

IN THE MATTER OF THE APPLICATION)
OF NORTHERN LIGHTS, INC. FOR A) CASE NO. C10-E-09-01
CERTIFICATE AUTHORIZING THE)
ELECTRIC COOPERATIVE TO FORWARD)
ITS UNCLAIMED DEPOSITS TO THE) ORDER NO. 30733
COMMUNITY ACTION PARTNERSHIP)
)

Sess. Laws, Ch. 209 (codified at *Idaho Code* § 14-501 *et seq.*). The Unclaimed Property Act generally provides that utility deposits that remain unclaimed for more than one year after termination of service are presumed abandoned. *Idaho Code* § 14-508(1). Such unclaimed deposits are then forwarded to the administrator of abandoned property (i.e., the State Tax Commission). *Idaho Code* § 14-501(1).

In 1997, the Legislature amended the Idaho Unclaimed Property Act so that utilities could give abandoned customer deposits to a “financial assistance program” certified by the Commission. 1997 Sess. Laws, Ch. 399, § 5. Section 14-508(2) of the Idaho Unclaimed Property Act provides:

The public utilities commission may certify that a utility is participating in a financial assistance program which assists the utility’s low income and disadvantaged customer with their utility bills. Upon certification to the [unclaimed property] administrator, the utility shall pay the funds which would have been presumed to be abandoned under [section 14-508(1)] to the financial assistance program certified by the public utilities commission.

Idaho Code § 14-508(2)(emphasis added). The Unclaimed Property Act defines “utility” as a “person who owns or operates for public use any plant, equipment, property, franchise, or license for . . . the production, storage, transmission, sale, delivery, or furnishing of electricity. . . .” *Idaho Code* § 14-501(15). The term “utility” does not distinguish between “public utilities” regulated by the Commission and other not-for-profit municipal or cooperative utilities not regulated by the Commission.

The Staff recommended the Commission grant the request.

DISCUSSION AND FINDINGS

After reviewing the request and Staff’s recommendation, we grant the request. As Staff pointed out, the Commission usually does not exercise regulatory authority over an electric cooperative pursuant to *Idaho Code* § 61-104. However, Section 14-508(2) of the Unclaimed Property Act expressly provides that the Commission may certify that a “utility” is participating in a financial assistance program for the benefit of its low-income and disadvantaged customers.

In both the Idaho and Uniform Unclaimed Property Acts the term “utility” does not distinguish between public utilities subject to our jurisdiction and municipal or cooperative utilities that are not subject to our jurisdiction. Unlike the Tax Code, the term “utility” in the Unclaimed Property Act does not reference other sections of the Idaho Code. *Cf. Idaho Code* §

63-201(16) (the term “public utility” are those utilities under the jurisdiction of the public utilities commission). Consequently, we construe the word “utility” in Section 14-508(2) in a broad fashion to include an electric cooperative that operates a utility plant for the furnishing of electricity. In Idaho, undefined words in a statute are given their ordinary and “plain meaning.” *Jones v. Health South Treasure Valley*, ___ Idaho ___, 2009 WL 214714 (Idaho 2009).

Consistent with *Idaho Code* § 14-508(2), we find that it is in the public interest for Northern Lights to forward its unclaimed deposits to the Community Action Partnership (CAP) for the purpose of providing financial assistance to the cooperative’s eligible members. We further find that CAP is the local administrator for LIHEAP funds in northern Idaho. As such, we certify that CAP is a financial assistance program or agency designed to assist low-income and disadvantaged customers of Northern Lights. We commend Northern Lights for taking this action to assist its customers. We encourage other public utilities and electric cooperatives to follow Northern Lights’ lead.

ORDER

IT IS HEREBY ORDERED that Northern Lights’ request is granted. We certify that Northern Lights is participating in a financial assistance program which assists the cooperative’s low-income and disadvantaged customers with their utility bills.

WE FURTHER CERTIFY that the Community Action Partnership is a financial assistance program and it is the local administrator for LIHEAP funds in northern Idaho.

IT IS FURTHER ORDERED that Northern Lights shall pay its unclaimed customer deposits which would otherwise presume to be abandoned under *Idaho Code* § 14-508(1) to the Community Action Partnership. Northern Lights remains obligated to file its report of the unclaimed deposits with the State Tax Commission as required by *Idaho Code* § 14-517.

IT IS FURTHER ORDERED that the Commission Secretary forward a copy of this Order to the State Tax Commission, Unclaimed Property Program. The Secretary shall also serve a copy of this Order on energy utilities and electrical cooperatives in Idaho.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

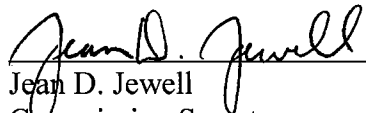
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 18th
day of February 2009.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM D. KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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