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*Attorney for Clean Energy Opportunities for Idaho*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IDAHO )  
POWER COMPANY’S ) CASE NO. IPC-E-21-42  
APPLICATION FOR APPROVAL OF )  
SPECIAL CONTRACT AND TARIFF ) CLEAN ENERGY OPPORTUNITIES  
SCHEDULE 33 TO PROVIDE ) FOR IDAHO  
ELECTRIC SERVICE TO BRISBIE, ) PETITION FOR CLARIFICATION  
LLC’S DATA CENTER FACILITY )**

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COMES NOW Clean Energy Opportunities for Idaho (“CEO”), pursuant to IDAPA 31.01.01.325, with the following petition for clarification of Order No. 35777.

In this docket, CEO was granted intervenor status based in part upon its direct and substantial interest in how this docket related to other dockets within CEO’s scope:

CEO believes its active participation in this docket is essential to ensure that it can effectively participate in other related dockets such as IPC-E-21-40. CEO aims to contribute from a perspective informed by collaborative problem-solving approaches and multiple stakeholder interests.<sup>1</sup>

CEO entered into protective agreements and reviewed documents within this docket while also participating in other matters related to clean energy and rate design before the Commission, including IPC-E-21-43, IPC-E-22-12, IPC-E-22-22, PAC-E-22-15, all of which share related subject matter.

Within Case No. IPC-E-21-42, Brisbie and/or the Company claimed a substantial portion of material as “trade secrets”. CEO Directors Michael Heckler and Courtney White have entered into a Protective Agreement dated December 27, 2021 and thereby agreed to be bound by the terms and conditions of that Agreement.

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<sup>1</sup> See *CEO Petition to Intervene*, filed 2-3-2022 (available at <https://puc.idaho.gov/Filerroom/PublicFiles/ELEC/IPC/IPCE2142/Intervenor/CEO/20220203Petition%20to%20Intervene.pdf>) and granted in Order No.35318.

On May 18, 2023, CEO filed an additional Petition to Intervene in IPC-E-23-14. In recent months, CEO has held meetings with Company personnel and PUC staff to discuss matters related to the rate treatment of various costs, revenue designs and loads within the next General Rate Case (“GRC”). CEO intends to Petition for intervenor status in the Company’s upcoming GRC.

## **Transparency**

In Order No. 35777, the Commission acknowledged the importance of transparency and understanding for how this docket affects Idaho Power Company’s system and its other customers:

We find the above Staff recommendations to be reasonable requirements for the Company that will result in increased transparency and understanding of the ESA and other CEYW-Construction projects’ impacts on the Company’s system and other customers. We direct the Company to meet with Staff, prior to the next GRC or as soon as possible thereafter, to discuss the treatment of Schedule 33 costs, revenues, and loads in base rates. We further direct the Company to hold a workshop on REC-related transactions and PCA impacts of “system-generated RECs.”<sup>2</sup>

In the PUC new release issued on May 12, 2023, Adam Strong stated:

An evaluation of the energy services agreement was intended to address concerns about Brisbie being Idaho Power’s largest customer with a significant impact to Idaho Power’s system and cost structure, which had the potential to increase the risk to other utility customers. In addition, how the rates Idaho Power will charge were determined may be used as a model for this type of customer in the future, which could increase the risk to other customers.<sup>3</sup>

The Commission and parties in this docket understand that the energy services agreement between the Company and Brisbie LLC will impact other dockets and the Company’s other customers. CEO’s interest in intervening in this docket was not so much focused on the details of the agreement between Brisbie and Idaho Power but on how Schedule 33 will affect other applicants and the Company’s customers. CEO desired when it intervened and wishes now to participate in all upcoming discussions related to the treatment of Schedule 33 costs, revenues and loads in customer rates.

### **I. Request for Clarification**

When the Commission directed the Company to meet with Staff, prior to the next GRC or as soon as possible thereafter, to discuss the treatment of Schedule 33 costs, revenues, and loads in base rates, did the Commission intend to allow CEO - the sole intervenor in this docket - to participate in those meetings?

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<sup>2</sup> Order No. 35777 at 17.

<sup>3</sup> IPUC News Release (May 12, 2023), *available at* <https://puc.idaho.gov/Fileroom/PublicFiles/ELEC/IPC/IPCE2142/Staff/20230512News%20Release.pdf>.

CEO desires to participate in the meetings the Commission directed for discussion of the treatment of Schedule 33 costs, revenues, and loads in base rates for the same reasons that CEO intervened in the docket.

Dated this 23rd day of May, 2023.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kelsey Jae".

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Kelsey Jae, Attorney for CEO

## CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2023. I delivered true and correct copies of the foregoing PETITION FOR CLARIFICATION to the following persons via the method of service noted:

### Electronic Mail Delivery

#### *Idaho Public Utilities Commission*

Jan Noriyuki

Commission Secretary

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