



RECEIVED

2018 NOV 21 PM 1:31

IDAHO PUBLIC UTILITIES COMMISSION

Norman M. Semanko, ISB #4761
PARSONS BEHLE & LATIMER
800 West Main Street, Suite 1300
Boise, Idaho 83702
Telephone: 208.562.4900
Facsimile: 208.562.4901
NSemanko@parsonsbehle.com
ecf@parsonsbehle.com

Attorneys for Intervenor Avista Customer Group

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT
APPLICATION OF HYDRO ONE LIMITED
AND AVISTA CORPORATION FOR
APPROVAL OF MERGER AGREEMENT

CASE NOS. AVU-E-17-09
AVU-G-17-05

**AFFIDAVIT OF NORMAN M.
SEMANKO IN SUPPORT OF AVISTA
CUSTOMER GROUP'S RESPONSE IN
OPPOSITION TO MOTION TO ADMIT
AND APPROVE FIRST AMENDMENT
TO STIPULATION AND SETTLEMENT**

1 STATE OF IDAHO)

2 COUNTY OF ADA)

3 Norman M. Semanko, being first duly sworn upon oath, states as follows:

4 1. I am duly licensed to practice law in the State of Idaho and before this Commission,
5 and I am an attorney with the firm Parsons Behle & Latimer and am attorney of record for Intervenor
6 Avista Customer Group ("ACG") in the above-referenced action. I make this affidavit based upon
7 my own personal knowledge, and can testify as to the truth of the statements contained herein if
8 called upon to do so.

9 2. I make this affidavit in support of AVG's Response to Motion to Admit and Approve
10 First Amendment to Stipulation and Settlement filed concurrently herewith (the "Motion").

1 3. Attached hereto as Exhibit A is a true and correct copy of the Statement of Purpose
2 for House Bill 472 (1982), obtained from the Idaho State Legislative Library.

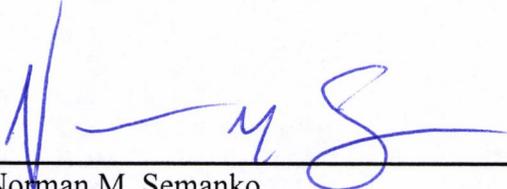
3 4. Attached hereto as Exhibit B is a true and correct copy of House Bill 472 (1982),
4 obtained from the Idaho State Legislative Library.

5 5. Attached hereto as Exhibit C is a true and correct copy of the House State Affairs
6 Committee Minutes (Feb. 8, 1982), obtained from the Idaho State Legislative Library.

7 6. Attached hereto as Exhibit D is a true and correct copy of the 1982 Session Laws
8 (Ch. 7, p. 10), obtained from the Idaho State Legislative Library.

9 I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing
10 is true and correct.

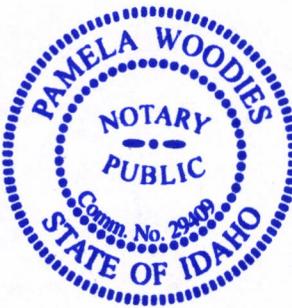
11 Further, your affiant sayeth naught.

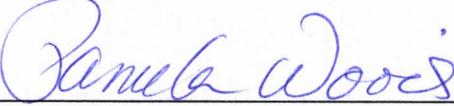


Norman M. Semanko

STATE OF IDAHO)
) ss.
County of Ada)

SUBSCRIBED AND SWORN before me this 21st day of November, 2018.





Pamela Woodies
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires February 25, 2022



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 21st day of November, 2018 by the following method:

Larry A. Crowley, Director
The Energy Strategies, Inc.
P.O. Box 5146
Boise, ID 83705
crowleyla@aol.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Peter J. Richardson
Richardson, Adams, PLLC
515 N 27th Street
Boise, ID 83702
peter@richardsonadams.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Benjamin J. Otto
Idaho Conservation League
710 N. 6th Street
Boise, ID 83702
botto@idahoconservation.org

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Elizabeth Thomas, Partner
Kari Vander Stoep, Partner
K&L Gates, LLP
925 4th Ave., Ste. 2900
Seattle, WA 98104-1158
liz.thomas@klgates.com
kari.vanderstoep@klgates.com
dirk.middents@klgates.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Ronald Williams
Williams Bradbury, PC
P.O. Box 388
Boise, ID 83701
ron@williamsbradbury.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

David J. Meyer, Esq.
Vice President and Chief Counsel of
Regulatory and Government Affairs
Avista Corporation
1411 East Mission Ave.
Spokane, WA 99220
david.meyer@avistacorp.com
avistadockets@avistacorp.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Linda M. Gervais
Senior Manager, Regulatory Policy
Regulatory Affairs
P.O. Box 3727 MSC-27
Spokane, WA 99220
Linda.gervais@avistacorp.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Brandon Karpen
Deputy Attorney General
Idaho Public Utilities Commission
472 W Washington
Boise, ID 83702
Brandon.karpen@puc.idaho.gov

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Washington and Idaho Northern District
Counsel of Labors
Danielle Franco-Malone
Schwerin Campbell Barnard Iglitzin
Lavitt LLP
18 W Mercer Street, Ste. 400
Seattle, WA 98119-3971
franco@workerlaw.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Dr. Don Reading
6070 Hill Road
Boise, ID 83703
dreading@mindspring.com

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Brady M. Purdy
Attorney at Law
2019 N. 17th Street
Boise, ID 83702
bmpurdy@hotmail.com

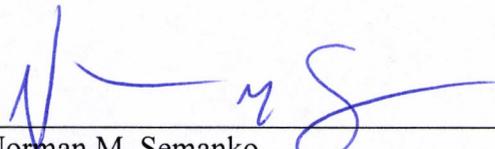
- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

Garrick L Baxter
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098
Garrick.baxter@idwr.idaho.gov

- U.S. First Class Mail, Postage Prepaid
- U.S. Certified Mail, Postage Prepaid
- Federal Express
- Hand Delivery
- Electronic Mail or CM/ECF

deanjmiller@cablone.net
carol.hauen@clearwaterpaper.com
marv@malewallen.com
john.jacobs@clearwaterpaper.com
david.wren@clearwaterpaper.com
nathan.smith@clearwaterpaper.com
Patrick.ehrbar@avistacorp.com
jscarlett@hydroone.com

- Electronic Mail or CM/ECF



Norman M. Semanko

EXHIBIT A

STATEMENT OF PURPOSE

RS 7704

The amendment allows foreign entities not subject to regulation by the Idaho Public Utilities Commission to acquire electric utility property in this state if such property is not owned by a regulated Idaho public utility, but allows the transfer of property owned by a regulated Idaho public utility if the public utility obtains authorization of the Idaho Public Utilities Commission.

FISCAL IMPACT

There is no fiscal impact on the state.

EXHIBIT B

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 472

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1
2 RELATING TO ACQUISITION OF AN ELECTRIC UTILITY IN THE STATE OF IDAHO;
3 AMENDING SECTION 61-327, IDAHO CODE, TO LIMIT THE APPLICABILITY TO
4 PUBLIC UTILITY PROPERTY ONLY, AND TO ALLOW TRANSFER OF PUBLIC UTILITY
5 PROPERTY TO A FOREIGN COOPERATIVE ELECTRICAL CORPORATION WHEN AUTHOR-
6 IZED BY THE IDAHO PUBLIC UTILITIES COMMISSION.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 61-327, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 61-327. ELECTRIC UTILITY PROPERTY -- ACQUISITION BY CERTAIN PUBLIC
11 AGENCIES PROHIBITED. No title to or interest in any public utility (as such
12 term is defined in chapter 1, title 61, Idaho Code) property located in
13 this state which is used in the generation, transmission, distribution or
14 supply of electric power and energy to the public or any portion thereof,
15 shall be transferred or transferable to, or acquired by, directly or indi-
16 rectly, by any means or device whatsoever, any government or municipal cor-
17 poration, quasi-municipal corporation, or governmental or political unit,
18 subdivision or corporation, organized or existing under the laws of any
19 other state; or any person, firm, association, corporation or organization
20 acting as trustee, nominee, agent or representative for, or in concert or
21 arrangement with, any such government or municipal corporation,
22 quasi-municipal corporation, or governmental or political unit, subdivision
23 or corporation; or any company, association, organization or corporation,
24 organized or existing under the laws of this state or any other state,
25 whose issued capital stock, or other evidence of ownership, membership or
26 other interest therein, or in the property thereof, is owned or controlled,
27 directly or indirectly, by any such government or municipal corporation,
28 quasi-municipal corporation, or governmental or political unit, subdivision
29 or corporation; or any company, association, organization or corporation,
30 organized under the laws of any other state, not coming under or within the
31 definition of an electric public utility or electrical corporation as con-
32 tained in chapter 1, title 61, Idaho Code, and subject to the jurisdiction,
33 regulation and control of the public utilities commission of the state of
34 Idaho under the public utilities law of this state; provided, nothing
35 herein shall prohibit the transfer of any such property by a public utility
36 to a cooperative electrical corporation organized under the laws of anothe
37 state, which has among its members mutual nonprofit or cooperative elec
38 trical corporations organized under the laws of the state of Idaho an
39 doing business in this state, if such public utility has obtained authori
40 zation from the public utilities commission of the state of Idaho pursuan
41 to section 61-328, Idaho Code.

EXHIBIT C

STATE AFFAIRS COMMITTEE

MINUTES

FEBRUARY 8, 1982

Rm 350, 3:00 p.m.

PRESENT: All members of the committee were present except for Senator Dobler.

Chairman Swenson called the meeting to order.

Senator Yarbrough moved and Senator Kiebert seconded the minutes of the previous meeting be approved as written. Motion carried.

Senator Swenson reported to the committee that he had heard from Congressman Craig on H.R. 4861 dealing with YCC and YACC, and he is against the bill, but does favor the concept. At this time, he is still waiting to hear from Congressman Hansen.

Diane Plastino appeared before the committee once more to answer some questions brought up by the Independent Insurance Agents at the previous meeting.

MOTION: Senator Yarbrough moved and Senator Kiebert seconded the appointment of Diane Plastino as Director of the Insurance Fund be sent out with a "do confirm" recommendation. Motion carried.

MOTION: Senator Twilegar moved and Senator Kiebert seconded the appointment of Mrs. Ellie A. Kiser to the Commission for Pardons and Parole, be sent out "without recommendation." Motion carried.

RS 7961C1 ESTABLISH A COMMITTEE TO UNDERTAKE A STUDY RELATING TO INDIAN AFFAIRS ISSUES.

Senator Merrill explained this legislation would create a study committee under legislative council to study issues relating to Indian affairs.

Senator Budge stated he had some concerns regarding the legislation, especially with it asking for legislative action since Indian affairs are regulated to a great degree by the U.S. Government.

A lengthy discussion followed regarding these problems.

Larry Echohawk, attorney for the Shoshone-Bannock tribe acknowledged that the U.S. Government did regulate most Indian affairs. However, there were areas that the state could discuss; such as, taxes and natural resources, and by these discussions perhaps avoid going to court.

The other representatives of the tribes present also expressed their desire for this study committee.

MOTION: Senator Kiebert moved and Senator Twilegar seconded this RS be sent for introduction. Motion carried.

RS 7834 POWERS & DUTIES OF THE STATE HISTORICAL SOCIETY BOARD OF TRUSTEES.

Senator Marley explained this legislation would allow the Board of Trustees to perform the functions of the Idaho State Geographic Names Boards. Since 1972 these functions have been assumed under gubernatorial designation.

MOTION: Senator Yarbrough moved and Senator Risch seconded this RS be sent for introduction. Motion carried.

RS 7858 PROVIDING STATE RECOGNITION OF THE DELAWARES.

Charlotte Simmons spoke on behalf of this legislation which asks for recognition as a tribe in the state of Idaho. There has been no recognition of these Indians and as a result they cannot receive any of the benefits that is available to other Indians. She also feels it would be beneficial in retaining their culture and language.

Their attorney, Mr. Parks, also spoke asking the committee to give favorable consideration to this RS.

Senator Swenson commented that this would seem to be a problem that should be studied in the study committee that was earlier discussed on Indian affairs.

Marvin Osborne, representing the Shoshone-Bannock tribe, read a resolution stating they opposed this legislation as did the representatives of the other four tribes present.

MOTION: Senator Budge moved and Senator Williams seconded this RS be held. Motion carried.

RS 7918 MEMORIAL: LOCATE A REPLACEMENT PRODUCTION REACTOR IN IDAHO.

Senator Floyd explained this legislation was to encourage the Secretary of Energy, and Congress to locate a Replacement Production Reactor in Idaho, creating 3500 new jobs and enhancing Idaho's economy.

MOTION: Senator Yarbrough moved and Senator Williams seconded this RS be sent for introduction. Motion carried.

SB 1284 CITY ELECTIONS: PROVIDE A UNIFORM FOUR YEAR REGISTRATION FOR CITY ELECTORS.

Jim Weatherby, Association of Cities, explained the legislation which will provide for a uniform four year registration period for all city electors.

MOTION: Senator Twilegar moved and Senator Yarbrough seconded this bill go out with a "do pass" recommendation. Motion carried.

HB 472 RELATING TO ACQUISITION OF AN ELECTRIC UTILITY IN THE STATE OF IDAHO.

Ted Springer explained the legislation which will allow foreign entities not subject to regulation by the Idaho PUC to acquire electric utility property in this state if such property is not owned by a regulated Idaho public utility, but allows the transfer of property owned by a regulated Idaho public utility if the utility obtains authorization of the Idaho PUC.

MOTION: Senator Twilegar moved and Senator Yarbrough seconded this bill go out with a "do pass" recommendation. Motion carried.

Meeting adjourned at 5:15 p.m.



Leon H. Swenson, Chairman



Beverly A. Mullins, Secretary

EXHIBIT D

The term "frozen dessert machine" shall mean the freezer or other device by which the liquid ingredients for frozen dessert are frozen to a solid or semisolid consistency and are discharged, expelled or drawn off for sale at retail.

The term "mix making plant" shall mean any place, building or structure wherein milk or cream, with or without other constituents, shall be mixed or processed for resale to ice cream factories; provided, that any duly licensed ice cream factory may carry on, as a part of his business, the business of mix making plant without being required to pay therefor, additional license for so doing.

The term "reprocessing plant" shall mean any place, building or structure wherein a cheese product is made by comminuting and mixing one or more lots of cheese of the same variety or of different varieties into a homogenous, plastic mass with or without the addition of water and emulsifying agents.

The term "casein plant" shall mean any place, building or structure wherein casein is manufactured for sale.

The term "powdered milk plant" shall mean any place, building or structure wherein milk or any product of milk is processed by evaporating or removing therefrom the water or moisture contained therein to a point where the product may be handled as a dry product.

Approved February 18, 1982.

CHAPTER 7
(H.B. No. 472)

AN ACT

RELATING TO ACQUISITION OF AN ELECTRIC UTILITY IN THE STATE OF IDAHO; AMENDING SECTION 61-327, IDAHO CODE, TO LIMIT THE APPLICABILITY TO PUBLIC UTILITY PROPERTY ONLY, AND TO ALLOW TRANSFER OF PUBLIC UTILITY PROPERTY TO A FOREIGN COOPERATIVE ELECTRICAL CORPORATION WHEN AUTHORIZED BY THE IDAHO PUBLIC UTILITIES COMMISSION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 61-327, Idaho Code, be, and the same is hereby amended to read as follows:

61-327. ELECTRIC UTILITY PROPERTY -- ACQUISITION BY CERTAIN PUBLIC AGENCIES PROHIBITED. No title to or interest in any public utility (as such term is defined in chapter 1, title 61, Idaho Code) property located in this state which is used in the generation, transmission, distribution or supply of electric power and energy to the public or any portion thereof, shall be transferred or transferable to, or acquired by, directly or indirectly, by any means or device whatsoever, any government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation, organized or existing under the laws of any other state; or any person, firm, association, corporation or organization acting as

Extraordinary 1981

Regular 1982

trustee, arrangeme quasi-mur division corporati other sta ship, me thereof, governmer governer company, laws of an electr chapter regulatic of Idaho ing herei public ut the laws profit or of the st utility h sion of t

Approved

RELATING SPECI PART- IDAHO TIVE

Be It Ena

SECTI hereby am

63-30 (a) Whene liable f state, up year, wh taxation under thi him to includes

eezer or other
sert are frozen
, expelled or

ce, building or
constituents,
factories; pro-
rry on, as a
t without being
ng.

, building or
ting and mixing
fferent varie-
the addition of

ing or struc-

ce, building or
sed by evapo-
nated therein
duct.

trustee, nominee, agent or representative for, or in concert or arrangement with, any such government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation; or any company, association, organization or corporation, organized or existing under the laws of this state or any other state, whose issued capital stock, or other evidence of ownership, membership or other interest therein, or in the property thereof, is owned or controlled, directly or indirectly, by any such government or municipal corporation, quasi-municipal corporation, or governmental or political unit, subdivision or corporation; or any company, association, organization or corporation, organized under the laws of any other state, not coming under or within the definition of an electric public utility or electrical corporation as contained in chapter 1, title 61, Idaho Code, and subject to the jurisdiction, regulation and control of the public utilities commission of the state of Idaho under the public utilities law of this state; provided, nothing herein shall prohibit the transfer of any such property by a public utility to a cooperative electrical corporation organized under the laws of another state, which has among its members mutual non-profit or cooperative electrical corporations organized under the laws of the state of Idaho and doing business in this state, if such public utility has obtained authorization from the public utilities commission of the state of Idaho pursuant to section 61-328, Idaho Code.

Approved February 18, 1982.

CHAPTER 8
(H.B. No. 499)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3029, IDAHO CODE, TO SPECIFICALLY EXTEND THE CREDIT FOR TAXES PAID TO ANOTHER STATE TO PART-YEAR RESIDENTS IN REGARD TO INCOME EARNED WHILE RESIDING IN IDAHO; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-3029, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029. CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY.
(a) Whenever a resident person, excluding corporations, has become liable for income tax to another state, as a nonresident of such state, upon his taxable income, or any part thereof, for the taxable year, which is derived from sources without this state and subject to taxation under this chapter, the amount of income tax payable by him under this chapter shall be credited with the income tax so payable by him to such other state or territory. "Income tax to another state" includes only a tax imposed by one of the United States, a possession

STATE OF IDAHO;
APPLICABILITY TO
TRANSFER OF PUBLIC
UTILITY CORPORATION
SESSION.

and the same is

ON BY CERTAIN
in any public
(Idaho Code)
ration, trans-
energy to the
r transferable
means or device
quasi-municipal
ision or corpo-
ner state; or
ation acting as