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Attorneys for the IdaHydro

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	Case No. IPC-E-21-09
COMPANY’S APPLICATION FOR)	
APPROVAL OF THE CAPACITY)	IDAHYDRO’S OBJECTION TO
DEFICIENCY TO BE UTILIZED FOR)	PROPOSED HEARING SCHEDULE
AVOIDED COST CALCULATIONS)	AND REQUEST FOR A PROMPT
)	ORDER ON ITS PENDING
)	MOTION TO ESTABLISH 2023
)	FIRST DEFICIT DATE
)	

Pursuant to Federal Law, this Commission is constrained to approve Idaho Power Company’s (“Idaho Power”) first deficit date on the date that Idaho Power seeks to acquire new capacity; to wit: the summer of 2023. Recently, the Montana Supreme Court explained, “New capacity of a utility is based on the utility's ‘schedule for the addition of new generating and transmission facilities[.]”¹

There is no question that this Commission has a complete record of Idaho Power’s planned acquisition of new resources commencing in the summer of 2023. Idaho Power has declared on the record in this docket that it is actively seeking to acquire in excess of 100 MW of new resources in the summer of 2023. *See, Declaration of C. Tom Arkoosh*, dated December 9, 2021, and *Second*

¹ *Mt. Sun v. Mont. Dep’t of Pub. Serv. Regulation*, 401 Mont. 324, 357, 742 P. 3d 1154 (2020). [Emphasis added.]

Declaration of C. Tom Arkoosh, dated February 15, 2022.

There is nothing more that needs to be analyzed to establish Idaho Power's first deficit date. That date is the date Idaho Power seeks to acquire new capacity. That date has been established at the summer of 2023. No additional discovery, examination, or record need be explored or established to verify the fact that Idaho Power is right now seeking to acquire over 100 MW of new capacity in the summer of 2023.

Idaho Power's request to "open the record" and Staff's request (via its *Decision Memorandum*) to create a new comment period for discovery and additional process denies the QF industry the opportunity, as provided for under PURPA, to offer their qualified facility resources in order to allow the utility to avoid the addition of new capacity by purchasing needed capacity from QFs under PURPA.

Further delay in the prosecution of this docket denies the QF industry the benefit of due process of law. Continued delay of a decision in this docket is, in fact, a decision to deny the existence of the true capacity deficit date that even Idaho Power has conceded. It also artificially reduces the true avoided cost rates that PURPA requires be made available to potential QF developers.

WHEREFORE, IdaHydro respectfully requests the Commission end the languorous pace of this docket and issue its order establishing Idaho Power's first capacity deficit as the summer of 2023.

DATED this 7th day of March 2022.

ARKOOSH LAW OFFICES



C. Tom Arkoosh
Attorneys for IdaHydro

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 7th day of March, 2022, a true and correct copy of the within and foregoing IDAHYDRO’S OBJECTION TO PROPOSED HEARING SCHEDULE AND REQUEST FOR A PROMPT ORDER ON ITS PENDING MOTION TO ESTABLISH 2023 FIRST DEFICIT DATE in Case No. IPC-E-21-09 was served, pursuant to Commission Order No. 34602, by electronic copy only, to:

Commission Secretary	_____	U.S. Mail, Postage Prepaid
Idaho Public Utilities Commission	_____	Overnight Courier
11331 W. Chinden Blvd., Building 8,	_____	Hand Delivered
Suite 201-A	_____	Via Facsimile
P.O. Box 83720	<u> X </u>	E-mail:
Boise, ID 83720-0074		secretary@puc.idaho.gov

John R. Hammond, Jr.	_____	U.S. Mail, Postage Prepaid
Idaho Public Utilities Commission	_____	Overnight Courier
11331 W. Chinden Blvd., Building 8,	_____	Hand Delivered
Suite 201-A	_____	Via Facsimile
P.O. Box 83720	<u> X </u>	E-mail:
Boise, ID 83720-0074		john.hammond@puc.idaho.gov

Donovan E. Walker	_____	U.S. Mail, Postage Prepaid
Regulatory Dockets	_____	Overnight Courier
Idaho Power Company	_____	Hand Delivered
1221 West Idaho Street (83702)	_____	Via Facsimile
P.O. Box 70	<u> X </u>	E-mail:
Boise, ID 83707		dwalker@idahopower.com
		dockets@idahopower.com

Michael Darrington	_____	U.S. Mail, Postage Prepaid
Energy Contracts	_____	Overnight Courier
Idaho Power Company	_____	Hand Delivered
1221 West Idaho Street (83702)	_____	Via Facsimile
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