

IN THE SENATE

SENATE BILL NO. 1137

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO ELECTRIC UTILITIES; AMENDING SECTION 61-328, IDAHO CODE, TO RE-  
2 VISE PROVISIONS RELATING TO REQUISITE FINDINGS OF THE PUBLIC UTILITIES  
3 COMMISSION IN REGARD TO A MERGER, SALE, LEASE, ASSIGN OR TRANSFER OF  
4 PROPERTY BY AN ELECTRIC PUBLIC UTILITY OR ELECTRICAL CORPORATION, TO  
5 PROVIDE THAT THE PROVISIONS OF SPECIFIED LAW SHALL NOT APPLY TO SALES  
6 UNDER CERTAIN CONDITIONS AND TO MAKE A TECHNICAL CORRECTION; PROVIDING  
7 AN EFFECTIVE DATE AND PROVIDING FOR APPLICABILITY.  
8

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

10 SECTION 1. That Section 61-328, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 61-328. ELECTRIC UTILITIES -- SALE OF PROPERTY TO BE APPROVED BY COM-  
13 MISSION. (1) No electric public utility or electrical corporation as defined  
14 in chapter 1, title 61, Idaho Code, owning, controlling or operating any  
15 property located in this state, which is used in the generation, transmis-  
16 sion, distribution or supply of electric power and energy to the public or  
17 any portion thereof, shall merge, sell, lease, assign or transfer, directly  
18 or indirectly, in any manner whatsoever, any such property or interest  
19 therein, or the operation, management or control thereof, or any certificate  
20 of convenience and necessity or franchise covering the same, except when  
21 authorized to do so by order of the public utilities commission.

22 (2) The electric public utility or electrical corporation shall file a  
23 verified application setting forth such facts as the commission shall pre-  
24 scribe or require. The commission shall issue a public notice and shall con-  
25 duct a public hearing upon the application.

26 (3) Before authorizing the transaction, the public utilities commis-  
27 sion shall find:

28 (a) That the transaction ~~is consistent with~~ will better serve the pub-  
29 lic utility's customers and is in the public interest;

30 (b) That the cost of and rates for supplying service will not be in-  
31 creased by reason of such transaction; and

32 (c) That the applicant for such acquisition or transfer has the bona  
33 fide intent and financial ability to operate and maintain said property  
34 in the public service.

35 The applicant shall bear the burden of showing that standards listed above  
36 have been satisfied.

37 (4) The commission shall have power to issue said authorization and or-  
38 der as prayed for, or to refuse to issue the same, or to issue such autho-  
39 rization and order with respect only to a part of the property involved. The  
40 commission shall include in any authorization or order the conditions re-  
41 quired by the director of the department of water resources under section  
42 42-1701(6), Idaho Code. The commission may attach to its authorization and

1 order such other terms and conditions as in its judgment the public conve-  
2 nience and necessity may require.

3 (5) An electric public utility or electrical corporation may sell, at  
4 the request of a customer, property that is dedicated to and serves only that  
5 single customer, provided the sale does not increase costs to other rate-  
6 paying customers. For purposes of such sale the provisions of subsection (3)  
7 of this section shall not apply.

8 SECTION 2. This act shall be in full force and effect on and after July  
9 1, 2015, but shall only apply to those transactions filed with the commis-  
10 sion on and after the effective date of this act and shall not apply to any  
11 transactions pending before the commission prior to the effective date of  
12 this act.