

## DECISION MEMORANDUM

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

**FROM:** EDWARD JEWELL  
DEPUTY ATTORNEY GENERAL

**DATE:** JANUARY 10, 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 to new applicants as of April 5, 2019 while the case was processed.

On April 18, 2019, the Commission issued a Notice of Application and Notice of Procedural Comment Deadline. Order No. 34315. The Commission determined the Company had not demonstrated Schedule 84 should be closed to new applicants during the pendency of the case, and therefore suspended the Company's proposed effective date. *Id.*; Order No. 34335. 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 extend the suspension of the proposed effective date until November 15, 2019.

On November 15, 2019, the Commission issued a Notice of Continued Suspension of Effective Date, which suspended the proposed effective date for sixty days, until January 14, 2020, in order for the parties to continue to pursue settlement. Order No. 34488.

Parties to IPC-E-18-15 were able to achieve a Settlement Agreement, which was submitted to the Commission on October 11, 2019. On December 20, 2019, the Commission

rejected the proposed Settlement Agreement in IPC-E-18-15 upon finding the public was not on adequate notice that fundamental changes to the net metering program might result from the docket, that the record did not support approval of the Settlement Agreement, and that a settlement without a comprehensive study did not comply with the Commission's directive in Order No. 34046. Order No. 34509.

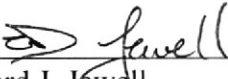
Findings in IPC-E-18-15 are to be presumptively reasonable, though not binding in this docket. Order No. 34335. The parties in IPC-E-19-15 have not yet met to discuss what impact Order No. 34509 will have on this docket. Pursuant to *Idaho Code* § 61-622(4), Staff requests an extension of an additional sixty days in order to give the parties an opportunity to determine the proper course of action in light of Order No. 34509.

#### **STAFF RECOMMENDATION**

Staff recommends the Commission suspend the effective date in this case for an additional sixty days, until March 16, 2020.

#### **COMMISSION DECISION**

Does the Commission wish to suspend the effective date in this case for an additional sixty days, until March 16, 2020?

  
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Edward J. Jewell  
Deputy Attorney General

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