

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF AVISTA CORPORATION DBA AVISTA ) CASE NO. AVU-E-04-6  
UTILITIES FOR AN ORDER APPROVING A )  
CONTRACT WITH NORTHERN LIGHTS, )  
INC. TO EXCHANGE AN EXISTING )  
CUSTOMER UNDER THE ELECTRIC ) ORDER NO. 29661  
SUPPLIER STABILIZATION ACT. )**

On November 3, 2004, Avista Corporation dba Avista Utilities filed an Application seeking the Commission's approval of an agreement between Avista and Northern Lights, Inc. to exchange an existing customer. The agreement between the parties is being submitted for the Commission's approval pursuant to the provisions of the Electric Suppliers Stabilization Act (ESSA) and specifically *Idaho Code* §§ 61-333(1) and 61-334B. On November 22, 2004, the Commission issued Order No. 29635 soliciting public comments regarding Avista's Application. Only the Commission Staff submitted comments and it recommended approval of the Agreement. After reviewing the Agreement and the Staff comments, we approve the Application.

**THE APPLICATION**

In their "Agreement to Release Customer" dated September 22, 2004, Avista and Northern Lights propose to exchange one customer. More specifically, Northern Lights will allow Avista to serve Jerry VanOoyen located at 43 Gun Club Road in Sagle, Idaho. Mr. VanOoyen is currently a Northern Lights customer. His property is encompassed by a new development known as Summer Haven. In accordance with the ESSA, Avista will provide electric service to the new development. Consequently, the parties have agreed that it would be more efficient for Avista to serve Mr. VanOoyen in the future.

Northern Lights and Mr. VanOoyen have executed a "Termination of Service Agreement" dated September 9, 2004. This latter agreement calls for Northern Lights to remove its facilities used to serve Mr. VanOoyen so that Avista may serve him.

**STAFF COMMENTS**

Staff recommended that the Commission approve the parties' Agreement. Staff noted that the exchange of the customer requires the parties to seek an "exception" to the anti-

pirating provisions of *Idaho Code* § 61-332B. Staff supports the exception request and notes that the exchange of the single customer avoids duplication of facilities and promotes harmony between the two adjacent suppliers. Consequently, Staff recommended that the Commission grant an exception to the anti-pirating provision of *Idaho Code* § 61-332B and find that the exchange of customer is in compliance of the goals of the ESSA codified at *Idaho Code* § 61-332(2).

**FINDINGS**

*Idaho Code* § 61-332B prohibits an electric supplier from serving a customer already served by another supplier, except as otherwise ordered by the Commission. *Idaho Code* § 61-334B(1) provides that any exception to the anti-pirating provision of the ESSA must be reviewed and approved by the Commission. Section 61-334B(1) further provides that the Commission may only approve the exchange of a customer after finding that the transfer is consistent with the purposes of the ESSA set out in *Idaho Code* § 61-332.

After reviewing the parties' Agreement and Staff's comments, we find it is reasonable to approve the Application and the Agreement to exchange the single customer. We find the exchange of the customer is consistent with the purposes of the ESSA. In particular, we find that the exchange promotes harmony among the two suppliers and discourages duplication of electric facilities. We further find that the exchange of the single customer is a reasonable exception to the anti-pirating provision of *Idaho Code* § 61-332B. See *Idaho Code* §§ 61-334B(1); 61-333(1).

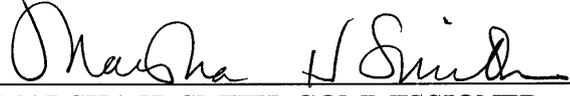
**ORDER**

IT IS HEREBY ORDERED that Avista's Application to approve its Agreement with Northern Lights to exchange a single customer is granted.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) or in interlocutory Orders previously issued in this Case No. AVU-E-04-6 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 or in interlocutory Orders previously issued in this Case No. AVU-E-04-6. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

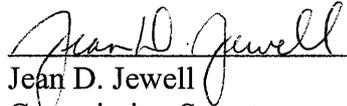
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 22<sup>nd</sup>  
day of December 2004.

  
\_\_\_\_\_  
PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
MARSHA H. SMITH, COMMISSIONER

  
\_\_\_\_\_  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

bls/O:AVUE0406\_dh2