

DECISION MEMORANDUM

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

FROM: JOHN R. HAMMOND JR.
DEPUTY ATTORNEY GENERAL

DATE: AUGUST 13, 2020

SUBJECT: PETITION TO INTERVENE OF TED SORENSON OF WOOD HYDRO, LLC REGARDING IDAHO POWER COMPANY'S APPLICATION FOR APPROVAL OR REJECTION OF AN ENERGY SALES AGREEMENT WITH BIG WOOD CANAL COMPANY; CASE NO. IPC-E-19-38.

On August 11, 2020, Ted Sorenson of Wood Hydro, LLC (collectively "Wood Hydro") filed a Petition to Intervene. Wood Hydro represents it leases the Facility from the owner Big Wood Canal Company ("Big Wood"). *Petition* at 1. Wood Hydro has previously filed comments and supplemental comments in this case.

THE PETITION

Wood Hydro claims as the lessee and operator of the Facility it has a financial interest in the Energy Sales Agreement ("ESA") and makes it a "real party of interest", and subject to financial impact depending on what terms and conditions the Idaho Public Utilities Commission approves as part of the ESA. *Id.* Wood Hydro believed that its interests were protected by Order No. 34677, but it believes it must respond to Staff's comments that would impact its financial interests if approved by the Commission. *Id.* at 2.

Wood Hydro acknowledges its Petition to Intervene is filed late but that until Staff's recent comments were filed it did not believe it was necessary to intervene in this case. *Id.* Wood Hydro asserts that it will abide by the orders and notices entered prior to its intervention in this proceeding. Wood Hydro also asserts that its intervention will not disrupt the proceeding, prejudice to existing parties, or undue broadening of the issues presented in this proceeding. Wood Hydro intends to participate herein as a party, and if necessary or allowed, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and

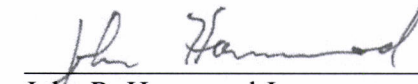
quality of evidence with Wood Hydro will introduce is dependent upon the nature and effect of the other evidence in this proceeding.

STAFF RECOMMENDATION

Wood Hydro has previously submitted comments in this case and as the operator of the Facility certainly has an interest in the subject matter herein. Based on the current record in the case Wood Hydro has participated in it throughout. The Commission could either grant the Petition or simply recognize that Wood Hydro was automatically treated as a party in this case due to it leasing and operating the Facility.

COMMISSION DECISION

Does the Commission wish to grant Wood Hydro's Petition to Intervene?



John R. Hammond Jr.
Deputy Attorney General

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