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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Intervenor Idaho Irrigation Pumpers Association, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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

CASE NO. IPC-E-17-13

**APPLICATION FOR INTERVENOR
FUNDING OF THE IDAHO
IRRIGATION PUMPERS
ASSOCIATION, INC.**

COMES NOW the Idaho Irrigation Pumpers Association, Inc. (Irrigators”), by and through counsel of record, Echo Hawk & Olsen, PLLC, and hereby respectfully makes application to the Idaho Public Utilities Commission (“Commission”) for intervenor funding, pursuant to Idaho Code § 61-617A and IDAPA §§ 31.01.01.161 through .165, in this case, as follows:

(A) A summary of the expenses that the Irrigators request to recover broken down into legal fees, witness fees and other costs and expenses is set forth in Exhibit “A” attached hereto and incorporated by reference. Itemized statements are also included as Attachments 1 and 2 to Exhibit “A” in support of said summary and are incorporated by reference

(B) The Irrigators’ Counsel, Echo Hawk & Olsen, and Irrigators’ witness, Anthony J. Yankel, of Yankel and Associates, Inc., fully participated in these proceedings. Direct testimony was filed by Mr. Yankel on the Irrigators behalf and the Irrigators prepared for and attended the

public hearing held in Pocatello, Idaho on March 5, 2018, and the technical hearing held on March 8 and 9, 2018. The Irrigators' Counsel, Echo Hawk & Olsen, participated in the technical hearing by spreading the testimony of Mr. Yankel across the record and cross-examining witnesses.

(C) Irrigators' proposed findings and recommendations as presented through its witness, Anthony J. Yankel, supported Idaho Power Company's ("IPC") position that there are many concerns with the way Schedule 84 is implemented. Mr. Yankel's testimony provided additional issues with Schedule 84 that were not addressed by IPC, including that not all ratepayers in Schedule 84 generate power through solar, that there is a significant decrease in the amount of excess energy produced by solar generating customers during winter system peaks, and that "banking" excess net energy during times of low energy costs for offsetting usage during high cost months results in inappropriate cost shifting. Irrigators recommend that a new Schedule 6 for Residential customers and Schedule 8 for Small Commercial customers should not be established at this time. Instead, Irrigators recommend that a workshop be initiated to fully address the concerns with Schedule 84 and that a cost of service study be performed.

(D) The expenses and costs incurred by the Irrigators set forth in Exhibit A and accompanying attachments are reasonable in amount and were necessarily incurred. The expenses and costs were incurred in drafting and filing direct testimony, preparing cross examination questions for various witnesses, and participating in the technical hearing held by the Commission. Without incurring these expenses and costs, the Irrigators would not have been able to fully participate in this matter.

(E) The costs described in Paragraph (A) above constitute a financial hardship for the Irrigators. The Irrigators are an Idaho nonprofit corporation qualified under I.R.C. § 501(c)(5)

representing farm interests in electric utility rate matters affecting farmers in southern and central Idaho. The Irrigators rely solely upon dues and contributions voluntarily paid by members, together with intervenor funding, to support activities. Each year mailings are sent to approximately 7,000 Idaho Irrigators (approximately two-thirds in the Idaho Power Company service area), soliciting annual dues. The Irrigators recommend members make voluntary contributions based on acres irrigated or horsepower per pump. Member contributions have been falling which is believed to be attributable to increased operating costs and declining commodity prices.

From member contributions the Irrigators must pay all expenses, which generally include mailing expenses, meeting expenses and shared office space in Boise, Idaho, in addition to the expenses relating to participation in matters before the Commission. The Executive Director, Lynn Tominaga, is the only part-time paid contractor, receiving a retainer plus expenses for office space, office equipment, and secretarial services. Other Irrigator officers and directors are elected annually and serve without compensation.

It has been and continues to be a financial hardship for the Irrigators to fully participate in important cases such as this one due to the time and expense that must be incurred to fully participate in such a case. Because of the Irrigators' financial constraints, participation in this case, and filing of testimony and cross-examination of witnesses has been prudent.

(F) The Irrigators' position urged to be adopted by the Commission materially differs from those addressed by the Commission Staff and other parties. The Irrigators showed that the experimental rate design of Schedule 84 initiated over 30 years ago is no longer justified, because of technological advancements and the increase in net metering customers. The Irrigators further confirmed that intraclass cost shifting is occurring. The Commission staff's

position is that there is no justification for a separate rate class for net metering customers and that any intraclass cost shifting can be dealt with through a modification of schedule 84, but the Irrigators have shown that net-metering customers are not homogenous and have recommended that a workshop would be the appropriate next step to first study the costs and/or benefits of net metering. After the workshop, all of the parties would then have a better idea of the appropriate rate schedules and rate design for net metering customers.

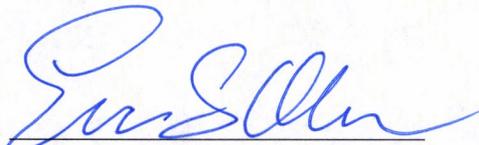
(G) The Irrigators' participation addressed issues of concern to the general body of users or consumers on IPC's system. If net metering customers can continue to shift the cost for their power, all other customers' rates go up and such rates are not just and reasonable.

(H) The Irrigators represent the irrigation class of customers under Schedule 24 on IPC's system.

Based on the foregoing, it is respectfully submitted that the Irrigators are a qualifying intervenor and should be entitled to an award of costs of intervention in the maximum amount allowable pursuant to Idaho Code § 61-617A and IDAPA §§ 31.01.01.161 through .165.

DATED this 22nd day of March, 2018.

ECHO HAWK & OLSEN, PLLC

By: 

ERIC L. OLSEN Attorney for
Idaho Irrigation Pumpers Association, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March 2018, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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ERIC L. OLSEN

EXHIBIT A

Witness Expenses¹	\$19,561.29
1. Witness fees (122 hours @ 150.00/hr.)	\$18,300.00
2. Witness travel expenses	\$1,261.29
Legal Expenses²	\$12,654.07
1. Fees for Eric L. Olsen's services (9.2 hours @ \$250.00/hr.)	\$2,300.00
2. Fees for Joseph T. Preston's services (48.2 hours @ \$190.00/hr.)	\$9,158.00
3. Paralegal fees (4.9 hours @\$90.00/hr.)	\$441.00
4. Travel expenses and other costs	\$755.07
TOTAL	\$32,215.36

¹ An itemized statement of Mr. Yankel's fees and costs are found on the included Attachment 1

² An itemized statement of Echo Hawk & Olsen, PLLC's fees and costs are found on the included Attachment 2

ATTACHMENT 1

Date	IPCo filings	<u>Description</u>
Sep' 17	27	2 Review testimony in Idaho Power's Residential and Small Commercial generation case.
	28	1 Review testimony in Idaho Power's Residential and Small Commercial generation case.
	29	2 Review testimony in Idaho Power's Residential and Small Commercial generation case; send email with summary and recommendation.
Oct	16	3 Review material regarding net power case.
Nov	24	4 Review arguments against Company filing to set new schedules for net metering; review some of the data responses.
Dec	11	7 Review data responses to other parties in Net Metering case.
	12	7 Read testimony and data responses; organize what testimony and responses to use for testimony.
	13	7 Out line testimony; gather data regarding individual customers for inclusion in testimony.
	14	6 Start to write testimony regarding need for a workshop; quantify non-solar
	15	8 Write testimony and develop data for tables 1 and 2; review data responses.
	18	7 Add additional issues; review past orders and rate schedules; finalize first draft of testimony.
	19	3 Rework issues; develop summary.
	20	4 Review and develop second draft.
	21	5 Work on Exhibit to make it coordinate with testimony.
	22	3 Finalize testimony and exhibit
Jan '18	12	3 Review testimony filed by Staff in Net Metering case.

Date	IPCo filings	Description
15	2	Review testimony of Kobor filed on behalf of Vote Solar
19	1	Read remaining testimony filed by those fighting IPCo net metering proposal.
March 1	8	Review various testimonies and draft crossexamination for Idaho Clean Energy Association witness King and Sierra Club witness Beach.
2	8	Review various testimonies and draft crossexamination for Vote Solar witness Kobor.
3	5	Review testimony of IPCo witness Tatum and develop cross.
7	3	Prepare for hearing and discussion with Olsen/preston
8	8	Travel to Boise and discuss case with Joe Preston
9	8	Prepare for and attend hearing and testify
10	7	Return home
Total	122	

TRAVEL EXPENSE

Date	Lodging	Meals	Airline
3/7/2018		\$45.00	\$1,126.29
3/8/2018		\$45.00	
3/9/2018	\$0.00	\$45.00	
Subtotals	\$0.00	\$135.00	\$1,126.29
		Total Travel Expense	\$1,261.29

ATTACHMENT 2

1343.0017 / Establish New Schedules - Residential and Small General Service

Professional Services		Hours	Rate	Amount
08/07/2017	ELO TCW Sid Erwin re: filing of the net metering case; TCW Tony Yankel re: net metering issues	0.50	200.00	100.00
08/16/2017	ELO Review Petition for changes to Net Metering Tarrif; review RMP case in Utah for status of similar case to change the net metering tarrifs	1.50	200.00	300.00
08/28/2017	ELO Review filing for IPC's changes to net metering rules; Call and leave message with Sid Erwin re: same; TCW with Sid Erwin re: intervention	0.70	200.00	140.00
08/29/2017	ELO See that Petition for Intervention is prepared for Net Metering case	0.10	200.00	20.00
08/30/2017	ELO Review and sign Petition for intervention in net metering case	0.20	200.00	40.00
08/30/2017	MAS Conf. with ELO re: preparation of petition to intervene; reviewed filings with IPUC; drafted petition to intervene; finalized petition for filing via email and fedex; served petition to parties via email	1.20	90.00	108.00
08/31/2017	MAS Receive and review email from Diane Hanian confirming receipt of Petition to Intervene; receive and review fedex confirmation of delivery of original Petition to Intervene, copy to file	0.20	90.00	18.00
			Sub-total Fees:	\$726.00

Expenses		Units	Price	Amount
08/30/2017	Fedex charges - overnight mail of petition to intervene to IPUC	1.00	27.40	27.40
08/31/2017	Photocopies	5.00	0.10	0.50
08/31/2017	Photocopies	2.00	0.10	0.20
			Sub-total Expenses:	\$28.10

1343.0017 / Establish New Schedules - Residential and Small General Service

Professional Services		Hours	Rate	Amount
09/14/2017	ELO Review and respond to e-mail re: scheduling conference	0.10	200.00	20.00
09/22/2017	ELO Review Protective Agreement and Sign on behalf of IIPA; E-mail Yankel's and IIPA's signature pages to parties	0.20	200.00	40.00
09/29/2017	ELO Review Yankel's comments re: net metering case	0.20	200.00	40.00
			Sub-total Fees:	\$100.00

1343.0017 / Establish New Schedules - Residential and Small General Service

Professional Services		Hours	Rate	Amount
10/24/2017	ELO TCW Tony Yankel re: deadlines in IPC's onsite Generation Case	0.20	200.00	40.00
10/30/2017	ELO Review Motion to dismiss IPC's efforts to create new rate schedule for onsite generation and issues raised thereby	0.30	200.00	60.00
			Sub-total Fees:	\$100.00

1343.0017 / Establish New Schedules - Residential and Small General Service

Professional Services		Hours	Rate	Amount
12/18/2017	ELO Review and respond to Yankel's e-mail on filing testimony; Review most recent orders and comments on new rate schedules	1.40	200.00	280.00
12/21/2017	ELO Review and revise Yankel's direct testimony; E-mail MAS re: getting same ready for filing with PUC	0.50	200.00	100.00
12/22/2017	ELO Review Testimony and Exhibits and finalize for Filing in Co-generation case; Review e-mails re: filing of direct testimony and conf. with MAS re: same	0.50	200.00	100.00
12/22/2017	MAS Receive and review testimony of Anthony Yankel; made revisions to testimony; prepared cover pages for testimony and exhibit; reviewed file; prepared notice of service; prepared letter to commission secretary; emailed to ELO for review; finalized documents and prepared CD with reporter's copy of testimony and exhibit; prepared Fedex mailing to submit documents to IPUC via overnight mail; email to Commission secretary and parties re: filing and service of testimony/exhibit; receive and review email from Commission Secretary confirming receipt of filing; t/c from Commission Secretary re: filing deadling; conf. with ELO re: filing deadline	2.80	90.00	252.00
12/26/2017	MAS Receive and review Fedex confirmation of delivery of Anthony Yankel's testimony to IPUC	0.10	90.00	9.00
12/27/2017	ELO Review Staff Testimony in the Net Metering Case	1.20	200.00	240.00
			Sub-total Fees:	\$981.00

Expenses		Units	Price	Amount
12/22/2017	Fedex charges - overnight mail direct testimony of Anthony J. Yankel to IPUC	1.00	50.32	50.32
12/31/2017	Photocopies	197.00	0.10	19.70
			Sub-total Expenses:	\$70.02

1343.0017 / Establish New Schedules - Residential and Small General Service

Professional Services		Hours	Rate	Amount
01/24/2018	MAS Receive and review email from IPUC court reporter requesting Word version of Tony Yankel's direct testimony; reviewed file; added cover page to word version of testimony; email to court reporter with Word version as requested	0.40	90.00	36.00
01/29/2018	ELO Review upcoming schedule for On-site generation case and e-mail Tony Yankel re: same; Draft update to Executive Committee re: upcoming public hearings and technical hearing	0.60	200.00	120.00
			Sub-total Fees:	\$156.00

Statement as of 3/22/2018
Statement no 15802

Idaho Irrigation Pumpers Association, Inc.
Tominaga, Lynn
P.O. Box 2624
Boise, ID 83701-2624

1343.0017 / Establish New Schedules - Residential and Small General Service

Professional Services		Hours	Rate	Amount
02/26/2018 JP	Working meeting with ELO to discuss case.	0.50	190.00	95.00
02/26/2018 ELO	TCW Tony Yankel re: preparations for Technical hearings; Review latest surrebuttal testimony; TCW Sid Erwin about issues in the Net Metering Case and related Idaho Power issues; E-mail Tony Yankel about preparing for Technical Hearing	0.20	200.00	40.00
02/27/2018 ELO	Conf. with JTP re: preparation for Public and Technical Hearings; Conf. Call with JTP and Tony Yankel re: preparation of cross examination of Company, Staff and intervenors	0.80	200.00	160.00
02/27/2018 JP	Working meeting with ELO; Conference call with Tony Yankel; Review applicable Rules for Hearing; Review Testimony	2.20	190.00	418.00
02/28/2018 JP	Review Testimony	1.20	190.00	228.00
03/01/2018 JP	Review Testimony and develop cross examination questions	2.90	190.00	551.00
03/02/2018 JP	Working meeting with ELO; Conference call with Tony; Review Testimony in preparation of Hearing	3.20	190.00	608.00
03/05/2018 JP	Review Yankel's proposed cross examination questions for Tim Tatum; Review testimonies in preparation of hearing; Attend Public Hearing in Pocatello	4.50	190.00	855.00
03/06/2018 JP	Emails with Tony Yankel; Review Notice of Motion for Leave to File Reply Testimony of R. Gilliam; Review revised pages for the direct testimony of Stacey Donohue	0.50	190.00	95.00
03/07/2018 JP	Phone calls with Tony Yankel to discuss hearing; Review testimony and prepare cross examination questions for Idaho Power's witnesses.	10.40	190.00	1,976.00
03/08/2018 JP	Attend first day of technical hearing before the Idaho Public Utilities Commission; Review and prepare for second day of technical hearing, including reviewing and finalizing cross examination questions for Kevin King, Steve Burgos, Michael Leonard, Benjamin Otto, etc	11.30	190.00	2,147.00
03/09/2018 JP	Attend second day of technical hearing before Idaho Public Utilities Commission;	6.90	190.00	1,311.00

03/14/2018	MAS	Conf. with JP re: IPUC's request for exhibit 301 to Tony Yankel's direct testimony; reviewed file; email to Naomi at IPUC re: submission of direct testimony and exhibit	0.20	90.00	18.00
03/14/2018	JP	Phone call and working meeting with MAS re: Exhibit 301 to Idaho PUC	0.20	190.00	38.00
03/20/2018	JP	Prepare initial draft of Application for Intervenor Funding	2.10	190.00	399.00
03/21/2018	JP	Finish preparing Application for Intervenor Funding.	2.30	190.00	437.00
				Sub-total Fees:	\$9,376.00

Expenses

			Units	Price	Amount
03/02/2018		Photocopies	633.00	0.10	63.30
03/09/2018		Red Lion Boise	2.00	128.05	256.10
03/09/2018		Mileage to Boise	468.00	0.58	269.10
03/09/2018		Meals March 7-9, 2018	1.00	68.45	68.45
				Sub-total Expenses:	\$656.95