

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IDAHO COUNTY )**  
**LIGHT & POWER COOPERATIVE )** **CASE NO. AVU-E-15-02**  
**ASSOCIATION, INC.'S APPLICATION FOR )**  
**APPROVAL OF AN AGREEMENT )** **NOTICE OF APPLICATION**  
**ALLOCATING TERRITORY WITH AVISTA )**  
**CORPORATION DBA AVISTA UTILITIES )** **NOTICE OF**  
**)** **MODIFIED PROCEDURE**  
**)**  
**)** **ORDER NO. 33252**

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On March 9, 2015, Idaho County Light & Power Cooperative Association, Inc. (ICLP) applied to the Commission for an Order, issued under the Electric Supplier Stabilization Act (ESSA), *Idaho Code* §§ 61-332 *et seq.*, that would approve Avista Corporation dba Avista Utilities' Agreement to Assign Electric Customers to ICLP. ICLP asks the Commission to process the Application by Modified Procedure.

With this Order, the Commission provides notice of the Application and summarizes the ESSA, and sets deadlines for interested persons to file written comments.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that ICLP's Application explains that Elbert and Janet Hendren are developing residential building sites in the River View Estates Subdivision in Idaho County, Idaho. The Subdivision contains 23 lots. Two lots have been developed and are being served by Avista. The developers have asked ICLP to serve the remaining 21 undeveloped lots. ICLP and Avista have entered the Agreement to facilitate this arrangement.

YOU ARE FURTHER NOTIFIED that under the Agreement, Avista releases its rights to serve the development to ICLP, with the exception of the two already developed lots. ICLP is to install facilities and serve the 21 undeveloped lots. Avista is to continue serving the two developed lots. ICLP says the Agreement, if approved, will allow the parties to avoid territorial disputes and the needless duplication of facilities, and enable them to provide customers with the best possible service.

YOU ARE FURTHER NOTIFIED that the ESSA generally prohibits an electric supplier from serving another electric supplier's existing or former customers. *Idaho Code* § 61-332B. As an exception to this general rule, the ESSA allows electric suppliers to contract for the

purpose of “allocating territories, consumers, and future consumers . . . and designating which territories and consumers are to be served by which contracting electric supplier.” *Idaho Code* § 61-333(1). However, such contracts are subject to Commission approval. *Id.* Specifically, the Commission must approve the contract if, after notice and opportunity for hearing, the Commission finds that the allocation conforms with the purposes of the ESSA. *See Idaho Code* §§ 61-333(1) and 61-334B(1). As set out in *Idaho Code* § 61-332(2), the purposes of the ESSA are to: (1) promote harmony between electric suppliers; (2) prohibit the “pirating” of consumers; (3) discourage duplication of electric facilities; (4) actively supervise the conduct of electric suppliers; and (5) stabilize service territories and consumers.

YOU ARE FURTHER NOTIFIED that the Application and supporting workpapers, testimonies and exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and testimonies are also available on the Commission’s web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the “File Room” tab at the top of the page, scroll down to “Open Electric Cases,” and then click on the case number as shown on the front of this document.

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* §§ 61-501 and 61-334B. The Commission may enter any final Order consistent with its authority under Title 61.

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.*

#### **NOTICE OF MODIFIED PROCEDURE**

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 Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission by **Monday, April 13, 2015**. 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 shall be mailed to the Commission and the Applicant at the addresses reflected below:

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

J.A. Wright  
Attorney at Law  
P.O. Box 25  
Grangeville, ID 83530

Street Address For Express Mail:

472 W. Washington Street  
Boise, ID 83702-5983

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.idaho.gov](http://www.puc.idaho.gov). Click the "Case Comment or Question Form" under the "Consumers" tab, and complete the comment form using the case number as it appears on the front of this document.

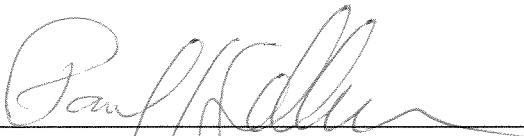
YOU ARE FURTHER NOTIFIED that ICLP shall file reply comments, if necessary, by **Monday, April 20, 2015**.

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.

### **ORDER**

IT IS HEREBY ORDERED that this case be processed under Modified Procedure. Persons interested in submitting comments on this Application must do so by Monday, April 13, 2015. ICLP shall file reply comments, if necessary, by Monday, April 20, 2015.

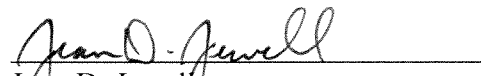
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17<sup>th</sup>  
day of March 2015.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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KRISTINE RAPER, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

O:AVU-E-15-02\_kk