

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF

FROM: EDWARD J. JEWELL
DEPUTY ATTORNEY GENERAL

DATE: MARCH 15, 2019

SUBJECT: 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.

On November 9, 2018, the Commission set a November 30, 2018 intervention deadline for this case. Order No. 34189. On March 13, 2019, NW Energy Coalition ("NWECC") filed a late petition to intervene in the proceeding. The rules for late petitions to intervene, and the late petition filed by NWECC, are summarized below.

RULES GOVERNING LATE PETITIONS TO INTERVENE

Commission Rules provide that a petitioner seeking intervention must state its "direct and substantial interest . . . in the proceeding." IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." IDAPA 31.01.01.073. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons." *Id.* Also, "Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition." *Id.*

NWECC'S PETITION

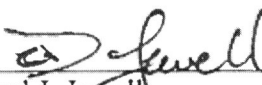
NWECC represents 11 organizational members in Idaho and "promotes development of renewable energy and energy conservation, consumer protection, low-income energy assistance, and fish and wildlife restoration on the Columbia and Snake Rivers" on behalf of its members and therefore has a direct and substantial interest in these proceedings. Petition to Intervene at 2.

NWEC is a party to docket IPC-E-18-16, a parallel proceeding examining Idaho Power's fixed costs of providing electricity to its consumers.

NWEC states that as the dockets have progressed, it has become apparent that the issues and information of the dockets overlap. NWEC seeks to intervene in this docket to avoid any potential issues regarding the sharing of confidential information. NWEC states that it will not broaden the issues, delay the proceeding, or otherwise prejudice the existing parties to this docket. NWEC states that it intends to fully participate in this matter as a party and seek intervenor funding. NWEC states that it has been a party in cases before the Commission and has participated in distributed energy proceedings in Idaho, Montana, Washington, and Oregon.

COMMISSION DECISION

Does the Commission wish to grant the NWEC's late petition to intervene?



Edward J. Jewell
Deputy Attorney General

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