

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)	
OF NET EXCESS ENERGY SUPPLIED BY)	ORDER NO. 34546
CUSTOMER ON-SITE GENERATION)	

On December 20, 2019, the Commission issued final Order No. 34509. Eight petitions for reconsideration and/or clarification were timely filed and six cross-petitions or answers were timely filed. After careful consideration of the arguments presented, the Commission *grants* Richard Kluckhohn's request for reconsideration and Thomas Baskin's petition for clarification, Idaho Power's answer/cross-petition to Richard Kluckhohn's request for reconsideration, Idaho Power's answer/cross-petition to petitions for reconsideration, Staff's answer to petitions for reconsideration, Idaho Conservation League and Vote Solar's answer/cross-petition for reconsideration, Boise City's answer to Idaho Power's petition for reconsideration and/or clarification, and Idaho Clean Energy Association's petition for reconsideration and/or clarification. The Commission has ample information in the record to make its determinations on reconsideration without additional briefing or testimony. *See Idaho Code* § 61-626(2); Commission Rule 332. The Commission *denies* the petitions for reconsideration and/or clarification from Idaho Power, Idaho Conservation League and Vote Solar, Idaho Clean Energy Association, multiple students, Micah Hornback, and Kenneth White.

In summary, and as more fully explained in the body of this Order, after reviewing the record, the Commission will apply grandfathered status to the system site as opposed to the customer. The Commission also clarifies that a customer who owns a grandfathered system can add another system on their property, with the new system qualifying for the net-metering program in place at that time, without jeopardizing the original system's grandfathered status.

The Commission grants intervenor funding to the Idaho Conservation League, Idaho Clean Energy Association, Idaho Irrigation Pumpers Association, and Sierra Club of Idaho.

PROCEDURAL BACKGROUND

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 petitioned the Commission to open this docket to effectuate the Commission's directive in Order No. 34046.

On November 9, 2018, the Commission issued a Notice of Petition and Notice of Intervention Deadline. Order No. 34189.

On October 11, 2019, after eight settlement meetings and thorough discussion among the parties, Idaho Power and Commission Staff jointly submitted a Motion to Approve Settlement Agreement. The Settlement Agreement was signed by nine parties.

On December 2, 2019, the Commission held a telephonic public hearing and heard from dozens of concerned customers over six hours.

On December 3, 2019, the Commission held a live public hearing and heard from dozens more concerned customers for over seven hours. In addition, the Commission received over 1,000 public comments in this docket.

On December 20, 2019, the Commission rejected the proposed Settlement Agreement. Order No. 34509.

On January 8, 2020, a group of students filed a petition for reconsideration.

On January 9, 2020, Richard Kluckhohn filed a petition for reconsideration.

On January 10, 2020, Micah Hornback filed a petition for reconsideration.

On January 10, 2020, Thomas Baskin filed a petition for clarification and/or reconsideration.

On January 10, 2020, Kenneth White filed a petition for reconsideration.

On January 10, 2020, Idaho Power filed a petition for reconsideration and/or clarification.

On January 10, 2020, Idaho Clean Energy Association ("ICEA") filed a petition for reconsideration.

On January 10, 2020, Idaho Conservation League and Vote Solar ("ICL/VS") filed a petition for reconsideration.

On January 16, 2020, Idaho Power filed an answer/cross-petition to Richard Kluckhohn's request for reconsideration.

On January 17, 2020, Idaho Power filed an answer/cross-petition to petitions for reconsideration.

On January 17, 2020, Commission Staff filed an answer to petitions for reconsideration.

On January 17, 2020, the City of Boise filed an answer to Idaho Power's petition for reconsideration and/or clarification.

On January 17, 2020, ICEA filed a response to Idaho Power's petition for reconsideration and/or clarification.

On January 17, 2020, ICL/VS filed an answer/cross-petition for reconsideration.

COMMISSION FINDINGS

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-501, 61-502, and 61-503. The Commission is vested with the power to "supervise and regulate every public utility in the state and to do all things necessary to carry out the spirit and intent of the [Public Utilities Law]." *Idaho Code* § 61-501. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503. Idaho statute provides, "If reconsideration be granted, said order shall specify how the matter will be reconsidered and whether any cross-petitions for reconsideration will be granted." *Idaho Code* § 61-626(2). "If after reconsideration, including consideration of matters arising since the making of the order, the commission shall be of the opinion that the original order or any part thereof is in any respect unjust or unwarranted or should be changed, the commission may abrogate or change the same." *Idaho Code* § 61-626(3). An order made after reconsideration abrogating or changing the original order has the same force and effect as an original order. *Id.*

I. The Commission Denies the Company's Request to Reconsider the Rejection of the Settlement Agreement.

The Commission denied the proposed Settlement Agreement because the Commission found (1) the public was not on adequate notice that this docket might result in fundamental changes to the net-metering program rather than a comprehensive study of the issues; (2) there was

not substantial and competent evidence in the record to substantiate the parties' positions in support of the Settlement Agreement, and; (3) submitting a Settlement Agreement before submitting a comprehensive study did not comply with the Commission's directive in Order No. 34046. Order No. 34509 at 6-9.

The Company's petition for reconsideration asserts there is substantial and competent evidence in the record, the parties did conduct and file a comprehensive study on the costs and benefits of net metering, and that the public was on adequate notice that this docket would result in proposed changes to the net metering program. Idaho Power's petition for reconsideration and/or clarification at 10. Based on these assertions, the Company requests the Commission reconsider its rejection of the Settlement Agreement. Alternatively, the Company requests the Commission reconsider the process we prescribed in Order No. 34509 for a credible and fair comprehensive study. *See Id.* at 26.

a) The Commission Addressed the Evidence in the Record in Order No. 34509.

In Order No. 34509, we found the Settlement Agreement's proponents did not show that the proposed Settlement Agreement was reasonable and in the public interest as required by Commission Rule 275. Order No. 34509 at 7-8. We also found that the record did not contain substantial and competent evidence upon which the Commission could base its decision. *Id.* at 8. In response, the Company attached to its petition for reconsideration the 563 pages of mostly raw data that had previously been submitted with its comments in support of the Settlement Agreement. *See Idaho Power petition for reconsideration and/or clarification at 17.* We acknowledge the data provided both with the Settlement Agreement and on reconsideration. What we found lacking was a comprehensive analysis of that data upon which we could have scrutinized the reasonableness of the terms of the Settlement Agreement. The Company's resubmission of that information along with an executive summary does not change our conclusion.

b) The Company's Efforts to Recharacterize its Earlier Submissions as a Comprehensive Final Study is Unpersuasive.

In its petition, the Company recharacterizes its previously submitted information and now argues that the parties conducted and submitted a final comprehensive study, as ordered in Order No. 34046 and clarified in Order No. 34509. *See Idaho Power petition for reconsideration and/or clarification at 11-22.*

The other parties strongly object to Idaho Power's recharacterization of these previously filed documents as a comprehensive final study. "This is the first Staff has heard of there being a final study conducted in this docket, and disagrees with the Company's characterization of these documents as a study." Staff answer at 3-4. "The Settlement Agreement does not purport to be a comprehensive study. None of the signing parties agreed that the Settlement Agreement was a comprehensive study." ICEA's response to Idaho Power's petition for reconsideration and/or clarification at 5-6. "Idaho Power's Petition attempts to avoid the simple truth that nothing in the record constitutes the comprehensive study ordered by the Commission." ICL/VS cross petition for reconsideration at 7. "Boise City agrees [that there was no comprehensive study in the record] and would add that the confidential nature of the settlement agreement makes it impossible to present all information or varying opinions that were presented." Boise City's answer to Idaho Power's petition for reconsideration and/or clarification at 4.

There are elements of a study, which should be invaluable going forward as a basis for further study, but we are presented with data and conclusions without analysis or explanation of what other methods of computing the data were studied, what results those methods produced, or analysis of the relative merits of one method over another. Additionally, the Company is conflating analysis of specific components of net-metering program design, specifically the energy value and the capacity value of exported energy, with a comprehensive study.

We understand that the confidential nature of settlement negotiations makes it difficult to bring to light the information exchanged, the views taken, and the compromises made to reach a settlement. But if this Settlement Agreement was supported by a comprehensive study, as we originally envisioned, then surely the parties to the Settlement Agreement would have asserted as much on reconsideration. Instead, the parties rejected the characterization of the data as a comprehensive study. Despite the Company's arguments to the contrary, we continue to conclude that there is no final comprehensive study in the record.

c) The Commission Denies the Company's Request to Limit the Scope of Further Study and to Immediately Implement One Component of the Settlement Agreement Without Further Study.

The Company states, "If the Commission declines to reconsider its decision not to approve the Settlement Agreement, Idaho Power respectfully requests that in the alternative, the Commission reconsider the extensive procedures it has prescribed for conducting an entirely new

comprehensive study from scratch.” Idaho Power petition for reconsideration and/or clarification at 26. The Company alternatively proposes to immediately implement net hourly billing with no immediate change to the compensation value, and to continue to study the value of excess net energy. The Company states “it is well established that moving from net monthly billing to net hourly billing is an important step toward reducing inequitable cost shifting.” *Id.* at 28.

The other parties strongly disagree that implementing net hourly billing would be appropriate without further study. ICEA states Idaho Power has never proven the cost shift it has continually alleged: “Idaho Power has repeatedly *alleged* that the current net metering program creates a cost shift. However, it has never actually *proven* as much.” ICEA’s Response at 3 (emphasis in original). ICL/VS also notes that the Commission has never found a cost shift and states it would be inappropriate to apply one piece of the Settlement Agreement in a piecemeal fashion: “Not only is severing a compromise settlement improper, but Idaho Power’s basis for arguing for it relies on its old saw of making unsupported assertions of ‘cost shifts.’ The Commission has repeatedly declined to accept those allegations due to lack of evidence.” ICL-VS Cross Petition for Reconsideration at 9. Staff states that the Company’s proposal would implement “perhaps the single most significant program change affecting the economic value of distributed generation systems to net-metering customers[.]” Staff Answer at 6-7. Additionally, the Company proposes to do so without the public process the Commission ordered in Order No. 34509. “Staff believes the Company’s recommendation to implement net hourly billing improperly presupposes the outcome of the study.” Staff Answer at 6. “Changing Idaho Power’s net metering program before conducting a comprehensive study is inconsistent with the Commission’s directives in Order No. 34046 and Order No. 34509.” ICEA’s Response to Idaho Power’s petition for reconsideration and/or clarification at 3-4.

We find that the Company’s proposal discounts the ability of public input to shape the scope, method, and results of a comprehensive study. Net hourly billing is a central aspect of the Settlement Agreement. Implementing piecemeal portions of a Settlement Agreement, which we held was not supported by sufficient evidence as a whole, would be improper.

The Commission also rejects the Company’s suggestion that the procedures prescribed in Order No. 34509 send “all the parties back to the drawing board” and “discard[s] thousands of hours of careful and collaborative analysis and deliberation,” and that a new study must be designed “from scratch.” *See* Idaho Power’s petition for reconsideration and/or clarification at 26.

The work done in this docket can and should be built upon in the next docket. The issues for study, as presented in Table 1 to the first Staff Report, could serve as the basis for a scoping recommendation in the next case. Knowledge and experience gained by the parties during negotiations will not be lost. Progress was made toward a modified net-metering program design. This docket was one effort in an iterative process, and we encourage the parties to continue to earnestly engage in discussion of these difficult issues. Ultimately, the terms of the Settlement Agreement may well embody just, fair, and reasonable changes to the Company's net-metering program, but we are unable to adequately determine whether this is the case based on the record before us. The process laid out in Order No. 34509 is meant to ensure that notice issues raised in this case are addressed, any potential confusion about whether that case should result in a study or a settlement agreement is removed, and provide opportunity for the parties to construct a robust record upon which we can make a well-informed decision on an important matter. Our rejection of the Settlement Agreement is not meant to discredit or disparage the work done to date.

d) The Company's Public Notification Process.

As referenced in Order No. 34509, Idaho Power captioned this case "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." Emphasis added. All later pleadings and orders included that caption. Notwithstanding the case caption and the hundreds of public comments on the record stating that members of the public thought this case would result in a *study*, not a settlement agreement, the Company now asserts that the public was adequately notified this case would move beyond merely studying net-metering issues to proposing a settlement agreement that would fundamentally change the Company's net-metering program.

The Company claims, "The record also demonstrates that Idaho Power engaged in a robust public notification process, providing ample notice to the public that this docket could result in alterations to the net metering service." *Id.* at 23. To support this claim, Idaho Power states, "Attachment 2 to this Petition contains a long list of such communications to the public by the Company, Staff, the Commission, and others." Attachment 2 contains one set of two documents prepared by the Company, several Commission orders that reference a study, a Commission press release that references a study, and an intervenor's opinion piece that has little to no bearing on Idaho Power's claim. The Company's arguments are unpersuasive.

The documents prepared by the Company were sent to then-current and pending on-site generation customers and on-site generation installers in October 2018. Those documents state, “Our Oct. 19 filing begins the next phase of collaboratively studying the benefits, costs, rate design and proper compensation structure for on-site generation customers, as directed by the [Commission].” Later, these documents state, “By collaborating with all interested parties, we look forward to working toward a solution that both acknowledges the benefits of on-site generation and keeps prices low for all customers.” Idaho Power petition for reconsideration/clarification at Att.2, p.4, 5. In our reading, the plain import of these letters is that a study was being conducted, which when complete, would be a step toward a “solution.” We also note that the Company did not send these documents to potential on-site generation customers, i.e. Schedule 1 and Schedule 7 customers, who are the very customers the Company asserts it is protecting from a cost shift. These customers—both as non-participants who the Company states are bearing a cost shift, and as potential participants who might be thinking about making a large investment in an on-site generation system—should have received more notification, and more clearly written notification about the potential consequences of the docket from the Company.

Additionally, there is an array of communications that the Company did not use to communicate with its customers such as bill stuffers, its newsletter, opinion pieces, radio spots, social media, and several other conceivable and reasonable actions. As a result, we find the Company did not provide adequate notice as to the extent of the possible changes.

II. The Commission Grants Mr. Kluckhohn’s Request to Grandfather the System as Opposed to the Customer.

Richard Kluckhohn and Kenneth White request the Commission reconsider its decision to grandfather customers, as opposed to grandfathering systems. The Commission did not receive confirmation from Mr. White that he served his petition for reconsideration on other parties, as required by Commission Rule, and therefore denies Mr. White’s petition for reconsideration. However, the same issues were raised by Mr. Kluckhohn, and are addressed here. Mr. Kluckhohn states that net-metering customers reasonably expected that the value of their on-site generation system would be transferred when they sell the real property to which the system is attached. And by not allowing existing customers to transfer the grandfathered status of their on-site generation system, the Commission’s order materially devalues the value of the asset. *See* Richard Kluckhohn’s petition for reconsideration at 3-4. Mr. Kluckhohn also states that Order No.

34509 would have unintended consequences on the elderly who may be more likely to sell or otherwise divest their real property before realizing the full economic payback of their investment in on-site generation. *See Id.* at 4-5.

The Company is not opposed to Mr. Kluckhohn's request, and states that grandfathering by system will be administratively more efficient for the utility and would give existing customers with on-site generation "more opportunity to recoup their investment by retaining the economic value of the system at the location for which it was initially assessed and built." Idaho Power answer/cross-petition to Richard Kluckhohn at 4. The Company also notes that grandfathering by system is the predominant practice in other jurisdictions that have faced a similar situation. In its petition for reconsideration and/or clarification, the Company posed several dilemmas that the Company and the Commission would likely face if the Commission were to grandfather by customer. Idaho Power petition for reconsideration and/or clarification at 36. Staff raised similar concerns. Staff Answer at 10. Upon reconsideration, the Commission agrees that grandfathering by customer could be unnecessarily difficult.

The Company lists four criteria for grandfathering by system: (1) A customer who moves into a property with a grandfathered net-metering system gets to "inherit" the grandfathered status of the system. Likewise, when a customer moves from a property with a grandfathered system, that customer does not get to take the grandfathered status of the system with them to their next property; (2) If a system is offline for more than six months, or is moved to another site, the grandfathered status of the system is forfeited; (3) To allow for the replacement of degraded or broken panels, the customer may increase the capacity of the grandfathered system by no more than 10% of the originally installed nameplate capacity or 1 kW, whichever is greater; and (4) Grandfathered status terminates December 20, 2045. *See Id.* at 5. ICL/VS state that the Company's proposed criteria are consistent with ICL/VS recommendations in this docket. ICL/VS cross-petition for reconsideration at 13. Staff and ICEA both agree that grandfathering the system as opposed to the customer would remove many future uncertainties about grandfathering status. Staff answer at 9-10, ICEA's response to Idaho Power's petition for reconsideration and/or clarification at 8-9. Consequently, the Commission finds it reasonable and just to grandfather the system, consistent with the four criteria expressed above.

III. *The Commission Denies Requests to Reconsider the Eligibility Date for Grandfathered Status.*

ICL/VS, ICEA, the students, and Micah Hornback request the Commission reconsider the eligibility date for grandfathered status. The Commission declines to grant reconsideration on this issue. In Order No. 34509, we decided to grandfather customers based on our acknowledgement that, until that point, customers reasonably could have believed that the fundamentals of the net-metering program would not change. If investments had been made in reliance on those reasonable beliefs, those customers were grandfathered. We made it abundantly clear in Order No. 34509 that the program fundamentals are subject to change. It would contravene our rationale to extend the date at which customers are eligible for grandfathered status, and we therefore decline to do so.

The parties petitioning for reconsideration on this issue allege that Order No. 34509 will create untenable uncertainty for solar installers and that no economically rational customer would invest in on-site generation until program changes are announced. We find this argument unpersuasive because there is no more uncertainty than there was after Order No. 34046, which established Schedules 6 and 8 and began the collaborative process at the heart of this docket, and there has been continued growth in the on-site generation market. Additionally, even after we issue an order approving net metering program changes, if that is indeed what happens after the next phase of the collaborative process, that program would still be subject to change. *We caution:* The Company's tariffs—like those of utilities throughout the country—are subject to change under appropriate circumstances. This means the fundamentals of the Company's net-metering program—and the very existence of the program itself—could change in the future. Investors, installers, and customers who assume otherwise do so at their peril. To the extent there is any certainty for potential investors in on-site generation, it comes not from a guarantee that the program will stay the same, but from the Commission's statutory oversight role and ability to ensure that only fair, just, and reasonable tariff changes are implemented.

IV. *A Customer Can Expand Their System Without Losing Grandfathered Status for the Entire System if the Output can be Recorded Separately.*

Thomas Baskin asks for clarification on whether a customer can add panels to their system without losing grandfathered status for the grandfathered portion of their system. Mr. Baskin states he would like to expand his system, which was in place before December 20, 2019,

to accommodate the purchase of an electric vehicle. Mr. Baskin acknowledges that he made no binding financial commitment for the additional panels before December 20, 2019, and therefore the additional portion of his system would not qualify for grandfathered status under Order No. 34509. Mr. Baskin specifically asks for clarification about the language in Order No. 34509 that reads, “[W]e are grandfathering the customer at the meter site at the originally installed nameplate capacity of the system.” Mr. Baskin states, “I see nothing in the Order that supports [Idaho Power’s] stated position that my right to grandfather that pre-existing capacity evaporates if I add to it.” Baskin petition for reconsideration at 1. In response, Idaho Power states, “Idaho Power requests the Commission deny Mr. Baskin’s request to grandfather material expansions of the originally installed system nameplate capacity. Mr. Baskin’s suggestion that the Company could define a percentage of the generation to be grandfathered is not practical, or even possible with a single metered point of delivery.” Idaho Power’s answer/cross-petition to petitions for reconsideration at 11.

The Commission finds that if a customer with grandfathered status adds generating capacity to their on-site generation system, the customer can do so without losing the original system’s grandfathered status if the Company can separately measure the energy flows from the different systems. As of now, the Company can separately measure the energy flows from the different systems through separate meters. In the future, the Company’s meters might be able to measure different energy flows through separate channels, and therefore a separate meter would not be required to keep track of the output of two systems with separate compensation structures. The Company’s meter aggregation rules accommodate the measurement of energy output from one meter and its application to the load at a separate meter.

V. Matters Regarding the IPC-E-19-15 Docket.

Many parties in this case have also been studying net-metering program design for commercial, industrial, and irrigation customers in Case No. IPC-E-19-15. The Company states “if it is not the Commission’s intent for its decisions in this case to hinder progress toward settlement in Case No. IPC-E-19-15 . . . for customers taking net metering service under Schedule 84, the Company respectfully requests that the Commission issue an order explicitly stating such and direct parties to continue negotiations toward settlement in that case.” Idaho Power petition for reconsideration and/or clarification at 5. We decline the Company’s invitation.

The facts of Case No. IPC-E-19-15 are not before us here, and it would be inappropriate and a violation of due process for us to decide in this docket the outcome of another docket. In the Notice of Intervention Deadline issued in IPC-E-19-15 we stated, “While we will process this case as a stand-alone case, we expect consistent application of principles across the dockets. Findings in IPC-E-18-15 will be presumptively reasonable in [IPC-E-19-15], although not binding.” Order No. 34335 at 1. To the extent the procedures in IPC-E-19-15 are like the procedures found deficient here, a consistent application of principles would suggest a similar outcome in Case No. IPC-E-19-15. But we cannot make that determination now. It is for the parties to decide in the first instance, and we will evaluate the parties’ proposal when brought to us in the correct docket.

Similarly, the Company requests clarification on whether Order No. 34509 put all customer classes on notice that the fundamentals of net metering program design are subject to change. *See* Idaho Power petition for reconsideration and/or clarification at 37. The Company initiated IPC-E-17-13 to separate residential and small general service customers with on-site generation from commercial, industrial, and irrigation customers under Schedule 84, and to place residential and small general service customers with on-site generation in Schedules 6 and 8, respectively. The Company filed IPC-E-19-15 separately from—and well after—filing this case. In Order No. 34335, as referenced above, we decided to process this case as a stand-alone case instead of merging the cases as the Company requested. The decision to grandfather Schedule 6 and Schedule 8 customers as of the service date of Order No. 34509 only applies to Schedule 6 and Schedule 8 customers. The decision to grandfather existing customers was based on the facts of the case. If customers in Schedule 84 are to be grandfathered as of a certain date, that decision must be made in IPC-E-19-15 based on the facts presented there.

VI. *Intervenor Funding.*

Commission decisions benefit from robust public input. “It is hereby declared the policy of this state to encourage participation at all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings.” *Idaho Code* § 61-617A(1). Recoverable costs include legal fees, witness fees, transportation and other expenses so long as the total funding for all intervening parties does not exceed \$40,000 in any

proceeding. *Idaho Code* § 61-617A(2). The Commission must consider the following factors when deciding whether to award intervenor funding:

- (1) That the participation of the intervenor materially contributed to the Commission's decision;
- (2) That the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor;
- (3) The recommendation made by the intervenor differs materially from the testimony and exhibits of the Commission Staff; and
- (4) The testimony and participation of the intervenor addressed issues of concern to the general body of customers.

Id.

To obtain an award of intervenor funding, an intervenor must further comply with Commission Rules of Procedure 161-165. IDAPA 31.01.01.161-165. The petition must contain an itemized list of expenses broken down into categories, a statement explaining why the costs constitute a significant financial hardship if not recovered, and a statement showing the class of customer on whose behalf the intervenor participated. Commission Rule 162; IDAPA 31.01.01.162. The payment of awards is to be made by the utility and is an allowable expense to be recovered from ratepayers in the next general rate case. Commission Rule 165.02, .03; IDAPA 31.01.165.02, .03.

The Commission received timely petitions for intervenor funding from ICEA, Idaho Conservation League ("ICL"), Idaho Irrigation Pumpers Association ("IIPA"), and Sierra Club of Idaho. Because we lack insight into the confidential settlement negotiations, we award intervenor funding based on our assessment of the submitted written materials. We note that all petitioners, except for the IIPA, acknowledge that they wrote off significant time, or reduced their rates in recognition that the Commission has limited money to divide between intervenors and that all intervenors invested substantial time and energy in the docket. Based on the foregoing standards and the materials in front of the Commission, we find it appropriate to award \$5,000 to IIPA, \$18,000 to ICEA, \$11,000 to ICL, and \$6,000 to Sierra Club of Idaho. We acknowledge the considerable time and effort the parties put into this docket and recognize there is still more work ahead on this subject.

O R D E R

IT IS HEREBY ORDERED that Richard Kluckhohn's request for reconsideration, Thomas Baskin's petition for clarification, Idaho Power's answer/cross-petition to Richard Kluckhohn's request for reconsideration, Idaho Power's answer/cross-petition to petitions for reconsideration, Staff's answer to petitions for reconsideration, ICL/VS's answer/cross-petition for reconsideration, Boise City's answer to Idaho Power's petition for reconsideration and/or clarification, and ICEA's petition for reconsideration and/or clarification are granted to the extent discussed herein.

IT IS FURTHER ORDERED that grandfathered status applies to the on-site generating system site, as opposed to the customer as ordered in Order No. 34509, as described more fully herein.

IT IS FURTHER ORDERED that customers can install an additional on-site generation system and have the production from the additional system be compensated according to the rules in place for the additional system without losing grandfathered status for the original system, as described more fully herein.

IT IS FURTHER ORDERED that the Company's petition for reconsideration and/or clarification is denied. The petitions for reconsideration from ICL/VS, ICEA, multiple students, Micah Hornback, and Kenneth White are also denied.

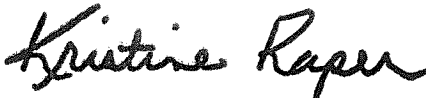
IT IS FURTHER ORDERED that intervenor funding is awarded as follows: \$5,000 to IIPA, \$18,000 to ICEA, \$11,000 to ICL, and \$6,000 to Sierra Club of Idaho.

THIS IS A FINAL ORDER ON RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. IPC-E-18-15 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See *Idaho Code* § 61-627.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 5th
day of February 2020.



PAUL KIELLANDER, PRESIDENT

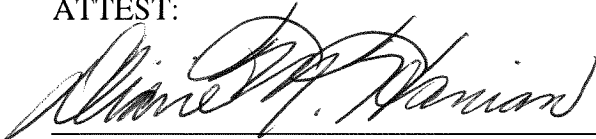


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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