

DECISION MEMORANDUM

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

FROM: EDWARD J. JEWELL
DEPUTY ATTORNEY GENERAL

DATE: JUNE 24, 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 14, 2019, Russell Schiermeier 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 Mr. Schiermeier, are summarized below.

RULES GOVERNING LATE PETITIONS TO INTERVENE

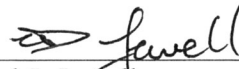
Commission Rules provide that a petitioner seeking intervention must state its “direct and substantial interest . . . in the proceeding.” IDAPA 31.01.01.072. Petitions to intervene that are not timely filed “must state a substantial reason for delay.” IDAPA 31.01.01.073. “The Commission may deny or conditionally 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.*

RUSSELL SCHIERMEIER'S PETITION

Russell Schiermeier states that he owns and operates farming operations in Owyhee County, Idaho, which currently host several net metering systems and potential net metering sites. Petition to Intervene at 1. Mr. Schiermeier 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. Mr. Schiermeier states that the overlap in dockets IPC-E-18-15, IPC-E-18-16, and IPC-E-19-15 necessitates intervention and participation in all three dockets. Mr. Schiermeier states that granting him intervention will not disrupt the proceedings, prejudice existing parties, nor unduly broaden the issues.

COMMISSION DECISION

Does the Commission wish to grant Russell Schiermeier's petition to intervene?



Edward J. Jewell
Deputy Attorney General

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