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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

FORMAL COMPLAINT OF JEFF COMER)
AGAINST IDAHO POWER COMPANY) **CASE NO. IPC-E-19-28**
)
)
) **REPLY COMMENTS OF**
) **THE COMMISSION STAFF**
)
_____)

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Edward J. Jewell, Deputy Attorney General, and in response to Jeff Comer’s petition for reconsideration submitted on December 2, 2019, in Case No. IPC-E-19-28, submits the following responsive comments.

BACKGROUND

On August 6, 2019, Jeff Comer (“Mr. Comer”) submitted a formal Complaint against Idaho Power Company (“Idaho Power” or “Company”) because the Company denied Mr. Comer’s request to transfer excess net energy credits between meters.

On September 10, 2019, the Commission issued a Summons to the Company to respond to Mr. Comer’s Complaint.

On October 1, 2019, the Company filed its Answer to Mr. Comer’s Complaint.

On October 2, 2019, Mr. Comer filed a Response.

On October 15, 2019, Commission Staff filed Comments.

On November 19, 2019, the Commission issued a Final Order denying Mr. Comer's Complaint. Order No. 34492.

On December 2, 2019, Mr. Comer timely filed a Petition for Reconsideration.

On December 11, 2019, the Company filed a letter with the Commission stating it had not been served with the Petition for Reconsideration and requested reasonable opportunity to respond to the substantive merits of the petition.

On December 26, 2019, the Commission granted reconsideration and gave the Company 21 days to submit an Answer to Mr. Comer's petition for reconsideration, and gave parties to the case an additional 28 days to respond to the Company's Answer. Order No. 34520.

STAFF RESPONSE

In Mr. Comer's petition for reconsideration, Mr. Comer alleged that he and his neighbor Jack Goodman ("Mr. Goodman") have been equal partners in the Goodco power project since its inception and alleged facts to demonstrate the existence of the partnership. In granting reconsideration, the Commission stated it would "allow the parties to further develop the factual record and provide supporting evidence for or against claims alleged." Order No. 34520 at 4.

On January 16, 2020, Commission Staff sent Mr. Comer a set of production requests.

Commission Staff asked for, among other things, documentation:

- Establishing a bona fide legal partnership between Mr. Comer and Mr. Goodman,
- Showing funding contributions by both Mr. Goodman and Mr. Comer for the Goodco partnership,
- Demonstrating rights and responsibilities in the name of Goodco Power with state and federal administrative agencies,
- Demonstrating cooperative work between the project developers and Idaho Power, and
- Showing Idaho Power sends a usage statement for Goodco Power to Mr. Goodman's address.

On January 24, 2020, Mr. Comer sent the requested documentation to the Commission.

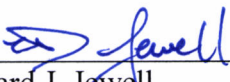
Documentation included:

- A bank receipt showing equal and significant financial contribution to a jointly held bank account in the names of Mr. Comer and Mr. Goodman dating before the project application to the Company.
- Idaho Power bills in the name of Goodco Power.
- Copies of letters from Idaho Power addressed to Mr. Goodman detailing the interconnection requirements for the project.
- An Interconnection Application submitted to Idaho Power in the name of Goodco Hydroelectric that listed Mr. Comer and Mr. Goodman as the owner and co-owner.
- Documentation from the Idaho Department of Water Resources addressed to Mr. Goodman regarding a water permit for a hydroelectric project on Mr. Goodman's property, and
- Documentation from the Federal Energy Regulatory Commission addressed to Mr. Comer and Mr. Goodman.

In Staff's estimation, the documentation provided by Mr. Comer is more than sufficient to demonstrate a bona fide partnership between he and Mr. Goodman that has existed from the project design phase through the project application phase, the interconnection phase, and into the project operation phase. Throughout the life of the project, Mr. Comer and Mr. Goodman have represented the project to the Company and regulatory agencies as a Goodco project. Mr. Comer submitted substantial evidence demonstrating that he and Mr. Goodman undertook this project together, each invested significant money in the project, and both have undertaken responsibilities in the name of the project.

Under these circumstances, Staff believes it is appropriate to read the Company's meter aggregation rules such that "Customer" is read to encompass a bona fide partnership. Staff does not believe doing so would encourage gaming of the rules. In order for multiple people to aggregate their meters, their property would need to be contiguous, they would each have to invest significant money, and take on significant responsibility in a long-term project.

Respectfully submitted this ^{13th} day of February 2020.



Edward J. Jewell
Deputy Attorney General

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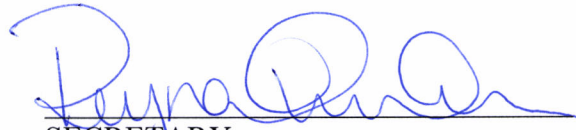
CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 13th DAY OF FEBRUARY 2020, SERVED THE FOREGOING **REPLY COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. IPC-E-19-28, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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