

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)
COMPANY’S APPLICATION TO) **CASE NO. IPC-E-15-26**
APPROVE THE TRANSFER AND SALE OF)
CERTAIN ASSETS TO THE UNITED)
STATES DEPARTMENT OF JUSTICE,) **ORDER NO. 33501**
FEDERAL BUREAU OF INVESTIGATION)
)

Idaho Power Company filed an Application with the Commission for an Order approving the transfer and sale of assets to the United States Department of Justice, Federal Bureau of Investigation (FBI), under *Idaho Code* § 61-328. The Commission approved Idaho Power’s Application on February 24, 2016, and intervenor Industrial Customers of Idaho Power (ICIP) filed a timely Petition for Reconsideration. The Commission grants the Petition, and sets a timeline for its Order on Reconsideration.

BACKGROUND

Idaho Power provides electric service to an FBI facility in the Company’s service territory. Application at 2. Idaho Power owns and operates transformers and other facilities (“Assets”) on the FBI’s side of the Point of Delivery (the point at which the customer’s power usage is measured, hereafter “POD”), to meet the FBI’s service requirements. *Id.* Those service requirements are governed by Idaho Power’s Rule M “Facilities Charge Service” in the Company’s Tariff No. 101, Rule M.¹ *Id.* The FBI pays Idaho Power a monthly facilities charge for this optional service. *Id.*

At the FBI’s request, Idaho Power entered into an Asset Sale Agreement, to transfer and convey the Assets to the FBI for a purchase price of \$79,373. Agreement (Redacted) at 3. Idaho Power applied to the Commission for approval of the proposed Agreement, under *Idaho Code* § 61-328, and Idaho Power’s Rule M. *Id.* at ¶¶ E., 3(a). The Commission issued a Notice of Application in December 2015. Order No. 33433.

ICIP filed a Petition to Intervene, which the Commission granted. Order No. 33443. The Commission received comments from Staff, ICIP, and the FBI, and reply comments from

¹ Tariffs are rules or rate schedules applicable to a particular utility. Tariffs are generally approved by the Commission under *Idaho Code* §§ 61-502, 61-507, 61-523 and 61-622. Idaho Power Company’s Rule M Facilities Charge Service can be found on the Commission’s web site at: <http://www.puc.idaho.gov/fileroom/tariff/electric/Idaho%20Power%20Company.pdf>.

the Company. All parties, including ICIP, recommended – or did not object to – approval of Idaho Power’s Application. The Commission also held a public technical hearing, at which representatives from Idaho Power, ICIP, and Commission Staff appeared and addressed the Commission, consistent with their comments. On February 24, 2016, the Commission entered Order No. 33470, approving Idaho Power’s Application. Despite its non-opposition, ICIP filed a Petition for Reconsideration. Idaho Power filed an Answer to the Petition.

ICIP asserts that the Commission’s Order “is not in conformity with the law.” Petition at 2. According to ICIP, the Order “(1) obviates the Commission’s obligations under the Idaho Public Utility Laws; (2) inappropriately applies Idaho Code Sections 61-327 and 61-328 . . .; and (3) . . . is arbitrary because it allows Idaho Power to engage in discriminatory treatment of its customers in the determination of the sales price for . . . utility-owned assets.” *Id.* In its prayer for relief, ICIP asks that the Commission reconsider “its decision not to initiate a proceeding to establish parameters for determining the price for the sale of Idaho Power-owned assets subject to Rule M.” *Id.* ICIP states it “does not believe further evidentiary hearings are necessary,” but requests reconsideration through submission of legal briefs. *Id.*

In its Answer, Idaho Power asserts that a “generic pricing methodology is not necessary” to ensure that “customers are not negatively impacted, [or] that the sale is in the public interest.” Answer at 9. Idaho Power therefore asks that the Commission deny ICIP’s Petition for Reconsideration.

DISCUSSION AND FINDINGS

Reconsideration provides an opportunity for a party to bring to the Commission’s attention any issue previously determined, and thereby affords the Commission an opportunity to correct any mistake or omission. *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 591 P.2d 122 (1979). The Commission may grant reconsideration by reviewing the existing record, or by soliciting additional pleadings or evidence. *Idaho Code* § 61-626; IDAPA 31.01.01.332.

Based on our review of the Petition for Reconsideration and Idaho Power’s Answer, we grant reconsideration to re-examine issues raised by ICIP. Although we grant the Petition, we reserve our reasoning and analysis of the issues for our Order on Reconsideration. We find it unnecessary to conduct an evidentiary hearing or to consider further argument or legal briefing,

but will render our decision on the existing record and pleadings before us. We anticipate that we will issue a Final Order on Reconsideration within 28 days of the service date of this Order.

ORDER

IT IS HEREBY ORDERED that ICIP's Petition for Reconsideration is granted, as set forth above.

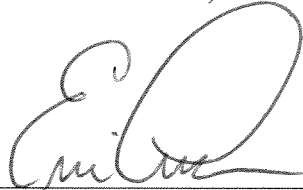
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 13th day of April 2016.



PAUL KJELLANDER, PRESIDENT

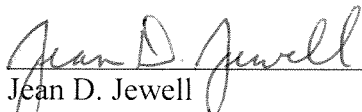


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:IPC-E-15-26_djh5_Reconsideration