BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

) CASE NO. IPC-E-16-31
)
) NOTICE OF APPLICATION
)
) NOTICE OF
) MODIFIED PROCEDURE
)
) ORDER NO. 33665

On November 15, 2016, Idaho Power Company sent a letter to Commission Staff, advising that it reached an agreement to sell certain Company-owned assets to its customer, McCain Foods USA, Inc., pursuant to the Company's Rule M "Facilities Charge Service." Rule M governs the sale of Company-owned assets or facilities that are – as here – beyond the "point of delivery." The point of delivery (POD) is the point at which the customer's power-usage is measured, and "beyond the POD" refers to the customer side, rather than the utility side, of the POD. Order No. 33470 at 1.

Idaho Power asked Staff how the Company should request the Commission's approval of the transaction. Staff conveyed to Idaho Power that the request should be processed as an Application. Staff and the Company agreed it was appropriate to treat Idaho Power's letter as an Application, and the matter was assigned the above case number. Staff recommended that the Commission process the matter by Modified Procedure with a 21-day comment period. The Commission issues this notice of the Company's Application and Notice of Modified Procedure.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the assets at issue are used to meet "McCain's service requirements" alone, and are "not devoted to the public service." Application at 2. Idaho Power and McCain agreed that McCain would purchase the assets "and thereby assume ownership, operation, maintenance, and all liabilities associated therewith," in order to resolve "current mixed ownership issues." *Id.* at 1.

YOU ARE FURTHER NOTIFIED that Idaho Power states the total sale price of the assets, which was "reached as the result of an arm's length transaction," is \$373,974. *Id.* at 3. "Idaho Power explained the sale price methodology and resulting amounts" – described in its

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Application – "to McCain prior to execution of the Agreement and McCain does not contest the same." *Id.* The Company's accounting treatment is also set forth in the Application. *Id.* at 4.

YOU ARE FURTHER NOTIFIED that the Application and a copy of the Asset Purchase Agreement have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and attachments are also available on the Commission's web site at www.puc.idaho.gov. Click on the "File Room" tab at the top of the page, scroll down to the type of "Open Electric Cases," and then click on the case number as shown on the front of this document.

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 31.01.01.201-204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

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 no later than **21 days from the service date of this Order**. 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 Applicant at the addresses reflected below:

Commission Secretary Idaho Public Utilities Commission PO Box 83720

Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington St. Boise, ID 83702-5918

Lisa Nordstrom, Lead Counsel Zach Harris, Regulatory Analyst

Idaho Power Company

PO Box 70

Boise, ID 83707-0070

E-mail: lnordstrom@idahopower.com

dockets@idahopower.com zharris@idahopower.com

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. Click the "Case Comment or Question

NOTICE OF APPLICATION NOTICE OF MODIFIED PROCEDURE ORDER NO. 33665 Form" under the "Consumers" tab, 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 Idaho Power at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that the Company may file reply comments, if necessary, by no later than 28 days from the service date of this Order.

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 all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000, *et seq.*

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* §§ 61-502 and 61-503. The Commission may enter any final Order consistent with its authority under Title 61.

ORDER

IT IS HEREBY ORDERED that this case be processed under Modified Procedure. Interested persons may file written comments no later than 21 days from the service date of this Order. The Company may file a reply no later than 28 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this ω^{th} day of December 2016.

AUL KJELLANDER, PRESIDENT

KRISTINE RAPER, COMMISSIONER

ERIC ANDERSON, COMMISSIONER

ATTEST:

Jean D. Jewell

Commission Secretary

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