

Brad M. Purdy  
Attorney at Law  
Bar No. 3472  
2019 N. 17<sup>th</sup> St.  
Boise, ID. 83702  
(208) 384-1299 (Land)  
(208) 484-9980 (Cell)  
[bmpurdy@hotmail.com](mailto:bmpurdy@hotmail.com)

Attorney for Petitioner  
Community Action Partnership  
Association of Idaho

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IDAHO PUBLIC  
UTILITIES COMMISSION

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION	)	CASE NOS. AVU-E-19-04
OF AVISTA CORPORATION DBA AVISTA	)	
UTILITIES FOR AUTHORITY TO	)	COMMUNITY ACTION
INCREASE ITS RATES AND CHARGES FOR	)	PARTNERSHIP ASSOCIATION
ELECTRIC SERVICE TO ELECTRIC SERVICE	)	OF IDAHO'S PETITION FOR
CUSTOMERS IN THE STATE OF IDAHO	)	INTERVENOR FUNDING
	)	
	)	

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**I. INTRODUCTION**

COMES NOW, the Community Action Partnership Association of Idaho (CAPAI) and, pursuant to Idaho Code § 61-617A and Rules 161-165 of the Commission's Rules of Procedure, IDAPA 31.01.01.161-165, petitions this Commission for an award of intervenor funding in the above-captioned proceeding.

**II. BACKGROUND**

This case was initiated with the filing of an Application by Avista on June 10, 2019 for a general rate increase of \$5.3 million, or 2.1% in electric base revenues. The Application was

accompanied by the pre-filed testimony of approximately 12 witnesses together with supporting exhibits.

On July 1, 2019, the Commission issued a Notice of Application and Order No. 34368 establishing an intervention deadline of July 15, 2019 for all interested parties. CAPAI timely filed its Petition for Intervention which was granted by the Commission on July 25, 2019.

In the months that followed the filing of Avista's Application, the parties began engaging in extensive formal discovery. In addition, several teleconferences were conducted including an introductory conference by which Avista verbally presented its case and answered questions from the parties. Through the efforts of the parties of record, a complete schedule was adopted by the Commission in Order No. 34433 setting the matter for a technical hearing on December 17-18, 2019.

On September 12, 2019, the Commission issued an Order directing the parties to, among other things, engage in settlement negotiations. On October 1-2, 2019, the parties engaged in two days of extensive settlement negotiations resulting in a general settlement of all issues by all parties. As a result of the settlement negotiations, the parties proposed that the remaining case schedule be expedited to address the proposed settlement and supporting Stipulation. CAPAI filed the supporting testimony of Wil Gehl<sup>1</sup> supporting the proposed settlement. The technical hearing was conducted on November 22, 2019.

### **III. PROCEDURAL REQUIREMENTS**

#### **Rule 161 Requirements (IDAPA 31.01.01.161):**

Avista is a regulated, electric and gas public utility with gross Idaho intrastate annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

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<sup>1</sup> Although the testimony of Mr. Gehl was timely filed with the Commission, Mr. Gehl was unable to attend the technical hearing due to severe illness. The Commission accepted his testimony as comments.

**Rule 162 Requirements:****(01) Itemized list of Expenses**

Consistent with Rule 162(01) of the Commission's Rules of Procedure, an itemized list of all expenses incurred by CAPAI in this proceeding is attached hereto as Exhibit "A."

**(02) Statement of Proposed Findings**

As clearly stated in the direct testimony/comments of Wil Gehl, CAPAI supports the proposed settlement stipulation and recommends that it be approved by the Commission. The reasons cited by Mr. Gehl are that the Company's Application for a general rate increase ended up being a rate reduction. Although, based on cost of service considerations, Avista's Residential Class received a smaller decrease than other classes, the Company offered an increase to its Low Income Weatherization Assistance program (LIWA) in recognition that there remains a disparity between the need of low income customers for this type of assistance and available resources to meet that need.

**(3) Statement Showing Costs:**

CAPAI requests \$14,160 in Intervenor funding, as shown in "Exhibit A" hereto. CAPAI submits that both the hourly rate and hours expended are reasonable. CAPAI's legal counsel has nearly thirty (30) years of direct experience before this commission as both Deputy Attorney General for the Commission Staff and in private practice handling a myriad of cases before this Commission as well as in other sectors of the law. CAPAI has historically requested an amount of intervenor funding that prices CAPAI's Executive Director and legal counsel at levels far less than market rates. Given his nearly three decades of experience in a field that is undeniably arcane and highly specialized, and given that legal counsel's current hourly rate of \$225 is, at

most, near the bottom end of market rates for attorneys with similar experience, CAPAI asserts that the requested funding is reasonable.

CAPAI fully participated in every aspect of this proceeding from start to finish and provided input and asserted issues not raised by Staff and other parties, including an increase to Avista's Low Income Weatherization Assistance program. CAPAI's participation is summarized throughout this Petition, including in Exhibit "A." For the reasons stated herein, CAPAI respectfully submits that the costs it seeks to recover as set forth in Exhibit A, are reasonable in amount.

**(4) Explanation of Cost Statement:**

The Commission well knows the financial limitations that CAPAI faces. For example, CAPAI seldom can afford to retain an outside expert witness and does so only in particularly technical proceedings. In the present case, CAPAI relied heavily on its Executive Director, Mr. Gehl, and will continue to do so in the future. CAPAI has historically requested an amount of intervenor funding that prices CAPAI's executive director and legal counsel at levels less than market rates in any given case.

CAPAI is a non-profit corporation overseeing a number of agencies who fight the causes and conditions of poverty throughout Idaho and has relatively little "discretionary" funds available for all projects, including participating in IPUC proceedings. CAPAI notes that it has no choice but to minimize its expenses and maximize the effect that its involvement has in proceedings before the Commission in light of its limited financial resources for this type of effort. Thus, CAPAI must adopt a resourceful approach using what limited resources that are at its disposal.

CAPAI's sole source of funding to cover the initial costs of intervention before this Commission is the LIHEAP program. CAPAI's LIHEAP budget is limited and its future existence and levels are uncertain. In addition, CAPAI is subject to certain federal limitations in terms of the manner in which it spends its LIHEAP funds. This, unfortunately, limits the scope of issues that CAPAI is financially able to become involved in. Unlike certain other intervenors before the Commission on a regular basis, CAPAI lacks the necessary funding to retain expert witnesses to help present its case. In that regard, CAPAI must either rely on its Executive Director, or the employee/experts of its agencies.

Finally, CAPAI has no monetary stake in the outcome of this or any other proceeding before the Commission in the sense that it does not represent for-profit businesses or advocacy groups representing industry interests. Rather, CAPAI is a non-profit voice for the low income ratepayers of Avista and all other fully regulated utilities in Idaho.

Thus, were it not for the availability of intervenor funding and past awards by this Commission, CAPAI would not be able to participate in IPUC cases representing an important and otherwise unrepresented and growing segment of regulated public utility customers. Even with intervenor funding, participation in Commission cases constitutes a significant financial hardship because CAPAI must pay its expenses as they are incurred, not if and when intervenor funding becomes available.

Based on the foregoing, CAPAI respectfully submits that the costs incurred and requested in this Petition are reasonable in amount.

#### **(05) Statement of Difference**

As with any case at least partially resolved through settlement, details of positions taken during such negotiations typically cannot be revealed or otherwise disclosed outside of the

settlement process. Thus, to specify in this case exactly how the positions taken by CAPAI during settlement materially differed from those of the Commission Staff carries the risk of violating the confidentiality provision of negotiated settlements. Just the same, the positions taken by CAPAI and the Commission Staff were certainly not identical and differed materially from one another. CAPAI was the only party to this proceeding to advocate for the interests of Avista's low income residential customers.

**(06) Statement of Recommendation**

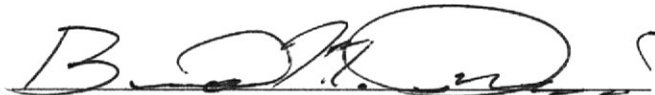
Avista's low income customers constitute a significant and increasing segment of the Company's residential ratepayers. In today's increasingly challenging economic times, issues affecting low income public utility ratepayers also become increasingly important. To the extent that low income customers are unable to reduce their energy consumption due to limited financial and other means and to the extent that the poor are most vulnerable to disconnection due to inability to pay their bills, any measures to assist the Company's low income customers in paying their bills both clearly and positively affects the general body of Avista's customers through, among other things, the reduction of bad debt expense, collection costs, and the lost revenue from customers who cannot afford to pay their electric bills.

In light of the foregoing and the fact that the proposed settlement results in a rate decrease for all customer classes, CAPAI joins all other parties in recommending that the Commission approve the proposed settlement and related motion for approval.


**(07) Statement Showing Class of Customer**

To the extent that CAPAI represents a specific customer class of Avista, it is the residential class.

RESPECTFULLY SUBMITTED, this 29th day of November, 2019.



Brad M. Purdy





## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on the 29<sup>th</sup> day of November, 2019, I served a copy of the foregoing document on the following by electronic mail and U.S. postage or hand delivery.

### **COMMISSION STAFF:**

John Hammond  
Deputy Attorney General  
Idaho Public Utilities Commission  
472 W. Washington St.  
Boise, ID 83702  
[John.hammond@idaho.puc.gov](mailto:John.hammond@idaho.puc.gov)

### **AVISTA CORPORATION:**

Patrick Ehrbar  
Director of Rates  
Avista Corporation  
PO Box 3727  
Spokane, WA 99220-3727  
[Patrick.ehrbar@avistacorp.com](mailto:Patrick.ehrbar@avistacorp.com)

David Meyer  
Vice President and Chief Counsel  
of Regulatory & Governmental Affairs  
Avista Corporation  
PO Box 3727  
Spokane, WA 99220-3727  
[david.meyer@avistacorp.com](mailto:david.meyer@avistacorp.com)

### **WALMART, INC.**

Vicki M Baldwin  
Attorney at law  
Parsons Behle & Latimer  
201 S. Main St., Ste 1800  
Salt Lake City, UT 84111

### **CLEARWATER PAPER CORPORATION:**



Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27th St.  
Boise, Idaho 83702  
[peter@richardsonadams.com](mailto:peter@richardsonadams.com)

**IDAHO FOREST GROUP, LLC:**

Ron Williams

Larry A. Crowley  
The Energy Strategies Institute, Inc.  
5549 S. Cliffsedge Ave.  
Boise, ID 83716  
[crowleyla@aol.com](mailto:crowleyla@aol.com)

**IDAHO CONSERVATION LEAGUE:**

Benjamin J. Otto  
Idaho Conservation League  
710 N. 6th St.  
Boise, ID 83702  
[botto@idahoconservation.org](mailto:botto@idahoconservation.org)

  
Brad M. Purdy

**EXHIBIT "A"**  
**ITEMIZED EXPENSES**

**CAPAI'S STATEMENT SHOWING COSTS**  
**Case AVU-E-19-04**

**The following explanation of cost statement breaks out the general topic and categories of work performed by the undersigned. As such, it is not a precise replication of attorney timesheets due to impracticality and the almost certainty that there would otherwise be a breach of the attorney-client privilege. Actual hours worked by the undersigned were taken directly from time sheets and client billings and, thus, are accurate.**

**General categories of tasks performed during course of case: Brad M. Purdy.**

Analysis of Avista Application with testimony of roughly 12 witnesses and numerous attachments and exhibits.

Draft, file and serve CAPAI Petition for Intervention.

Receipt and review dozens, if not hundreds of emails, with attachments, from all parties to case involving all issues.

Numerous telephone calls all parties, including Avista's introductory conference with all parties.

Review all discovery requests and responses.

Review all Commission Orders and Notices.

Prepare for and participate in 2-day settlement negotiations.

Review and execute all settlement documents and participate in process.

Extensive meetings and communications w/client.

Draft, file and serve testimony/comments of W. Gehl.

Receipt and review testimony and comments of other parties.

Review all public comments.

Prepare for and participate in technical hearing.

**Total Hours Worked - Brad M. Purdy**

**62**