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January 16, 2020

VIA HAND DELIVERY

Diane Hanian, Secretary
Idaho Public Utilities Commission
11331 W. Chinden Boulevard
Building 8, Suite 201-A
Boise, ID 83714

Re: Case No. IPC-E-19-28
Jeff Comer vs. Idaho Power Company
Idaho Power Company's Answer and/or Cross-Petition to Jeff Comer's Petition for Reconsideration

Dear Ms. Hanian:

Enclosed for filing in the above matter please find an original and seven (7) copies of Idaho Power Company's Answer and/or Cross-Petition to Jeff Comer's Petition for Reconsideration in the above matter. If you have any questions about the enclosed documents, please do not hesitate to contact me.

Very truly yours,

Lisa D. Nordstrom

Lisa D. Nordstrom

LDN:kkt

Enclosures

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Attorney for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE FORMAL COMPLAINT OF JEFF COMER AGAINST IDAHO POWER COMPANY	)	CASE NO. IPC-E-19-28
	)	IDAHO POWER COMPANY'S ANSWER AND/OR CROSS-PETITION TO JEFF COMER'S PETITION FOR RECONSIDERATION

On December 1, 2019, Jeff Comer, a customer of Idaho Power Company ("Idaho Power" or "Company") served a Petition for Reconsideration ("Petition"). In his Petition, Mr. Comer asks the Idaho Public Utilities Commission ("Commission") to set aside their current ruling and reconsider Order No. 34492.

Idaho Power, in accordance with *Idaho Code* § 61-626 and RP 331.02 and 331.05, files this Answer and/or Cross-Petition[1] to Jeff Comer's Petition. Idaho Power will

[1] RP 331.05 describes Answers to Petitions for Reconsideration as "pleadings that disagree with a petition for reconsideration, but do not ask for affirmative relief from the Commission's orders . . . ." Because the Company believes the Commission reached the appropriate outcome, it does not technically request "affirmative relief." However, to the extent the Commission clarifies Order No. 34492 on its own motion under RP 325 or at Idaho Power's request, Idaho Power also characterizes this pleading as a cross-petition to facilitate that result.

(1) provide procedural background as to the requirements for meter aggregation and the case history, (2) provide factual background to statements made by Mr. Comer in his Petition and to Commission Staff's recommendation to deny Mr. Comer's formal complaint, and (3) explain why the Commission should uphold its decision to deny Mr. Comer's formal complaint. Idaho Power believes the Commission reached the correct outcome in Order No. 34492, albeit on different grounds.

I. PROCEDURAL BACKGROUND

On November 19, 2013, the Commission issued Order No. 32925 in Case No. IPC-E-12-27 establishing the conditions under which customers could transfer excess net energy credits from the designated on-site generation meter to offset consumption at one or more separate meters – otherwise known as "meter aggregation":

1. The customer may only apply the excess net energy credits to accounts held by the customer.
2. The aggregated meters must be located on, or contiguous to, the property on which the designated meter is located. Contiguous property includes property that is separated from the premises of the designated meter by the public or railroad rights of way;
3. The designated meter and the aggregated meters must be served by the same primary feeder; and
4. The electricity recorded by the designated meter and any aggregated meters must be for the customer generator's requirements.

These criteria were incorporated into Idaho Power's Tariff Schedule 6, Schedule 8, and Schedule 84.

In 2019, Mr. Comer requested to transfer credits from the designated generation meter to two separate residential meters; one meter was his own residential meter and

the other was the meter located at the residence of Mr. Goodman. Upon review of the request for meter aggregation, Idaho Power determined that the meter at the residence of Mr. Goodman was not located on a contiguous property to the designated generation meter. On February 15, 2019, Idaho power approved the request to transfer credits to the meter at Mr. Comer's residence; however, the Company denied Mr. Comer's request to transfer credits to the meter at Mr. Goodman's residence.

On August 6, 2019, Mr. Comer filed a formal complaint against the Company asking the Commission to review Idaho Power's method to determine contiguous property to meet the requirement of criterion 2 of the Company's meter aggregation rules ("Criterion 2"). Criterion 2 states that: "The aggregated meters must be located on, or contiguous to, the property on which the designated meter is located."

On October 15, 2019, Commission Staff ("Staff") filed comments recommending the Commission deny Mr. Comer's formal complaint based on criterion 4 of the Company's meter aggregation rules ("Criterion 4").[2] Criterion 4 states that: "The electricity recorded by the designated meter and any aggregated meters must be for the customer generator's requirements."

On November 19, 2019, the Commission issued Order No. 34492 denying Mr. Comer's formal complaint based on the requirements for Criterion 4; that is, the electricity recorded by the aggregate meter was not for Mr. Comer's requirements.[3]

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[2] "However, the rationale for denying the transfer of credits should have been because the transfer would have violated criteria 4 of the Company's meter aggregation rules, and not because of the Company's interpretation of the term "property." Staff's Comments at 4.

[3] "Having reviewed the record, we find Idaho Power appropriately denied Mr. Comer's request to transfer excess net energy credits from the Designated Meter to the meter on Mr. Goodman's property that was in Mr. Comer's name. We make this finding based on criterion 4 of the Company's meter aggregation rules." Order No. 34492 at 4.

On December 1, 2019, Mr. Comer filed a Petition for Reconsideration on the basis that the Commission failed to address the complaint."[4]

On December 26, 2019, the Commission issued Order No. 34520 granting Mr. Comer's Petition for Reconsideration.

II. FACTUAL BACKGROUND

A. Project Ownership

The Customer Generation Application, included as an attachment to this Answer, was submitted in 2005 by Jack Goodman under the project name of "Good Co Hydroelectric." Jeff Comer was listed as Project Owner/Developer and Jack Goodman was listed as Owner/Authorized Agent with the title of "Co-owner Goodco Hydro." Therefore, it is reasonable to assume that Mr. Comer and Mr. Goodman are joint owners of the project.

In his Petition, Mr. Comer states that Idaho Power "worked hand in hand with Mr. Comer and Mr. Goodman and recognized that they were equal partners in this net metering project."[5] Mr. Comer also states that it was "at Idaho Power Company's direction, Mr. Comer assumed responsibility for Mr. Goodman's account by placing it in his name" and that this was "the appropriate method, according to Idaho Power Company, to meet the requirements of aggregation."[6] The name change on the account would have been done to meet the requirement for criterion 1 of the Company's meter aggregation rules ("Criterion 1"). Criterion 1 states that, "the customer may only apply the excess net energy credits to accounts held by the customer." The Company does not advise its

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[4] "In their effort to reach their decision the Commission first failed to address the complaint itself as well as Idaho Power's response to the complaint." Comer's Petition for Reconsideration at 1.

[5] *Id.* at 2.

[6] *Id.*

employees to coach customers; but rather, the Company's employees are trained to inform customers of the tariff requirements. If a customer calls the Idaho Power Customer Service Center and requests to close their contract and open a new contract under a different name, the Company would not have reason to question the integrity of the request nor would the Company have a basis to disallow such a request.

B. Staff's Recommendation to Deny the Formal Complaint Based on Criterion 4

Commission Staff filed comments recommending the Commission deny Mr. Comer's formal complaint; however, Staff's recommendation to deny was based on a separate criterion than what the Company based its denial of Mr. Comer's request for meter aggregation. Staff recommended the Commission deny Mr. Comer's formal complaint based on Criterion 4 that states: "The electricity recorded by the designated meter and any aggregated meters must be for the customer generator's requirements."

In its comments, Staff recommended the Commission deny Mr. Comer's formal complaint on the basis that, "the transfer would have violated criteria 4 of the Company's meter aggregation rules".[7] Staff also stated that, "the Company was correct to not aggregate meters for 2018 because there is no information in the record to show that the electricity recorded at the meter on Mr. Goodman's property was for Mr. Comer's requirements."[8]

Idaho Power does not necessarily disagree with Staff; however, Idaho Power finds itself in a delicate situation when validating who in fact uses the energy at any premise. In Idaho Power's Answer to Mr. Comer's complaint, the Company expressed that there

[7] Staff's Comments at 4.

[8] *Id.* at 2.

are real challenges associated with the administration of the meter aggregation rules.[9] With regard to who is using the energy, the Company cannot substantiate that the customer generator is in fact using the energy recorded by the aggregate meter if the customer generator so indicates; Idaho Power can only ask if the energy is for the customer generator's use and does not question the veracity of the customer's response.

It is reasonable to conclude that Mr. Comer and Mr. Goodman are joint owners of the project. Idaho Power believes the arrangements made between Mr. Comer and Mr. Goodman regarding the extent of their power hydroelectric project and the financial responsibility for the electrical use being recorded for the meters in question are for Mr. Comer and Mr. Goodman to decide.

III. THE COMMISSION SHOULD UPHOLD THE PRIOR OUTCOME

The Commission should uphold its decision to deny Mr. Comer's formal complaint; however, Idaho Power believes the Commission's denial should be based on the failure to meet the requirements for Criterion 2 – the aggregated meter and the designated generation are not located on contiguous property.

A. The Intent of Net Metering and Meter Aggregation

When considering the conditions for which customers would be allowed to apply net metering credits to offset usage on other meters, the Commission established the eligibility requirements to "align with the intent of net metering as an avenue to offset usage while minimizing the potential under-recovery of fixed costs from net metering customers."[10] The Commission also stated that "it would be inappropriate to let the customer apply the credits to offset the customer's own usage at another delivery point

[9] Idaho Power's Answer to Complaint at 10.

[10] Order No. 32925 at 5.

without considering the delivery point's location.[11] In other words, the location of the aggregate meter relative to the designated generation meter was an important consideration even though the credits were to offset the customer's own usage.

B. Interpretation of the Term "Property" by Idaho Power and Mr. Comer

Idaho Power denied Mr. Comer's request for meter aggregation on the basis that the designated generation meter and the aggregate meter did not meet the requirements for Criterion 2: "The aggregated meters must be located on, or contiguous to, the property on which the designated meter is located."

Idaho Power uses the separate and distinct legal deed of conveyance to determine the boundaries of the property,[12] whereas Mr. Comer is combining properties by common ownership to determine the boundaries of the greater property. For reference, the locations of the two meters in question related to Mr. Comer's complaint are shown on Attachment 1 to Idaho Power's Answer to Complaint – the designated generation meter is denoted with a green dot and the aggregate meter at Mr. Goodman's residence is denoted with a blue dot.

Idaho Power believes the separate and distinct legal deed of conveyance to determine the boundaries of the property is the basic legal unit of property in Idaho and should represent a "property" for purposes of the tariff. The provisions for meter aggregation set forth in Order No. 32925 do not define property as being the result of combining properties by common ownership to determine the boundaries of the greater property.

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[11] *Id.* at 6.

[12] As described in Idaho Power's Answer to Mr. Comer's complaint, the Company determines "contiguous property" under Order No. 32925 based on a combination of (a) the Company's GIS facility location maps, and (b) the official county assessor's parcel map. The Company overlays the Company's GIS facility location map with the official county assessor's parcel map to determine the boundaries of each parcel of land where both meter facilities are located. *See* Idaho Power's Answer to Complaint at 5.

C. Fair and Consistent Treatment of All Customers

Idaho Power endeavors to comply with the tariff requirements outlined by the Commission and attempts to apply those requirements consistently to all customers, regardless of the circumstances. The Company has the challenge of impartially administering all tariff requirements even when the requirements outlined in the tariff are to the disadvantage of a customer in light of their particular circumstances.

Idaho Power believes it has followed the letter and spirit of Commission Order No. 32925 with its interpretation of the term "property" for the evaluation of the requirements for Criterion 2 for contiguous property. Idaho Power requests the Commission affirm its interpretation of the term "property" for the evaluation of the requirements of Criterion 2. Providing clarity as to the appropriate method to evaluate the criteria established by the Commission for meter aggregation will ensure the Company applies the tariff requirements consistently.

IV. CONCLUSION

The Company believes the Commission reached the correct outcome in Order No. 34492, albeit on different grounds. Idaho Power respectfully requests the Commission affirm the Company's interpretation of the term "property" as it applies to the meter aggregation rules outlined by the Commission in Order No. 32925.

Respectfully submitted this 16th day of January 2020.

Lisa D. Nordstrom

LISA D. NORDSTROM
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of January 2020 I served a true and correct copy of the within and foregoing IDAHO POWER COMPANY'S ANSWER AND/OR CROSS-PETITION TO JEFF COMER'S PETITION FOR RECONSIDERATION upon the following named parties by the method indicated below, and addressed to the following:

Commission Staff
Edward Jewell
Deputy Attorney General
Idaho Public Utilities Commission
11331 W. Chinden Boulevard
Building 8, Suite 201-A
Boise, ID 83714

__X__ Hand Delivered
____U.S. Mail
____Overnight Mail
____FAX
__X__ Email edward.jewell@puc.idaho.gov

Jeff Comer
4186 N. 1100 E.
Buhl, Idaho 83316

____Hand Delivered
__X__ U.S. Mail
____Overnight Mail
____FAX
__X__ Email comerwelding@icloud.com

Kimberly Towell

Kimberly Towell, Executive Assistant

BEFORE THE

IDAHO PUBLIC UTILITIES COMMISSION

CASE NO. IPC-E-19-28

IDAHO POWER COMPANY

ANSWER AND/OR CROSS-PETITION TO JEFF COMER'S PETITION FOR RECONSIDERATION ATTACHMENT

IDAHO POWER
An IDACORP Company

Interconnection Application for Small Generators <20 MW

Date received by Idaho Power Company
RECEIVED 8/24/05

1. Project Name

Good Co Hydroelectric

2. Description of Project

25 Kw Net metering

3. Proposed In-Service Date

November 1, 2005

4. Total Project Name Plate Rating

25 Kw (in kW or MW) (If multiple units at same location, add name plate ratings of each unit together)

5. Energy Output (current intention)

- ☐ Sell energy output to Idaho Power Company (If this is a PURPA, Qualifying Facility (QF), please attach a copy of the FERC-QF certification)
- ☐ Transport energy output outside of the Idaho Power Company Service Territory
- ☒ Net Metering ☐ Other (Please describe)

6. Initial Feasibility Analysis Fee

Based upon Total Project Name Plate Rating (kW), the initial feasibility analysis fee will be:

☒ **Less than 1,000 kW–$100** ☐ **1,000 thru 10,000 kW–$2,000** ☐ **Greater than 10,000 kW–$10,000**

This fee will be applied to the costs of processing this application for interconnection and for the initial feasibility analysis. In the event the actual costs of the initial feasibility analysis exceed this fee, the applicant will be responsible to pay all additional costs. If after the initial feasibility analysis is completed, the applicant decides to proceed with this project, additional detailed system impact study costs, all interconnection costs, and any other applicable processing fees will be the obligation of the applicant.

7. Project Location (Please provide sketch or map)

General Location 4180 N 1125 E Buhl		
State Idaho	County Twin Falls	Township
Range	Quarter	Section
OR Street Address 4180 N 1125 E Buhl Idaho 83316		
Nearest Intersection 4200 N 1100 E		

8. Project Owner/Developer

Company Good Co Hydroelectric		
Contact Jeff Comer		
Mailing Address PO 1621 Twin Falls Idaho 83303		
Mailing Address		
City	State	Zip
Phone (208) 308-2873	Fax ( )	

Note: This application is an interconnection request, not a request for transmission service. This application does not address the requirements for additional studies and/or upgrades for any transmission services that might be required for delivery of energy to a purchaser other than Idaho Power Company. Under our Open Access Transmission Tariff rules, procedures for obtaining transmission service are posted on our OASIS site at: http://oasis.idahopower.com.

Owner/Authorized Agent

Name (Type or Print) JACK GOODMAN	Signature: Jack Goodman
Title and Company CO-OWNER GOODCO HYDRO	Date 8-25-05

IDAHO POWER
An IDACORP Company

Project Description Questionnaire for Small Generators <20 MW

Date received by Idaho Power Company

1. Project Name

Good Co Hydro electric

2. Description of Energy Source

☒ Hydro	FERC License No. or FERC exemption No.	12432-000	
☐ Wind	Unit Size(s)	25 kW	Number of Units 1
☐ Geothermal			
☐ Biomass or Waste	Type of Fuel		Source of Fuel
☐ Thermal	Fuel		
☐ Other			

3. Generation Data

Estimated Annual Generation ((kWh)
131,400 Kwh

Estimated Project Capacity (kW)
(If the Estimated Project Capacity is less than 100 kW, proceed to item 5 of this questionnaire)
25 Kw

Non-Dispatchable Plant: Expected Energy Deliveries (kWh)

	Jan	Feb	Mar	Apr	May	Jun
Heavy Load						
Light Load						
	Jul	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
Heavy Load						
Light Load						

(Heavy load hours are 7:00 a.m. to 11:00 p.m., Monday—Saturday. All day Sunday are light hours)

Dispatchable Plant: Project Capacity Dispatchability (kW)

	Jan	Feb	Mar	Apr	May	Jun
Total kW						
Dispatchable kW						
	Jul	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
Total kW						
Dispatchable kW						

Minimum Baseload Energy to be Delivered (kWh)

	Jan	Feb	Mar	Apr	May	Jun
Heavy Load						
Light Load						
	Jul	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
Heavy Load						
Light Load						

(Heavy load hours are 7:00 a.m. to 11:00 p.m., Monday—Saturday. All day Sunday are Light load hours)

4. Generation Facilities

Maximum Capabilities	kVa	kW	kVAR

A) Type		
☐ Synchronous	Total Capacity	kW (Unity Power Factor)
	Power Factor Range	
☐ Induction	Total Capacity	kW (At_____Power Factor)
☐ DC Generator with Inverter	Total Capacity	kW

B) Generator Data		
Make	Model	
Number of Units	Winding	☐ Delta ☐ Wye
Voltage		
Note: In multiple unit installations, if all generators are not of the same type, capacity, etc., list each unit separately.		

C) Inverter (Wave form data must be provided)		
Make	Model	
Voltage Rating	Output Rating	kVA
Number of Phases		

D) Step Up Transformers: Idaho Power will specify the connection and high-side voltage.		
Will Idaho Power supply, own, and maintain the step up transformers?	☐ No	☐ Yes
Size kVA	Voltage	
☐ Pad Mount ☐ Pole Mount		

5. Single Line Diagram

Provide a generation facility single-line diagram showing all unit protection and control equipment with this application.

6. Other pertinent data (Please list and attach additional pages)

Submitted by

Name (Type or Print) JACK GOODMAN	Signature Jack Goodman
Title and Company CO-OWNER GOODCO HYDRO	Date 8-25-05