

## DECISION MEMORANDUM

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

**FROM: EDWARD J. JEWELL  
DEPUTY ATTORNEY GENERAL**

**DATE: MAY 16, 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 May 2, 2019, Micron Technology, Inc. (“Micron”) filed a late petition to intervene in the proceeding. The rules for late petitions to intervene, and the late petition filed by Micron, 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.*

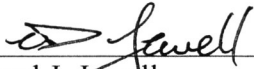
### **MICRON’S PETITION**

Micron filed its petition in anticipation of IPC-E-19-15 being consolidated with this case in some manner. Micron filed a timely petition to intervene in IPC-E-19-15. Micron states that the potential for the cases to be combined in some manner did not arise until Idaho Power filed its Application in this case, therefore justifying its late petition to intervene. Although the Commission chose not to consolidate IPC-E-18-15 and IPC-E-19-15, the Commission did state

that findings in IPC-E-18-15 would be presumptively reasonable in IPC-E-19-15. Micron states that if it is granted intervention in this case it would abide by earlier orders and notices and would not disrupt the proceeding, prejudice existing parties, or unduly broaden the issues.

**COMMISSION DECISION**

Does the Commission wish to grant Micron's petition to intervene?

  
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Edward J. Jewell  
Deputy Attorney General

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