

## DECISION MEMORANDUM

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

**FROM:** EDWARD JEWELL  
DEPUTY ATTORNEY GENERAL

**DATE:** AUGUST 15, 2019

**SUBJECT:** IN THE MATTER OF IDAHO POWER'S APPLICATION TO  
EVALUATE SCHEDULE 84 – NET METERING; CASE NO. IPC-E-19-15.

On April 5, 2019, the Company filed its Application in this matter.

On May 15, 2019, the Commission set an intervention deadline of May 29, 2019.  
Order No. 34335.

On July 26, 2019, IdaHydro filed a late petition to intervene in this proceeding. The rules for late petitions to intervene, and the late petition filed by IdaHydro, are summarized below.

On August 13, 2019, the Commission did not approve or deny the petition to intervene, but noted that the petition did not state a substantial reason for delay, as required by Commission Rule 73. The Commission provided IdaHydro an opportunity to revise its filing.

On August 15, 2019, IdaHydro filed an amended petition to intervene.

### **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.

### **IDAHYDRO’S PETITIONS**

IdaHydro describes itself as “a confederacy of Idaho small hydroelectric producers joined in a trust for mutual benefit, consisting of approximately 80 MW of capacity produced by 28 small hydroelectric plants.” Petition to Intervene at 2. IdaHydro claims a direct and substantial interest in the proceeding and states that its intervention would not unduly broaden the issues or delay the proceedings. IdaHydro, in its amended petition to intervene, states that it has come to understand that IPC-E-18-15 and IPC-E-19-15 may have some bearing on PURPA avoided costs, which would impact IdaHydro members. *See* Amended Petition to Intervene at 2.

### **COMMISSION DECISION**

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

  
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Edward J. Jewell  
Deputy Attorney General

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