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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Sierra Club

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF IDAHO POWER
COMPANY'S APPLICATION FOR
CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY FOR
WOOD RIVER VALLEY**

**CASE NO. IPC-E-17-13

REQUEST FOR
INTERVENOR FUNDING**

COMES NOW the Sierra Club ("Sierra Club"), pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161-165 with the following request for intervenor funding. Sierra Club is an intervenor in this case pursuant to Order No. 33882. This request is timely pursuant to the Commission's instruction at the technical hearing to submit such requests within 14 days by March 23, 2018.

I. Applicability of Idaho Code § 61-617A and IDAPA Rule 31.01.01.161

Idaho Power Company ("Idaho Power" or the "Company") is a regulated public utility that has gross Idaho intrastate annual revenues exceeding \$3,500,000.00.

II. IDAPA Rule 31.01 .01.162 requirements

A. Itemized list of expenses

The attached Exhibit A is an itemized list of expenses incurred by Sierra Club in this proceeding. Exhibit A indicates a hours spent by legal counsel and expert witness on

investigating and responding to the Application and direct testimonies of Idaho Power, Commission Staff, and other Intervenors; analyzing and conducting discovery; preparing and filing the direct and rebuttal testimony of Thomas Beach; reviewing the direct and rebuttal testimony of other parties; preparing for cross examination of witnesses; and participating in the public and technical hearings.

B. Statement of proposed findings

Sierra Club requests that the Commission find that: (i) the Company has not demonstrated that there is a significant economic need to create a separate rate class for customers who install renewable distributed energy resources (DER) under net metering (NEM); (ii) a comprehensive analysis of the costs and benefits of NEM must be conducted prior to establishing a separate rate class; (iii) such analysis should evaluate all DER using the same best practices that the electric industry has used for many years to assess the cost-effectiveness of long-term energy efficiency and demand response resources; and (iv) existing NEM customers will be allowed to remain under the rules and rate structure that applied when they originally applied to interconnect with the utility for a 20-year period that represents the reasonable economic life of the DER system. Sierra Club also asks the Commission to grant this request for intervenor funding.

C. Statement showing costs

Idaho Sierra Club requests \$24,390 in intervenor funding for attorney and expert witness fees, as shown in Exhibit A. These fees were incurred reasonably and appropriately. This case covered complex and technical issues and required reviewing and responding to extensive filings of the Company, Commission Staff, and other active parties. To uncover and understand the

facts, we reviewed multiple rounds of discovery requests and submitted our own discovery requests, the results of which were used in prepared testimony and at the technical hearing. Counsel for Sierra Club was an active participant in all stages of the proceeding. For each of these efforts, we endeavored to be efficient and have chosen not to request reimbursement for all billable hours. Many hours were billed exploring creative options and strategies with fellow parties and other internal and external stakeholders, and only a portion of those hours are included in this request. Other costs not included in this request include travel, printing, and hours invested by Sierra Club staff, Zack Waterman. Further, legal counsel and expert witness maintained clear divisions of labor to reduce expenses. We request an hourly rate for legal counsel of \$150 per hour and for expert witness of \$250 per hour. For all these reasons, our request for intervenor funding to pay the costs of the listed attorney and expert witness fees is reasonable.

D. Explanation of cost statement

Sierra Club is a nonprofit organization supported through charitable donations from our members and foundations. In this proceeding, we represent our members and supporters who are Idaho Power ratepayers as well as those who have an interest in promoting distributed energy generation and resiliency throughout Idaho. To provide consistent, professional, and impactful advocacy for our members and supporters, Sierra Club dedicates significant staff time to energy issues. The cost of employing and training staff members and hiring outside legal counsel and expert witnesses is a significant financial commitment for a charitable organization. Because charitable contributions are inherently unstable and sometimes insufficient, the availability of intervenor funding is essential for Sierra Club to participate in these proceedings. Sierra Club has

no pecuniary interest in the outcome of this case; rather we dedicated our time and resources to represent the interests of our supporters who have a strong interest in robust distributed energy in Idaho.

E. Statement of difference

Sierra Club's proposed findings are materially different than the Commission Staff. Staff took the position that Idaho Power's Schedule 84 should be modified so that NEM customers are compensated for the excess energy that they export to the utility, every hour, at an avoided cost-based rate, while NEM customers would continue to pay for the hourly energy that they import from the Company based on their current rate schedule. Sierra Club's position is that no modification - including Staff's proposal - should be adopted until after a comprehensive benefit-cost study shows that the costs of NEM exceed the benefits, such that there is a need to change the present NEM program. Sierra Club is also concerned with the Staff's proposal to determine a NEM customer's imports and exports of electricity on an hourly basis. Today, Idaho Power's residential and small commercial customers do not have the hourly data that they (or their solar installer) would need to be able to evaluate the economics of an investment in a NEM system under the Staff's hourly netting proposal. Without ready access to this data, the Staff's proposal would create a significant and unfair barrier to new NEM installations.

Sierra Club's direct and rebuttal testimony thoroughly explains our position on the insufficiency of Idaho Power's analysis and proposal and our disagreement with the timing of Staff's proposed modifications. Our participation provided a detailed counterpoint to the Staff position in this case so that the Commission has a complete and robust record upon which to base its decision.

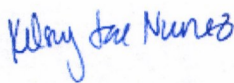
F. Statement of recommendation

Sierra Club's proposed findings address issues of concern for general ratepayers who could be subject to rate increases if the benefits of NEM are not properly accounted for, as well as impacts to NEM customers who may be discouraged from installing DER if the compensation structure does not accurately reflect the value of their investment. Sierra Club asserts that all customers, regardless of class, share a strong interest in ensuring Idaho Power supports the reasonable development of DERs to reduce the need to develop and purchase energy from fossil fuels. Our participation in this case raises issues relating to the value of renewable energy on Idaho Power's system and contributes to a more thorough understanding of the costs and benefits.

G. Statement showing class of customer

Sierra Club's members and supporters are residential and small commercial customers of Idaho Power.

Respectfully submitted this 23rd day of March, 2018.



Kelsey Jae Nunez, Attorney for Sierra Club

Exhibit A
Cost Statement for Idaho Sierra Club
Total Costs: \$24,390

For attorney fees billed by Kelsey Jae Nunez LLC

Analyzing Idaho Power's application and direct testimonies, conducting relevant legal research, and crafting response strategies, including dispositive motion strategies	8.2 hours
Analyzing discovery requests and responses of other parties and drafting Sierra Club discovery	7.8 hours
Preparing and filing the direct testimony and rebuttal testimony of Thomas Beach and reviewing the direct and rebuttal testimony of other parties	2.8 hours
Preparing for and participating in the technical hearing of March 8-9	22.55 hours
Total	41.35 hours
@ \$150/hour	\$6,202.5

For expert witness fees billed by Cross Border Energy

Analyzing Idaho Power's application and direct testimonies, conducting relevant legal research, and crafting response strategies, including dispositive motion strategies	3.75 hours
Analyzing discovery requests and responses of other parties and drafting Sierra Club discovery	2.5 hours
Preparing and filing the direct testimony and rebuttal testimony of Thomas Beach and reviewing the direct and rebuttal testimony of other parties	50.0 hours
Preparing for and participating in the technical hearing of March 8-9	16.5 hours
Total	72.75 hours
@ \$250/hour	\$18,187.50

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March, 2018, true and correct copies of the above REQUEST FOR INTERVENOR FUNDING were sent to the following persons via the methods noted:

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