

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF IDAHO POWER COMPANY TO)	CASE NO. IPC-E-16-24
INCREASE RATES FOR ELECTRIC)	
SERVICE TO RECOVER COSTS)	
ASSOCIATED WITH THE NORTH VALMY)	ORDER NO. 33746
PLANT)	

On October 21, 2016, Idaho Power Company filed an Application requesting Commission authorization to accelerate the depreciation schedule for the North Valmy power plant, establish an associated balancing account, and adjust customer rates, with a requested effective date of June 1, 2017. *See* Application (Case No. IPC-E-16-24) at 1. The Company concurrently filed an Application asking the Commission to approve revised depreciation rates for its electric plant-in-service and correspondingly adjust Idaho jurisdictional base rates, also with an effective date of June 1, 2017. Application (Case No. IPC-E-23) at 1.

In November 2016, the Commission issued Orders providing notice of each Application and setting deadlines for interventions. Order Nos. 33650 and 33652. The Commission granted Petitions to Intervene in both cases from the Idaho Irrigation Pumpers Association, Inc. (IIPA); Micron Technology, Inc.; the Idaho Conservation League (ICL) and Sierra Club; and the U.S. Department of Energy and the Federal Executive Agencies. Order Nos. 33659, 33660, 33670, 33671, 33672, 33710, 33673, and 33674. The Commission also granted a Petition to Intervene in the revised depreciation case from the Industrial Customers of Idaho Power (ICIP). Order No. 33676. ICIP did not initially petition to intervene in the North Valmy case.

The parties conferred and agreed to process both Applications via Modified Procedure and to a common comment schedule. The Commission issued an Order providing Notice of Modified Procedure and adopting the parties' proposed comment schedule:

- April 20, 2017 Deadline for parties' comments
- May 4, 2017 Deadline for parties' cross-answering comments
- May 18, 2017 Deadline for Company reply comments

Order No. 33690. The parties also agreed to meet to discuss potential settlement options. *Id.* (On April 13, 2017, Commission Staff moved the Commission for an Order revising the first two

comment deadlines to April 27, 2017, and May 9, 2017, respectively. The Commission is addressing Staff's Motion in a separate Order.)

On April 7, 2017, ICIP filed a late Petition to Intervene in the North Valmy case, Case No. IPC-E-16-24. Per Rule 75, IDAPA 31.01.01.075, the deadline for objections to the Petition was April 14, 2017. Staff indicated that in a settlement discussion on April 12 at which all parties and ICIP were present, legal counsel for Staff noted that the timeline for objections to the Petition had not yet passed and that the Petition was still pending. Counsel asked if any party objected to ICIP's intervention or its participation in the settlement discussion. No party objected then and no objections were received by the deadline.

LATE PETITIONS TO INTERVENE

Commission Rules provides that a petitioner seeking intervention must state its "direct and substantial interest . . . in the proceeding." IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." IDAPA 31.01.01.073. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons." *Id.* Also, "[i]ntervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition." *Id.*

ICIP'S PETITION FOR INTERVENTION

ICIP is an unincorporated association of Schedule 19 customers of Idaho Power and its members receive electric utility services from the Company. Petition at 2. ICIP stated it has "a direct and substantial interest" in this matter because "its members' rates for electrical services for Idaho Power's benefit may be affected by the outcome of this proceeding." *Id.* ICIP stated that "without the opportunity to intervene" it would be "without any means of participation in this proceeding which may have a material impact on the rates its members pay for electrical services in the State of Idaho." *Id.*

ICIP stated that its intervention "will not unduly broaden the issues nor will it prejudice any party to this case." *Id.* ICIP recognized that its Petition is out of time, but states that this docket is inter-related with the revised depreciation case, Case No. IPC-E-16-23, and that all the parties to the two cases are the same except for ICIP. *Id.* at 2-3. ICIP stated that as the two cases have progressed

it has become apparent that the common parties to both cases have found it economical to hold concurrent settlement discussions to facilitate the efficient resolution of both dockets. The ICIP's ability to participate [*sic*] in concurrent settlement discussions is complicated and less efficient without having status as a party in this, the Valmy docket, as well as the general depreciation docket.

Id. at 3. ICIP further committed that it will not broaden the issues nor will it seek to alter the schedule in this docket, and that it will abide by all protective agreements and informal process guidelines heretofore adopted by the parties. *Id.* ICIP asserted that the process going forward will be more efficient for all parties in both cases by its intervention in this case. *Id.*

COMMISSION FINDINGS

We find that no party opposed this late petition to intervene.

We further find that based on the pleadings and other documents filed in this case, intervention by this party would serve the purposes of intervention as described by Rule 74 of the Rules of Procedure, IDAPA 31.01.01.074. We also find that granting this late intervention will not prejudice any party and that late intervention should be granted. As set forth in Rule 73, IDAPA 31.01.01.073, ICIP is "bound by orders and notices earlier entered as a condition of granting the untimely petition."

ORDER

IT IS THEREFORE ORDERED that the Petition to Intervene filed by the Industrial Customers of Idaho Power is hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. This intervenor is represented by the following for purposes of service:

Peter J. Richardson
Richardson Adams, PLLC
515 N. 27th St.
P.O. Box 7218
Boise, ID 83702
E-mail: peter@richardsonadams.com

Dr. Don Reading
6070 Hill Road
Boise, Idaho 83703
E-mail: dreading@mindspring.com


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th
day of April 2017.


PAUL KJELLANDER, PRESIDENT


KRISTINE RAPER, COMMISSIONER


ERIC ANDERSON, COMMISSIONER

ATTEST:


Diane M. Hanian
Commission Secretary

O:IPC-E-16-24_cc2_late intervention