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Attorneys for Idaho Clean Energy Association

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER
COMPANY'S APPLICATION FOR
AUTHORITY TO STUDY THE
MEASUREMENT INTERVAL,
COMPENSATION STRUCTURE, AND
VALUE OF NET EXCESS ENERGY
FOR ON-SITE GENERATION UNDER
SCHEDULE 84 AND TO
TEMPORARILY SUSPEND
SCHEDULE 84 NET METERING
SERVICE TO NEW IDAHO
APPLICANTS

Case No. IPC-E-19-15

IDAHO CLEAN ENERGY ASSOCIATION'S
PETITION TO INTERVENE AND OPPOSITION
TO REQUEST FOR EXPEDITED
CONSIDERATION

Idaho Clean Energy Association, Inc. ("ICEA"), petitions the Commission for leave to
intervene in this case pursuant to Rule 71, IDAPA 31.01.01.71.

Intervention

1. The name and address of the intervenor is:

Idaho Clean Energy Association, Inc.
P.O. Box 2264
Boise, Idaho 83701

2. Please provide copies of all pleadings, production requests, production responses,

Commission orders and other documents as follows:

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3. ICEA is a nonprofit organization dedicated to the advancement of renewable energy, energy efficiency, and associated technologies in the State of Idaho. Many of ICEA's members provide products and services related to on-site generation, including on-site generation subject to Schedule 84. ICEA has a direct and substantial interest in this proceeding because the changes to Schedule 84 requested in this case impact ICEA's members and their current and potential customers.

4. In addition, ICEA is a party to the two other dockets discussed in the Application, IPC-E-18-15 and IPC-E-18-16. ICEA has expended significant time and resources in attending multiple full-day settlement conferences in each of those dockets. ICEA has a direct and substantial interest in this case to the extent it will impact IPC-E-18-15 and IPC-E-18-16.

5. Because many of ICEA's members are small businesses that provide products and services related to on-site generation, ICEA presents a unique perspective and provides a unique expertise not shared by other parties. The existing parties do not adequately or fully represent ICEA's interests, and without the opportunity to intervene, ICEA would not have an adequate method of participating in the proceeding.

6. ICEA intends to participate in this case as a party and, if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The

nature and quality of evidence that ICEA will introduce is dependent upon the nature and effect of other evidence in this proceeding.

Opposition to Expedited Consideration

7. The Application requests that the Commission “expeditiously consider and immediately suspend Schedule 84 service available to Idaho CI&I applicants, as of the date of the filing.” Application at 7.

8. The caption of the Application contains the following:

Expedited Consideration
Requested

9. The Application does not state the time by which Idaho Power seeks a decision (other than “immediately”) or cite a rule enabling immediate (indeed, retroactive) suspension of an existing schedule. Rule 123 appears most relevant; it allows the Commission to act in less than thirty days upon a finding of good cause.

10. ICEA anticipates that notice of the Application will be provided, and a schedule will be established, according to the Commission’s typical process. However, in light of the Company’s request for immediate/retroactive/expedited consideration, ICEA finds it necessary to express its opposition to the request for expedited consideration at this time.

11. The Application presents complicated issues, including analysis of the existence or degree of alleged cost-shifts from Schedule 84 customers; the legality of suspending customers’ ability to self-generate; the legality of retroactively suspending existing schedules; and others. These issues should be fully considered, and all affected parties should be fully heard, before the Commission issues a decision.

12. The request for retroactive suspension of Schedule 84 is particularly troubling. Schedule 84 is in effect until the Commission orders otherwise. The Application suggests that

customers who sign onto this valid, Commission-approved schedule today (for example) could learn that their participation is retroactively invalidated. This casts doubt upon the current legal status of Schedule 84 and places customers in an untenable situation.

13. The Company has not provided good cause for immediate or emergency-type expedited relief.

14. The Application notes recent growth in Schedule 84 customers. The existence of customers that wish to participate in a valid, existing, Commission-approved schedule does not create good cause for immediate or expedited suspension of that schedule.

15. The Company expresses concern about customers' desire to engage in on-site generation, noting that customers "may not be considering the financial impact that a change to the Excess Net Energy credit may have on their investment decisions." Application at 5. Immediate, retroactive suspension of a customers' ability to choose does not seem a proportionate or constructive response to concerns about customers' decision-making. Regardless, the Company does not provide actual evidence to back up its speculation. The Company's concerns do not provide good cause for immediate or expedited suspension of Schedule 84.

16. The Application notes the ongoing docket to study the value of excess energy, but yet purports to present "reasonable proxies for the value of solar generation on Idaho Power's system." Application at 6-7. The little-used Schedule 86 and the first year contract price for an unbuilt, 120 MW utility-scale solar project are not reasonable proxies for the value of on-site generation. It is premature to speculate about the value of on-site generation before the study in IPC-E-18-15 is complete. A comparison of current rates to Schedule 86 and the first-year

contract price for an unbuilt utility-scale project does not provide good cause for immediate or expeditious suspension of Schedule 84.

17. ICEA supports efficient resolution of this case, but not through a hasty, emergency-type proceeding for immediate/retroactive/expedited relief.

For these reasons, ICEA respectfully requests:

1. That the Commission grant its Petition to Intervene in this case and that ICEA be entitled to appear and participate as a party;

2. That the Commission issue an order indicating that it will not undertake expedited, immediate, or other emergency-type relief in this case;

3. That the Commission issue an order indicating that it will not retroactively suspend Schedule 84;

4. That the Commission provide notice and a schedule in this case according to its normal procedures; and

5. That the Commission order any other such relief as the Commission considers just and reasonable.

Dated: April 11, 2019.

GIVENS PURSLEY LLP



Preston N. Carter
Givens Pursley LLP
Attorneys for Idaho Clean Energy Association, Inc.

CERTIFICATE OF SERVICE

I certify that on April 11, 2019, a true and correct copy of IDAHO CLEAN ENERGY ASSOCIATION'S PETITION TO INTERVENE AND OPPOSITION TO EXPEDITED CONSIDERATION was served upon all parties of record in this proceeding via the manner indicated below:

Commission Staff

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