

## 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.

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

Clean Energy Opportunities for Idaho, Idaho Hydroelectric Power Producers Trust, an Idaho Trust, d/b/a IdaHydro, and Idaho Irrigation Pumpers Association, Inc. were granted intervention in this case on July 27, 2022. Order No. 35472.

The Idaho Conservation League, Industrial Customers of Idaho Power and the city of Boise City were granted intervention in this case on August 9, 2022. Order No. 35493.

Richard E. Kluckhohn, and Wesley A. Kluckhohn (collectively, “Kluckhohns”) *pro se* and Micron Technology, Inc. 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.

### **STAFF RECOMMENDATIONS**

Staff notes Rule 43, IDAPA 31.01.01.043.01, permits an employee or officer of a corporation to represent that corporation in an administrative proceeding before the Commission. “Administrative proceedings before the Commission include matters such as . . . written comments in modified procedure, or written comments provided at a customer hearing. IDAPA 31.01.01.043.01. Staff notes Rule 43, IDAPA 31.01.01.043.02, requires a corporation to be represented by a licensed attorney in a quasi-judicial proceeding. “Quasi-judicial proceedings before the Commission include matters such as formal complaints, petitions, motions, applications for modified procedure or technical/evidentiary hearings.” IDAPA 31.01.01.043.02.

Staff recommends that ABC and ISON’s Petitions to Intervene be granted subject to the requirements of Rule 43, IDAPA 31.01.01.043 and Rules 71 through 75, IDAPA 31.01.01.071-.075. As corporations without attorney representation, Staff further recommends that ABC and ISON’s participation as intervenors be limited to receiving discovery and submitting written comments. Staff does not believe that ISON and ABC, absent attorney representation, should be permitted to propound discovery as described under Rule 221, IDAPA 31.01.01.221, introduce evidence, cross-examine witnesses, present oral argument, or otherwise participate in a technical or evidentiary hearing.

### **COMMISSION DECISION**

Does the Commission wish to grant ISON and ABC’s Petitions to Intervene subject to Rule 43, IDAPA 31.01.01.043, and Rules 71 through 75, IDAPA 31.01.01.071-.075, consistent with Staff’s recommendations?

  
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Riley Newton  
Deputy Attorney General