

DECISION MEMORANDUM

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

FROM: ERICK SHANER
DEPUTY ATTORNEY GENERAL

DATE: OCTOBER 25, 2021

SUBJECT: IDAHO POWER COMPANY'S AND COMMISSION STAFF'S JOINT
MOTION TO SUSPEND PROCEDURAL SCHEDULE; CASE NO. IPC-E-
21-17.

BACKGROUND

On June 3, 2021, Idaho Power Company ("Company" or "Idaho Power") applied to the Commission for authorization to accelerate the depreciation schedule for the Jim Bridger Power Plant ("Bridger") to allow the plant to be fully depreciated and recovered by December 31, 2030.

In its Application the Company asked to establish a balancing account and the necessary regulatory accounting to track the incremental costs and benefits associated with the Company's cessation of participation in coal-fired operations at Bridger. The Company also asked that customer rates be adjusted to recover the associated incremental annual levelized revenue requirement of \$30,825,729 with an effective date of December 1, 2021, which equates to an overall increase of 2.53 percent. The Company separately proposed rate changes associated with the Depreciation Application in Case No. IPC-E-21-18 in addition to this Application. The Company is also filing one set of proposed tariff sheets specifying the proposed rates for providing retail electric service to customers in the state of Idaho for both proposed rate changes. The Company requested its Application be processed under Modified Procedure.

On June 24, 2021, the Commission issued a Notice of Application and set a deadline for intervention. The Commission granted intervention into this matter to the Industrial Customers of Idaho Power ("ICIP"); Idaho Conservation League ("ICL"); the City of Boise ("Boise City");

Sierra Club; Clean Energy Opportunities, Inc., d/b/a Clean Energy Opportunities for Idaho (“CEO”); and Micron Technology, Inc. (“Micron”). Order Nos. 35094, 35102, and 35119. On July 28, 2021, the Commission issued a Notice of Parties.

On October 1, 2021, the Company and Commission Staff (“Staff”) filed their **Joint Motion To Suspend Procedural Schedule** (“Joint Motion”)(emphasis added). On October 1, 2021, intervenors ICL and Sierra Club responded by filing their **Idaho Conservation League and Sierra Club Response To Joint Motion To Suspend Schedule** (“Response”)(emphasis added). Thereafter, on October 7, 2021, the Company replied to the Response by filing **Idaho Power’s Reply To Joint Motion Response** (“Company Reply”)(emphasis added).

The Joint Motion asks the Commission “to suspend responses to discovery requests and further processing of this docket to address “new developments,” namely PacifiCorp’s proposal to convert Bridger Units 1 and 2 from burning coal to burning gas and the ongoing negotiation over the Wyoming State Implementation Plan (Wyoming SIP).” Response at 1, citing the Joint Motion at 4.

SUMMARY

Up to this point, this memorandum has provided background information that led to the filing of the Joint Motion. This memorandum will next briefly note arguments raised in the filings. The detailed arguments in the filings speak for themselves. It concludes by listing potential decision points for the Commission to consider in making a ruling.

THE JOINT MOTION

The Company and Staff argue, in summary, that:

- “Given that it is not possible to substantively respond to discovery requests in this case until greater clarity is achieved concerning Bridger emission limits and possible coal-to-gas unit conversion” the Company and Staff “respectfully request that the procedural schedule and discovery be suspended until a procedural schedule can be established. Once more information is known, Idaho Power will make a filing recommending next steps in this proceeding.” Joint Motion at 4.

RESPONSE

ICL and Sierra Club’s Response at page 5 argues, in summary, that:

- Given that the uncertainties surrounding PacifiCorp’s proposal to amend the existing Wyoming SIP and Idaho Power’s independent analysis of whether to change plans from exiting Bridger will likely be resolved by the end of 2021, **ICL and Sierra Club are not opposed to a short delay in the**

Bridger depreciation proceedings. However, delaying the proceeding until “more information is known” is unreasonably vague and fails to provide IPC customers with certainty regarding the future of the Bridger plant and any associated rate changes. ICL and Sierra Club request that the Commission order Idaho Power to:

1. Work with parties to establish a procedural schedule that reflects the likely resolution of the Wyoming SIP process and Idaho Power’s resource planning by the end of 2021.
2. Continue to respond [to] discovery requests about coal-related costs at Bridger[.]
3. File monthly updates on the Wyoming SIP negotiations and Idaho Power’s independent assessment of the options for Bridger.” (emphasis added) (footnotes omitted).

COMPANY’S REPLY

The Company’s Reply argues, in summary, that:

- “Because Idaho Power does not expect a need for the requested suspension to extend beyond calendar year 2021, the Response’s recommended actions are unnecessary. The Company commits to filing an update or request to set the procedural schedule once more information is known, but in no event later than December 31, 2021.” Company’s Reply at 2.

COMMISSION DECISION

None of the parties asked for oral argument. Under the Commission’s Procedural Rules 56 and 256, how does the Commission wish to proceed on the parties’ written submissions? For example:

1. Grant the Suspension as Requested in the Joint Motion. The Commission can order that this matter be suspended as requested in the Joint Motion. Should the procedural schedule and discovery be suspended until the Company makes a filing that recommends the next steps for this matter?

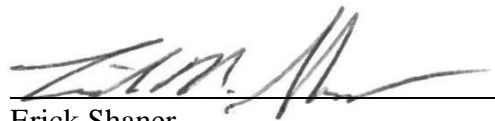
2. Grant the Suspension Upon the Conditions Requested by ICL and Sierra Club. Does the Commission wish to grant the suspension, but only on the conditions requested by ICL and Sierra Club? ICL and Sierra Club requested that the suspension be granted by the Commission on the condition that the Company is ordered to:

- a. Work with parties to establish a procedural schedule that reflects the likely resolution of the Wyoming SIP process and Idaho Power’s resource planning by the end of 2021;

- b. Continue to respond to discovery requests about coal-related costs at Bridger; and
- c. File monthly updates on the Wyoming SIP negotiations and Idaho Power's independent assessment of the options for Bridger.

3. Grant the Suspension as Requested in the Company's Reply. Does the Commission wish to order the procedural schedule and discovery be suspended until the Company files an update or request to set the procedural schedule once more information is known, but no later than December 31, 2021?

- 4. Deny the parties' requests and set a schedule in this case?
- 5. Something else?



Erick Shaner
Deputy Attorney General

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IDAHO PUBLIC
UTILITIES COMMISSION

LISA D. NORDSTROM
Lead Counsel
lnordstrom@idahopower.com

October 1, 2021

VIA ELECTRONIC FILING

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Idaho Public Utilities Commission
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PO Box 83720
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Re: Case No. IPC-E-21-17
In the Matter of Idaho Power Company's Application for Authority to
Increase Its Rates for Electric Service to Recover Costs Associated with the
Jim Bridger Power Plant

Dear Ms. Noriyuki:

Attached for electronic filing, pursuant to Order No. 35058, please find Joint Motion
to Suspend Procedural Schedule.

If you have any questions about the attached filing, please do not hesitate to
contact me.

Very truly yours,

Lisa D. Nordstrom

LDN:sg
Enclosure

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Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	
COMPANY'S APPLICATION FOR)	CASE NO. IPC-E-21-17
AUTHORITY TO INCREASE ITS RATES)	
FOR ELECTRIC SERVICE TO RECOVER)	JOINT MOTION TO SUSPEND
COSTS ASSOCIATED WITH THE JIM)	PROCEDURAL SCHEDULE
BRIDGER PLANT)	
_____)	

Pursuant to Procedural Rule 056, Idaho Power Company (Idaho Power or Company) and the Idaho Public Utilities Commission Staff (Staff) (collectively the "Movants") submit this Motion to Suspend the Procedural Schedule to the Idaho Public Utilities Commission (Commission) in the above-captioned case. As described in more detail below, the Movants request this suspension to allow Movants the opportunity to assess this case in light of new developments that may impact operation of the Jim Bridger Power Plant (Bridger).

I. BACKGROUND

1. Idaho Power and PacifiCorp jointly own the Bridger plant located in Rock Springs, Wyoming. Bridger is comprised of four coal-fired units built in the 1970s. PacifiCorp owns two-thirds of Bridger and is the plant operator; Idaho Power owns one-third, or 771 megawatts of generator nameplate capacity.

2. On June 2, 2021, Idaho Power submitted an Application requesting the Commission authorize Idaho Power to (1) accelerate Bridger unit depreciation schedules to allow the plant to be fully depreciated and recovered by December 31, 2030, (2) establish a balancing account, and the necessary regulatory accounting, to track the incremental costs and benefits associated with Idaho Power's cessation of participation in coal-fired operations at Bridger, and (3) adjust customers rates to recover the associated incremental annual levelized revenue requirement of \$30.83 million with an effective date of December 1, 2021, which equates to an overall increase of 2.53 percent.

3. On June 24, 2021, the Commission issued Order No. 35088 with a Notice of Application and Notice of Intervention Deadline in this case.

4. Following the intervention period, the Commission issued a Notice of Parties on July 28, 2021. No other case procedure or deadlines have been set to date.

5. Bridger emission controls are required to comply with the Clean Air Act Regional Haze Rules and the resulting Wyoming Regional Haze State Implementation Plan (Wyoming SIP). To mitigate the effects of nitrogen dioxide (NO_x) controls for regional haze, selective catalytic reduction (SCR) equipment was installed on Jim Bridger Units 3 and 4 by the dates required by Wyoming in state law and by EPA in the 2014 final rule.

6. On February 5, 2019, plant operator PacifiCorp submitted to Wyoming an application and proposed State Implementation Plan (SIP) revision instituting reduced plant-wide month-by-month emission limits for NO_x and sulfur dioxide (SO₂), in addition to an annual total combined emission cap of NO_x and SO₂, on all four Jim Bridger units in lieu of the requirement to install SCR equipment on Units 2 and 1 by December 31, 2021 and 2022, respectively. The proposed SIP revision states that the proposed limits are more cost effective while leading to better modeled visibility than the SCR installation on Units 1 and 2 required in the federally approved SIP.¹

7. Wyoming's proposed approval of the SIP revision was published for public comment July 20, 2019, through August 23, 2019. On May 5, 2020, the Wyoming Department of Environmental Quality issued permit P0025809 with PacifiCorp's proposed monthly and annual NO_x and SO₂ emission limits. Under the permit, the new emission limits become effective January 1, 2022. Wyoming submitted a corresponding regional haze SIP revision to U.S. Environmental Protection Agency (EPA) on May 14, 2020. EPA has not taken formal action responding to the SIP revision. Discussions between EPA, Wyoming, and PacifiCorp regarding the SIP revision and regional haze compliance at Jim Bridger are ongoing.

8. On September 1, 2021, PacifiCorp's Rocky Mountain Power business unit submitted PacifiCorp's 2021 Integrated Resource Plan (IRP) for Commission acknowledgment in Case No. PAC-E-21-19.

¹ *PacifiCorp's Application for Acknowledgment of the 2021 Integrated Resource Plan*, Case No. PAC-E-21-19, pp. 55-56 (updated original filed September 15, 2021).

9. PacifiCorp's 2021 IRP preferred portfolio and Action Plan envisions the cessation of coal-fired generation in Bridger Units 1 and 2 in 2023 with a natural gas conversion of those units in 2024 to meet its load and reliability requirements.²

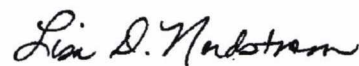
II. JOINT MOTION

10. Given that it is not possible to substantively respond to discovery requests in this case until greater clarity is achieved concerning Bridger emission limits and possible coal-to-gas unit conversion, the Movants respectfully request that the procedural schedule and discovery be suspended until a procedural schedule can be established. Once more information is known, Idaho Power will make a filing recommending next steps in this proceeding.

III. CONCLUSION

11. The Movants seek this suspension to allow Movants the opportunity to assess this case in light of new developments that may impact operation of the Bridger plant. Once more information is known, Idaho Power will make a filing recommending next steps in this proceeding.

DATED at Boise, Idaho, this 1st day of October 2021.



LISA D. NORDSTROM
Attorney for Idaho Power Company

² *Id.*, pp. 15, 24, 253, 299, 322.

DATED at Boise, Idaho, this 1st day of October ~~September~~ 2021.



ERICK SHANER
Attorney for Idaho Public Utilities
Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of October 2021, I served a true and correct copy of the Joint Motion to Suspend Procedural Schedule upon the following named parties by the method indicated below, and addressed to the following:

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Stacy Gust, Regulatory Administrative Assistant

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER
COMPANY'S APPLICATION FOR
AUTHORITY TO INCREASE ITS RATES
FOR ELECTRIC SERVICE TO RECOVER
COSTS ASSOCIATED WITH THE JIM
BRIDGER POWER PLANT

CASE NO. IPC-E-21-17

IDAHO CONSERVATION
LEAGUE AND SIERRA CLUB
RESPONSE TO JOINT
MOTION TO SUSPEND
SCHEDULE

The Idaho Conservation League (ICL) and Sierra Club submit this Response to the Joint Motion to Suspend Procedural Schedule (Joint Motion). Idaho Power and Staff request to suspend responses to discovery requests and further processing of this docket to address “new developments,” namely PacifiCorp’s proposal to convert Bridger Units 1 and 2 from burning coal to burning gas and the ongoing negotiation over the Wyoming State Implementation Plan (Wyoming SIP).¹ ICL and Sierra Club recommend that the Commission require IPC to work with parties to develop a procedural schedule for this docket that reflects resolving these uncertainties by the end of 2021 instead of allowing IPC to indefinitely suspend the proceeding.

¹ Joint Motion to Suspend Procedural Schedule, Case No. IPC-E-21-17, p. 4 (Oct. 1, 2021).

In addition, ICL and Sierra Club recommend that the Commission condition the suspension of this docket on Idaho Power submitting monthly status updates on the Wyoming SIP process, continuing to respond to discovery requests that address coal-related costs at Jim Bridger, and independently assessing the options for Jim Bridger that benefit Idaho Power customers.

I. IPC Should Work with Parties to Develop a Procedural Schedule for 2022

Although we acknowledge there are uncertainties regarding the future of the Jim Bridger plant, including the ongoing discussion related to regional haze compliance and the potential gas conversion of the plant, we do not agree that these uncertainties should indefinitely delay the current Jim Bridger depreciation proceeding. First, it is likely that ongoing negotiations regarding regional haze compliance will resolve before the end of 2021. The Joint Motion correctly notes that Wyoming has submitted a regional haze SIP revision to the U.S.

Environmental Protection Agency (EPA), which the Agency has not acted upon.² Because PacifiCorp's request to amend the Wyoming SIP and Wyoming's corresponding regional haze SIP revision has not been approved, the federal requirements to install Selective Catalytic Reduction (SCR) controls on Bridger Units 1 and 2 by the 2021 and 2022 remain in effect.³ Unless EPA approves the amendment to the Wyoming SIP, PacifiCorp installs SCRs on Bridger 1 by the end of December 2021, or the parties come to some other negotiated resolution, continued operation of Jim Bridger Unit 1 will constitute a violation of the Clean Air Act beginning January 1, 2022. As a result, and in light of the fact that negotiations are currently

² *Id.* at 3.

³ *Id.*

ongoing,⁴ we expect there to be a resolution to the regional haze compliance issue before the end of the year.⁵

Second, Idaho Power is required to file its 2021 IRP by December 2021.⁶ Idaho Power is fully capable of assessing a variety of Bridger options in the IRP, including whether to exit all units or follow PacifiCorp's desire to convert Units 1 and 2 to gas. Idaho Power has performed similar analyses several times, namely for Valmy and the co-owner NV Energy as well as for Bridger in the 2019 IRP and the beginning of the 2021 IRP. Therefore, the uncertainty of whether gas conversion is in the best interest of Idaho Power customers will be resolved, or at least the analysis will be available, by the end of 2021.

Given that the regional haze compliance and gas conversion issues should be resolved, or largely resolved, by the end of 2021, IPC will be able to move forward on the Bridger proceeding in early 2022. As a result, we request that the Commission require IPC to work with parties in 2021 to set a firm schedule for the Bridger docket for early 2022.

II. IPC Should Continue to Respond to Bridger Coal-Related Discovery

ICL and Sierra Club recommend that the Commission move forward with the coal-related cost portions of this docket in order to resolve issues that are independent of the Wyoming SIP process or a possible gas conversion at Units 1 and 2. Even if Wyoming and the EPA agree to PacifiCorp's proposal to convert Bridger units to gas, this Commission will need to address Idaho Power's request here to recover past spending at Bridger and any remediation costs such

⁴ *Id.*

⁵ Sierra Club is a party to the ongoing negotiations concerning regional haze compliance at Jim Bridger. However, Sierra Club's representation that a resolution is likely to be achieved by the end of the year is based solely on publicly available information: namely, that federal requirements mandate that SCRs be installed on Jim Bridger Unit 1 no later than December 31, 2021, PacifiCorp has taken no action to install SCRs on Unit 1, and the parties are currently negotiating a resolution to this issue. No inference regarding the status or substance of the ongoing negotiations should be assumed based on this representation.

⁶ Final Order, Case No. IPC-E-21-06, p. 3 (May 27, 2021).

as coal-ash containment and decommissioning of the coal related infrastructure at the Bridger site. By addressing these coal-related costs now, the Commission can establish cost recovery processes that avoid intergenerational equity issues of having future Idaho Power customers pay for legacy coal-related costs. ICL and Sierra Club recommend the Commission direct Idaho Power to continue to respond to discovery requests that address coal-related costs at the Bridger plant.

III. IPC Should Continue to Assess Bridger Options for IPC customers

ICL and Sierra Club also recommend that the Commission require IPC to assess independently whether converting the Bridger plant to natural gas is the best option for IPC customers. Idaho Power customers remain unrepresented in the Wyoming SIP negotiation process because IPC is not a party to the SIP revision discussion and negotiation.⁷ And, while PacifiCorp has filed a new IRP that proposes to convert Bridger units to gas, that analysis is only relevant to PacifiCorp and there is no indication in the record in this case that PacifiCorp's desire is in the best interest of Idaho Power's customers. As this Commission saw in dealing with the Valmy coal plant, Idaho Power has the ability to make resource decisions independent of a co-owner who has different objectives.⁸ The Commission should give little weight to Idaho Power and Staff's reason to suspend this docket due to PacifiCorp's new plan to convert Bridger to gas—a plan yet to be reviewed by any of the six states that oversee PacifiCorp or approved as a revision to the existing Wyoming SIP. Rather, ICL and Sierra Club recommend that the

⁷ *Id.* (IPC states that “[d]iscussions between EPA, Wyoming, and PacifiCorp regarding the SIP revision and regional haze compliance at Jim Bridger are ongoing” indicating that Idaho Power is not a party to the negotiations).

⁸ *See* Order No. 33771, Case No. IPC-E-16-24 (May 31, 2017).

Commission direct Idaho Power to continue assessing the optimal path forward for Idaho Power customers regarding Bridger in the IRP process.⁹

IV. Conclusion

Given that the uncertainties surrounding PacifiCorp's proposal to amend the existing Wyoming SIP and Idaho Power's independent analysis of whether to change plans from exiting Bridger will likely be resolved by the end of 2021, ICL and Sierra Club are not opposed to a short delay in the Bridger depreciation proceedings. However, delaying the proceeding until "more information is known"¹⁰ is unreasonably vague and fails to provide IPC customers with certainty regarding the future of the Bridger plant and any associated rate changes. ICL and Sierra Club request that the Commission order Idaho Power to:

1. Work with parties to establish a procedural schedule that reflects the likely resolution of the Wyoming SIP process and Idaho Power's resource planning by the end of 2021.
2. Continue to respond discovery requests about coal-related costs at Bridger
3. File monthly updates on the Wyoming SIP negotiations and Idaho Power's independent assessment of the options for Bridger.

ICL and Sierra Club respectfully submit this Response to the Joint Motion to Suspend the Procedural Schedule.

DATED this 1st day of October, 2021.

⁹ ICL and Sierra Club acknowledge this docket is about Bridger depreciation and not directly about the IRP. However, these processes are intertwined as the IRP provides the analytical basis to determine the optimal path forward for IPC's share of the Bridger plant.

¹⁰ Joint Motion, *supra* at 4.

Respectfully submitted,

/s/

Benjamin J. Otto
Idaho Conservation League

/s/

Rose Monahan
Sierra Club

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October 2021, I delivered true and correct copies of the foregoing RESPONSE TO JOINT MOTION to the following persons via the method of service noted:

_____/s/_____
Rose Monahan
Sierra Club

Electronic mail only (see Order 35058)

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ICL and Sierra Club Response to Joint Motion
7 of 8

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UTILITIES COMMISSION

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October 7, 2021

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Re: Case No. IPC-E-21-17
In the Matter of Idaho Power Company's Application for Authority to
Increase Its Rates for Electric Service to Recover Costs Associated with the
Jim Bridger Power Plant

Dear Ms. Noriyuki:

Attached for electronic filing, pursuant to Order No. 35058, please find Idaho Power's Reply to Joint Motion Response.

If you have any questions about the attached filing, please do not hesitate to contact me.

Very truly yours,

Lisa D. Nordstrom

LDN:sg
Enclosure

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

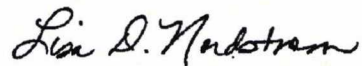
IN THE MATTER OF IDAHO POWER)	
COMPANY'S APPLICATION FOR)	CASE NO. IPC-E-21-17
AUTHORITY TO INCREASE ITS RATES)	
FOR ELECTRIC SERVICE TO RECOVER)	IDAHO POWER'S REPLY TO
COSTS ASSOCIATED WITH THE JIM)	JOINT MOTION RESPONSE
BRIDGER PLANT)	
_____)	

Idaho Power Company (Idaho Power or Company) submits this Reply to the Idaho Conservation League (ICL) and Sierra Club's Response (Response) to the Joint Motion to Suspend Procedural Schedule (Joint Motion) filed by Idaho Power and the Idaho Public Utilities Commission Staff (Movants), both of which were filed on October 1, 2021.

The Movants seek a suspension of the procedural schedule to allow Movants the opportunity to assess this case in light of new developments that may impact operation of the Jim Bridger power plant. In their Response to the Joint Motion, ICL and Sierra Club do not oppose a short delay in the Bridger proceedings, but express concerns over a non-specified delay that lacks certainty, and propose a number of recommendations to address these concerns. To clarify, Idaho Power views the Joint Motion as a request for a short delay, and agrees with ICL and Sierra Club that sufficient information will be known

by year-end with regard to the two items detailed in the Joint Motion – the Wyoming State Implementation Plan and the 2021 Integrated Resource Plan. Because Idaho Power does not expect a need for the requested suspension to extend beyond calendar year 2021, the Response’s recommended actions are unnecessary. The Company commits to filing an update or request to set the procedural schedule once more information is known, but in no event later than December 31, 2021.

DATED at Boise, Idaho, this 7th day of October 2021.



LISA D. NORDSTROM
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of October 2021, I served a true and correct copy of Idaho Power's Reply to Joint Motion Response upon the following named parties by the method indicated below, and addressed to the following:

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