

DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON
COMMISSIONER CHATBURN
COMMISSIONER HAMMOND
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: RILEY NEWTON
CHRIS BURDIN
DEPUTY ATTORNEY GENERALS**

DATE: AUGUST 16, 2022

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

On June 30, 2022, Idaho Power Company (“Company”) filed an Application with the Commission requesting that the Commission complete the study review phase of the multi-phase collaborative process being undertaken by the Company to study the costs, benefits, and compensation of net excess energy associated with customer on-site generation. Application at 1-2. The Company also filed the Value of Distributed Energy Resources study and associated appendices (“Study”), a customer notice and bill insert, and the Direct Testimony of Grant T. Anderson, Regulatory Consultant.

The Company requests the Commission: (1) establish a formal process for the public and other parties to comment on the Study; and (2) issue an order declaring that the Study complies with previous Commission directives and directing modifications to the Company’s on-site generation service offerings. *Id.* at 2.

Clean Energy Opportunities for Idaho (“CEO”) and Idaho Hydroelectric Power Producers Trust, an Idaho Trust, d/b/a IdaHydro (“IdaHydro”) intervened on July 11, 2022, and July 13, 2022, respectively.

On July 14, 2022, the Commission issued a Notice of Application and Notice of a 21-day Intervention Deadline.

CEO, IdahoHydro, and Idaho Irrigation Pumpers Association, Inc. (“IIPA”) were granted intervention in this case on July 27, 2022. Order No. 35472. Idaho Conservation League (“ICL”), Industrial Customers of Idaho Power (“ICIP”) and the city of Boise City (“Boise City”) were granted intervention in this case on August 9, 2022. Order No. 35493. Richard E. Kluckhohn, and Wesley A. Kluckhohn *pro se* (collectively, “Kluckhohns”) and Micron Technology Inc., (“Micron”) petitioned to intervene on August 1, 2022, and August 2, 2022, respectively.

On August 4, 2022, Ryan Bushland, an officer of ABC Power Company LLC (“ABC”), and Joshua Hill, the President of the board of directors of Idaho Solar Owners Network (“ISON”), petitioned to intervene on behalf of their respective corporations.

On August 10, 2022, the Commission Staff (“Staff”), pending and current intervenors, and the Company began communicating via email regarding a proposed schedule for processing this case. Staff, the Company, Micron, IdahoHydro, and Boise City all agree that the case can be processed under the following schedule (“Staff’s Schedule”):

- Monday, August 15, 2022: Walkthrough by Idaho Power to review the Value of Distributed Energy Resources study (“Study”) and answer clarifying questions. Parties’ positions will not be presented during the walkthrough.
- Wednesday, August 31, 2022: Idaho Power conducts a Public Workshop on the Study.
- Tuesday, September 6, 2022: Staff conducts a Public Workshop on the Study from 7 pm - 9 pm.
- Wednesday, September 7, 2022: Staff continues the Public Workshop, beginning at 12:30, for any person unable to participate in the September 6 workshop.
- Wednesday, September 21, 2022: All Parties submit Initial Comments on the Study.
- Wednesday, October 12, 2022: All Parties submit Reply Comments on the Study.
- Wednesday, October 26, 2022: The Company files Final Response Comments.

Staff believes its proposed schedule allows adequate time for the Commission to consider all of the comments on the Study, and then establish a process and schedule, including any additional Public Workshops or public hearings, for considering implementation recommendations on the Study.

ICL represents that it, CEO, and ICIP, agree with the first four dates and events of Staff's Schedule, but suggest the following modification (in bold) to the schedule ("Modified Schedule"):

- Monday, August 15, 2022: Walkthrough by Idaho Power to review the Study and answer clarifying questions. Parties' positions will not be presented during the walkthrough.
- Wednesday, August 31, 2022: Idaho Power conducts a Public Workshop on the Study.
- Tuesday, September 6, 2022: Staff conducts a Public Workshop on the Study from 7 pm - 9 pm.
- Wednesday, September 7, 2022: Staff continues the Public Workshop, beginning at 12:30.
- **Wednesday, September 28, 2022: Commission conducts a Public Hearing from 7 to 9 pm in Pocatello, Idaho.**
- **Thursday, September 29, 2022: Commission conducts a Public Hearing from 7 - 9 pm in Ketchum, Idaho.**
- **Saturday, October 1, 2022: Commission conducts a Public Hearing from 12:30 - 6:30 pm in Boise, Idaho.**
- **Thursday, October 26, 2022:** All Parties submit Initial Comments on the Study.
- **Wednesday, November 9, 2022:** All Parties submit Reply Comments on the Study.
- **Wednesday, November 23, 2022:** Company files Final Response Comments.

ICL expresses that its proposed modifications to Staff's Schedule will provide the public additional time to engage with the Study and participate at public hearings in multiple locations. ICL clarifies its understanding that, consistent with the Company's and Staff's representations, there would be a second round of comments and schedule regarding the implementation recommendations of the Study. Finally, ICL requests that the Commission hold additional technical workshops on the modified project eligibility cap beginning in mid-September if the Commission grants the Company's motion to dismiss CEO's Petition in Case No. IPC-E-22-12.

In addition to ICL, CEO replies that if its Petition in Case No. IPC-E-22-12 is dismissed, a technical workshop on the project eligibility cap be scheduled September 12, 14, 19, or 20, and, if needed, a second technical workshop be scheduled for the week of October 10.

The Kluckhohns express support for the Modified Schedule, stating that it will allow more customers to become aware of and comment on the Study and implementation of the Study's recommendations.

No responses were received as of Monday, August 12, from ABC, ISON, or IIPA regarding Staff's Schedule, the Modified Schedule, or other aspect of scheduling.

STAFF RECOMMENDATIONS

Staff believes that its proposed schedule provides ample time for the public and the parties to consider, review, and comment on the Study. Staff notes that its schedule extends the schedule initially proposed by the Company by approximately 2 weeks. Staff believes that its proposed schedule provides a timeframe whereby the Commission can consider the Study and the comments on the Study, then set a procedural schedule that allows for extensive public and party input through workshops and hearings, if necessary, regarding the implementation recommendations of the Study.

COMMISSION DECISION

Does the Commission wish to issue a scheduling order that adopts:

1. Staff's Schedule?
2. The Modified Schedule?
3. Another schedule?



Riley Newton
Deputy Attorney General