

## DECISION MEMORANDUM

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

**FROM:** EDWARD JEWELL  
DEPUTY ATTORNEY GENERAL

**DATE:** MARCH 6, 2020

**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. The Commission determined 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. Order No. 34315.

By statute, the maximum amount of time the Commission could initially suspend the proposed effective date was for 5 months plus 30 days. Under the same statute, the Commission can continue to suspend an effective date for an additional sixty days upon a showing of good cause on the record, or indefinitely upon a signed writing from the Company. *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, based on good cause showing, 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.

On January 14, 2020, the Commission issued another Notice of Continued Suspension of Effective Date, which suspended the proposed effective date for an additional sixty day, until March 16, 2020. Order No. 34534. The Commission issued this additional extension to allow the parties time to meet and confer regarding the impact Order No. 34509 in Case No. IPC-E-18-15 would have on this docket. *Id.*

On February 5, 2020, the Commission issued Order No. 34546 in Case No. IPC-E-18-15, which in part, declined to make any determinations about the IPC-E-19-15 case in IPC-E-18-15. Order No. 34546 at 11-12. In Staff's Answer to petitions for reconsideration in IPC-E-18-15, Staff stated,

Staff recommends the Commission direct the Company to withdraw its Application in IPC-E-19-15. That case was conducted in a manner almost identical to IPC-E-18-15, which the Commission found to not sufficiently include public participation and required the completion of a credible and fair comprehensive study. Staff believes it would be reasonable for the Commission to direct parties in IPC-E-19-15 to prepare a comprehensive study using the same procedures and the same criteria established by Order No. 34509 for residential and small general service customers.

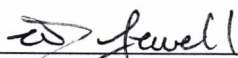
The parties have had difficulty coordinating a time to meet to discuss next steps in IPC-E-19-15 following the Commission's orders in IPC-E-18-15, and therefore Staff recommends the Commission continue to suspend the effective date in order to allow parties to discuss proposals for next steps. The Company has indicated to counsel that it concurs an additional extension of time is appropriate given the circumstances.

#### **STAFF RECOMMENDATION**

Staff recommends the Commission suspend the effective date in this case for an additional sixty days, until May 15, 2020, unless the Company timely withdraws its Application.

#### **COMMISSION DECISION**

Does the Commission wish to suspend the effective date in this case for an additional sixty days, until May 15, 2020, unless the Company timely withdraws its Application?

  
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Edward J. Jewell  
Deputy Attorney General

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