

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF AVISTA CORPORATION DBA AVISTA) **CASE NOS. AVU-E-21-01**
UTILITIES FOR AUTHORITY TO) **AVU-G-21-01**
INCREASE ITS RATES AND CHARGES FOR)
ELECTRIC AND NATURAL GAS SERVICE)
FOR ELECTRIC AND NATURAL GAS) **ORDER NO. 35169**
CUSTOMERS IN THE STATE OF IDAHO)
)

On January 29, 2021, Avista Corporation dba Avista Utilities (“Avista” or “Company”) applied to increase its rates for electric and natural gas service in Idaho, to be effective on September 1, 2021, and September 1, 2022. *Application* at 1.

The Commission issued a Notice of Application and granted intervention to the Idaho Conservation League (“ICL”), Walmart, Inc., (“Walmart”) the Community Action Partnership Association of Idaho, Inc., (“CAPAI”), the Idaho Forest Group LLC (“IFG”) and Clearwater Paper Corporation (“Clearwater”) (collectively with Avista and the Commission Staff the “Parties”). *See* Order Nos. 34940, 34953, 34958, and 34967.

On June 14, 2021, the Company filed a Motion for Approval of Stipulation and Settlement (“Motion”) with a copy of the proposed Stipulation and Settlement (“Settlement”) attached thereto. The Settlement was signed by all Parties. The Commission held public hearings and a technical hearing on the Settlement. On September 1, 2021, after considering the record, the Commission issued Order No. 35156 approving the Settlement.

On August 17, 2021, CAPAI timely filed a Petition for Intervenor Funding (“Petition”). No party in the case filed an object to CAPAI’s Petition.

CAPAI’S PETITION FOR INTERVENOR FUNDING

CAPAI stated it fully participated in every aspect of this proceeding and provided input and asserted issues not raised by Staff and other parties, including advocating exclusively for the interests of Avista’s low-income residential customers who are at the highest risk of non-payment, late payment, and disconnection, all of which it claims result in negative consequences to the general body of ratepayers. *Petition* at 5.

CAPAI requests \$7,000.00 in Intervenor funding. However, Exhibit A attached to CAPAI’s Petition showed that it incurred \$6,975.00 in attorney’s fees from its counsel, Brad

Purdy, billing 31 hours at \$225.00 an hour. CAPAI submits that both the hourly rate of \$225.00 and hours expended are reasonable. CAPAI's stated its 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.

COMMISSION FINDINGS AND DISCUSSION

Intervenor funding is available under *Idaho Code* § 61-617A, which declares it is the “policy of [Idaho] to encourage participation at all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings.” The statute empowers the Commission to order any regulated utility with intrastate annual revenues exceeding \$3.5 million to pay all or a portion of the costs of one or more parties for legal fees, witness fees and reproduction costs not to exceed a total for all intervening parties combined of \$40,000. *Id.* In considering whether to award intervenor funding, the Commission shall be based on the following considerations:

- (a) A finding the intervenor’s participation materially contributed to the Commission’s decision;
- (b) A finding the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor;
- (c) The intervenor’s recommendation differed materially from Commission’s Staff’s testimony and exhibits; and,
- (d) The intervenor’s testimony and participation addressed issues of concern to the general body of users or consumers.

See Idaho Code § 61-617A(2). To obtain an intervenor funding award, an intervenor must comply with Commission Rules of Procedure 161 through 165. Rule 162 provides the form and content for the petition. IDAPA 31.01.01.162.

We find that CAPAI’s Petition satisfies the intervenor funding requirements. CAPAI intervened and participated in all aspects of the proceeding, with a focus on low-income customers. CAPAI’s Petition shows CAPAI worked closely with Avista and Staff throughout the case.

The Commission finds that CAPAI has materially contributed to the Commission’s decision. CAPAI’s recommendations materially differ from Staff’s, and CAPAI’s participation addressed issues of concern to the general body of customers. CAPAI engaged attorney Brad M.

Purdy to represent its interests in this case. In the Petition, CAPAI requests a \$7,000 award of intervenor funding related to the services Mr. Purdy provided to this organization. However, Exhibit A shows that CAPAI only incurred \$6,975.00 in costs related to Mr. Purdy's representation of CAPAI in this case, 31 hours of time billed at a rate of \$225.00 per hour. Based on the facts provided by Exhibit A we find that the \$6,975.00 incurred by CAPAI is reasonable in amount, and that CAPAI, as a non-profit organization, would suffer financial hardship if the request is not approved.

Accordingly, we find it reasonable to award CAPAI \$6,975.00 in intervenor funding, the amount shown on Exhibit A attached to CAPAI's Petition. This amount shall be recovered from Avista's residential electric and natural gas customers.


ORDER

IT IS HEREBY ORDERED that CAPAI's Petition for Intervenor Funding is granted in the amount of \$6,975.00 to be recovered from Avista's residential electric and natural gas customers.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 20th day of September 2021.



PAUL KJELLANDER, PRESIDENT

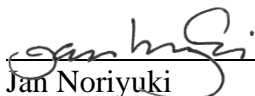


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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