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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
BRIEF IN OPPOSITION**

COMES NOW the Idaho Irrigation Pumpers Association, Inc. ("IIPA"), by and through counsel of record, Echo Hawk & Olsen, PLLC, in response to the Commission's Order No. 34098, and hereby respectfully submits its Brief in Opposition to fully granting Vote Solar's Petition for Reconsideration (the "Petition"), as follows:

INTRODUCTION

The Commission granted Vote Solar's Petition *in part* and has asked the parties to provide briefing on whether residential and small general service ("R&SGS") customers' ability to export energy to IPC's grid should be determinative on whether or not this hypothetical class of customer should be covered by the recently approved Schedules 6 and 8. IIPA believes that the distinction based on the inability of such a hypothetical customer to export excess energy to IPC's grid is not a sound basis to exclude them from Schedules 6 and 8 and will lead to bad regulatory policy that is not supported in the record.

1. Vote Solar's Petition for Reconsideration is Based on Speculation and should Be Rejected.

First, Vote Solar creates a strawman class of non-bidirectional self-generating customers. Neither Vote Solar, nor any other party, provided evidence that such a class even exists on IPC's system. At best, all Vote Solar points to is a report that discuss methods used to limit bi-directionality of solar self-generators. Petition, at 6 & fn5. Second, Vote Solar also argues there is no load or usage data for this "hypothetical" subset of customers. Petition, at 2-3. Finally, based on this compound speculation, Vote Solar twists the legal standard for customer classification and argues there is no evidence to support including this hypothetical class of customer in Schedules 6 and 8 and claims they should be exempt. In other words, Vote Solar wants the Commission to make policy in this area based upon conjecture and speculation. Such an argument is nonsensical, and the Commission should reject it.

2. Vote Solar had an Opportunity to Present Evidence on this Very Issue at the Technical Hearings but Failed to do so.

Vote Solar did not present any testimony or other evidence at the technical hearings about self-generating customers that do not have the ability to export energy to IPC's grid. If such differentiation was significant then Vote Solar should have presented the evidence and made arguments during the technical hearing. However, it failed to do so. There is no data or evidence quantifying this hypothetical class of customers. Vote Solar's claim is a red herring, impermissibly attempting to defeat and/or delay the implementation of the Commission's Order. The issues raised can be sorted out in the separate docket if actual data turns Vote Solar's speculation into reality.

3. Non-Exporting Self-Generators are still connected to IPC's System and are Properly included in Schedules 6 and 8.


The lowest common denominator of self-generators is that they are connected to IPC's Grid. Whether or not they can export power to the grid only goes to considerations of payment for excess power and collateral effects on the grid. Non-exporting self-generating customers rely on the IPC's system just the same to balance and stabilize their self-generation and are part of the self-generator class which has an indistinguishable set of material characteristics as demonstrated by IPC in this case. As such, the inclusion of all self-generators that run their systems in parallel with IPC's system is an appropriate classification distinction for self-generators under Schedules 6 and 8 whether such a customer can export excess power to the system.

CONCLUSION

The Commission should deny Vote Solar's Petition in full because it is based on speculation and will result in bad regulatory policy. If there is any merit to Vote Solar's speculative claims, then these claims can be adequately addressed in the new docket. IIPA believes that the running of a self-generator's system in parallel with IPC's system is the lowest common denominator and appropriately defines this unique customer class under Schedules 6 and 8.

DATED this 10th day of August, 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 10th day of August 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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