

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION) CASE NO. GNR-U-18-01
INTO THE IMPACT OF FEDERAL TAX)
CODE REVISIONS ON UTILITY COSTS AND) NOTICE OF DEADLINE FOR: (1)
RATEMAKING) PERSONS TO INTERVENE; AND
) (2) UTILITY-PARTIES TO
) REQUEST SETTLEMENT
) NOTIFICATION.
)
) ORDER NO. 33991
)

With this Order, the Commission directs interested persons to file *Petitions to Intervene*, and rate-regulated utilities to file *Requests for Settlement Notification*, as soon as practical, and no later than Tuesday, March 6, 2018, as described below. These filings must name each rate-regulated utility in whose active settlement with Commission Staff the petitioner or requesting utility wants an opportunity to participate. The Commission intends these filings to ensure such persons and utilities are notified about, and given an opportunity to participate in, Staff's potential active settlements with particular utilities.

BACKGROUND

YOU ARE HEREBY NOTIFIED that the federal Tax Cuts and Jobs Act of 2017 decreased the federal corporate tax rate from 35% to 21%, effective January 1, 2018. In response, the Commission opened this multi-utility case to investigate whether to adjust utilities' rates so the benefits from the reduced tax rate flow through to customers. This case involves all rate-regulated utilities in Idaho, except for small water companies with less than 200 customers, and the small electric utility, Atlanta Power. *See* Order No. 33965.

YOU ARE FURTHER NOTIFIED that, in Order No. 33965, the Commission directed all affected utilities to immediately account for the tax benefits as a regulatory liability. The utilities also are to file a report on the effect of the tax changes, and proposed tariffs, by March 30, 2018. *See id.* at 1-2 (detailing what a utility's filing must include). After that, the Commission's Staff has 60 days to use reasonable efforts to audit the utilities and report the audit results to the Commission. *Id.* at 2. If the Staff disagrees with the proposed tariffs, the Commission expects to order the utility to show cause why Staff's recommended changes should not be made. *Id.*

YOU ARE FURTHER NOTIFIED that, as of February 15, 2018, two utilities had filed the Commission-ordered reports, and one entity, the Industrial Customers of Idaho Power, had petitioned to intervene.

YOU ARE FURTHER NOTIFIED that Commission Staff has advised the Commission that Staff may engage in settlement negotiations with some utilities who are parties to this case. Because every rate-regulated utility in the state (except for small water companies and Atlanta Power) is a party to the case, and they provide different service to different customers in different areas, Staff expects some persons and utilities may not want to participate in Staff's negotiations with other utilities. To ensure Staff can afford interested persons and utilities an opportunity to participate in settlement negotiations that interest them, Staff recommended that interested persons petition to become official "parties" to the case, and that they, and any utilities who already are parties, name the other utilities in whose settlement negotiations they may wish to be involved.

YOU ARE FURTHER NOTIFIED that Staff's recommendation turns on Commission Rule 272 (IDAPA 31.01.01.272). That rule precludes Commission Staff "from entering into an *active settlement* without first notifying all other *parties* and the Commission that it intends to begin or has begun settlement negotiations." Further, "Staff must give all other *parties* an opportunity to participate in or be apprised of [such negotiations] before a final settlement agreement is reached." An *active settlement* is one "in which one (1) or more parties negotiate an agreement differing from positions of one (1) or more of the parties previously on record with the Commission. . . ." Rule 272 (emphasis added).

YOU ARE FURTHER NOTIFIED that the documentation related to this case will be filed with the Commission and available for public inspection during regular business hours at the Commission office. The documentation may also be viewed on the Commission's website at www.puc.idaho.gov by clicking on "File Room" and then "Multi-Utility Cases."

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 that 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 according to the Commission's Rules of Procedure, IDAPA 31.01.01.000, *et seq.*

NOTICE OF DEADLINE FOR PERSONS TO INTERVENE

YOU ARE HEREBY NOTIFIED that **persons desiring to intervene** to participate in Staff's active settlements with particular utilities (or to otherwise participate as an official "party") in this case, **must file a Petition to Intervene** with the Commission **as soon as practical, and no later than Tuesday, March 6, 2018**. The Petition to Intervene must: (1) comply with Commission Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -.073 and (2) **name each rate-regulated utility in whose active settlements with Staff the person wants an opportunity to participate**. Staff then will notify the intervenor of any active settlements with the named utilities, as required by Rules 72 and 73. Persons may present their views on this case to the Commission, including their views on any report filed or proposed settlement by any utility or Commission Staff, without intervening or becoming a party, by filing their written comments without prior notification to the Commission or the parties.

NOTICE OF DEADLINE FOR UTILITIES TO REQUEST SETTLEMENT NOTIFICATION

YOU ARE FURTHER NOTIFIED that **if a rate-regulated utility** (besides small water companies with less than 200 customers, and the small electric utility, Atlanta Power) **wants an opportunity to participate in Staff's active settlement with another rate-regulated utility, the first utility must file a Request for Settlement Notification** with the Commission **as soon as practical, and no later than Tuesday, March 6, 2018**.¹ The Request for Settlement Notification must **name each other rate-regulated utility in whose active settlement the requesting utility wants an opportunity to participate**. Staff then will notify the requesting utility of any active settlements with the named utilities, as required by Rules 72 and 73.

ORDER

IT IS HEREBY ORDERED that that persons desiring to intervene to participate in Staff's active settlements with particular utilities (or to otherwise participate as an official "party") in this case, shall file a Petition to Intervene with the Commission as soon as practical, and no later than Tuesday, March 6, 2018. The Petition to Intervene must: (1) comply with Rules 72 and 73, and (2) name each rate-regulated utility in whose active settlements with Staff the person wants an opportunity to participate.

¹ If a rate-regulated utility does *not* want the opportunity to participate in Staff's active settlements with other rate-regulated utilities, the first utility need not file a Request for Settlement Notification.

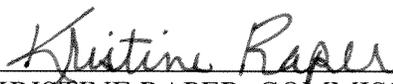
IT IS FURTHER ORDERED that if a rate-regulated utility (besides small water companies with less than 200 customers, and the small electric utility, Atlanta Power) wants an opportunity to participate in Staff's active settlement with another rate-regulated utility, the first utility must file a Request for Settlement Notification with the Commission as soon as practical, and no later than Tuesday, March 6, 2018. The Request for Settlement Notification must name each other rate-regulated utility in whose active settlement the requesting utility wants an opportunity to participate.

THIS IS AN INTERLOCUTORY ORDER. Any person interested in this Order may file a petition for review within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. A petition to review may request that the Commission: (1) rescind, clarify, alter, amend; (2) stay; or (3) finalize this Interlocutory Order. After any person has petitioned for review, any other person may file a cross-petition within seven (7) days. See Rules 321, 322, 323.03, 324, 325 (IDAPA 31.01.01.321-325).

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *22nd* day of February 2018.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane Hanian
Commission Secretary

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