

the ICIP formally protests, pursuant to Commission’s Rules of Procedure, Rule 203, IDAPA 31.01.01.203, the use of Modified Procedure in this matter due to the complexity of the issues involved and due to the need for additional information that has been engendered by Idaho Power Company’s (“Idaho Power” or the “Company”) conflicting NOI (defined infra) and its Application in this matter. In support of said (1) Petition to Intervene, (2) Motion to Stay Procedural Schedule, and (3) Protest in opposition to Proceeding Pursuant to Modified Procedure, the ICIP says as follows:

I
INTRODUCTION – BACKGROUND

Idaho Power initiated this docket on April 9, 2021, pursuant to a process established by this Commission for determining Idaho Power’s first deficit year for purposes of calculating its avoided cost rates¹ for use in PURPA Qualifying Facility contracts. The process established by the Commission contemplated a relatively fast and non-controversial determination of Idaho Power’s first deficit date as initially determined in that utility’s most recently Commission acknowledged Integrated Resource Plan (“IRP”). Idaho Power’s application complied with the Commission’s process for such proceedings by proposing a *first deficit date of 2028* with supporting documentation derived from its most recently acknowledged Integrated Resource Plan IRP.² Accordingly, on April 23, 2021, the Commission issued a Notice of Application/Notice of Modified Procedure in this docket establishing a deadline of June 23, 2021, for written comments. Presumably, because the application, *as initially filed*, was

¹ See, generally Commission Order No. 32679 in Docket No. GNR-E-11-03 and subsequent orders refining the process in Commission Order Nos. 33084, 33159 and 34649.

² See Attachment 1 to the Company’s Application showing a first deficit date of August 2028 based on its 2019 IRP.

relatively routine and non-controversial, no written comments have been lodged and no petitions to intervene have been filed in this matter.

Idaho Power's application was therefore on track for a quick and non-controversial approval under modified procedure. But then, on May 21, 2021, Idaho Power issued a press release³ in which it stated that:

Growth across the company's service area has prompted a need for additional resources by summer 2023. Request for proposal will go out to developers this summer.

Shortly thereafter (or perhaps contemporarily therewith⁴) the Company issued its "Notice of Intent – 2021 All-Source Request for Proposal," ("NOI").⁵ The NOI recites, at page 1 that, "The need for additional capacity resources have been identified as early as Summer 2023 at approximately 80MW, with peak deficits that grow to approximately 400 MW by Summer 2025." The NOI *identifies 2023 as the Company's first deficit year*. Yet the IRP (and related Application in Docket No. IPC-E-21-09) *identifies 2028 as the Company's first deficit year*. Neither the NOI nor the IRP attempt to reconcile the obvious conflict presented by the Company's dueling first deficit years (2023 or 2028).

The Company's NOI states that "IPC intends to issue an RFP as early as June 30, 2021" ... "that specifically solicit[s] proposals for additional resources to satisfy IPC's resource needs and forecasted capacity deficits".⁶

However, in Docket No. IPC-E-10-03 (previously Docket No. GNR-E-08-03) this Commission ordered Idaho Power to:

[C]omply with RFP guidelines applicable in its Oregon service area, should the Company commence an RFP process for a new supply-side resource prior to the development of Idaho-specific RFP guidelines.

³ Attached as Exhibit 1.

⁴ The Notice of Intent is not dated.

⁵ Attached as Exhibit 2.

⁶ NOI at Sections 1(E) and 2(A).

There are, as of this date, no “Idaho-specific RFP guidelines.” In addition, Idaho Power has not complied with any of the Oregon RFP guidelines⁷ nor has it, to the best of the ICIP’s knowledge, obtained a waiver or other forgiveness of the applicability of the Oregon RFP guidelines.

Therefore, the ICIP seeks intervention in the IPC-E-21-09 docket in order to engage in discovery and to ascertain a factual basis for resolving the conflict in the Company’s dueling first deficit years, and also in order to determine whether the Company is, in fact, violating this Commission’s competitive bidding requirements as directed in Docket No. IPC-E-10-03 and as prescribed in the Oregon RFP rules, which rules have been made specifically applicable to Idaho Power by order of this Commission.

II.
PETITION TO INTERVENE

The name and address of this Intervenor is:

Industrial Customers of Idaho Power
c/o Peter J. Richardson
Richardson Adams, PLLC
515 N. 27th St
P.O. Box 7218
Boise, Idaho 83702
Telephone: (208) 938-7901
Fax: (208) 938-7904
peter@richardsonadams.com

Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Peter Richardson as noted above and to:

Dr. Don Reading
6070 Hill Road
Boise, Idaho 83703
(208) 342-1700 Tel
(208) 383-0401 Fax

⁷ Reference Oregon Administrative Rules 860-089-0010 through 860-089-0550.

This Intervenor, the Industrial Customers of Idaho Power, (“ICIP”) is an unincorporated association of Schedule 19 customers of Idaho Power. All ICIP members receive electric utility services from Idaho Power Company. The ICIP claims a direct and substantial interest in this proceeding in that its members’ rates for electric service may be affected by the outcome of this proceeding.

This Intervenor, in its capacity as a representative of industrial customers intends to participate herein as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of evidence which this Intervenor will introduce is dependent upon the nature and effect of other evidence in this proceeding.

Without the opportunity to intervene herein, this Intervenor would be without any means of participation in this proceeding which may have a material impact on the rates its members pay for electric service.

Granting this Intervenor’s petition to intervene will not unduly broaden the issues nor will it prejudice any party to this case.

WHEREFORE, the Industrial Customers of Idaho Power respectfully requests that this Commission grant its Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate; and to present evidence, call and examine witnesses, present argument and to otherwise fully participate in these proceedings.

III
MOTION TO STAY PROCEDURAL SCHEDULE PENDING DISCOVERY
OPPORTUNITY

When the Commission issued its Notice of Application/Notice of Modified Procedure in this docket establishing a deadline of June 23, 2021, for written comments it made the finding that Modified Procedure is the appropriate procedural vehicle for prosecuting this docket. However, the factual landscape has dramatically changed since that order was issued and it is now apparent that discovery (and possibly a contested hearing) will be required to resolve the issues presented herein. Therefore, the ICIP respectfully requests that the procedural schedule established in the Notice of Modified Procedure be suspended pending resolution of the underlying contradictions in Idaho Power's NOI and IRP through discovery or other permissible means of disputed fact resolution.

IV
PROTEST TO THE USE OF MODIFIED PROCEDURE

Commission Rule of Procedure, Rule 201, IDAPA 31.01.01.201 provides only that the Commission "preliminarily find that the public interest may not require hearing to consider the issues presented in a proceeding..." and Rule 203 provides that any person affected by the proposal may file a written protest to the use of modified procedure. As noted above, the ICIP is potentially affected because proceeding with the NOI/RFP without complying with the Oregon competitive procurement rules (which rules have been adopted by this Commission for applicability to Idaho Power) may impact the rates the ICIP members are required to pay. And, as noted above, the complexity of the issues presented are not conducive to proceeding pursuant to written comments without first having the opportunity to engage in discovery and, depending on how the discovery proceeds, a hearing may be necessary.

WHEREFORE, the ICIP respectfully request the Commission issue its order granting the ICIP's Petition to Intervene, vacating the comment deadline and suspending the applicability of Modified Procedure pending further discovery in this matter.

DATED this 10th day of June 2021



Peter J. Richardson
RICHARDSON ADAMS, PLLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of June 2021, a true and correct copy of the within and foregoing PETITION TO INTERVENE, MOTION TO STAY PROCEDURAL SCHEDULE AND PROTEST TO MODIFIED PROCEDURE BY THE INDUSTRIAL CUSTOMERS OF IDAHO POWER in Docket No. IPC-E-21-09 was served electronically to:

Donovan Walker
Regulatory Dockets
Idaho Power Company
dwalker@idahopower.com
dockets@idahopower.com

Commission Secretary
Idaho Public Utilities Commission
secretary@puc.idaho.gov

Michael Darrington
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Peter Richardson

EXHIBIT I

ICIP Intervention, Motion to Stay and
Protest to Modified Procedure
– IPC-E-21-09

Idaho Power Will Seek New Resources to Meet Growing Demand for Electricity

May 21, 2021

Growth across the company's service area has prompted a need for additional resources by summer 2023. Request for proposals will go out to developers this summer.

BOISE, Idaho — Idaho Power has issued a formal notice of intent to seek proposals for new resources that would come on-line in 2023 to help the company meet the growing demand for electricity in summer evening hours.

Idaho Power currently serves more than 590,000 customers in southern Idaho and eastern Oregon, a region that continues to experience some of the fastest growth in the nation. The company anticipates sustained growth in demand for electricity, requiring new resources to serve customers and maintain system reliability.

Additionally, recent changes in the regional transmission markets have constrained the transmission system outside Idaho Power's service territory and significantly impacted the ability to import energy from western market hubs into Idaho Power's system. Approximately 80 megawatts (MW) of additional peak-hour energy sources will be needed as early as summer 2023. That need could grow to roughly 400 MW by summer 2025, subject to timing of coal unit exits.

A megawatt is the amount of energy needed to power about 770 average-sized homes in Idaho Power's service area.

To address the need, Idaho Power will request proposals for all types of additional resources that can meet peak summer demand — generally occurring in the late evening hours. The company intends to accept multiple proposals representing a diversity of resource types and bid structures.

The need for new peak hour energy sources is in addition to the 120 MW solar project near Twin Falls, scheduled to come on-line at the end of next year. The company is also working toward building the [Boardman to Hemingway](https://boardmantohemingway.com/) (https://boardmantohemingway.com/) 500-kilovolt transmission line that will enable the import of energy from the Pacific Northwest as soon as 2026.

Idaho Power currently owns 17 hydroelectric power plants on the Snake River and its tributaries, which are the backbone of the company's clean, low-cost [energy mix](https://www.idahopower.com/energy-environment/energy/energy-sources/hydroelectric/cloud-seeding/) (https://www.idahopower.com/energy-environment/energy/energy-sources/hydroelectric/cloud-seeding/).

Potential developers interested in submitting proposals, or others with questions regarding the notice of intent, can reference further details at [idahopower.com/resourcerequests](http://www.idahopower.com/resourcerequests) (http://www.idahopower.com/resourcerequests) or email ResourceNOI@idahopower.com (mailto:ResourceNOI@idahopower.com) for more information.

About Idaho Power

Idaho Power, headquartered in vibrant and fast-growing Boise, Idaho, has been a locally operated energy company since 1916. Today, it serves a 24,000-square-mile area in Idaho and Oregon. The company's goal to provide 100% clean energy by 2045 builds on its long history as a clean-energy leader that provides reliable service at affordable prices. With 17 low-cost hydroelectric projects at the core of its diverse energy mix, Idaho Power's residential, business and agricultural customers pay among the nation's lowest prices for electricity. Its 2,000 employees proudly serve more than 590,000 customers with a culture of safety first, integrity always and respect for all.

IDACORP Inc. (NYSE: IDA), Idaho Power's independent publicly traded parent company, is also headquartered in Boise, Idaho. To learn more, visit [idahopower.com](http://www.idahopower.com) (http://www.idahopower.com) or [idacorpinc.com](http://www.idacorpinc.com) (http://www.idacorpinc.com).

Contact:

Brad Bowlin

Communication Specialist

Idaho Power

☎ [208-388-2803](tel:208-388-2803) (tel:208-388-2803) and ✉ bbowlin@idahopower.com (mailto:bbowlin@idahopower.com)

EXHIBIT 2

ICIP Intervention, Motion to Stay and
Protest to Modified Procedure
– IPC-E-21-09



Notice of Intent

2021 All-Source Request for Proposals

Idaho Power Company
P.O. Box 70
Boise, ID 83707

ResourceNOI@idahopower.com

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I. INTRODUCTION

A. Purpose

Idaho Power Company ("IPC") is releasing this Notice of Intent ("NOI") in anticipation of issuing multiple all-source requests for proposals in 2021 ("2021 AS RFPs").

B. Company Background

IDACORP, Inc. is a holding company formed in 1998. Comprised of regulated and non-regulated businesses, its origins lie with Idaho Power, a regulated electric utility that began operations in 1916.

Today, IPC is the largest regulated electric utility in the state of Idaho and IDACORP's chief subsidiary. IPC serves over 590,000 residential, business, agricultural, and industrial customers. The company's service area covers approximately 24,000 square miles, including portions of eastern Oregon. Learn more about Idaho Power at www.idahopower.com.

C. Current State

IPC currently serves its customers by supplying low-cost, reliable, and clean energy. Affordable, clean hydropower is the largest source of energy for customers. Power generation comes from a diverse set of resources that continues to meet a growing demand. For a more detailed description of current generation resources, please visit: <https://www.idahopower.com/energy-environment/energy/energy-sources/>.

D. Need for Action

IPC's service territory continues to experience customer growth and an increasing demand (load) for electricity. IPC anticipates sustained load growth that will require the procurement of new resources to meet peak summer demand and maintain system reliability. Additionally, recent changes in the regional transmission markets have constrained the transmission system external to the IPC service territory and significantly impacted the ability to import energy from western market hubs for delivery to IPC's system. The addition of new resources to meet peak demand is critical to ensure IPC can continue to reliably meet the growing demands on its electrical system and serve its customers. The need for additional capacity resources has been identified as early as Summer 2023 at approximately 80MW, with peak deficits that grow to approximately 400 MW by Summer 2025.

E. IPC's Proposed Action

IPC's proposed action includes the issuance of public 2021 All-Source Requests for Proposal that specifically solicit proposals for additional resources to satisfy IPC's resource needs and forecasted capacity deficits. IPC may accept multiple proposals representing a diversity of resource types and bid structures to best serve forecasted deficits. IPC remains fully committed to continuing to serve customers with reliable, affordable, clean energy.

Idaho Power is seeking the following resource types, including but not limited to:

- Renewable
- Renewable plus Battery Storage
- Low emission Non-Renewable, with renewable retrofit capabilities
- Standalone Battery Storage
- Pumped Storage Hydro
- Other Resources as applicable

II. SUPPLEMENTAL INFORMATION

A. Key Events and Dates

IPC intends to issue an RFP as early as June 30, 2021. Each request for proposal will include a more detailed schedule of key events and dates to meet the identified Need for Action.

B. Contact Information

Throughout the duration of the information gathering process, all questions, submissions, responses and other communications concerning this NOI shall be sent to IPC via email at ResourceNOI@idahopower.com.

C. Intent to Bid Requirements

Respondents shall return the following completed documents, in an electronic copy to IPC via an email to: ResourceNOI@idahopower.com no later than **5:00 PM MDT on June 11, 2021**, to be accepted as a respondent in the 2021 AS RFPs:

- Attachment A – Intent to Bid form

In the case where multiple facilities are being proposed, please provide one *Attachment A - Intent to Bid Form* for each facility separately.

Upon receipt of the above information, IPC will provide acknowledgement of receipt.

III. GENERAL INFORMATION

A. Revisions to this NOI

The information specified in this NOI reflects those presently known. IPC reserves the right to vary, in detail, the requirements and/or to make changes as necessary. IPC also reserves the right to cancel or to rescind this NOI or any further RFP processes, in whole or in part, prior to the execution of a contract, if any.

B. Cost to Respond

Respondent will absorb all costs incurred in responding to this NOI, including without limitation, costs related to the preparation and presentation of its response. All materials submitted by the Respondent immediately become the property of IPC. Any exception will require written agreement by both parties prior to the time of submission.

C. Respondent to Conform with Law

Respondent shall conform in all material respects to all applicable laws, ordinances, rules, and regulations and nothing in this NOI shall be construed to require IPC or Respondent to act in a manner contrary to law.

D. Business Conduct Policy

In responding to this NOI, Respondent shall adhere to best business and ethical practices.

Respondent shall adhere to IPC's Supplier Code of Conduct, available at www.idahopower.com.

E. Small Business and Small Disadvantaged Business Program

IPC is committed to the implementation of a Small and Disadvantaged Business Program. It is the intent of IPC that small business concerns and small businesses owned and controlled by socially and economically disadvantaged individuals have the opportunity to participate in the performance of contracts awarded by IPC. Consequently, we request that you indicate your eligibility as a small business based upon the regulations in Title 13, Code of Federal Regulations, Part 121. (If in doubt, consult the Small Business Administration Office in your area).

Eligibility as a small disadvantaged business is first based on eligibility as a small business, as noted above. Second, the business must be majority owned (51 percent or more) and controlled/managed by socially and economically disadvantaged person(s). The Small Business Administration designated the following groups as "presumed socially disadvantaged": Black Americans, Hispanic Americans, Native Americans, and Asian-Pacific Americans. Other individuals may be found socially disadvantaged and eligible for the program on a case-by-case basis. If you have any questions, please see 13 CFR 124.1-124.1016 or contact your local Small Business Administration office.

F. Purchasing Restrictions/Prohibited Technology

Pursuant to Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, [Supplier/Contractor] must be able to represent in its agreement with Idaho Power that [Supplier/Contractor] does not use or have installed any telecommunications equipment, system, or service (or as a substantial or essential component of any system or as or critical technology of any system) made by any of the following companies, or any subsidiary or affiliate thereof (including companies with the same principal word in the name, e.g., "Huawei" or "Hytera"): Huawei Technologies Company; ZTE Corporation; Hytera Communications Corporation; Hangzhou Hikvision Digital Technology Company; or, Dahua Technology Company (collectively, "Prohibited Technology"). Prohibited Technology may include, but is not limited to, video/monitoring surveillance equipment/services, public switching and transmission equipment, private switches, cables, local area networks, modems, mobile phones, wireless devices, landline telephones, laptops, desktop computers, answering machines, teleprinters, fax machines, and routers. Prohibited Technology does not include telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that the equipment transmits or handles.

G. Entire NOI

This NOI and all Exhibits, Attachments, and Addendums within are incorporated herein by this reference and represent the final expression of this NOI. Only information supplied by IPC in writing through the parties listed herein or by this reference made in the submittal of this NOI shall be used as the basis for the preparation of Respondent's submittals.

Attachment A – Intent to Bid Form