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IDAHO PUBLIC
UTILITIES COMMISSION

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Attorney for Intervenor

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF IDAHO POWER
COMPANY'S APPLICATION FOR APPROVAL
OF A REPLACEMENT SPECIAL CONTRACT
WITH MICRON TECHNOLOGY, INC. AND A
POWER PURCHASE AGREEMENT WITH
BLACK MESA ENERGY, LLC

Case No. IPC-E-22-06

**CITY OF BOISE CITY'S
PETITION TO INTERVENE**

COMES NOW, the city of Boise City, herein referred to as "Boise City," and pursuant to Rules 71 through 73 of the Rules of Procedure of the Idaho Public Utility Commission (IDAPA 31.01.01.71 – 31.01.0.73), the Application filed on March 10, 2022, and the Notice of Application and Modified Procedure, Order No. 35367, hereby requests to intervene in this matter and to appear and participate as a party. As grounds, Boise City states as follows:

1. The name and address of this Intervenor is:

City of Boise City
150 N. Capitol Blvd.
P.O. Box 500
Boise, ID 83701-0500

2. Copies of all pleadings, production requests, production responses, Commission orders and other documents should be sent to the following:

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Energy Program Manager
BOISE CITY DEPT. OF PUBLIC WORKS
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Pursuant to Order No. 35375, Commission Rules 61 and 62 are suspended and all service in this docket, except for voluminous discovery-related documents, is to be completed electronically. If the Commission decides to return to hard copy service during this docket, Boise City requests hard copies of pleading, testimony, and briefs only. All other production requests, response, notices, Commission orders and other filings may be served on Boise City via electronic mail in accordance with Rule 63 of the Rules of Procedure of the Idaho Public Utility Commission (IDAPA 31.01.01.063).

3. Boise City is a Municipal Corporation organized under the laws of the state of Idaho.

4. Boise City has a direct and substantial interest in this matter as representing the public interest of Idaho Power Company ("Idaho Power") customers that make up its constituency. Boise City is also a large Idaho Power customer with Schedule 7, 9, and 19 electric service accounts. Boise City also maintains multiple solar panel installations and net metering facilities, such as those located at the Twenty Mile South Farm Administration and Maintenance Building. As an Idaho Power customer with expressed clean energy preferences, this proceeding directly

impacts Boise City's ability to meet its community clean energy goals with accessible, innovative, and cost-effective clean energy programs. Without the opportunity to intervene herein, Boise City would not have the direct means of ensuring the outcome of this proceeding positively impacts the environmental, health, and economic concerns of Boise City and its citizens. Granting Boise City's petition to intervene will not unduly broaden the issues, nor will it prejudice any party to this case.

5. This petition to intervene is not timely pursuant to IDAPA 31.01.01.073 because Boise City was not aware that decisions regarding the Clean Energy Your Way program, and specifically the Clean Energy Your Way – Construction Option would be made in this docket. IPC-E-21-40 is open, noticed, and has a submitted record for Clean Energy Your Way program decisions, but Order No. 35482 explicitly and implicitly decides programmatic Clean Energy Your Way issues in this docket that will be applied to future Clean Energy Your Way – Construction Option contracts despite the application, notice, and record in this docket being specifically in relation to the energy service agreement between Micron and Idaho Power and the power purchase agreement between Idaho Power and Black Mesa. Failure to grant Boise City's petition to intervene would deprive Boise City of due process rights to be timely heard on a matter that directly impacts Boise City's interests. Without intervention, Boise City would not have access to the discovery conducted in this case and would be unable to appeal an adverse decision on reconsideration, if necessary.


6. Boise City's intervention in this docket would not unduly broaden the issues beyond the issues addressed in and created by Commission Order No. 35482.

7. Boise City intends to fully participate in this matter as a party and appear in all matters as is appropriate. The nature and quality of Boise City's intervention in this proceeding is dependent upon the nature and effect of other evidence in this proceeding. If necessary, Boise City

may present evidence; call and examine witnesses; and present argument.

WHEREFORE, the city of Boise City, respectfully requests that this Commission grant this Petition to Intervene and issue a timely order as set forth in IDAPA 31.01.01.075.

DATED this 22nd day of August 2022.



Ed Jewell,
Deputy City Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have on this 22nd day of August 2022, served the foregoing documents on all parties of record as follows:

Jan Noriyuki
Commission Secretary
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Michelle Steel,
Paralegal