

IDAHO PUBLIC UTILITIES COMMISSION

MINUTES OF DECISION MEETING

July 21, 2014 – 1:30 P.M.

In attendance were Commissioners Paul Kjellander, Mack Redford and Marsha Smith. Commissioner Kjellander called the meeting to order.

The first order of business was **APPROVAL OF MINUTES FROM PREVIOUS MEETING** on Monday, July 14, 2014. The Commission voted unanimously to approve the minutes as written.

The next order of business was approval of the **CONSENT AGENDA**:

2. Kristine Sasser's July 18, 2014 Decision Memorandum re: Idaho Power's Application to Implement Solar Integration Rates and Charges, Case No. IPC-E-14-18

Commissioner Smith asked Ms. Sasser why she was recommending a 21-day deadline for intervention rather than the usual 14-day deadline, given the time sensitivity of the case. Ms. Sasser replied that she had no objection to implementing a 14-day deadline. She said in the wind integration case the Commission had established a 21-day intervention deadline to make sure all persons and parties who might be interested had an opportunity to participate. Commissioner Smith said she thought a 14-day deadline would be better in this case in order to expedite the matter, and the Commission can be lenient with any late-filed petitions. Commissioner Smith made a motion to approve Staff's recommendations for item 2 with a 14-day deadline for intervention. A vote was taken on the motion and it carried unanimously.

The next order of business was **MATTERS IN PROGRESS**:

3. Don Howell's July 18, 2014 Decision Memorandum re: The Parties' Joint Motion and Settlement Stipulation Regarding Avista Utilities Electric and Natural Gas General Rate Case, Case Nos. AVU-E-14-05 and AVU-G-14-01.

Mr. Howell reviewed his Decision Memo. Commissioner Redford stated that he thought it would be appropriate for the Commission to have a public hearing to give the parties and public an opportunity to comment. Commissioner Kjellander stated that when we had a similar case, the Commission provided the option for people to request a public hearing. He suggested that the Notice of Modified Procedure could encourage those who would like a public hearing to request one. Commissioner Redford said that would be acceptable to him. Commissioner Kjellander made a motion to move forward with modified procedure and to state in the notice that those who are interested in having a public hearing should make their request known. There was no further discussion. A vote was taken on the motion and it carried unanimously.

The final order of business was **RULEMAKING**:

4. Don Howell's July 18, 2014 Decision Memorandum re: Adoption of Public Records Act "Guidelines" and Deletion of the Commission's Public Records Act "Rules," IDAPA 31.02.01.

Mr. Howell reviewed his Decision Memo. Commissioner Kjellander asked why the matter is before the Commission at this time and if the Commission will need to have the Legislature's approval to convert the rules to guidelines. Mr. Howell replied that in order to repeal a chapter of rules it does require a proposed notice of rulemaking and Legislative review. Commissioner Kjellander asked if the proposed change is prompted by the creation of the new ombudsman position or if the Commission is anticipating changes to its public records rules. Mr. Howell replied that the impetus is to save money in the long term and the deadline for submitting changes to rules is August 22, 2014. He said Staff is in the process of examining rules to see if any updates are necessary and this is just one of the areas they are reviewing. He said nothing in particular precipitated the proposed change. Mr. Howell explained that this set of rules is different because the statute allows the Commission to promulgate public records guidelines. He stated that he has updated the guidelines to conform to the most recent changes in the public records statutes, which include some housekeeping matters to change citations. He said he also took the opportunity to add language to the proposed guidelines regarding the protection of critical infrastructure information when the release of such information could be of harm to the public.

Commissioner Redford clarified that the Commission doesn't need legislative authority to create guidelines but it does need to have authority from the Legislature to repeal the rules we are replacing with guidelines. Mr. Howell confirmed that was correct. He said the statute requires every state agency to adopt guidelines that identify the general subject matter of its records. Commissioner Kjellander asked if future changes to the guidelines will be approved in a public meeting. He said the media has been concerned with the appearance of agencies not following public records guidelines or being too loose with public records, and there is the perception, which is not necessarily the reality, that agencies make it too difficult to access public records. He said his concern is that if the Commission does decide to use guidelines going forward there will be an open discussion in a public meeting regarding any future changes to those guidelines. Mr. Howell replied that any future changes to the guidelines will be submitted to the Commission for review in an open public meeting. He added that the Commission has only had seven public records requests in the last two years, and all have been granted with minor redactions. There was no further discussion. Commissioner Smith made a motion to approve the draft public records guidelines that are contained in the attachment to the Decision Memo and to repeal the Commission's public records rules, in essence changing the rules into guidelines. A vote was taken on the motion and it carried unanimously.

There was no further business before the Commission and Commissioner Kjellander adjourned the meeting.

COMMISSION SECRETARY

DATE OF APPROVAL