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IDAHO PUBLIC  
UTILITIES COMMISSION

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*Attorneys for Idaho Clean Energy Association, Inc.*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF IDAHO POWER  
COMPANY'S APPLICATION FOR  
AUTHORITY TO ESTABLISH NEW  
SCHEDULES FOR RESIDENTIAL AND  
SMALL GENERAL SERVICE  
CUSTOMERS WITH ON-SITE  
GENERATION

**Case No. IPC-E-17-13**

**AFFIDAVIT OF KEVIN KING IN SUPPORT  
OF IDAHO CLEAN ENERGY  
ASSOCIATION, INC.'S REQUEST FOR  
INTERVENOR FUNDING**

STATE OF IDAHO    )  
                          )ss.  
County of Ada        )

Kevin King being first duly sworn on oath deposes and states as follows:

1. I am the owner of several solar energy companies in Idaho, which are members of the Idaho Clean Energy Association, Inc. ("ICEA"). I have been an active member of ICEA's Board since January 2013 and started the solar task force in February 2015.

2. ICEA is a 501(c)(3) non-profit organization dedicated to, among other things, providing a collaborative forum for Idaho's diverse renewable energy and energy efficiency business community and to pursuing other objectives related to the advancement of clean energy in Idaho. ICEA is a relatively new organization. Most of the ICEA members are small businesses

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who have not previously budgeted for participation in regulatory proceedings. ICEA business members cannot easily raise prices for their services to cover the cost of participating in regulatory proceedings. Also among its membership are individuals and consumers who support renewable energy.

3. In total, ICEA is requesting recovery of \$30,000 in intervenor funding. These expenses are explained below.

4. ICEA retained Arkoosh Law Offices to provide legal representation in this matter. ICEA had to seek donations in order to raise sufficient funds to meet the firm's \$5,000 retainer, and then to continue seeking donations to fund the ongoing legal expenses. ICEA incurred more than \$25,000 of expenses to Arkoosh Law Offices, including fees associated with filing the Motion to Dismiss. The Motion to Dismiss was filed, in part, to avoid having to incur yet more expenses in this proceeding, which raised issues similar to those in 2012, in which ICEA also participated. A summary of the legal fees of Arkoosh Law Offices incurred by ICEA are attached as Exhibit 1.

5. With regard to the fees incurred by Arkoosh Law Offices, ICEA is requesting recovery of \$15,000 to reflect the limits of intervenor funding. The blended rate for work performed by Arkoosh Law Offices was approximately \$250/hour.

6. ICEA consolidated representation with Auric Solar in December 2017, in part to increase efficiency and reduce cost. ICEA worked closely with Givens Pursley to manage costs. A summary of Givens Pursley's fees are attached as Exhibit 1 to the Affidavit of Preston N. Carter. ICEA incurred approximately \$15,000 in fees from Givens Pursley and is requesting recovery of these fees. It is my understanding that this \$15,000 reflects significant write-offs and work performed at no charge to keep expenses within budget.

7. The fees incurred by ICEA, although reduced to reflect the limits of intervenor funding, were reasonable and necessary. Although ICEA does not know the total costs incurred by Idaho Power in the proceeding, the outside expert retained to solely file rebuttal testimony and attend the hearing had a budget of \$100,000 and an hourly rate of \$550/hour. This provides a useful benchmark in assessing the reasonableness of fees incurred by other parties.

8. These proceedings, particularly just 5 years after a proceeding that addressed similar issues, are and continue to be a significant hardship to ICEA. ICEA cannot expend even close to the amount of financial resources that Idaho Power has in these proceedings, but it has no choice but to represent its and its members' interests to the best of its ability.

9. ICEA recognized at the beginning of the proceedings that the organization could not afford to hire witnesses to testify on behalf of the organization. ICEA reduced costs by relying on volunteer witnesses and other volunteers to assist in analyzing and preparing the case.

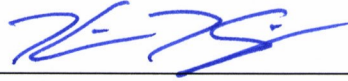
10. ICEA relies solely on donations from its members. At this time, the size of the industry which ICEA actively represents is small relative to the ad hoc costs of funding legal representation. Significant growth in the industry would provide a greater platform to fund the costs of representation during regulatory proceedings.

11. For the foregoing reasons the costs incurred by ICEA constitute a significant financial hardship for ICEA.

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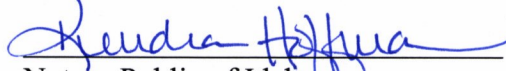
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Dated: March 22, 2018



Kevin King

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of March, 2018.



Notary Public of Idaho

Residing at: Boise, Idaho

My Commission Expires: 10/22/18





## CERTIFICATE OF SERVICE

I certify that on March 23, 2018, a true and correct copy of AFFIDAVIT OF KEVIN KING was served upon all parties of record in this proceeding via the manner indicated below:

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Preston N. Carter



# EXHIBIT 1

## Arkoosh Law Offices - IPCE - E - 17 - 13, Prior to change in counsel

### Fees requested for intervenor funding

| Week Ending | Amount billed | Task (general)  |
|-------------|---------------|---|
| 9/2/2017    | \$ 257.50     | Prepare motion to intervene   |
| 9/9/2017    | \$ 842.50     | Review pleadings and documents  |
| 9/16/2017   | \$ 2,332.50   | Review pleadings and documents  |
| 9/23/2017   | \$ 3,542.00   | Review pleadings and documents; legal research and preparation of motion to dismiss |
| 9/30/2017   | \$ 2,702.00   | Review pleadings and documents; legal research and preparation of motion to dismiss |
| 10/7/2017   | \$ 850.00     | Review pleadings and documents; legal research and preparation of motion to dismiss |
| 10/14/2017  | \$ 1,541.00   | Review pleadings and documents; legal research and preparation of motion to dismiss |
| 10/21/2017  | \$ 3,065.00   | Review pleadings and documents; legal research and preparation of motion to dismiss |
|             | \$ 15,132.50  | Total   |