

Kelsey Jae Nunez, ISB No. 7899  
KELSEY JAE NUNEZ LLC  
920 N. Clover Dr.  
Boise, ID 83703  
Telephone: (208) 559-2525  
kelsey@kelseyjaenunez.com  
*Attorney for Sierra Club*

RECEIVED  
2019 DEC 10 PM 4:02  
IDAHO PUBLIC  
UTILITIES COMMISSION

Zack Waterman  
IDAHO SIERRA CLUB  
503 W Franklin St  
Boise, ID 83702  
Telephone: (208) 384-1023  
zack.waterman@sierraclub.org

**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	<b>IPC-E-18-15</b>  <b>REQUEST FOR INTERVENOR FUNDING</b>
---	---

COMES NOW the Idaho Chapter of 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. 34211. This request is timely pursuant to the Rule 164 which allows requests to be filed no later than 14 days after the deadline to submit briefs.

**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 hours spent by legal counsel and expert witness on investigating and responding to Idaho Power's Application; analyzing and conducting discovery; preparing analyses, presentations, and proposals for review by other parties; meaningfully participating in several meetings and settlement negotiation sessions; and supporting the development of the proposed settlement agreement. Sierra Club focused its participation and input on facts and issues that are directly relevant to this docket.

### **B. Statement of proposed findings**

Sierra Club intervened in this docket to ensure that Idaho energy policy includes reasonable analysis of the costs and benefits of customer owned, on-site renewable energy investments, and compromises were made during the settlement negotiation process. As stated in its comments to the Commission on November 6, 2019, Sierra Club requests that the Commission adopt the proposed settlement agreement in its entirety. Furthermore, Sierra Club reiterates that its support for the settlement was premised upon a belief that the Commission will support separate review of two remaining open issues: (1) how existing residential and small commercial customers with on-site generation should be affected by this new program and (2) that an additional new docket is needed to address the current multiplicity of methods for calculating "avoided cost" benefits.

Sierra Club also asks the Commission to grant this request for intervenor funding.

### **C. Statement showing costs**

Idaho Sierra Club requests \$6,051.50 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 analyses and proposals of the Company, Commission Staff, and other active parties. To uncover and understand the facts, we reviewed multiple rounds of settlement proposals and accompanying data; reviewed discovery requests and submitted our own discovery requests; and engaged in lengthy negotiation efforts with other parties. Legal counsel and expert witness for Sierra Club were active participants in all stages of the proceeding. For each of these efforts, we endeavored to be efficient with time and delegation of tasks. 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. Legal counsel and expert witness maintained clear divisions of labor to reduce expenses. We request an hourly rate for legal counsel of \$190 per hour and for expert witness of \$95 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 and specifically to policy making at the Commission. 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 fully 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, at times, diverged greatly from Staff's proposals. The settlement negotiations were confidential so specific details are not proper to discuss. In general, Sierra Club contributions in the negotiation process differed from Staff in three significant ways: (i) how to measure costs on-site generators' exports allow Idaho Power to avoid; (ii) how the environmental benefits of those exports might be monetized; and (iii) how operational concerns Idaho Power has related to on-site generation might be addressed. Here, Sierra Club supports the settlement agreement as part of a compromise and commitment to further analysis but the results of the negotiation process do not negate the differences that existed and continue to exist.

#### **F. Statement of recommendation**

Sierra Club's proposed findings address issues of concern for general ratepayers as well as impacts to NEM customers if the benefits of NEM are not properly accounted for. Sierra Club asserts that all customers, regardless of class, share a strong interest in ensuring Idaho Power supports the reasonable development of distributed energy resources (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 of DERs. Sierra Club believes that this settlement agreement is a positive step in the direction of more equitable energy policy for all ratepayers.

**G. Statement showing class of customer**

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

Respectfully submitted this 10th day of November, 2019.

A handwritten signature in blue ink that reads "Kelsey Jae Nunez".

---

Kelsey Jae Nunez, Attorney for Sierra Club

**Exhibit A**  
**Cost Statement for Idaho Sierra Club**  
**Total Costs: \$6,051.50**

**For attorney fees billed by Kelsey Jae Nunez LLC**  
**(6.6 hours @\$190/hr = \$1,254)**

Conducting relevant legal research and crafting strategies for settlement negotiations	3.5 hours
Analyzing and preparing discovery requests	0.8 hours
Preparing for/attending settlement negotiation meetings; necessary follow up	2.3 hours
<b>Total</b>	<b>6.6 hours</b>

**For expert witness fees billed by Mike Heckler**  
**(50.5 hours @ \$95/hour = \$4,797.50)**

<b>Date</b>	<b>Hours</b>	<b>description</b>
18-Dec-18	2	IPC-E-18-15 organizational meeting
2-Jan-19	3	Develop issues list
9-Jan-19	4.5	Attend 18-15 settlement conference
26-Feb	5	Attend 18-15 settlement conference
10-Apr	1	Attend 18-15 settlement conference
5-Jun	2	18-15 planning session at ICL
18-Jun	5	Attend 18-15 settlement conference
25-Jun	1	Meet with ICEA representative
26-Jun	1	Participate in Solar group telecom
8-Jul	1	Participate in Solar group telecom
9-Jul	5	Attend 18-15 settlement conference
10-Jul	3.5	Attend 18-15 settlement conference
15-Jul	1	Participate in Solar group telecom
17-Jul	0.5	Prepare for meeting with PUC staff
17-Jul	1	Meet with PUC Staff
26-Jul	1	Participate in Solar group telecom
29-Jul	1	Participate in Solar group telecom
30-Jul	1	Participate in Solar group telecom
31-Jul	4.5	Attend 18-15 settlement conference
1-Aug	1	Participate in Solar group telecom
12-Aug	1	Participate in Solar group telecom
19-Aug	1	Participate in Solar group telecom
23-Aug	1	Participate in Solar group telecom
3-Sep	2	Attend 18-15 settlement conference
12-Nov	0.5	Participate in Solar group telecom
<b>TOTAL</b>	<b>50.5</b>	



## CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of November, 2019, true and correct copies of the above REQUEST FOR INTERVENOR FUNDING were sent to the following persons via the methods noted:

### **Hand delivered and emailed:**

Diane Hanian  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington St.  
Boise, ID 83702  
[diane.holt@puc.idaho.gov](mailto:diane.holt@puc.idaho.gov)  
(original plus seven copies)

### **Emailed:**

#### **Idaho Power Company**

Lisa D. Nordstrom  
Timothy E. Tatum  
Connie Aschenbrenner  
1221 W. Idaho St.  
PO Box 70  
Boise, Idaho 83707  
[lnordstrom@idahopower.com](mailto:lnordstrom@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)  
[ttatum@idahopower.com](mailto:ttatum@idahopower.com)  
[cashenbrenner@idahopower.com](mailto:cashenbrenner@idahopower.com)

#### **Commission Staff**

Edward Jewell  
Deputy Attorney General  
Idaho Public Utilities Commission  
472 W. Washington, PO Box 83720  
Boise, ID 83720-0074  
[edward.jewell@puc.idaho.gov](mailto:edward.jewell@puc.idaho.gov)

#### **Idahydro**

C. Tom Arkoosh  
Arkoosh Law Offices  
802 W. Bannock Street, Suite 900  
PO Box 2900  
Boise, ID 83701  
[tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)  
[erin.cecil@arkoosh.com](mailto:erin.cecil@arkoosh.com)

#### **Idaho Irrigation Pumpers Association, Inc.**

Eric L. Olsen  
ECHO HAWK & OLSEN, PLLC  
505 Pershing Ave., Ste. 100  
PO Box 6119  
Pocatello, Idaho 83205  
[elo@echohawk.com](mailto:elo@echohawk.com)

Anthony Yankel  
12700 Lake Ave. Unit 2505  
Lakewood, OH 44107  
Email: [tony@yankel.net](mailto:tony@yankel.net)

#### **Idaho Conservation League**

Ben Otto  
710 N 6th Street  
Boise, ID 83701  
Ph: (208) 345-6933 x 12  
Fax: (208) 344-0344  
[botto@idahoconservation.org](mailto:botto@idahoconservation.org)

#### **City of Boise**

Abigail R. Germaine  
Deputy City Attorney  
Boise City Attorney's Office  
105 N. Capitol Blvd.  
PO Box 500  
Boise, ID 83701-0500  
[agermaine@cityofboise.org](mailto:agermaine@cityofboise.org)

**Idaho Clean Energy Association**

Preston N. Carter  
Givens Pursley LLP  
601 W. Bannock St. Boise, ID 83702  
[prestoncarter@givenspursley.com](mailto:prestoncarter@givenspursley.com)

**Rocky Mountain Power**

Ted Weston  
Yvonne R. Hogle  
Rocky Mountain Power  
1407 West North Temple, Suite 330  
Salt Lake City, UT 84116  
[ted.weston@pacificorp.com](mailto:ted.weston@pacificorp.com)  
[yvonne.hogle@pacificorp.com](mailto:yvonne.hogle@pacificorp.com)

**Vote Solar**

Briana Kober  
Vote Solar  
360 22nd Street., Suite 730  
Oakland, CA 94612  
[briana@votesolar.org](mailto:briana@votesolar.org)

David Bender  
Earthjustice  
3916 Nakoma Road Madison, WI 53711  
[dbender@earthjustice.org](mailto:dbender@earthjustice.org)

**Northwest Energy Coalition**

F. Diego Rivas  
NW Energy Coalition  
1101 8th Ave. Helena, MT 59601  
[diego@nwenergy.org](mailto:diego@nwenergy.org)

Benjamin J. Otto  
Idaho Conservation League  
710 N. 6th Street Boise, ID 83702  
[botto@idahoconservation.org](mailto:botto@idahoconservation.org)

**Micron Technology, Inc.**

Jim Swier  
Micron Technology, Inc.  
8000 South Federal Way  
Boise, ID 83707  
[jswier@micron.com](mailto:jswier@micron.com)

Austin Rueschhoff  
Thorvald A. Nelson  
Holland & Hart, LLP  
6380 South Fiddlers Green Circle Suite 500  
Greenwood Village, CO 80111  
[darueschhoff@hollandhart.com](mailto:darueschhoff@hollandhart.com)  
[tnelson@hollandhart.com](mailto:tnelson@hollandhart.com)

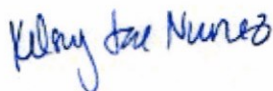
**Industrial Customers Of Idaho Power**

Peter J. Richardson  
Richardson Adams, PLLC  
515 N. 27th Street  
PO Box 7218 Boise, ID 83702  
[peter@richardsonadams.com](mailto:peter@richardsonadams.com)

Dr. Don Reading  
6070 Hill Road Boise, ID 83703  
[dreading@mindspring.com](mailto:dreading@mindspring.com)

**Russell Schiermeier**

29393 Davis Road  
Bruneau, ID 83604  
[buyhay@gmail.com](mailto:buyhay@gmail.com)



---

Kelsey Jae Nunez  
Attorney for Sierra Club