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IDAHO PUBLIC UTILITIES COMMISSION

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BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	
COMPANY'S APPLICATION TO INITIATE A)	CASE NO. IPC-E-21-21
MULTI-PHASE COLLABORATIVE)	
PROCESS FOR THE STUDY OF COSTS,)	"FINAL WRITTEN REPLY
BENEFITS, AND COMPENSATION OF NET)	COMMENTS" OF THE INDUSTRIAL
EXCESS ENERGY ASSOCIATED WITH)	CUSTOMERS OF IDAHO POWER
CUSTOMER ON-SITE GENERATION)	

COMES NOW, The Industrial Customers of Idaho Power, hereinafter referred to as the "ICIP" and pursuant to Order No. 35193 of the Idaho Public Utilities Commission ("Commission"), and hereby files its "Final Written Reply Comments" as to "the appropriate scope of the Study Framework . . . to study the costs, benefits, and compensation of net excess energy *associated with* customer on-site generation."¹

I
INTRODUCTION – BACKGROUND

In its "Final Comments" filed in this matter the ICIP observed that its recommendation to study the parameters for non-contiguous customer-owned generating facilities (also referred to by the Commission as net metering facilities or on-site generating facilities) was encompassed in

¹ See page 2 of Order no. 35196 at p. 2. Italics added.

the Commission-established scope of this docket. The ICIP reminded the Parties that Idaho Power already provides for, and this Commission has approved, net-metering facilities to be aggregated to a single meter that is not physically located at the same site of the customer's "net-metered" generation, (literally, 'off-site' generation). The general rules applicable to meter aggregations are found in Schedules 6, 8 and 84² of the Idaho Power's currently approved tariffs. While the concept of off-site meter aggregation is currently artificially restricted to semi-contiguous properties³ owned by the same entity, the concept of off-site net metering is already firmly grounded in Commission orders and Idaho Power's tariffs and is already available for almost all of the Company's ratepayers. Thus, off-site net metering is squarely on the table for discussion/study in this docket because it is unequivocally "associated" with net-metering.

II.
NET-METERING, OFF-SITE GENERATION, ON-SITE GENERATION
...BY ANY OTHER NAME

Idaho Power in its Final Comments and without adding any substantive support for the assertion, simply parroted the Staff's prior unsupported statement that off-site generation is beyond the scope of this proceeding. To the contrary, and as pointed out in the ICIP's Final Comments, on-site generation as approved by this Commission INCLUDES OFF-SITE GENERATION. While it is unfortunate that the Commission continues to use the partially descriptive phrase "on-site" generation, there can be no question that, as used by this

² Inclusive of Residential, Commercial, Industrial and Irrigation customers.

³ The contiguous property requirement is loosely and inexplicably defined to include parcels separated by generically described "public ...rights of way" which presumably includes roads, canals, access easements, highways and etc. Idaho Power No. 29, Tariff No. 101, Third Revised Sheet No. 84-5 at Section 2(a)(iii).

Commission, the phrase “on-site generation” also encompasses off-site customer owned generation.

Indeed, this docket is no stranger to poorly descriptive terminology. For instance, the Commission now uses the phrase “net-metering” to mean its exact opposite. According to the Commission, “net-metering” now includes the actual sale of excess energy and not simply a netting of customer-usage against customer-generated power. This Commission as recently as 2012 (in Order No. 32880), declared that:

[T]he purpose of net metering is to allow a customer to *offset usage*, not to sell power to the Company. If a customer wishes to become a power seller, then the customer *must* proceed with a contract under Schedule 86.

[At page 3, emphasis in original.]

This docket, however, now encompasses the concept of customers selling their “excess” “net” energy. Of course, the concept of “excess net” – of anything – is oxymoronic. This docket is about, inter alia, how customers can sell their excess “net” energy to the host utility without a contract under schedule 86 – which is the opposite of the Commission’s prior rulings as to the “purpose of net metering.” The Commission’s less than precise, and less than consistent, usage of the phrase net metering cannot be relied on by the Power Company or the Staff to artificially limit the scope of this docket. Limiting the scope of a “comprehensive” study of the “issues associated” with net metering to inexplicably exclude commission approved off-site net metering facilities is contrary to the concept of a “comprehensive” study.

In the linguistically topsy-turvy world created by this Commission, net-metering doesn’t mean net metering. It means netting usage against consumption AND it also means the sale of excess power to the utility. Similarly, the phrase “on-site” generation means more than just on-site generation. As explained below, “on-site” generation” is currently meant by the

Commission to encompass net metering facilities that are literally “off-site” from the customer’s meter.

Idaho Power’ tariffs currently allow for off-site net metering by all of its net metering customers. See, Residential (Schedule 6), commercial (Schedule 7), and all Schedules other than residential and small commercial (See Schedule 84). All those schedules currently allow for net metering of generation that is located off site⁴ from the Designated Meter for exporting power to the utility. It therefore beyond question that any “comprehensive” study of issues “associated” with net metering in Idaho encompasses on-site and off-site net metering.

Of course, one need look no further than the Commission’s own pronouncements on this topic to see that the Commission uses the terms “net metering” (which is inclusive of off-site generation) and “on-site generation” interchangeably. For example, in the Notice of Application in this docket the Commission went out of its way to provide a working definition of net metering:

YOU ARE FURTHER NOTIFIED that when the electricity provided by the Company to a customer during a billing period is more than the customer’s generated electricity delivered to the Company, the customer receives a bill for the additional electricity supplied by the Company at applicable rates. When the customer’s electrical generation is more than what is supplied by the Company during a billing period, the customer’s excess electrical generation is applied as a kilowatt-hour credit to energy the customer uses in a subsequent billing period. **This process is called “net metering”.**

One paragraph later⁵ the Commission referred to this docket as a process in which to “study the costs, benefits and compensation for net excess energy supplied by customer **on-site generation.**” Idaho Power’s Commission approved tariffs define net metering to include off-site

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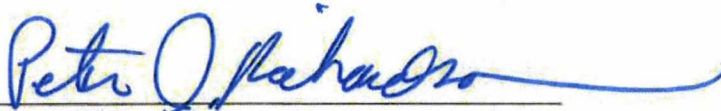
Defined in the tariffs as “property that is separated from the Premises of the Designated Meter...”

⁵ Footnote 2, page 2 Order No. 35121.

generation. The Commission's own order in this very docket uses the phrases "net-metering" and "on-site" generation interchangeably. It is unreasonable to assume, as Staff and Idaho Power apparently do, that the Commission was unaware that it has already approved off-site net metering for Idaho Power and has labeled such facilities as Net Metering Facilities.⁶ The Commission's use the generic descriptors "on-site generation" and "net metering" clearly encompass the entire universe of Commission approved net metering/on-site generation facilities which by definition means it includes off-site generation.. Thus, when the Commission uses the two phrases interchangeably and without any further distinction, the only logical inference is that it intended this "comprehensive study" to include all net-metering (a.k.a. on-site generation and off-site generation) that is currently being offered by Idaho Power in Commission approved tariffs.

Finally it is important to underscore that the Commission is requiring a "comprehensive" study of all issues "associated" with net metering and to understand that the word "associated" is inclusive of issues and not meant to be restrictive or exclusive of related issues.

DATED this 30th day of November 2021



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⁶ It is the ICIP's understanding that off-site net metering is currently being utilized primarily for the benefit of some of the Power Company's irrigation pumping customers.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November 2021, a true and correct copy of the within and foregoing FINAL COMMENTS OF THE INDUSTRIAL CUSTOMERS OF IDAHO POWER in Docket No. IPC-E-21-21 was served electronically to:

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