

## ***Part I – Agency Profile***

### **Agency Overview**

Under state law, the Idaho Public Utilities Commission supervises and regulates Idaho's investor-owned utilities - electric, gas, telecommunications, and water - assuring adequate service and affixing just, reasonable and sufficient rates.

The commission does not regulate publicly owned, municipal, or cooperative utilities.

In setting rates, the commission must consider the needs of both the utility and its customers. Customers must be ensured of paying a reasonable rate and utilities must be allowed the opportunity to recover their legitimate costs of serving of their customers and earning a fair rate of return. IPUC decisions can be appealed to the Idaho Supreme Court.

The governor appoints the three commissioners with confirmation by the Idaho Senate. No more than two commissioners may be of the same political party. The commissioners serve staggered six-year terms. Currently serving are Eric Anderson, John Chatburn, and John Hammond. Vacancies that occur when the Idaho Senate is not in session are filled by gubernatorial appointment subject to confirmation by the Senate upon reconvening in regular session.

The governor may remove a commissioner before his/her term has expired for dereliction of duty, corruption or incompetence as defined in Idaho Code.

The three-member commission was established by the 12th Session of the Idaho Legislature and was organized May 8, 1913 as the Public Utilities Commission of the State of Idaho. In 1951 it was reorganized as the Idaho Public Utilities Commission. Statutory authorities for the commission are established in Idaho Code titles 61 and 62.

The IPUC has quasi-legislative and quasi-judicial duties as well as executive powers and duties. The Commission is authorized 49 FTE and has its office in Boise, Idaho.

In its quasi-legislative capacity, the commission sets rates and makes rules governing utility operations. In its quasi-judicial mode, the commission hears and decides complaints, issues written orders that are similar to court orders and may have its decisions appealed to the Idaho Supreme Court. In its executive capacity, the commission enforces state laws affecting regulated utilities and rail industries.

Fees assessed on the utilities and railroads it regulates fund commission operations. Annual assessments are set by the Commission each year in April within limits set by law.

Currently, Eric Anderson is the Commission President. Commissioners meet on the first Tuesday in April in odd-numbered years to elect one of their own to a two-year term as president. The president signs contracts on the commission's behalf, is the final authority in personnel matters and handles other administrative tasks.

Chairmanship of individual cases is rotated among all three commissioners. The Commission conducts its business in two types of meetings: hearings and decision meetings.

Formal hearings on utility and railroad issues are held on a case-by-case basis, often in the service area of the utility under consideration to allow maximum public participation. These hearings resemble judicial proceedings and are transcribed by a court reporter. Formal parties to the case under consideration present testimony and evidence subject to cross-examination by attorneys and staff from the other parties and the Commissioners.

Members of the general public may testify before the commission at a hearing without prior notice or formal intervention. However, those seeking the full rights of parties - such as the right to cross-examine other witnesses, make objections, or to make and argue motions - must file a petition for "intervener" status. Partnerships, corporations, and other entities must be represented by a licensed attorney.

To provide for more public input in a less formal setting, commission staff members may travel to areas impacted by potential commission decisions to conduct workshops or hold virtual workshops online. Unlike a formal hearing where members of the public testify but cannot ask questions of commissioners, a workshop allows citizens to ask questions and offer suggestions to commission staff.

The Commission also conducts regular decision meetings to consider issues on an agenda prepared by the commission secretary and posted in advance of the meeting. These meetings are usually held Tuesdays at 1:30 p.m., although by law the commission is required to meet only once a month. Members of the public are welcome to attend decision meetings.

Typically, decision meetings consist of the Commission's review of decision memoranda prepared by commission staff. Minutes of the meetings are taken, and decisions reached at these meetings are preliminary, becoming final only when issued in a written order signed by a majority of the Commission.

## Core Functions/Idaho Code

Statutory authorities for the Commission are established in Idaho Code titles 61 and 62. To help ensure its decisions are fair and workable, the commission employs a staff of about 50 people - engineers, rate analysts, auditors, investigators, economists, administrative and other support personnel. The commission staff is organized in three divisions - Administration, Legal and Utilities.

The staff analyzes each petition, complaint, rate increase request or application for an operating certificate received by the Commission. In formal proceedings before the Commission, the staff acts as a separate party to the case, presenting its own testimony, evidence, and expert witnesses. The Commission considers staff recommendations along with those of other participants in each case - including utilities, public, agricultural, industrial, business and consumer groups.

### Administration

The Administrative Division is responsible for coordinating overall IPUC activities. The division includes the three Commissioners, three Policy Strategists, a Commission Secretary, an Executive Director, a Public Information Officer, an Executive Assistant, and support personnel.

The three *Policy Strategists* are executive level positions reporting directly to the Commissioners with policy and technical consultation and research support regarding major regulatory issues in the areas of electricity, telecommunications, water and natural gas. Strategists are also charged with developing comprehensive policy strategy, providing assistance and advice on major litigation before the commission and acting as liaison between the Commission and its staff, utility representatives, public officials and public agencies and organizations.

The *Commission Secretary*, a post established by Idaho law, keeps a precise public record of all Commission proceedings. The Secretary issues notices, orders and other documents to the proper parties and is the official custodian of documents issued by and filed with the commission. Most of these documents are public records.

The *Executive Director* has primary responsibility for the commission's fiscal and administrative operations, preparing the commission budget and supervising fiscal, administration, public information, personnel, information systems, rail section operations and pipeline safety. The Executive Director also serves as a liaison between the Commission and other state agencies and the Legislature.

The *Public Information Officer* is responsible for informing the public and the media of commission decisions, meetings and activities; responding to requests for information; coordinating public hearings; preparing materials that allow for effective public participation in IPUC proceedings; and preparing the annual report. In addition this position is responsible for other special projects assigned by the commissioners.

### Legal Division

Four Deputy Attorneys General are assigned to the Commission from the Office of the Attorney General and have permanent offices at IPUC headquarters. The Attorneys General represent the staff in all matters before the

Commission, working closely with staff auditors, engineers, investigators, and economists as they develop their recommendations for rate case and utility policy proceedings.

In the hearing room, the attorneys coordinate the presentation of the staff's case and cross-examine other parties who submit testimony. The attorneys also represent the Commission itself in state and federal courts and before other state or federal regulatory agencies.

### **Pipeline Safety Program**

The pipeline safety section oversees the safe operation of the intrastate natural gas pipelines and facilities in Idaho.

The Commission's Safety Inspectors-Regulated Utilities verify compliance of state and federal regulations by on-site inspections of intrastate gas distribution systems operating in the state. Part of the inspection process includes a review of record-keeping practices and compliance with design, construction, operation, maintenance and drug/alcohol abuse regulations. All reportable accidents are investigated and appropriate reports filed with the U.S. Department of Transportation.

### **Rail Section**

The rail safety inspection conducts inspections of rail cars carrying hazardous materials, as well as other safety components as identified in both the Federal Railroad Administration and State of Idaho safety regulations. In addition, they inspect railroad grade crossings when the Commission receives reports of maintenance deficiencies. The Rail Section is part of the multi-agency safety team that investigates all railroad-crossing accidents and makes recommendations for safety improvements to crossings.

As part of its regulatory authority, the Commission evaluates the discontinuance and abandonment of railroad service in Idaho by conducting an independent evaluation of each case to determine whether the abandonment of a particular railroad line would adversely affect Idaho shippers and whether the line has any profit potential. Should the Commission determine abandonment would be harmful to Idaho interests; it then represents the state before the federal Surface Transportation Board, which has authority to grant or deny line abandonment. The Commission also conducts hearings and issues orders concerning the elimination or alteration of grade crossings.

### **Utilities Division**

The Utilities Division, responsible for technical analysis of utility matters before the Commission, is divided into four sections.

The Audit Section audits utility books and records to verify reported revenue, expenses and compliance with commission orders. Staff auditors present the results of their findings in audit reports as well as in formal testimony and exhibits. When a utility requests a rate increase, cost-of-capital studies are performed to determine a recommended rate of return. Revenues, expenses, and investments are analyzed to determine the amount needed for the utility to earn the recommended return on its investment.

The Engineering Section reviews the physical operations of utilities. Staff engineers determine the cost of serving various types of customers, design utility rates and allocate costs between Idaho and the other states served by Idaho utilities. They determine the cost effectiveness of conservation and co-generation programs, evaluate the adequacy of utility services, and frequently help resolve customer complaints. The group develops computer models of utility operations and reviews utility forecasts of energy usage and the need for new facilities.

The Technical Analysis Section determines the cost effectiveness of all Demand Side Management (DSM) programs including energy efficiency and demand response. They identify potential for new DSM programs and track the impact on utility revenues. They review utility forecasts of energy, water, and natural gas usage with focus on residential self-generation and rate design.

The Consumer Assistance Section investigate and work to resolve conflicts between utilities and their customers. Customers faced with service disconnections often seek help in negotiating payment arrangements. Consumer Assistance may mediate disputes over billing, deposits, line extensions and other service problems.

Consumer Assistance monitors Idaho utilities to verify they are complying with Commission orders and regulations. Investigators participate in general rate and policy cases when rate design and customer service issues are brought before the Commission.

Most consumers contact the Commission by telephone or by e-mail, via the Commission's Website. Staff members may negotiate payment arrangements with utilities on behalf of consumers and, when appropriate, refer clients to social service agencies, financial aid programs or budget counseling services.

As traditionally regulated services become deregulated, the Consumer Assistance Section's role of educating consumers and mitigating complaints with non-regulated utilities has increased. The increase in companies providing services equates to an increase in consumer inquiries and complaints. Also on the increase are disputes between companies providing services, especially among telecommunications providers.

The Consumer Assistance Section is also responsible for conducting quality of service and compliance investigations.

### Revenue and Expenditures

| Revenue                  | FY 2021            | FY 2022            | FY 2023            | FY 2024            |
|--------------------------|--------------------|--------------------|--------------------|--------------------|
| Public Utilities Comm.   | \$4,507,200        | \$4,751,100        | \$5,242,900        | \$6,356,000        |
| Indirect Fund            | \$65,600           | \$38,700           | \$39,500           | \$35,600           |
| Federal Grant            | \$284,400          | \$187,100          | \$241,800          | \$178,000          |
| <b>Total</b>             | <b>\$4,857,200</b> | <b>\$4,976,900</b> | <b>\$5,524,200</b> | <b>\$6,569,600</b> |
| Expenditures             | FY 2021            | FY 2022            | FY 2023            | FY 2024            |
| Personnel Costs          | \$3,614,100        | \$3,744,200        | \$4,205,800        | \$4,632,900        |
| Operating Expenditures   | \$1,213,500        | \$1,428,800        | \$1,502,200        | \$1,464,100        |
| Capital Outlay           | \$29,600           | \$16,800           | \$18,400           | \$81,100           |
| Trustee/Benefit Payments | 0.00               | 0                  | \$0                | \$0                |
| <b>Total</b>             | <b>\$4,857,200</b> | <b>\$5,189,600</b> | <b>\$5,726,400</b> | <b>\$6,178,100</b> |

### Profile of Cases Managed and/or Key Services Provided

| Cases Managed and/or Key Services Provided                                       | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|--|---------|---------|---------|---------|
| 1. Number of cases older than one year closed in this fiscal year.               | 49      | 10      | 23      | 5       |
| 2. Number of comprehensive audits completed annually.                            | 25      | 19      | 30      | 21      |
| 3. Number of utility annual reports reviewed annually.                           | 23      | 21      | 14      | 17      |
| 4. Number of formal complaints received by the commission.                       | 1       | 9       | 12      | 2       |
| 5. Number of informal complaints received by the commission.                     | 657     | 712     | 887     | 800     |
| 6. Number of Inquiries received by the commission.                               | 429     | 342     | 479     | 429     |
| 7. Average number of days needed to respond to inquiries and resolve complaints. | 7       | 8       | 7       | 8       |
| 8. Number inspection units audited per year (pipeline).                          | 160     | 185     | 233     | 189     |
| 9. Number of inspection days completed (pipeline).                               | 400.5   | 260     | 337.5   | 306     |
| 10. Number of rail hazardous material inspections.                               | 343     | 261     | 261     | 103     |
| 11. Number of rail abandonment investigations.                                   | 0       | 0       | 0       | 0       |

**Part II – Performance Measures**

| Performance Measure  |               | FY 2021      | FY 2022    | FY 2023      | FY 2024    | FY 2025 |
|--|---------------|--------------|------------|--------------|------------|---------|
| 1. <b>Percent</b> of all cases open for more than one year that were closed in this fiscal year. | <b>actual</b> | <b>27</b>    | <b>16</b>  | <b>17</b>    | <b>42</b>  |         |
|  | <i>target</i> | 20           | 20         | 20           | 20         | 20      |
| 2. Number of comprehensive audits completed this fiscal year.                                    | <b>actual</b> | <b>25</b>    | <b>19</b>  | <b>21</b>    | <b>21</b>  |         |
|  | <i>target</i> | 7            | 7          | 10           | 20         | 20      |
| 3. Number of annual reports reviewed this fiscal year  | <b>actual</b> | <b>23</b>    | <b>21</b>  | <b>14</b>    | <b>17</b>  |         |
|  | <i>target</i> | 20           | 20         | 15           | 20         | 20      |
| 4. Average number of days needed to respond to inquiries and resolve informal complaints         | <b>actual</b> | <b>7</b>     | <b>8</b>   | <b>7</b>     | <b>8</b>   |         |
|  | <i>target</i> | 5            | 5          | 10           | 7          | 7       |
| 5. Number of inspection days this fiscal year (pipeline).  | <b>actual</b> | <b>400.5</b> | <b>260</b> | <b>337.5</b> | <b>306</b> |         |
|  | <i>target</i> | 285          | 323        | 325          | 325        | 320     |
| 6. HAZMAT inspections conducted this fiscal year   | <b>actual</b> | <b>343</b>   | <b>261</b> | <b>261</b>   | <b>103</b> |         |
|  | <i>target</i> | 100          | 100        | 100          | 100        | 100     |
| 7. <b>Percent</b> of proposed rail abandonments investigated                                     | <b>actual</b> | <b>100</b>   | <b>100</b> | <b>100</b>   | <b>100</b> |         |
|  | <i>target</i> | 100          | 100        | 100          | 100        | 100     |

**For More Information Contact**

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**Director Attestation for Performance Report**

In accordance with *Idaho Code* 67-1904, I certify the data provided in the Performance Report has been internally assessed for accuracy, and, to the best of my knowledge, is deemed to be accurate.

Department: Idaho Public Utilities Commission

  
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Director's Signature

August 26, 2024  
\_\_\_\_\_  
Date

Please return to:

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