

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF IDAHO POWER COMPANY FOR )** **CASE NO. IPC-E-19-38**  
**APPROVAL OR REJECTION OF AN )**  
**ENERGY SALES AGREEMENT WITH BIG )**  
**WOOD CANAL COMPANY FOR THE SALE )** **ORDER NO. 34755**  
**AND PURCHASE OF ELECTRIC ENERGY )**  
**FROM THE SAGEBRUSH HYDRO )**  
**PROJECT )**  
**)**

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On August 11, 2020, Wood Hydro, LLC (“Wood Hydro”) filed a Petition to Intervene (“Petition”). The Petition was filed after the Commission granted a petition to clarify final Order No. 34677. *See* 34727. No objections were filed to the Petition.

**PETITION TO INTERVENE**

Commission Rules provide that a petitioner seeking intervention must state its "direct and substantial interest ... in the proceeding." Commission Rule of Procedure 72, IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." Rule 73. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons." *Id.* Also, "[i]ntervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition." *Id.*

Wood Hydro states it leases the Sagebrush Hydro Project (“Facility”) from the Big Wood Canal Company (“Owner”) and will operate it under the terms of the energy sales agreement (“ESA”) between the Owner and Idaho Power Company (“Company”). Wood Hydro asserts it has "a direct and substantial interest" in this case because it has a financial interest in the ESA. *Petition to Intervene* at 1.

**COMMISSION FINDINGS**

The Commission previously found in this case that the public interest did not require a formal hearing and that it would proceed under Modified Procedure pursuant to Rules 201 through 204 of the Commission’s Rules of Procedure, IDAPA 31.01.01.201. through .204. *See* Order No. 34529. The Commission did not establish an intervention deadline in this case. Here, the Petition

was filed after the Commission had issued its final order clarifying Order No. 34677. *See* Order Nos. 34677 and 34727. Wood Hydro thus filed its Petition extremely late in this proceeding. The Commission notes, however, that no party opposed the Petition. Further, Wood Hydro, who operates the Facility, has participated in this case since its inception. Wood Hydro previously filed written comments in this case on February 5, 2020, March 17, 2020, and June 30, 2020. Wood Hydro filed additional comments when it filed the Petition on August 11, 2020. Based on the above, the Commission finds Wood Hydro has a direct and substantial interest in this case.<sup>1</sup> The Commission finds that intervention by this party would serve the purposes of intervention as described by Rule 74 of the Commission's Rules of Procedure, IDAPA 31.01.01.074. The Commission also finds that granting this intervention would not prejudice any party and that intervention should be granted. Finally, granting intervention would not unduly broaden the issues in the case. As set forth in Rule 73, IDAPA 31.01.01.073, Wood Hydro is "bound by orders and notices earlier entered as a condition of granting the untimely petition".

#### **ORDER**

IT IS THEREFORE ORDERED that the Petition to Intervene filed by Wood Hydro is hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. The Intervenor is represented by the following for purposes of service:

***Wood Hydro, LLC:***

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Amber Dresslar  
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<sup>1</sup> For interested persons and parties Commission Rule of Procedure 203 provides that in cases processed by Modified Procedure, "[a]ny person affected by the proposal of the moving party may file a written protest, support or comment before the deadline of the notice of modified procedure."

IT IS FURTHER ORDERED that parties continue to comply with Order No. 34602, issued March 17, 2020. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

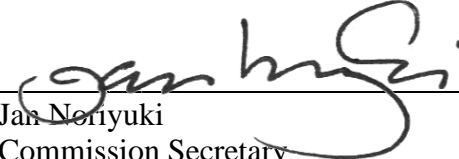
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 21st day of August 2020.

  
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PAUL KJELLANDER, PRESIDENT

  
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KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jan Noriyuki  
Commission Secretary

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