

DECISION MEMORANDUM

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

FROM: EDWARD JEWELL
DEPUTY ATTORNEY GENERAL

DATE: NOVEMBER 8, 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 an Application requesting the Commission initiate a collaborative process to study the continued reasonableness of terms in Schedule 84 for commercial, industrial, and irrigation ("CI&I") net metering customers. The Company requested Schedule 84 be suspended for new applicants as of April 5, 2019 while the case was processed. The Company requested an implementation date of January 1, 2020.

On April 18, 2019, the Commission issued a Notice of Application and Notice of Procedural Comment Deadline. Order No. 34315. The Commission determined that the Company had not demonstrated that Schedule 84 should be closed to new applicants during the pendency of the case, and therefore suspended the Company's proposed effective date. By statute, the maximum amount of time the Commission could initially suspend the proposed effective date was for 5 months plus 30 days. *Idaho Code* § 61-622(4). The Commission suspended the effective date for the maximum initial statutory amount, which was until October 7, 2019.

On September 10, 2019, the Company submitted a letter consenting to an extended expiration period until November 15, 2019. The Company stated, "Parties to this docket, as well as its companion docket, Case No. IPC-E-18-15 for residential and small general service net metering customers, have met throughout the year to discuss settlement of net metering issues. Building upon progress made to date in Case No. IPC-E-18-15, Idaho Power is hopeful that a settlement in this docket can be reached during one of the two settlement conferences scheduled

for October 2019.” Letter from Lisa D. Nordstrom, Lead Counsel for Idaho Power dated September 10, 2019. Parties to IPC-E-18-15 were able to achieve a Settlement Agreement, which was submitted to the Commission on October 11, 2019.

In Order No. 34335, the Commission stated, “While we will process this case as a stand-alone case, we expect consistent application of principles across the dockets. Findings in IPC-E-18-15 will be presumptively reasonable in this docket, although not binding.” The Settlement Agreement in IPC-E-18-15, therefore, provided substantial framework for the settlement discussions in IPC-E-19-15.

Parties in IPC-E-19-15 have met for four settlement conferences, in addition to the eight settlement conferences held in IPC-E-18-15, and have exchanged a number of proposals and counterproposals specific to IPC-E-19-15. Staff believes that, given additional time, a settlement agreement could be reached in this case as well. Therefore, pursuant to *Idaho Code* § 61-622(4), Staff requests an extension of an additional sixty days.

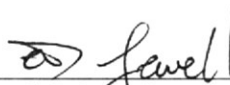
In Order No. 34335, the Commission stated, “We understand the value of providing greater regulatory certainty to market participants, customers, and the Company through a speedy resolution of these matters. We also understand that reaching compromise and constructing a well thought out net metering program that appropriately balances the interests of all involved takes time. The Company has repeatedly stated it wants to collaboratively work through the issues that must be explored to establish a fair and effective net metering program. We encourage the Company to continue this approach so long as it reasonably progresses toward compromise.” Order No. 34335 at 2. Staff believes that the collaborative process, as implemented in these dockets, has proven to be a constructive method to resolve the complex technical and policy decisions inherent in designing a fair net metering program, and requests that this process continue, as Staff believes negotiations to be reasonably progressing toward compromise.

STAFF RECOMMENDATION

Staff recommends the Commission suspend the effective date in this case for an additional sixty days, until January 14, 2020.

COMMISSION DECISION

Does the Commission wish to suspend the effective date in this case for an additional sixty days, until January 14, 2020?



Edward J. Jewell
Deputy Attorney General

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