

DECISION MEMORANDUM

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

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

DATE: JUNE 7, 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 April 5, 2019, Idaho Power filed IPC-E-19-15, which will examine the terms and compensation structure for commercial, industrial, and irrigation customers with net metering systems. On May 15, 2019, the Commission issued a Notice of Intervention Deadline in IPC-E-19-15 that stated, “Findings in IPC-E-18-15 will be presumptively reasonable in [the IPC-E-19-15] docket, although not binding.” Order No. 34335.

On June 4, 2019, Industrial Customers of Idaho Power (“ICIP”) filed a late petition to intervene in this proceeding and a late petition to intervene in IPC-E-18-16. The rules for late petitions to intervene, and the late petition filed by ICIP, 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.* “No order granting a petition to intervene will be acted upon fewer than

seven (7) days after its filing, except in a hearing in which any party may be heard. Any party opposing a petition to intervene must do so by motion in opposition filed within seven (7) days after receipt of the petition to intervene and served upon all parties of record and upon the person petitioning to intervene.” IDAPA 31.01.01.074.

ICIP’s PETITION

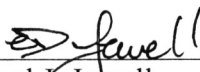
ICIP is an unincorporated association of Idaho Power Schedule 19 customers. Petition to Intervene at 2. ICIP timely filed a petition to intervene in IPC-E-19-15 and concurrent to this petition filed a petition to intervene in IPC-E-18-16. ICIP states,

It has become apparent as the IPC-E-18-15 and IPC-E-18-16 cases have evolved that, in order to fully evaluate the issues and discovery responses and requests that are relevant to all three dockets, that Party status in all three dockets will be necessary. In addition, it is the ICIP’s understanding that confidential settlement discussions may be taking place on issues that overlap all three dockets. *Id.* at 2-3.

ICIP goes on to state that its intervention would not disrupt the proceedings, prejudice existing parties, nor unduly broaden the issues and that it agrees to be bound by all previously issued scheduling orders and the discovery process in place. *Id.* at 3. ICIP represents that counsel for Idaho Power has indicated that the company does not object to ICIP’s intervention in this proceeding. *Id.* No other party has indicated they will object.

COMMISSION DECISION

Does the Commission wish to grant ICIP’s petition to intervene?



Edward J. Jewell
Deputy Attorney General