

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>FOR APPROVAL OF A SERVICE AREA</b>	)	<b>CASE NO. PAC-E-12-15</b>
<b>EXCEPTION AGREEMENT BETWEEN</b>	)	
<b>PACIFICORP DBA ROCKY MOUNTAIN</b>	)	<b>NOTICE OF APPLICATION</b>
<b>POWER AND FALL RIVER ELECTRIC</b>	)	
<b>COOPERATIVE TO EXCHANGE ONE</b>	)	<b>NOTICE OF</b>
<b>CUSTOMER</b>	)	<b>MODIFIED PROCEDURE</b>
	)	
	)	<b>ORDER NO. 32705</b>

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On December 13, 2012, PacifiCorp dba Rocky Mountain Power filed an Application seeking the Commission’s approval of a contract between Rocky Mountain and Fall River Electric Cooperative to exchange an electric customer. The Agreement was executed pursuant to the provisions of the Electric Supplier Stabilization Act (ESSA) and specifically *Idaho Code* § 61-333(1). The “Service Area Exception Agreement” was executed by the parties on October 31, 2012. Rocky Mountain requests that the Application and the Agreement be processed under Modified Procedure.

**BACKGROUND**

The purposes of the ESSA are to: (1) promote harmony among and between electric suppliers; (2) prohibit the “pirating” of consumers served by another supplier; (3) discourage duplication of electric facilities; (4) stabilize the territory and consumers served by the suppliers; and (5) actively supervise certain conduct of the suppliers. *Idaho Code* § 61-332. Section 61-333(1) provides that all service agreements which allocate territory or customers between electric suppliers (such as Rocky Mountain and Fall River) be filed with the Commission. After notice and opportunity for a hearing, the Commission shall approve or reject the agreement.

**NOTICE OF APPLICATION**

The parties propose to exchange one current customer. More specifically, Rocky Mountain will allow Fall River to serve a customer’s residence in Tetonia, located within Rocky Mountain’s service territory. Rocky Mountain’s service to the residence was provided by an underground distribution feeder running through the customer’s cultivated field. Application at 3.

On June 15, 2012, Rocky Mountain's service to the customer's residence was interrupted. "In order to restore service expeditiously without destroying a significant portion of the customer's planted crop, [Rocky Mountain], in conjunction with Fall River and the customer, agreed to connect the customer's residential load to the adjacent electric distribution facilities owned by Fall River." *Id.* Fall River's service territory is adjacent to the customer's residence and serves the customer's potato cellar "in close proximity to his residence." *Id.*

To avoid an expensive repair of underground facilities and the unnecessary disruption of the customer's field, Rocky Mountain and Fall River entered into an Agreement to allow Fall River to permanently serve the customer's residence. The electric suppliers subsequently entered into an agreement to transfer the customer's residential load from Rocky Mountain to Fall River. The parties' Agreement is attached to the Application.<sup>1</sup>

In their Agreement, the parties agree that their respective certificated service areas will remain unchanged as the result of allowing Fall River to provide service to the customer's residence. Agreement at § 2.2. The Agreement further provides that either party may terminate the Agreement upon six months written notice to the other party. § 4.1. In the event the Agreement is terminated, then Rocky Mountain may purchase from Fall River any of the electrical distribution facilities used by Fall River to serve the residential load in question at Fall River's depreciated book value. *Id.* at § 4.2.

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

YOU ARE HEREBY 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. 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 the Application and the Service Area Exception Agreement have been filed with the Commission and are available for public

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<sup>1</sup> Although the Service Area Exception Agreement was filed as a confidential document, the Company maintains that the only confidential information contained in the Agreement was the name and address of the customer. Consequently, the Company subsequently agreed to redact the name of the customer and his street address, and to publicly disclose the redacted Agreement.

inspection during regular business hours at the Commission offices. The Application and Agreement are also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov) by clicking on "File Room" and then "Electric Cases."

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on the Application or Agreement may file a written comment in support or opposition with the Commission **within twenty-one (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 shall 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

Street Address for Express Mail:

472 W. Washington Street  
Boise, ID 83702-5918

Ted Weston  
Idaho Regulatory Affairs Manager  
Daniel E. Solander  
Senior Counsel  
Rocky Mountain Power  
201 S. Main Street Suite 2300  
Salt Lake City, UT 84111  
E-Mail: [ted.weston@pacificorp.com](mailto:ted.weston@pacificorp.com)  
[daniel.solander@pacificorp.com](mailto:daniel.solander@pacificorp.com)

Bryan Case, General Manager  
Fall River Electric Cooperative  
1150 N. 3400 E.  
Ashton, ID 83402  
E-mail: [bryan.case@fallriverelectric.com](mailto:bryan.case@fallriverelectric.com)

All 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 "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 Applicants at the e-mail addresses 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 all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and specifically the Electric Supplier Stabilization Act codified at *Idaho Code* §§ 61-332 *et seq.* 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.*

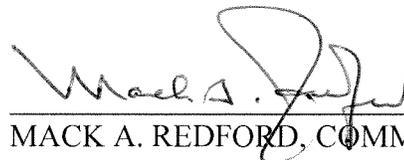
**ORDER**

IT IS HEREBY ORDERED that this matter be processed under our Rules of Modified Procedure. IDAPA 31.01.01.201 through -204.

IT IS FURTHER ORDERED that persons interested in filing written comments regarding this matter or protesting the use of Modified Procedure should do so no later than 21 days from the service date of this Order.

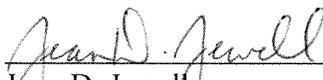
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 2<sup>nd</sup> day of January 2013.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
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Jean D. Jewell  
Commission Secretary

bls/O:PAC-E-12-15\_dh

NOTICE OF APPLICATION  
NOTICE OF MODIFIED PROCEDURE  
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