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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for the Idaho Conservation League

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)	
APPLICATION OF IDAHO POWER)	CASE NO. IPC-E-18-15
COMPANY TO STUDY THE COSTS,)	
BENEFITS, AND COMPENSATION)	IDAHO CONSERVATION LEAGUE
OF NET EXCESS ENERGY)	APPLICATION FOR INTERVENOR
SUPPLIED BY CUSTOMER ON-)	FUNDING
SITE GENERATION)	

COMES NOW, the Idaho Conservation League (“ICL”), pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161–165 with the following application for intervenor funding. ICL is an intervenor pursuant to Order No. 34193. This Application, filed concurrently with our Reply Brief, is timely pursuant IDAPA 31.01.01.164 that allows Intervenors to petition for funding 14 days after the deadline for submitting briefs.

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

The Commission based on numerous filings and public reports can take official notice that Idaho Power Company is a regulated electric utility with gross Idaho intrastate, annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

II. Idaho Code § 61-617A(2) and IDAPA Rule 31.01.01.162 Requirements

1. Itemized list of Expenses

The attached Exhibit A is an itemized list of expenses incurred by ICL this proceeding.

Idaho Code empowers the Commission to award “legal fees, witness fees, and reproduction costs”. I.C. § 61-617A. As listed in more detail in Exhibit A, ICL gained status as a party to the case, participated in several day-long negotiation sessions including working with our expert advisors to provide detailed presentations and proposals to the parties, submitted and reviewed production requests, and concluded with two rounds of briefing on the proposed settlement. ICL sees recovery of only ICL council’s time in this docket. Our expert witness Ms. Kobor of Vote Solar and co-council Mr. Bender of Earthjustice are generously donating their substantial time and expenses to this Idaho docket. In all of these efforts ICL focused on issues directly relevant to the issues covered by this docket and sought to use our time and the time and resources of the other parties in the most efficient manner possible. *IDAPA 31.01.01.162.01.*

2. Statement of Proposed Findings

This docket presents two questions to the Commission – whether to approve the proposed settlement and how to treat existing customers with onsite generation. ICL and Vote Solar played a significant role in shaping the proposed settlement here. While we could not join the final agreement, we have elected to pursue our dispute in future forums. We take no position on whether the Commission should adopt the settlement.

Regarding the treatment of existing customers, as detailed in our Opening and Reply Briefs, we recommend the Commission allow existing onsite generation customers to remain on the Net Monthly Metering Program for 20 years, and to define existing customers as anyone who has submitted to Idaho Power a complete application for interconnection within 60 days of the Commission order in this case. *IDAPA 31.01.01.162.02.*

3. Statement Showing Costs

ICL requests \$11,800 in intervenor funding, as shown in Exhibit A. Both the hourly rate and hours expended are reasonable for this complex case. ICL's council has ten years of direct, specialized experience appearing before the Idaho PUC. The hourly rate of \$200 reflects this experience and the local market conditions. The hours claimed are but a fraction of the total time ICL, our expert witness, and our co-council expended in this case. We elect to seek recovery of only that time spent directly engaged with parties or filings to the Commission, although the time spent preparing for these tasks is appropriately recoverable. For the reasons above – seeking only a portion of our time spent, collaboratively working towards solutions, and an hourly rate that reflects the market – we recommend the Commission find ICL's requested costs “reasonable in amount”. *IDAPA 31.01.01.162.03.*

4. Explanation of Cost Statement

ICL is a nonprofit organization supported solely through charitable donations from our members and supporters. ICL does not have any financial interest in the outcome of the proceeding that is distinct from any Idaho Power customer. In this proceeding, we represent our members and supporters who are ratepayers of Idaho Power, as well as any Idahoan interested in protecting their rights to fair programs that enable onsite customer generation. While ICL budgets annually for our programs and costs, we are subject to the timing and pace of utility filings, something we do not control. Access to intervenor funding is necessary to ensure our ongoing ability to secure “full and fair representation” before the Commission as contemplated by Idaho Code § 61-617A.

Idaho PUC Rules of Procedure requires that a licensed attorney represent organizations. *IDAPA 31.01.01.043.* ICL retains a licensed attorney on staff dedicated entirely to issues that

arise under Idaho's public utilities laws. ICL dedicates this full-time, highly trained staff member to provide consistent, professional, and impactful advocacy for our members and supporters. The cost of employing and training this staff member is a significant financial commitment for a charitable organization. Further, ICL's annual planning allocates this staff member's time and resources to efforts expected to occur that can impact our program goals. Access to intervenor funding is important to ICL's ability to represent our interests here while maintaining the ability to meet other organizational goals and priorities we have promised to our supporters.

ICL's consistent involvement in these issues had a meaningful impact in controlling our costs here. As explained here and listed in Exhibit A, ICL's costs are reasonable and incurring these costs created an ongoing hardship to reallocate our limited budget to achieve our goals. *IDAPA 31.01.01.162.04*. By awarding cost recovery here, the Commission will "encourage participation in all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings." *I.C. § 61-617A*.

5. Statement of Difference

ICL and Vote Solar provided unique contributions to the negotiations, the settlement, and the proper treatment of existing onsite generation customers. As the only party not to sign the settlement it is clear we have a different position than Staff. However, because the settlement negotiations are confidential, ICL cannot describe in detail the difference in positions among parties regarding these issues. Regarding the treatment of existing onsite generation customers, ICL and Vote Solar also take a unique position regarding the eligibility date and the length of legacy treatment. Our Reply Comments on the Settlement, Opening Brief and Reply Brief on existing onsite generation customers document ICL and Vote Solar take a materially different

position form Staff in this docket. *IDAPA 31.01.01.162.05.*

6. Statement of Recommendation

ICL proposed findings address issues of concern for all customers Idaho Power who deserve a balance of allowing people to meet their own needs through onsite generation without negatively impacting other customers. All customers, regardless of class, share a strong interest in ensuring that utility programs are fair, just, and reasonable. ICL pursued this common interest when negotiating the proposed settlement and addressing the treatment of existing onsite generation customers. While ICL does have members who are onsite generation customers, or advocacy and position here is not on behalf of any individual or subset, rather on behalf of all similarly situated people whether they are a member, agnostic to ICL, or in some instances oppose our mission. *IDAPA 31.01.01.162.06.*

7. Statement Showing Class of Customer

Our individual members and supporters who are customers of Idaho Power are in the residential class. ICL's Boise office is a Schedule 9 customer, while our Ketchum office is a Schedule 7 customer. *IDAPA 31.01.01.162.07.*

WHEREFORE, ICL respectfully requests the Commission grant this application.

DATED this 27th day of November 2019.

Respectfully submitted,



Benjamin J. Otto
Idaho Conservation League

Exhibit A
Cost Statement for Idaho Conservation League

Investigate Idaho Power's Application and prepare and file Petition to Intervene	1.5
Participate in one pre-meeting and seven settlement negotiations	39
Review comments on settlement	1.5
Prepare and file Reply Comment on Settlement	2
Prepare and file Opening Brief on Existing Customers	8
Review other party Opening Briefs	1.5
Prepare and File Reply Brief on Existing Customers	5.5
	Hours: 59
	Rate: \$200/hr
	Total: \$11,800

CERTIFICATE OF SERVICE

I certify that on the 27th day of November 2019, I delivered true and correct copies of the foregoing APPLICATION FOR INTERVENOR FUNDING to the following via the service method noted:


Benjamin J. Otto

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