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IDAHO PUBLIC UTILITIES COMMISSION

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Attorneys for Coleman Hydroelectric, LLC

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) CASE NO. IPC-E-20-27
OF IDAHO POWER COMPANY FOR)
APPROVAL OR REJECTION OF AN) **COLEMAN HYDROELECTRIC, LLC'S**
ENERGY SALES AGREEMENT WITH) **PETITION TO INTERVENE OR**
COLEMAN HYDROELECTRIC LLC, FOR) **DETERMINE ORIGINAL PARTY**
THE SALE AND PURCHASE OF ELECTRIC) **STATUS**
ENERGY FROM THE COLEMAN HYDRO)
PROJECT)
)

Coleman Hydroelectric, LLC (“Coleman Hydro”) hereby requests that the Commission determine Coleman Hydro is an original party to this proceeding under Idaho Public Utilities Commission (“Commission”) Rule of Procedure, Rule 31, IDAPA 31.01.01.031, or in the alternative, petitions to intervene in this proceeding under the Rule 71, IDAPA 31.01.01.071. Coleman Hydro makes this filing to ensure its right to fully participate as a party in the remainder of this proceeding and any appeal therefrom.

REQUEST TO DETERMINE ORIGINAL PARTY STATUS

Coleman Hydro submits that it should be considered an “original party” to this proceeding under Rule 31, IDAPA 31.01.01.031, and respectfully requests the Commission issue

an order confirming such status, to ensure Coleman Hydro's full rights as a party to this proceeding. As the record establishes, Coleman Hydro is the counter party to Idaho Power Company in the Energy Sales Agreement submitted for approval in this proceeding, and Coleman Hydro is the developer and owner of the qualifying facility that is the subject of that agreement. Therefore, Coleman Hydro qualifies as an "original party" as an "applicant" because it seeks the Commission-approved right to sell power to Idaho Power Company under such Energy Sales Agreement. IDAPA 31.01.01.032. Separately, Coleman Hydro qualifies as an "original party" because it is a "petitioner" that has filed a Petition for Reconsideration of Order No. 34870 with the Commission. IDAPA 31.01.01.033. To date, the Commission has treated Coleman Hydro as an original party through service of documents and filings on Coleman Hydro and its counsel, further supporting Coleman Hydro's status as an original party.

PETITION TO INTERVENE

In the alternative, should the Commission determine that Coleman Hydro is not an original party, Coleman Hydro respectfully requests the Commission grant Coleman Hydro status as an intervenor in this proceeding under Rule 71, IDAPA 31.01.01.071. In support of its Petition to Intervene, Coleman Hydro states as follows:

1. The name and address of this Intervenor is:

Coleman Hydroelectric, LLC
c/o Jordan Whittaker
PO Box 177
Leadore, Idaho 83464
208-303-0001
twodotirrigation@gmail.com

Copies of all pleadings, production requests, production responses, Commission orders and other documents should continue to be provided to Gregory M. Adams at the email address

noted above and to Jordan Whittaker at the email address noted above.

2. As the counter party to Idaho Power Company in the Energy Sales Agreement submitted for approval in this proceeding and developer and owner of the qualifying facility that is the subject of that agreement, Coleman Hydro's rights and obligations to operate and sell the output of its hydroelectric facility will be impacted by the outcome of this proceeding. Indeed, the Commission's Order No. 34870 issued in this proceeding would deprive Coleman Hydro of the avoided cost rates upon which it relied when it committed substantial expenditures to developing its facility. Thus, Coleman Hydro will be directly and substantially impacted by the outcome of this proceeding and should be granted party status.

3. Without being granted party status, Coleman Hydro's right to fully participate in this proceeding and any appeal therefrom may be materially compromised.

4. Granting Coleman Hydro's Petition to Intervene will not unduly broaden the issues beyond their proper scope, nor will it unduly prejudice any party to this case.

5. This Petition to Intervene is timely filed under Rule 73, IDAPA 31.01.01.073, because the Commission has not yet held a hearing or procedural conference, and the Commission has not established a deadline for intervention. In any event, no party will be prejudiced by the timing of this Petition to Intervene because no hearing is scheduled in this matter and granting Coleman Hydro intervenor status will not impact the deadlines remaining in this proceeding under the rules for reconsideration.

WHEREFORE, Coleman Hydro respectfully requests that this Commission issue an order confirming Coleman Hydro's status as an original party to this proceeding, or alternatively, grant Coleman Hydro's Petition to Intervene.

Respectfully submitted this 4th day of January 2021.

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CERTIFICATE OF SERVICE

I HEREBY certify that I have on this 4th day of January 2021, served the foregoing Petition to Intervene or Determine Original Party Status of Coleman Hydroelectric, LLC, by electronic mail to the following:

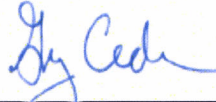
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