

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF AVISTA CORPORATION DBA AVISTA</b>	)	<b>CASE NOS. AVU-E-17-01</b>
<b>UTILITIES FOR AUTHORITY TO</b>	)	<b>AVU-G-17-01</b>
<b>INCREASE ITS RATES AND CHARGES FOR</b>	)	
<b>ELECTRIC AND NATURAL GAS SERVICE</b>	)	<b>ORDER NO. 33829</b>
<b>IN IDAHO</b>	)	

---

On July 12, 2017, Avista Corporation filed an “Objection of Avista Corporation to Petition to Intervene of Sierra Club” in the above captioned matter. Avista claims that Sierra Club will unduly broaden the issues of the case. Objection at 4-5. Specifically, Avista alleged that Sierra Club will introduce argument about Colstrip’s remaining useful life. *Id.* at 3. The Company indicated this is improper commentary for this general rate case as the expenditures are “mandatory and compliance items,” and “have been routinely incurred.” *Id.* at 2. Avista suggested that its Integrated Resource Plan is the proper venue to address the depreciation rates for Colstrip. *Id.*

Avista requested that the Commission deny Sierra Club’s request to intervene, or “[i]n the very least . . . clarify that any intervention by the Sierra Club should not [suggest] an earlier termination date for Colstrip Units 3 and 4. *Id.* at 5.

On July 18, 2017, Sierra Club filed a response to Avista’s objection. Citing Commission Rule 74, Sierra Club argued that the Commission should continue its practice of liberally allowing intervention, and points out that it filed a timely request for intervention and it stated a direct and substantial interest in the outcome of the case. Response at 2-3. Sierra Club further argued that Avista’s objection improperly argues the merits of the case. *Id.* at 3. Sierra Club stated that “[a]t a minimum, scrutiny and review of [Colstrip] expenditures are warranted through the pendency of this rate case proceeding.” *Id.*

Sierra Club also maintained that any argument relating to the Colstrip depreciation rates are similarly premature. Sierra Club stated it did not know what, if any, position it will take regarding the depreciation rate, as the case has not proceeded to that point yet. *Id.* 4. However, Sierra Club argued that “aligning depreciation schedules of large power plants with estimated retirement dates is highly relevant to a general rate case.” *Id.*

Sierra Club declared that it will not unduly broaden the issues or delay the proceedings, and will only address issues relevant to the case. *Id.* at 5. It points out that it filed a timely Petition to Intervene, met the Commission's requirements under Commission Rules, and identified germane issues it will focus on, as well as issues that may arise upon further investigation and analysis.

### **DISCUSSION**

Avista's objection claims Sierra Club's intervention would unduly broaden the issues by discussing the depreciation of certain facilities. We are not persuaded by the Company's argument.

Commission Rule 74 states grounds upon which the Commission grants petitions to intervene. The rule states:

If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding and does not unduly broaden the issues, the Commission or the presiding officer will grant intervention, subject to reasonable conditions.

IDAPA 31.01.01.074. Additionally, Commission Rule 124 is instructive regarding the scope of a general rate case. Rule 124 states, in part:

When a notice of application designates a proceeding as a general rate case, all persons are thereby put upon notice that the following are at issue and the Commission may make decisions addressing them, whether the notice explicitly repeats the following or not. . . . The utility's . . . revenue requirement, and every component of it, both rate base and expense, are at issue. [Further, the] tariffs, practices, rules and regulations, service, instrumentalities, equipment, facilities, classifications, and customer relations of the utility are at issue, and the Commission may address any of them in its order.

IDAPA 31.01.01.124.01 and .02.c.

Here, Sierra Club's Petition to Intervene was timely filed, and meets the requirements for intervention under Rule 74. Further, Rule 124 contemplates a broad purview in a general rate case. At this time, Avista's argument that Sierra Club may unduly broaden the issues is speculative and premature. Further, Sierra Club attested that it will not unduly broaden the issues or delay the proceedings. Accordingly, Avista's objection, including limitation of potential issues, is denied.

On July 12, 2017, Sierra Club filed a Motion for Pro Hac Vice admission of its California counsel, Travis Ritchie. The Motion was signed and attested to by Sierra Club's local counsel, Kelsey Nunez in Boise. Both counsel certify that they are active members in good standing of their state bar organizations (California and Idaho). Sierra Club further stated that a copy of the Motion and the applicable fee have been provided to the Idaho State Bar. Both counsels certify that the above information is true to the best of their knowledge. Finally, Ms. Nunez requests that the Commission excuse her from appearing during any Commission proceeding in this matter.

The Commission has reviewed the Motion for Pro Hac Vice filed by Sierra Club, and finds it reasonable to grant limited admission to Mr. Ritchie in this matter. The Commission also finds that Ms. Nunez's attendance in this proceeding shall not be required.

### **ORDER**

IT IS HEREBY ORDERED that Avista's objection to Sierra Club's intervention is denied.

IT IS FURTHER ORDERED that the Petition to Intervene filed by the Sierra Club is hereby granted.

IT IS FURTHER ORDERED that the Motion for Pro Hac Vice admission of Travis Ritchie is granted. Ms. Nunez's request to be excused is also 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:

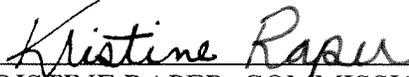
Travis Ritchie  
Sierra Club  
2101 Webster Street, Suite 1300  
Oakland, CA 94612  
E-mail: [travis.ritchie@sierraclub.org](mailto:travis.ritchie@sierraclub.org)

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *2nd*  
day of August 2017.



---

PAUL KJELLANDER, PRESIDENT



---

KRISTINE RAPER, COMMISSIONER



---

ERIC ANDERSON, COMMISSIONER

ATTEST:



---

Diane M. Hanian  
Commission Secretary

O:AVU-E-17-01\_AVU-G-17-01\_bk3