

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF CLEAN ENERGY ) CASE NO. IPC-E-22-12**  
**OPPORTUNITIES FOR IDAHO’S PETITION )**  
**FOR AN ORDER TO MODIFY THE ) NOTICE OF PETITION**  
**SCHEDULE 84 100kW CAP & TO )**  
**ESTABLISH A TRANSITION GUIDELINE ) NOTICE OF MOTION TO**  
**FOR CHANGES TO SCHEDULE 84 EXPORT ) DISMISS**  
**CREDIT COMPENSATION VALUES )**  
**) NOTICE OF MODIFIED**  
**) PROCEDURE**  
**)**  
**) ORDER NO. 35453**

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On April 28, 2022, Clean Energy Opportunities for Idaho (“CEO”) petitioned the Commission for an order modifying Schedule 84’s eligibility cap and establishing a transition guideline setting “a limit to the pace at which the compensation for excess energy may change for Schedule 84 customers if and when an Export Credit Rate is implemented.” Petition at 1. CEO requested a Commission order by October 31, 2022.

On May 18, 2022, Idaho Power Company (“Company”) filed an Answer to CEO’s Petition (“Answer”) and a Motion to Dismiss (“Motion”).

On June 1, 2022, CEO filed a response (“Response”) to the Company’s Answer.

At the June 14, 2022, Decision meeting the Commissioners decided to process this case by Modified Procedure. The Commission established a 21-day public comment deadline directing interested parties to address whether to grant the Petition and set a procedural schedule or to grant the Company’s Motion and dismiss the Petition. The Commission established a 28-day deadline for CEO to respond.

The Commission now issues this Notice of Petition, Notice of Motion to Dismiss, and Notice of Modified Procedure, and sets public comment and CEO reply deadlines.

**NOTICE OF PETITION**

YOU ARE HEREBY NOTIFIED that the Company’s Schedule 84 governs electric service to commercial, industrial, and irrigation (“CI&I”) customers. In general, a CI&I customer taking service under Schedule 84 can generate electricity to meet its demand and export any excess

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electricity not needed to meet its demand back to the Company's system in exchange for an energy credit. However, service under Schedule 84 is not available to a customer who owns and operates a generation facility with a total nameplate capacity of 100 kilowatts ("kW") or more. *See* Schedule 84—Customer Energy Production Net Metering Service, Sheet No. 84-1-2. CEO's Petition requests the Commission increase this "project eligibility cap" from 100 kW to 100 percent of a customer's maximum demand. Petition at 1, 5-6, 8.

YOU ARE FURTHER NOTIFIED that CEO requests the Commission establish a "Transition Guideline" under Schedule 84 to set a stable and predictable Export Credit Rate when such a rate is implemented. CEO states that implementing a transition guideline will reduce risk to investors under Schedule 84, help them make better informed decisions, and encourage investment in more self-generating resources.<sup>1</sup>

YOU ARE FURTHER NOTIFIED that CEO contends that its Petition is timely and appropriate. CEO states that lifting the project eligibility cap under Schedule 84 will encourage additional investments in generating assets that will help address the Company's capacity deficit, which is anticipated to begin Summer 2023. CEO further states that the Company's deficiency case was filed three days after the comment period closed in IPC-E-21-21<sup>2</sup> and, therefore, the Commission's directive to the Company to complete a study prior to implementing changes to net metering did not factor in that the Company would be capacity deficient by 2023. CEO claims it will be too late for CI&I customers to decide to install generating resources if that decision depends on a Commission order following the Company's submission of its filed study and public review of that study consistent with the process outlined in Order No. 35284. CEO contends that a Commission order approving its Petition in this case and implementing the changes to Schedule 84 will come earlier than any order issued following the process outlined in Order No. 35284.

YOU ARE FURTHER NOTIFIED that CEO requests the Commission issue an order by October 31, 2022, to allow for CI&I customers taking service under Schedule 84 to have sufficient time to decide whether to install generating assets and take advantage of tax credits.

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<sup>1</sup> CEO's proposed Transition Guideline is at ¶ 26 of its Petition.

<sup>2</sup> In IPC-E-21-21, the Commission approved a Study Framework and review phase that would guide the implementation of changes to the Company's net-metering program. Order No. 35284.

**NOTICE OF MOTION TO DISMISS**

YOU ARE HEREBY NOTIFIED that the Company seeks dismissal of CEO’s Petition, arguing that to allow CI&I customers “to avail themselves of an expedited process would be premature, inequitable, and undermine the process as a whole.” Motion at 2.

YOU ARE FURTHER NOTIFIED that the Company states that the Commission has twice declined to address the issue of lifting the eligibility cap under Schedule 84 outside of the process established by the Commission in Order Nos. 34854 at 12, and 35284 at 25.

YOU ARE FURTHER NOTIFIED that the Company argues that CEO’s Petition is an impermissible collateral attack on Order No. 35284 in Case No. IPC-E-21-21; is redundant and premature based on the Company’s stated plan to filed its net-generation study in late June 2022; and is based on the uncertain and faulty premise that removing the project eligibility cap under Schedule 84 will encourage customers to add additional solar generation that would meaningfully address the Company’s anticipated capacity shortfall.

YOU ARE FURTHER NOTIFIED that all the pleadings and comments filed in this case are available for public inspection during regular business hours at the Commission’s office. These documents are also available on the Commission’s website at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the “ELECTRIC” tab at the top of the home page, then select “Open Cases,” and then locate and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Title 61 of the Idaho Code.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

**NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter, and that it will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Commission’s Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that anyone desiring to state a position on whether to grant CEO’s Petition or grant the Company’s Motion must file a written comment in support or

opposition with the Commission **within 21 days of the service date of this Order**. The comment must explain why the person supports or opposes granting the Petition or granting the Company's Motion. Persons desiring a hearing must specifically request a hearing in their written comments. Comments must be filed through the Commission's website or by email unless computer access is unavailable. To comment electronically, please access the Commission's home page at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Case Comment Form" and complete the form using the case number as it appears on the front of this document. To file by e-mail, persons must e-mail the comments to the Commission Secretary, CEO, and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission, CEO, and the Company at these addresses:

**For the Commission:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074

Street Address for Express Mail:

11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, ID 83714  
[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

**For CEO:**

Kelsey Jae  
Law for Conscious Leadership  
920 N. Clover Dr.  
Boise, ID 83703  
[kelsey@kelseyjae.com](mailto:kelsey@kelseyjae.com)

**For Idaho Power:**

Lisa D. Nordstrom  
Megan Goicoechea Allen  
Connie Aschenbrenner  
Grant Anderson  
1221 West Idaho Street (83702)  
P.O. Box 70  
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[lnordstrom@idahopower.com](mailto:lnordstrom@idahopower.com)  
[mgoicoecheaallen@idahopower.com](mailto:mgoicoecheaallen@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)  
[caschenbrenner@idahopower.com](mailto:caschenbrenner@idahopower.com)  
[ganderson@idahopower.com](mailto:ganderson@idahopower.com)

YOU ARE FURTHER NOTIFIED that CEO must file any reply comments **within 28 days of the service date of this Order**.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order

without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

**ORDER**

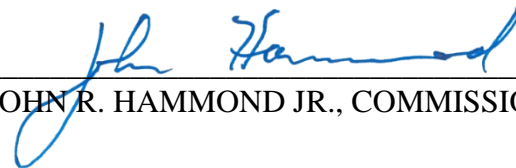
IT IS HEREBY ORDERED that CEO's Petition be processed by Modified Procedure, Rules 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so within 21 days of the service date of this Order. CEO must file any reply comments within 28 days of the service date of this Order.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

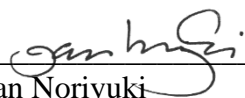
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28<sup>th</sup> day of June 2022.

  
ERIC ANDERSON, PRESIDENT

  
JOHN CHATBURN, COMMISSIONER

  
JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:

  
Jan Noriyuki  
Commission Secretary

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