

Benjamin J. Otto (ID Bar # 8292)
710 N 6th Street
Boise, ID 83701
Ph: (208) 345-6933 x 12
Fax: (208) 344-0344
botto@idahoconservation.org

RECEIVED
2015 JUL -1 PM 3:49
IDAHO PUBLIC UTILITIES COMMISSION

Attorney for the Idaho Conservation League

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	
COMPANY'S PETITION TO MODIFY)	CASE NO. IPC-E-15-01
TERMS AND CONDITIONS OF PURPA)	
PURCHASE AGREEMENTS)	
)	
IN THE MATTER OF AVISTA)	
CORPORATION'S PETITION TO)	CASE NO. AVU-E-15-01
MODIFY TERMS AND CONDITIONS OF)	
PURPA PURCHASE AGREEMENTS)	
)	
IN THE MATTER OF ROCKY)	
MOUNTAIN POWER COMPANY'S)	CASE NO. PAC-E-15-03
PETITION TO MODIFY TERMS AND)	
CONDITIONS OF PURPA PURCHASE)	IDAHO CONSERVATION LEAGUE AND
AGREEMENTS)	SIERRA CLUB
)	
)	APPLICATION FOR INTERVENOR
)	FUNDING

COMES NOW, the Idaho Conservation League ("ICL") and the Sierra Club, pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161-165 with the following application for intervenor funding. ICL and Sierra Club are intervenors in this case pursuant to Order No. 33222 and 33239 respectively. This application is timely pursuant to the Commissions instruction at the technical hearing to submit such applications by July 10, 2015.

I. Idaho Code § 61-617A and IDAPA Rule 31.01.01.161 Requirement

Avista Corporation, Idaho Power Corporation, and Rocky Mountain Power are all regulated public utilities and each have gross Idaho intrastate, annual revenues exceeding three

million, five hundred thousand dollars (\$3,500,000.00). Because the three utilities presented a united front in this case, ICL proposes the Commission allocate the responsibility for any intervenor funding award based on a proportional share of the total number of Idaho customers served by each utility. *See Order No. 32697 at 51.*

II. IDAPA Rule 31.01.01.162 Requirements

1. Itemized list of Expenses

The attached Exhibit A is an itemized list of expenses incurred by ICL and Sierra Club in this proceeding. Pursuant to page 14 of Order No. 32910, Exhibit A indicates the amount of hours spent on investigating the Application and direct testimony of Idaho Power, conducting discovery, preparing and filing the direct and rebuttal testimony of Mr. Beach¹, reviewing the direct and rebuttal testimony of other parties and preparing for cross examination of witnesses, responding to the Staff and Idaho Power Motions to Strike, and participating in the hearing.

2. Statement of Proposed Findings

ICL and the Sierra Club propose the Commission maintain the 20-year contract term and adopt a change to the contracts to include an adjustment to the energy component of the rate after year 10 for remainder of the contract term. Also, ICL asks the Commission to grant this request for intervenor funding.

3. Statement Showing Costs

ICL and Sierra Club requests \$9650 in intervenor funding, as shown in Exhibit A and rounded down for ease of accounting. Both the hourly rate and hours expended are reasonable for this complex case and in line with the current range for other intervening parties. ICL and

¹ Because he provided his service pro bono, ICL and Sierra Club do not request Intervenor funding for Mr. Wenner.

Sierra Club does not request any reproduction fees, although the rules so allow and the amount of paper produced in this case was substantial. We do not request any travel costs.

This case covered a complex and technical issue and required reviewing and responding to the filings of all three utilities, Commission Staff, and several other parties. To uncover the facts, we reviewed the extensive discovery requests in this docket and submitted our own discovery. We retained a nationally recognized expert, R. Thomas Beach, to prepare direct and rebuttal testimony and appear at the technical hearing.² We prepared a response to Staff and Idaho Power's Motion to Strike Mr. Wenner's testimony. Council for ICL was an active participant in the technical hearing. For each of these efforts we endeavored to limit the number of hours expended to the maximum extent possible. We request an hourly rate for both counsel and Mr. Beach that is in line with Order No. 32846. ICL dedicated far more hours than reflected in the Cost Statement and the rate we request for Mr. Beach is only 60% of his hourly rate. For all these reasons our request is reasonable.

4. Explanation of Cost Statement

ICL and Sierra Club are both nonprofit organizations supported solely through charitable donations from our members and foundations. In this proceeding, we represent our members and supporters who are ratepayers of all three Idaho investor owned utilities, as well as those who have an interest in promoting renewable energy throughout Idaho. To provide consistent, professional, and impactful advocacy for our members and supporters ICL and dedicated a full-time, highly trained staff member to work solely on energy issues. The cost of employing and training this staff member is a significant financial commitment for a charitable organization. Because of the complexity of the issues, and to present the Commission with the best possible

² Mr Wenner provided his services pro bono so we do not request funding for his time.

evidence, we retained the services of nationally known experts in the field. To keep costs reasonable we were able to secure Mr. Wenner's assistance pro bono and negotiated a substantial discount from Mr. Beach's normal rate. Because charitable contributions are inherently unstable, the availability of intervener funding is essential for ICL and the Sierra Club to participate in these proceedings. Our groups have no pecuniary interest in the outcome of this case; rather we dedicated our time and resources to represent the interests of our 25,000 supporters around the state who have a strong interest in a robust clean energy industry in Idaho.

5. Statement of Difference

ICL and Sierra Club's proposed findings are materially different than the Staff, who take the position that all long-term avoided cost forecasts are inaccurate, that fixed price contract do not benefit customers, and propose a five year contract term. Our direct and rebuttal testimony, explains the outlines of PURPA's requirements, the benefit to ratepayers of long-term, fixed price contracts, and we propose a solution to balance the reasonable implementation of PUPRA with protecting ratepayers. We further illuminated this material difference at the hearing during cross-examination and closing statements. Our participation provides a detailed counterpoint to the Staff position in this case so that the Commission has a complete and robust record on which to base its decision.

6. Statement of Recommendation

ICL and Sierra Club's proposed findings address issues of concern for all customers of all three Idaho investor owned utilities. All customers, regardless of class, share a strong interest in ensuring Idaho utilities acquire power pursuant to rules and methodologies that are fair, accurate, and conform to applicable laws. Accordingly, our participation in the case outlines the

Commission's discretion when implementing the PURPA law and regulations, the accuracy of the current avoided cost model, and the benefits to customers of long-term, fixed price contracts. Our final recommendation is designed the balance the competing interests embodied in PURPA—encouraging the development of qualifying facilities while ensuring all customers pay accurate costs for energy and capacity. Our organizations do not have a monetary interest in developing qualifying facilities; rather we participated in this case to raise issues that concern all customers--ensuring a proper and fair implementation of PURPA.

7. Statement Showing Class of Customer

Our individual members and supporters are residential and small commercial customers of all the Idaho investor owned utilities.

WHEREFORE, ICL respectfully requests the Commission grant this application.

DATED this 1st day of July 2015.

Respectfully submitted,



Benjamin J. Otto
Idaho Conservation League

Exhibit A
Cost Statement for Idaho Conservation League and Sierra Club

Investigating Idaho Power's application and direct testimony

Benjamin J Otto (council for ICL): 2.5 hours @ \$135	\$337.50
R Thomas Beach: 1.5 hours @ \$135	\$202.50

Reviewing discovery by all parties, drafting ICL/SC discovery

Benjamin J Otto (council for ICL): 4.5 hours @ \$135	\$607.50
R. Thomas Beach: 2.5 hours @ \$135	\$337.50

Preparing and filing the direct and rebuttal testimony of Mr. Beach

Benjamin J Otto (council for ICL): 2.5 hours @ \$135	\$337.50
R. Thomas Beach: 36 hours @ \$135	\$4860.00

Reviewing the direct and rebuttal testimony of other parties, prepare cross

Benjamin J Otto (council for ICL): 6.5 hours @ \$135	\$877.50
R. Thomas Beach: 2.5 hours @ \$135	\$202.50

Responding to the Staff and Idaho Power motions to strike

Benjamin J Otto (council for ICL): 4 hours @ \$135	\$540.00
--	----------

Participating in the technical hearing of June 29 - 30

Benjamin J Otto (council for ICL): 10 hours @ \$135	\$1350.00
---	-----------

Total: \$9652.50

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July 2015, I delivered true and correct copies of the APPLICATION FOR INTERVENOR FUNDING on behalf of the Idaho Conservation League and the Sierra Club the following persons via the method of service noted:

Hand Delivery:

Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
42TW.Washington St.
Boise, ID 83702-5983
(Original and seven copies provided)

Electronic Mail:

Idaho Power
Donovan E. Walker
Regulatory Dockets
Idaho Power Company
1221 West Idaho Street
P.O. Box 70
Boise, ID 83707
dwalker@idahopower.com
dockets@idahopower.com

Avista
Michael G. Andrea, Senior Counsel
Clint Kalich
Avista Corporation
1411 E. Mission Ave, MSC-23
Spokane, WA 99202
Michael.andrea@avistacorp.com
Clint.kalish@avistacorp.com

Rocky Mountain Power
Yvonne R. Hogle
Daniel Solander
Ted Weston
Rocky Mountain Power
201 S. Main Street, Ste 2400
Salt Lake City, UT 84111
Daniel.solander@pacificorp.com

Yvonne.hogel@pacificorp.com
Ted.weston@pacificorp.com
datarequest@pacificorp.com

J.R. Simplot Corp & Clearwater Paper
Peter J. Richardson
Gregory M. Adams
Richardson Adams, PLLC
515 N. 27th Street
Boise, ID 83702
peter@richardsonadams.com
greg@richardsonadmas.com

Dr. Don Reading
6070 Hill Road
Boise, ID 83703
dreading@mindspring.com

Carol Haugen, Clearwater Paper
Carol.haugen@clearwater.com

*Twin Falls Canal, Northside Canal,
American Falls Reservoir District No 2.*
C. Tom Arkoosh
Arkoosh Law Offices
802 W. Bannock St Ste. 900
P.O. Box 2900
Boise, ID 83701
Tom.arkoosh@arkoosh.com
Erin.cecil@arkoosh.com

Intermountain Energy Partners
Dean J. Miller
McDevitt & Miller LLP
420 W. Bannock Street
PO Box 2564-83701
Boise, ID 83702
joe@mcdevitt-miller.com

Leif Elgethun, PE, LLE AP
Intermountain Energy Partners
PO Box 7354
Boise, ID 83707
leif@sitebasedenergy.com

Idaho Irrigation Pumpers Association

Eric L. Olsen
Racine, Olson, Nye, Budge & Bailey,
Chartered
P.O. Box 1391
201 E. Center
Pocatello, ID 83204
elo@racinelaw.net

Anthony Yankel
29814 Lake Road
Bay Village, OH 44140
tony@yankel.net

Micron Technology
Richard Malmgren
Assistant General Counsel
Micron Technology Inc.
800 South Federal Way
Boise, ID 83716
remalmgren@micron.com

Frederick J Schmidt
Pamela S Howland
Holland & Hart LLP
377 S. Nevada St.
Carson City, NV 89703
fschmidt@hollandhart.com
phowland@hollandhart.com

Amalgamated Sugar
Scott Dale Blickenstaff
Amalgamated Sugar Co LLC
1651 S. Saturn Way, STE 100
Boise, Idaho 83702
sblickenstaff@amalsugar.com

Renewable Energy Coalition
Ronald L. Williams
Williams Bradbury, P.C.
1015 W. Hays St.
Boise, Idaho 83702

ron@williamsbradbury.com

Irion Sanger
Sanger law, P.C.
1117 SW 53rd Avenue
Portland, OR 97215
irion@sinager-law.com

Agpower DCD, LLC and Agpower Jerome, LLC.

Andrew Jackura
Sr. Vice President North America
Development
Camco Clean Energy
9360 Station Street. Suite 375
Lone Tree, CO 80124
Andrew.jackura@camcocleanenergy.com

Dean J. Miller
McDevitt & Miller LLP
420 W. Bannock Street
PO Box 2564-83701
Boise, ID 83702
joe@mcdevitt-miller.com

EcoPlexus, Inc
John R. Hammond, Jr.
Fisher Pusch LLP
101 S. Capitol Blvd., Suite 701
Boise ID 83702
jrh@fischerpusch.com

John Gorman
Ecoplexus, Inc.
650 Townsend Street, Suite 310
San Francisco, CA 94103
johng@ecoplexus.com


Benjamin J. Otto