

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER) CASE NO. IPC-E-22-22
COMPANY’S APPLICATION TO)
COMPLETE THE STUDY REVIEW PHASE)
OF THE COMPREHENSIVE STUDY OF) ORDER NO. 35667
COSTS AND BENEFITS OF ON-SITE)
CUSTOMER GENERATION & FOR)
AUTHORITY TO IMPLEMENT CHANGES)
TO SCHEDULES 6, 8, AND 84)
)

On June 30, 2022, Idaho Power Company (“Company” or “Idaho Power”) applied to the Commission requesting the Commission complete the study review phase of the comprehensive study of the costs, and benefits, of on-site customer generation and for authority to implement changes to Schedules 6, 8, and 84 (“Application”). In conjunction with the filing of its Application, the Company also filed the Value of Distributed Energy Resources study (“VODER Study or “Study”) along with 31 appendices, a customer notice and bill insert, and the Direct Testimony of Grant T. Anderson, Regulatory Consultant.

On December 19, 2022, the Commission issued a final order acknowledging the Company’s Study and directing it to make implementation recommendations to its on-site generation program offerings in a subsequent case. Order No. 35631 at 31.

On December 28, 2022, Lyle Zufelt (“Mr. Zufelt” or “Petitioner”) sent an email (“Email”) to the Commission Secretary stating that if it was correct that he “could submit a request for reconsideration in Case No. IPC-E-22-22 by email . . . then . . . [he] . . . would definitely ask for reconsideration.” Email at 1.

No other requests, petitions, or motions have been received. The deadline for reconsideration of Order No. 35631 has passed. With this Order, as articulated below, we dismiss the Petition for Reconsideration.

PETITION FOR RECONSIDERATION

Mr. Zufelt’s Email provides:

There are many things that are troubling about this ruling. For one, why would the IPUC feel that it was reasonable to change the Export Credit Rate [(“ECR”)] for solar power retroactively? I would like to suggest that if the IPUC feels that Idaho Power has cause to reduce the ECR then it should be done effective now, not several years in the past. Anyone considering solar panels should know today that they will be getting a reduced credit for the electricity they generate.

Email at 1. In a post-script to the body of his email, Petitioner explained that he was “interested in finding out how a ‘new’ ECR will be determined.” *Id.* Petitioner went on to wonder “[w]ho will determine what the ECR will be . . . [w]ill it “vary from month to month based on the cost of electricity . . . [and] [w]ill it increase or decrease based on Idaho Power’s decision?” *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-501, -502, and -503. *Idaho Code* § 61-501 authorizes the Commission to “supervise and regulate every public utility in the state and to do all things necessary to carry out the spirit and intent of the [Public Utilities Law].” *Idaho Code* §§ 61-502 and -503 empower the Commission to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. Pursuant to its statutory duties, the Commission has the authority to determine reasonable rates and review and investigate contracts. *Empire Lumber Co. v. Washington Water Power Co.*, 114 Idaho 191, 192, 755 P.2d 1229, 1230 (1987).

Reconsideration affords parties an opportunity to bring to the Commission’s attention any matter previously determined and provides the Commission opportunity to rectify any mistake before the matter is appealed to the Supreme Court. *Washington Water Power Co. v. Idaho Public Utilities Comm’n*, 1980, 101 Idaho 567, 617 P.2d 1242. Any person or public utility has the right to petition for reconsideration in respect to any matter determined in a Commission order. *Idaho Code* § 61-626(1). “Within twenty-eight (28) days after the filing of a petition for reconsideration the commission shall determine whether or not it will grant such reconsideration, and make and enter its order accordingly.” *Idaho Code* § 61-626(2).

Commission Rule of Procedure 332 provides that the “Commission may grant reconsideration upon petition of any interested person or upon its own motion.” IDAPA 31.01.01.332. “Petitions for reconsideration must specify (a) why the order or any issue decided in it is unreasonable, unlawful, erroneous or not in conformity with the law, and (b) the nature and quantity of evidence or argument the petitioner will offer if reconsideration is granted.” IDAPA 31.01.01.331.01. “Grounds for, or issues on reconsideration not supported by specific explanation may be dismissed.” *Id.*

Petitioner recommends that the Commission modify the (“ECR”) “effective now”—rather than retroactively—and states that customers “should know today that they will be getting a reduced credit for the electricity they generate.” Petitioner then poses a series of questions.

The Commission stated in Order No. 35631 that:

It should come as no surprise to anyone who invested in an on-site generation solar system after December 20, 2019, that the Company may be authorized by the Commission to change fundamental aspects of its NEM program—including the imposition of an ECR—which can affect the payback period for customers. *Idaho Code* § 48-1805 states that every solar installer must provide notice to a potential customer, in capital letters, with substantially the following form and content: LEGISLATIVE OR REGULATORY ACTION MAY AFFECT OR ELIMINATE YOUR ABILITY TO SELL OR GET CREDIT FOR ANY EXCESS POWER GENERATED BY THE SYSTEM AND MAY AFFECT THE PRICE OR VALUE OF THAT POWER. We reiterate that a reputable seller of onsite generation systems would not and will not represent that the program will never change.

Order No. 35631 at 30 (internal quotations and citations omitted).

Contrary to Petitioner’s implication otherwise, the Order provides that customers “should know today that they will be getting a reduced credit for the electricity they generate.” Email at 1. In addition, the Commission made no determination in Order No. 35631 on modifications to the ECR so the Commission did not, contrary to Petitioner’s implication otherwise, retroactively modify the ECR. Although Petitioner notes there are many “troubling” things about “this ruling,” Petitioner does not explain why Order No. 35631, or any issue decided therein, is unreasonable, unlawful, erroneous or not in conformity with the law. Petitioner’s statement and recommendation do not explain why or how Order No. 35631 should be reconsidered nor does Petitioner specify the nature and quantity of evidence or argument he will offer if reconsideration is granted. Based on the forgoing reasons, Mr. Zufelt’s Petition for Reconsideration is dismissed.

ORDER

IT IS HEREBY ORDERED that the Petition for Reconsideration is dismissed.

THIS IS A FINAL ORDER ON RECONSIDERATION. Any party aggrieved by this Order may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. *See Idaho Code* § 61-627.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th day of January 2023.



ERIC ANDERSON, PRESIDENT

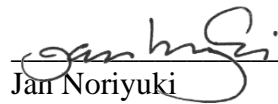


JOHN CHATBURN, COMMISSIONER

//ABSTAINED//

JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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