

Kelsey Jae Nunez, ISB No. 7899
KELSEY JAE NUNEZ LLC
920 N. Clover Dr.
Boise, ID 83703
Telephone: (208) 559-2525
kelsey@kelseyjaenunez.com
Attorney for Sierra Club

RECEIVED
2020 FEB -4 PM 2: 39
IDAHO PUBLIC
UTILITIES COMMISSION

Zack Waterman
IDAHO SIERRA CLUB
503 W Franklin St
Boise, ID 83702
Telephone: (208) 384-1023
zack.waterman@sierraclub.org

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF
IDAHO POWER COMPANY TO STUDY FIXED
COSTS OF PROVIDING ELECTRIC SERVICE TO
CUSTOMERS**

**IPC-E-18-16
REQUEST FOR
INTERVENOR FUNDING**

COMES NOW the Idaho Chapter of the Sierra Club (“Sierra Club”), pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161-165 with the following request for intervenor funding. Sierra Club is an intervenor in this case pursuant to Order No. 34212. This request is timely pursuant to Rule 164.

I. Applicability of Idaho Code § 61-617A and IDAPA Rule 31.01.01.161

Idaho Power Company (“Idaho Power” or the “Company”) is a regulated public utility that has gross Idaho intrastate annual revenues exceeding \$3,500,000.00.

II. IDAPA Rule 31.01 .01.162 requirements

A. Itemized list of expenses

The attached Exhibit A is an itemized list of expenses incurred by Sierra Club in this proceeding. Exhibit A indicates hours spent by legal counsel and expert witness on investigating and responding to Idaho Power's Application; analyzing and conducting discovery; preparing analyses, presentations, and proposals for review by other parties; meaningfully participating in several meetings and negotiation sessions; and supporting the development of the file comments. Sierra Club focused its participation and input on facts and issues that are directly relevant to this docket.

B. Statement of proposed findings

Sierra Club intervened in this docket and actively participated in all settlement conferences to ensure that Idaho energy policy includes reasonable analysis of the fixed costs of customer owned, on-site renewable energy investments and focuses on equitable allocation and recovery. As stated in its comments to the Commission on January 21, 2020, Sierra Club proposes that the Company's Fixed Cost Report does not satisfy the requirements of a "comprehensive customer fixed-cost analysis" (Order 34190, page 1) and should not be accepted in its current form. Sierra Club suggested a modified cost allocation structure using contemporary cost of service data combined with innovative TOU rates for the Residential and Irrigation classes. Sierra Club proposed that the Fixed Cost Report as currently structured is deficient in its review of efficient price signals and equitable cost allocation, neither meets the standard of a comprehensive study nor serves the larger public interest, and should be rejected by the Commission.

Sierra Club also asks the Commission to grant this request for intervenor funding.

C. Statement showing costs

Idaho Sierra Club requests \$6,878 in intervenor funding for attorney and expert witness fees, as shown in Exhibit A. These fees were incurred reasonably and appropriately. This case covered complex and technical issues and required reviewing and responding to extensive analyses and proposals of the Company, Commission Staff, and other active parties. To uncover and understand the facts, we reviewed multiple rounds of settlement proposals and accompanying data; reviewed discovery requests and submitted our own discovery requests; and engaged in lengthy negotiation efforts with other parties. Legal counsel and expert witness for Sierra Club were active participants in all stages of the proceeding. For each of these efforts, we endeavored to be efficient with time and delegation of tasks. Many hours were billed exploring creative options and strategies with fellow parties and other internal and external stakeholders, and only a portion of those hours are included in this request. Other costs not included in this request include travel, printing, and hours invested by Sierra Club staff, Zack Waterman. Legal counsel and expert witness maintained clear divisions of labor to reduce expenses. We request an hourly rate for legal counsel of \$190 per hour and for expert witness of \$95 per hour. For all these reasons, our request for intervenor funding to pay the costs of the listed attorney and expert witness fees is reasonable.

D. Explanation of cost statement

Sierra Club is a nonprofit organization supported through charitable donations from our members and foundations. In this proceeding, we represent our members and supporters who are Idaho Power ratepayers as well as those who have an interest in promoting distributed energy

generation and resilience throughout Idaho. To provide consistent, professional, and impactful advocacy for our members and supporters, Sierra Club dedicates significant staff time to energy issues and specifically to policy making at the Commission. The cost of employing and training staff members and hiring outside legal counsel and expert witnesses is a significant financial commitment for a charitable organization. Because charitable contributions are inherently unstable and sometimes insufficient, the availability of intervenor funding is essential for Sierra Club to participate fully in these proceedings. Sierra Club has no pecuniary interest in the outcome of this case; rather we dedicated our time and resources to represent the interests of our supporters who have a strong interest in robust distributed energy in Idaho.

E. Statement of difference

Sierra Club, at times, diverged greatly from Staff's proposals. The settlement negotiations were confidential so specific details are not proper to discuss. In general, Sierra Club differed from Staff in that the Sierra Club provided unique and detailed analysis associated with contemporary fixed cost allocations across customer classes and related impacts on rate design evaluation.

F. Statement of recommendation

Sierra Club's proposed findings address issues of concern for general ratepayers who could be subject to rate increases if the fixed costs of NEM are not properly accounted for, as well as impacts to NEM customers who may be discouraged from installing DER if the compensation structure does not accurately reflect the value of their investment. Sierra Club asserts that all customers, regardless of class, share a strong interest in ensuring Idaho Power supports the reasonable development of DERs to reduce the need to develop and purchase energy

from fossil fuels. Our participation in this case raises issues relating to the value of renewable energy on Idaho Power's system and contributes to a more thorough understanding of the costs and benefits. Sierra Club believes that Idaho Power's proposed Fixed Cost Report fails to achieve the goals of a comprehensive and equitable analysis and should be rejected.

G. Statement showing class of customer

Sierra Club's members and supporters are residential and small commercial customers of Idaho Power.

Respectfully submitted this 4th day of February, 2020.



Kelsey Jae Nunez, Attorney for Sierra Club

Exhibit A
Cost Statement for Idaho Sierra Club
Total Costs: \$6,878

For attorney fees billed by Kelsey Jae Nunez LLC

Conducting relevant legal research and crafting strategies for comments, discovery, and negotiations	1 hours
Analyzing and preparing discovery requests	0.7 hours
Total	1.7 hours
@ \$190/hour	\$323

For expert witness fees billed by Mike Heckler

Attend organizational meeting & settlement conferences	19.5
Coordinate/prepare Production Requests	5.5
Research/prepare Fixed Cost Report comments	44
Total	69 hours
@ \$95/hour	\$6,555

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, true and correct copies of the above REQUEST FOR INTERVENOR FUNDING were sent to the following persons via the methods noted:

Hand delivered and emailed:

Diane Hanian
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington St.
Boise, ID 83702
diane.holt@puc.idaho.gov
(original plus seven copies)

Emailed:

Idaho Power Company

Lisa D. Nordstrom
Timothy E. Tatum
Connie Aschenbrenner
1221 W. Idaho St.
PO Box 70
Boise, Idaho 83707
lnordstrom@idahopower.com
dockets@idahopower.com
ttatum@idahopower.com
cashenbrenner@idahopower.com

Commission Staff

Edward Jewell
Deputy Attorney General
Idaho Public Utilities Commission
472 W. Washington, PO Box 83720
Boise, ID 83720-0074
edward.jewell@puc.idaho.gov

Avista Corporation

David J. Meyer, Esq.
Avista Corporation
PO Box 3727
Spokane, WA 99220-3727
david.meyer@avistacorp.com

Patrick D. Ehrbar
Avista Corporation PO Box 3727
Spokane, WA 99220-3727
patrick.ehrbar@avistacorp.com

Joe Miller
joe.miller@avistacorp.com

Idahydro

C. Tom Arkoosh
Arkoosh Law Offices
802 W. Bannock Street, Suite 900
PO Box 2900
Boise, ID 83701
tom.arkoosh@arkoosh.com
erin.cecil@arkoosh.com

Idaho Irrigation Pumpers Association, Inc.

Eric L. Olsen
ECHO HAWK & OLSEN, PLLC
505 Pershing Ave., Ste. 100
PO Box 6119
Pocatello, Idaho 83205
elo@echohawk.com

Anthony Yankel
12700 Lake Ave. Unit 2505
Lakewood, OH 44107
Email: tony@yankel.net

Idaho Conservation League

Ben Otto
710 N 6th Street
Boise, ID 83701
Ph: (208) 345-6933 x 12
Fax: (208) 344-0344
botto@idahoconservation.org

City of Boise

Abigail R. Germaine
Deputy City Attorney
Boise City Attorney's Office
105 N. Capitol Blvd.
PO Box 500
Boise, ID 83701-0500
agermaine@cityofboise.org

Idaho Clean Energy Association

Preston N. Carter
Givens Pursley LLP
601 W. Bannock St. Boise, ID 83702
prestoncarter@givenspursley.com

Rocky Mountain Power

Ted Weston
Yvonne R. Hogle
Rocky Mountain Power
1407 West North Temple, Suite 330
Salt Lake City, UT 84116
ted.weston@pacificorp.com
yvonne.hogle@pacificorp.com

Vote Solar

Briana Kober
Vote Solar
360 22nd Street., Suite 730
Oakland, CA 94612
briana@votesolar.org

David Bender
Earthjustice
3916 Nakoma Road Madison, WI 53711
dbender@earthjustice.org

Al Luna

aluna@earthjustice.org

Nick Thorpe

nthorpe@earthjustice.org

Northwest Energy Coalition

F. Diego Rivas
NW Energy Coalition
1101 8th Ave. Helena, MT 59601
diego@nwenergy.org

Benjamin J. Otto
Idaho Conservation League
710 N. 6th Street Boise, ID 83702
botto@idahoconservation.org

Industrial Customers Of Idaho Power

Peter J. Richardson
Richardson Adams, PLLC
515 N. 27th Street
PO Box 7218 Boise, ID 83702
peter@richardsonadams.com

Dr. Don Reading
6070 Hill Road Boise, ID 83703
dreading@mindspring.com

Russell Schiermeier

29393 Davis Road
Bruneau, ID 83604
buyhay@gmail.com

Kelsey Jae Nunez

Kelsey Jae Nunez
Attorney for Sierra Club