

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,) NOTICE OF APPLICATION
INC. TO EXCHANGE AN EXISTING)
CUSTOMER UNDER THE ELECTRIC) NOTICE OF MODIFIED
SUPPLIER STABILIZATION ACT.) PROCEDURE
)
)
) ORDER NO. 29635
)
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On November 3, 2004, Avista Corporation dba Avista Utilities filed an Application seeking the Commission's approval of a contract 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. The Avista and Northern Lights exchange agreement is dated September 22, 2004.

THE APPLICATION

The parties propose to exchange one existing 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.

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

NOTICE OF APPLICATION
NOTICE OF MODIFIED PROCEDURE
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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.

NOTICE OF MODIFIED PROCEDURE

YOU ARE HEREBY NOTIFIED that *Idaho Code* §§ 61-333(1) and 61-334B require the Commission to review contracts between electric suppliers for the purpose of exchanging consumers.

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rule 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201-204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file written comment with the Commission within 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 may be mailed to the Commission and the Applicants at the addresses reflected below:

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

Linda Gervais, Regulatory Analyst
Avista Corporation
PO Box 3727
Spokane, WA 99220-3727
E-Mail: Linda.Gervais@avistacorp.com

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5983

Northern Lights, Inc.
PO Box 269
Sagle, ID 83860-0269

These 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.state.id.us. 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 the Avista Utilities 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 and the parties' agreements have been filed with the Commission and are available for public inspection during regular business hours at the Commission's office. The Application is also available for review on the Commission's website at www.puc.state.id.us under the "File Room" icon.

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* §§ 61-333(1) and 61-334B.

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.*

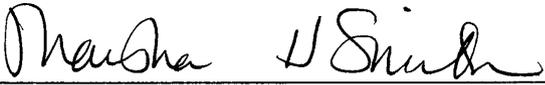
ORDER

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

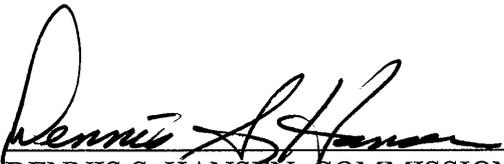
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 22nd
day of November 2004.



PAUL KJELLANDER, PRESIDENT

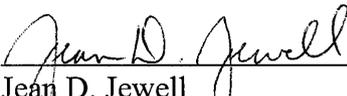


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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