Benjamin J. Otto (ISB No. 8292) 710 N 6<sup>th</sup> Street Boise, ID 83701 Ph: (208) 345-6933 x 12

Fax: (208) 344-0344

botto@idahoconservation.org

Attorney for the Idaho Conservation League

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE	) CASE NO. IPC-E-19-20
APPLICTION OF DAHO POWER	)
COMPANY FOR APPROVAL OF THE	) IDAHO CONSERVATION LEAGUE
CAPACITY DEFICIENCY TO BE	)
UTILIZED FOR AVOIDED-COST	) REPLY COMMENTS
CALCULATIONS.	

The Idaho Conservation League (ICL) hereby replies to Idaho Power Company's Comments, filed March 31, 2020. In Order No 34402, the Commission granted ICL's Petition to Intervene in this docket.<sup>1</sup> Idaho Power's Comments are entirely backward-looking and practically amount to a collateral challenge to prior Commission orders. Because Idaho Power does not propose any solution, nor provide a compelling reason to change prior Commission orders, ICL recommends the Commission maintain the logical sequence of events already established to determine the utility capacity deficiency date for avoided cost purposes.

Idaho Power's Comments discuss two reasons why adhering to the Commission's prior orders would be inconvenient for Idaho Power, neither of which are compelling or helpful to customers. Overall though, Idaho Power's Comments are really an attack on a Commission Order issued in October, 2017. IPC's opportunity to challenge that Order directly passed years ago, and the Commission should not agree to Idaho Power's implicit request here – a request to disturb the certainty and finality of a Commission Order after the fact.

First, Idaho Power raises the inconvenience of having to track other utility dockets in Idaho. ICL was surprised to learn that Idaho Power does not already monitor other utility dockets, as monitoring other actors, regulators, and customers for new and changing circumstances is a common and responsible practice core to most industries. In fact, Idaho's northern electric utility, Avista Corporation, recently intervened before the Washington State

IPC-E-19-20 ICL REPLY COMMENT

1

<sup>&</sup>lt;sup>1</sup> ICL notes that Staff did not provide ICL with notice of this comment period and Idaho Power did not serve ICL, or the other party in this docket IdaHydro, with the Company's March 31, 2020 comments.

Utilities and Transportation Commission, regarding a matter initiated by and specific to Puget Sound Energy, a separate electric utility located in Washington State. Similarly, Avista and Rocky Mountain Power seem to have no problem monitoring Idaho Power initiated dockets and intervening as they feel is necessary. ICL is confident Idaho Power's regulatory team can keep track of the two other electric utilities regulated by the Idaho Public Utilities Commission.

Second, Idaho Power argues that the logical sequence of reviewing the foundational analysis in the Integrated Resource Plan (IRP) before establishing specific dates and resources based on that plan might create an inappropriate delay. Idaho Power did not complain of inappropriate delay when, after filing its 2019 IRP, IPC elected to spend an additional six months reanalyzing the 2019 IRP to address an issue raised by Staff and stakeholders early in the planning process. The problem Idaho Power alleges is that adhering to the Commission's prior orders could allow Qualified Facilities (QF) to "lock-in high rates" during the review period. But Idaho Power provides no evidence of any QF actually doing so as a result of the sequence of review. ICL recommends the Commission discount Idaho Power's allegations of problems and maintain the logical sequence of reviewing the Integrated Resource Plan before making decisions based on that plan.

ICL recommends the Commission either hold this docket in abeyance, or dismiss this application, until the Commission completes its review of Idaho Power's Integrated Resource Plan. Either path leads to the same logical conclusion, which aligns with prior Commission orders detailing the appropriate procedure for setting a capacity deficit date – first, review the Integrated Resource Plan that provides the data and analysis to determine the utility capacity position; second, determine the precise date and resource used for avoided cost purposes.

Respectfully submitted this 7<sup>th</sup> day of April 2020,

/s/ Benjamin J Otto
Benjamin J. Otto
Idaho Conservation League

IPC-E-19-20 ICL REPLY COMMENT

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of April 2020, I delivered true and correct copies of the foregoing REPLY COMMENT to the following persons via the method of service noted:

## ELECTRONIC MAIL ONLY (Order 34602)

Diane Hanian, Commission Secretary secretary@puc.idaho.gov

Idaho Power
Donovan E. Walker
Michael Darrington
dwalker@idahopower.com
mdarrington@idahopower.com
dockets@idahopower.com
energycontracts@idahopower.com

IdaHydro
C. Tom Arkoosh
Arkoosh Law Office
Tom.Arkosh@arkoosh.com
Stacie.Foor@arkoosh.com