th day of June 2015.



PAUL KJELLANDER, PRESIDENT

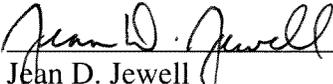


MACK A. REDFORD, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:GNR-E-15-02_kk