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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorney for the NW Energy Coalition

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE )  
APPLICATION OF IDAHO POWER )  
COMPANY TO STUDY THE COSTS, )  
BENEFITS, AND COMPENSATION OF )  
NET EXCESS ENERGY SUPPLIED BY )  
CUSTOMER ON-SITE GENERATION )**

**CASE NO. IPC-E-18-15  
PROCEDURAL COMMENT**

The Idaho Conservation League, NW Energy Coalition, and Vote Solar file this comment, pursuant to IDAPA Rule 31.01.01.256.04<sup>1</sup>, responding to the Staff Decision Memo of October 11, 2019 regarding Idaho Power's Motion to Approve Settlement Agreement. We are concerned the proposed procedural schedule inhibits informed public participation and the ability to develop a complete record in this major decision. As noted in the Decision Memo, we raised our concerns and proposed a solution previously. We now turn to the Commission to raise our concerns regarding the sequence of party filings and public hearings as well as the need for a technical hearing. As an initial matter, we encourage the Commission to take all the time necessary to reach a fully informed and considered decision in this case and not be bound by an arbitrary January 1, 2020 implementation date. As seen through the years, issues regarding customer-owned solar drives high levels of public engagement.

Regarding the sequence of filings and hearings: Staff proposes a public hearing 21 days following the notice with party comments filed later, 28 days from the notice. This deprives the public of the informed commentary from the parties that negotiated the agreement before the public opportunity to comment on the settlement. We propose swapping the sequence so that the public is better informed about the contents of the agreement and the perspectives of the parties. Swapping the sequence so parties file comments on the settlement before the hearing will provide the public with meaningful notice of the issues and substance and enable more informed comments for the Commission decision making. We are prepared to file comments by

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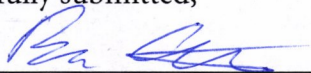
<sup>1</sup> IDAPA Rule 31.01.01.256.04 provides for 14 days from the filing of a prehearing motion to respond.



November 1. We propose a public hearing roughly 14 days later, the week of November 11. This provides close to 30 days between the notice and the public hearing, a best practice for public participation. We agree with the proposed reply comment and public comment deadline at the end of November.

Regarding a technical hearing: The Decision Memo and Motion both explain the parties will present the issue of existing customers to the Commission. This issue has both legal and factual questions to be addressed. We note that Idaho Code 61-617 provides parties with the right to be heard and present evidence at any hearing. IDAPA Rule 31.01.01.241.04 describes two types of hearings: a technical hearing where parties present evidence, and a public hearing where parties are prohibited from introducing evidence. While briefing can assist the Commission's decision, we believe scheduling a technical hearing now will provide an opportunity to address factual disputes and hear directly from parties on the legal issues. We are prepared to attend a technical hearing 14-days after the reply comment deadline.

Respectfully submitted,

  
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Benjamin J. Otto  
Idaho Conservation League  
Local Council – Vote Solar and NW Energy Coalition



## CERTIFICATE OF SERVICE

I hereby certify that on this 14<sup>th</sup> day of October, 2019, I delivered true and correct copies of the foregoing PROCEDURAL COMMENT to the following persons via the method of service noted:

### Hand delivery:

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