

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE PETITION OF ) CASE NO. IPC-E-18-15**  
**IDAHO POWER COMPANY TO STUDY THE )**  
**COSTS, BENEFITS, AND COMPENSATION ) NOTICE OF MOTION TO**  
**OF NET EXCESS ENERGY SUPPLIED BY ) APPROVE SETTLEMENT**  
**CUSTOMER ON-SITE GENERATION ) AGREEMENT**  
)  
) **NOTICE OF BRIEFING**  
)  
) **NOTICE OF SCHEDULE**  
)  
) **ORDER NO. 34460**

---

On May 9, 2018, in Docket No. IPC-E-17-13, the Commission ordered Idaho Power Company (“Idaho Power” or “Company”) to “initiate a docket to comprehensively study the costs and benefits of on-site generation on Idaho Power’s system, as well as proper rates and rate design, transitional rates, and related issues of compensation for net excess energy provided as a resource to the Company.” Order No. 34046 at 31. The Commission encouraged the parties to work through these issues together in compromise. *Id.* at 22.

On October 19, 2018, Idaho Power Company petitioned the Commission to open this docket to comply with the Commission’s directive in Order No. 34046.

On November 9, 2018, the Commission issued a Notice of Petition and Notice of Intervention Deadline, notifying the public that the petition was filed and establishing an intervention deadline. Order No. 34189. The Commission directed Commission Staff to confer with parties regarding the procedural and substantive scope of the docket and to periodically report back to the Commission. *Id.* at 4. In total, one pre-hearing conference and eight settlement conferences were held by the parties.

On October 11, 2019, Idaho Power and Commission Staff jointly submitted a Motion to Approve Settlement Agreement. The proposed Settlement Agreement is signed by the Company, Commission Staff, Idaho Clean Energy Association, Idaho Irrigation Pumpers Association, Inc., Idahydro, City of Boise, Idaho Sierra Club, Industrial Customers of Idaho Power, and Russell Schiermeier. One issue the parties did not resolve in the Settlement Agreement

NOTICE OF MOTION TO APPROVE SETTLEMENT AGREEMENT  
NOTICE OF BRIEFING  
NOTICE OF SCHEDULE  
ORDER NO. 34460

was whether existing customers with on-site generation would be subject to the terms of the Agreement. The signing parties decided to submit this issue to the Commission for determination.

The Commission now issues this Notice of Motion to Approve Settlement Agreement, Notice of Briefing on Treatment of Existing Customers, and Notice of Schedule. This Notice establishes party comment and reply comment deadlines on the Settlement Agreement, party briefing and reply briefing deadlines on the issue of existing customers, and public comment deadlines and public hearing dates on both the Settlement Agreement and the question of whether the terms of the proposed Settlement Agreement can and should apply to existing customers with on-site generation.

### **NOTICE OF MOTION TO APPROVE SETTLEMENT AGREEMENT**

YOU ARE HEREBY NOTIFIED that under the proposed Settlement Agreement, if approved by the Commission, residential and small general service customers with on-site generation (“Schedule 6 and Schedule 8 customers”) would transition from retail rate monthly net metering to net hourly billing at an Export Credit Rate. The transition to the Export Credit Rate would occur in increments over the next eight years. The Export Credit Rate would be determined by the methodology set out in the proposed Settlement Agreement. Inputs to the Export Credit Rate would be updated biennially in conjunction with the Company’s Integrated Resource Planning process.

YOU ARE FURTHER NOTIFIED that the proposed Settlement Agreement would make changes to the rate paid to Schedule 6 and Schedule 8 customers for the energy that they export to the grid. No changes to rates for consumption of electricity are included in the Settlement Agreement. Further, the proposed Settlement Agreement would prevent Idaho Power from proposing to change consumption rates for Schedule 6 and Schedule 8 customers until the Commission examines whether to change rates or rate designs for all Idaho Power customer classes.

YOU ARE FURTHER NOTIFIED that the Settlement Agreement contains a non-export option for Schedule 6 and Schedule 8 customers that would allow those customers to move to Schedule 1 or Schedule 7, as appropriate, if they so choose.

YOU ARE FURTHER NOTIFIED that the Settlement Agreement calls for the Commission to open an investigative docket within 120 days of an Order approving the Settlement Agreement to examine whether it would be reasonable to establish a single avoided cost methodology that could be applied to different load-serving resources on the Company's system, such as energy efficiency, demand response, and small and large qualifying facilities under the Public Utility Regulatory Policies Act of 1978.

YOU ARE FURTHER NOTIFIED that the proposed Settlement Agreement, the Motion to Approve Settlement Agreement, and proposed new Schedule 6 and Schedule 8 in both clean and legislative format are available for public inspection during regular business hours at the Commission's office. These documents are also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the "File Room" tab at the top of the page, then select "Electric Cases" and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that the Commission is not bound by the Parties' agreement as reflected in the Settlement Agreement. The Commission will independently review the Settlement Agreement consistent with Commission Rules 271-280, IDAPA 31.01.01.271-280, to decide whether to approve or reject it, or state conditions under which to accept it. The proposed settlement's proponents ultimately bear the burden to prove that it is just, fair, and reasonable, in the public interest, or otherwise in accordance with law or regulatory policy.

#### **NOTICE OF BRIEFING REGARDING EXISTING CUSTOMERS WITH ON-SITE GENERATION**

YOU ARE HEREBY NOTIFIED that there are pertinent legal and policy questions that impact whether the terms of the Settlement Agreement can and should be applied to existing customers with on-site generation. *See also* Order No. 34046 at 24. The signing parties did not reach agreement on these issues, and agreed to make legal and policy arguments to the Commission for the Commission's consideration and determination.

YOU ARE FURTHER NOTIFIED that if the Settlement Agreement is approved by the Commission, the Settlement Agreement will go into effect, regardless of the Commission's determination as to whether and under what terms the Settlement Agreement applies to existing customers. The Commission will also determine how to define an existing customer with on-site generation.

NOTICE OF MOTION TO APPROVE SETTLEMENT AGREEMENT

NOTICE OF BRIEFING

NOTICE OF SCHEDULE

ORDER NO. 34460

## NOTICE OF SCHEDULE

YOU ARE HEREBY NOTIFIED that the following dates have been set by the Commission to process this case. These dates are explained in further detail below.

DATE	ACTIVITY
November 6, 2019	Deadline for all parties to file comments on the proposed Settlement Agreement
November 13, 2019	Deadline for all parties to file briefing on treatment of existing customers with on-site generation  Deadline for all parties to file reply comments on the proposed Settlement Agreement
November 27, 2019	Deadline for all parties to file reply briefing on treatment of existing customers with on-site generation
December 2, 2019	Telephonic public hearing
December 3, 2019	Public hearing Close of public comment period

YOU ARE FURTHER NOTIFIED that there will be a telephonic public hearing on the proposed Settlement Agreement, and whether its terms apply to existing customers with on-site generation, on **MONDAY, DECEMBER 2, 2019 FROM 10:00 AM UNTIL 4:00 PM MST.** To participate in the telephonic public hearing, interested persons can call **1-800-920-7487** at the designated time, and enter the **passcode 6674832#** when prompted.

YOU ARE FURTHER NOTIFIED that there will be an in-person public hearing on the proposed Settlement Agreement, and whether its terms apply to existing customers with on-site generation, on **TUESDAY, DECEMBER 3, 2019 AT 7:00 PM MST.** The in-person public hearing will be held at the Commission's offices at **11331 W. Chinden Blvd. Building 8, Suite 201-A Boise, ID 83714.**

YOU ARE FURTHER NOTIFIED that both the in-person and the telephonic hearing will meet accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to

NOTICE OF MOTION TO APPROVE SETTLEMENT AGREEMENT

NOTICE OF BRIEFING

NOTICE OF SCHEDULE

ORDER NO. 34460

understand testimony at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0338 (Telephone)  
(208) 334-3762 (FAX)  
E-Mail: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on the proposed Settlement Agreement, and whether its terms should apply to existing customers with on-site generation, **may file a written comment in support or opposition with the Commission by no later than December 3, 2019.** The comment must contain a statement of reasons supporting the comment. Written comments concerning the Settlement Agreement and the Motion to Approve Settlement Agreement shall be mailed to the Commission and the Company at the addresses reflected below:

**For the Idaho Public Utilities  
Commission:**

Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Street Address for Express Mail:

11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, ID 83714

**For Idaho Power Company:**

Lisa D. Nordstrom  
Regulatory Dockets  
Idaho Power Company  
P.O. Box 70  
Boise, ID 83707  
E-Mail: [lnordstrom@idahopower.com](mailto:lnordstrom@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Tim Tatum  
Idaho Power Company  
P.O. Box 70  
Boise, ID 83707  
E-Mail: [ttatum@idahopower.com](mailto:ttatum@idahopower.com)

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission’s home page located at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the “Consumers” tab then click

the “Case Comment or Question Form” and complete the comment form using the case number as it appears on the front of this document.

YOU ARE FURTHER NOTIFIED that the Commission will consider this matter on its merits and enter its Order without a technical hearing, pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201-204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation. The Commission will consider written comments received within the time limit set and, in its discretion, may set the same for technical hearing.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Title 61 of the Idaho Code and specifically *Idaho Code* §§ 61-502 and 61-503.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

### **ORDER**

IT IS HEREBY ORDERED that all proceedings in this matter will be done by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-204).

IT IS FURTHER ORDERED that parties have until November 6, 2019 to submit written comments on the Settlement Agreement.

IT IS FURTHER ORDERED that parties have until November 13, 2019 to file reply comments on the Settlement Agreement.

IT IS FURTHER ORDERED that parties have until November 13, 2019 to file briefing on treatment of existing customers with on-site generation.

IT IS FURTHER ORDERED that parties have until November 27, 2019 to file reply briefing on treatment of existing customers with on-site generation.

IT IS FURTHER ORDERED that there will be a telephonic public hearing on the proposed Settlement Agreement and the treatment of existing customers with on-site generation on December 2, 2019 from 10:00 a.m. MST until 4:00 p.m. MST.

IT IS FURTHER ORDERED that there will be a public hearing on the proposed Settlement Agreement and the treatment of existing customers with on-site generation on

NOTICE OF MOTION TO APPROVE SETTLEMENT AGREEMENT

NOTICE OF BRIEFING

NOTICE OF SCHEDULE

ORDER NO. 34460

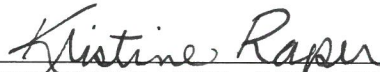
December 3, 2019 starting at 7:00 p.m. MST at the Commission's offices at 11331 W. Chinden Blvd. Building 8, Suite 201-A Boise, ID 83714.

IT IS FURTHER ORDERED that persons not party to the case who are interested in submitting written comments must do so by December 3, 2019.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this <sup>19<sup>th</sup></sup> day of October, 2019.



PAUL KJELLANDER, PRESIDENT



KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian  
Commission Secretary

I:\Legal\ELECTRIC\IPC-E-18-15\IPCE1815\_ntc mtn ntc brief ntc sched\_ej