

Abigail R. Germaine (ISB No. 9231)
Elam & Burke, P.A.
251 E. Front St. Suite 300
P.O. Box 1539
Boise, Idaho 83701
(208) 343-5454
(208) 384-5844 (fax)
arg@elamburke.com

Attorney for Vote Solar

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER
COMPANY'S APPLICATION FOR
AUTHORITY TO IMPLEMENT
CHANGES TO THE COMPENSATION
STRUCTURE APPLICABLE TO
CUSTOMER ON-SITE GENERATION
UNDER SCHEDULES 6, 8, AND 84 AND
TO ESTABLISH AN EXPORT CREDIT
RATE METHODOLOGY

CASE NO. IPC-E-23-14

VOTE SOLAR'S PETITION FOR
INTERVENOR FUNDING

COMES NOW, Vote Solar, by and through counsel, Elam & Burke, P.A., and pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161-165, respectfully petitions the Idaho Public Utilities Commission ("Commission") for intervenor funding. Pursuant to IDAPA Rule 164, this application is timely, as it is made within fourteen (14) days of the date of the last deadline for submitting briefs which was November 16, 2023.

The Commission has previously ruled that Intervenors may petition for funding and receive awards for all work done in modified procedure dockets that involved negotiations and filing written comments but not evidentiary hearings. Petitions for intervenor funding must be filed within fourteen days "after the last evidentiary hearing in a proceeding or the deadline for submitting briefs, proposed orders, or statements of position, whichever is last." IDAPA 31.01.01.164. This case was processed through a modified proceeding, in which parties were

permitted to file statements of positions/comments. The last comments were provided by Idaho Power Company (“Idaho Power”) on November 16, 2023. Therefore, the deadline to submit applications for intervenor funding is November 30, 2023.

REQUEST FOR INTERVENOR FUNDING

I. Idaho Code § 61-617A and IDAPA Rule 31.01.01.161 Apply.

The Commission, based on Idaho Power’s own filings, can take official notice that Idaho Power is a regulated electric utility with gross Idaho intrastate, annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

II. IDAPA Rule 31.01.01.162 Requirements.

a. Itemized List of Expenses.

Attached hereto as **Exhibit A** is an itemized list of legal expenses incurred by Vote Solar in this proceeding. Idaho Code provides that the Commission may award “legal fees, witness fees, and reproduction costs” to intervenors in a proceeding. Idaho Code § 61-617A. As listed in Exhibit A, Vote Solar petitioned to intervene in this case, was granted status as a party, participated in public workshops held by the Commission, attended customer hearings, submitted and reviewed substantive production requests, reviewed Idaho Power’s extensive application and methodologies, and filed detailed and technical comments and reply comments in response to Idaho Power’s application. Vote Solar seeks recovery of only legal fees in this docket. Vote Solar’s expert advisor, Kate Bowman, Regulatory Director, Interior West, is not seeking reimbursement of her substantial time and expenses to this Idaho docket. Vote Solar was mindful to focus on issues directly relevant to this docket’s application and sought to efficiently utilize its resources alongside the resources of the other parties.

b. Statement of Proposed Findings.

Vote Solar intervened in this docket to ensure that Idaho energy policy includes fair treatment of those customers with on-site generation, including those customers with on-site solar installation investments. Vote Solar, through its technical advisor Ms. Bowman, reviewed Idaho Power's proposal for an export credit rate and challenged the methodology and information that was used to generate Idaho Power's proposal.

Specifically, Vote Solar's analysis quantifying the benefits of exported energy demonstrates that its value is comparable to, or higher than, volumetric retail rates paid by Idaho Power customers for electricity. This finding justifies the retention of an equivalent rate for energy consumption and exports for Schedules 6 and 8 and net metering for Schedule 84. Vote Solar's primary recommendation was that the Commission keep existing rates applicable to customers with on-site generation in place and monitor both solar adoption and the value of exported energy over time. In the alternative, should the Commission elect to adopt an avoided cost-based financial credit rate for energy exports, the export credit rate must account for the full range of avoided costs that result from exported on-site generated energy, including avoided energy costs, avoided generation capacity costs, avoided transmission and distribution costs, avoided fuel cost risk, and quantifiable avoided environmental costs. In summary, Vote Solar recommended that the Commission approve a flat annual average export credit rate of 10.04 cents per kilowatt-hour as the default offering, along with an optional time-differentiated export credit rate available to customers at their discretion. Vote Solar also recommended that the export credit rate be locked-in for individual customers for a period of at least 10 years. Vote Solar's full analysis and recommendations are found in its Formal Comments filed on October 12, 2023, and Reply Comments filed on November 2, 2023.

c. Statement Showing Reasonableness of Costs.

Vote Solar, as shown in Exhibit A, requests \$8,880.00 in intervenor funding for legal counsel fees. As mentioned, Vote Solar is not seeking reimbursement for its technical advisors' time and resources spent on this docket. Both the hourly rate and the hours expended by Vote Solar's legal counsel, Abigail R. Germaine of Elam & Burke, PA, are reasonable for this complex case. Vote Solar's legal counsel has direct and specialized experience appearing before the Commission on similar subject matter. The hourly rate of \$300 reflects this experience and the local market conditions, and is a reduced amount from her typical hourly rate. This case covered complex and technical issues and required reviewing and responding to extensive analysis and proposals by Idaho Power, Commission staff, and other parties. To understand the various positions of the public and the parties, Vote Solar attended public workshops and customer hearings on this matter. Legal counsel and expert advisors for Vote Solar were active participants in all stages of the proceeding. In each endeavor, Vote Solar and legal counsel sought to be efficient with time and delegations of tasks. Other costs not included in this request include travel, printing, and technical advisor hours invested by Vote Solar. For all those reasons, Vote Solar's request for intervenor funding to strictly reimburse legal counsel costs is reasonable.

d. Explanation of Cost Statement.

Vote Solar is an independent 501(c)(3) nonprofit organization working to make solar power more accessible and affordable throughout the United States. Vote Solar has over 80,000 members nationally. Vote Solar is not a trade group and does not have corporate members. Vote Solar has actively participated in prior proceedings related to the value of distributed solar before the Commission, including IPC-E-17-13 regarding new schedules for customers with on-site generation and IPC-E-18-15 regarding Idaho Power's Application to study net excess energy from

customer on-site generation. Vote Solar does not have any financial interest in the outcome of this proceeding.

Access to intervenor funding is necessary to ensure Vote Solar's ongoing ability to help ensure "full and fair representation" before the Commission. Idaho Code § 61-617A. In this proceeding Vote Solar represent its members and supporters who are Idaho Power ratepayers as well as those who have an interest in promoting distributed energy generation. To provide consistent, professional, and impactful advocacy for its members and supporters, Vote Solar dedicates substantial staff time and resources to these issues and to policy making at the Commission. The cost of being involved in these proceedings is a significant financial commitment for a non-profit organization. The availability of intervenor funding is essential for Vote Solar to participate in these proceedings.

e. Statement of Difference.

Throughout Vote Solar's Formal Comments and Reply Comments, it presented the perspectives of customers that had purchased onsite generation systems, and those that may purchase such systems in the future. Vote Solar described the complexities of Idaho Power's proposal and illustrated how customers struggle to interpret and understand the components of Idaho Power's proposed export credit rate. Vote Solar's analysis and methodologies in evaluating exported on-site generation resulted in different positions and different information than what was presented by Commission staff. Vote Solar provided differing technical analysis on several main points: 1) how to calculate avoided costs from export energy; 2) how environmental benefits can be monetized, 3) how to simplify the methodology of an export credit rate to be more readily understood by customers, and 4) the request for Idaho Power to initiate a docket to evaluate program designs that incent on-site generation customers to discharge stored energy during

optimal times for the grid.

f. Statement of Recommendation.

Vote Solar's recommendations address issues of concern for on-site generation customers if the benefits of on-site generation are not properly calculated. All customers, regardless of class, have an interest in ensuring Idaho Power enables the development of on-site generation to reduce the need to develop and purchase energy from fossil fuels. Vote Solar's technical analysis greatly assisted the parties and customers in understanding Idaho Power's proposal and offering alternatives that more accurately reflect the value of exported energy from on-site generation. Vote Solar's Formal Comments and Reply Comments highlight issues with implementation of an export credit rate as proposed by Idaho Power.

g. Statement Showing Class of Customer.

Vote Solar's members and supporters consist of residential and small commercial customers of Idaho Power. Vote Solar's participation in this proceeding also assisted in evaluating the benefits of on-site generation provided to all classes of customers.

Based on the foregoing reasons, Vote Solar respectfully requests that the Commission grant its petition for intervenor funding in the amount of \$8,880.00 as illustrated in Exhibit A.

DATED this 30th day of November, 2023.

ELAM & BURKE, P.A.



Abigail R. Germaine

CERTIFICATE OF SERVICE

I HEREBY certify that I have on this 30th day of November, 2023, I served the foregoing to Idaho Power Company by electronic mail to the following:

Jan Noriyuki
Commission Staff
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Ste. 201-A
Boise, ID 83714
jan.noriyuki@puc.idaho.gov
secretary@puc.idaho.gov

Matthew A. Nykiel
Idaho Conservation League, Energy
Associate
Attorneys for Idaho Conservation League
710 N. 6th St.
Boise, ID 83702
mkellner@idahoconservation.org
bheusinkveld@idahoconservation.org

Chris Burdin
Deputy Attorney General
Idaho Public Utilities Commission
1131 W. Chinden Blvd., Ste. 201-A
Boise, ID 83714
chris.burdin@puc.idaho.gov

Lisa D. Nordstrom
Megan Goicoechea
Idaho Power Company
PO Box 70
Boise, ID 83707
lnordstrom@idahopower.com
mgoicoecheaalen@idahopower.com
dockets@idahopower.com

Eric L. Olsen
Idaho Irrigation Pumpers Association
Echo Hawk & Olsen, PLLC
505 Pershing Ave., Ste. 100
P.O. Box 6119
Pocatello, Idaho 83205
elo@echohawk.com

Jim Swier
Micron Technology, Inc.
8000 South Federal Way
Boise, ID 83707
jswier@micron.com

Lance Kaufman, Ph. D.
2623 NW Bluebell Place
Corvallis, OR 97330
lance@aegisinsight.com

Kelsey Jae
Law for Conscious Leadership
Clean Energy Opportunities for Idaho
920 N. Clover Dr.
Boise, ID 83703
kelsey@kelseyjae.com

C. Tom Arkoosh
Attorneys for IdaHydro
Arkoosh Law Offices
913 W. River Street, Suite 450
Boise, ID 83701
tom.arkoosh@arkoosh.com
erin.cecil@arkoosh.com

Timothy E. Tatum
Connie Aschenbrenner
Grant Anderson
Idaho Power Company
PO Box 70
Boise, ID 83707
ttatum@idahopower.com
caschenbrenner@idahopower.com
ganderson@idahopower.com

Courtney White
Mike Heckler
Clean Energy Opportunities for Idaho
3778 Plantation River Dr. Suite 102
Boise, ID 83703
courtney@cleanenergyopportunities.com
mike@cleanenergyopportunities.com

Austin Rueschhoff
Thorvald A. Nelson
Austin W. Jensen
Micron Technology, Inc.
Holland & Hart, LLP
555 17th St. Suite 3200
Denver, CO 80202
darueschhoff@hollandhart.com
tnelson@hollandhart.com
awjensen@hollandhart.com
aclee@hollandhart.com
clmoser@hollandhart.com

Darrell Early
Boise City Attorney's Office
150 N. Capitol Blvd.
Boise, ID 83701
Boise City Attorney
BoiseCityAttorney@cityofboise.org
dearly@cityofboise.org

Wil Gehl
Boise City Dept. of Public Works
150 N Capitol Blvd.
Boise, ID 83701
wgehl@cityofboise.org



Abigail R. Germaine

Exhibit A
Cost Statement for Vote Solar
Total Cost Requested:
\$8,880.00

Time Report

Billed and Unbilled

Vote Solar / Rep. at Public Utilities Commission (10050-1)

Date	Attorney	Rev Hrs	Rev Amt	Rev Rate	Status	Narrative
05/26/2023	ARG	0.80	240.00	300.00	Billed	Telephone call with Kate Bowman to discuss Vote Solar intervention and next steps.
06/12/2023	ARG	2.80	840.00	300.00	Billed	Review Idaho Power application for IPC-E-23-14. Draft email correspondence to Kate Bowman regarding same. Draft petition to intervene in Idaho Power application. Send same to Kate Bowman. Revise and finalize petition to intervene. File petition to intervene with PUC.
07/03/2023	ARG	1.30	390.00	300.00	Billed	Review intervention order from PUC granting Vote Solar's petition to intervene. Review notice of parties from PUC. Review and respond to PUC regarding deadline for comments and replies in modified procedure of the case. Review protective agreement. Send same to Kate Bowman regarding same.
09/06/2023	ARG	3.20	960.00	300.00	Billed	Review and respond to email correspondence from Kate Bowman regarding discovery requests. Attend virtual workshop with the IPUC to discuss application and potential questions.
09/11/2023	ARG	1.30	390.00	300.00	Billed	Review and revise discovery request. Provide comments regarding same. Send discovery request to Kate Bowman for comment. Review revisions and finalize.
09/13/2023	ARG	0.30	90.00	300.00	Billed	Review and respond to Kate Bowman regarding discovery response from Idaho Power. Review discovery response and information provided by Idaho Power.
09/14/2023	ARG	0.30	90.00	300.00	Billed	Review and respond to email correspondence from Kate Bowman regarding discovery issues. Review materials submitted by Idaho Power in response to discovery requests.
09/19/2023	ARG	0.20	60.00	300.00	Billed	Review and revise second discovery request from Vote Solar to Idaho Power. File same with Commission and parties.
09/26/2023	ARG	1.70	510.00	300.00	Billed	Teams meeting with Kate Bowman to discuss upcoming formal comment submittal. Draft email correspondence to other intervenors.
09/27/2023	ARG	1.50	450.00	300.00	Billed	Begin drafting shell of comments for submittal. Begin drafting formal comments for filing with Public Utility Commission in docket no. IPC-E-23-14.
09/28/2023	ARG	1.60	480.00	300.00	Billed	Review comment outline provided by Kate Bowman. Provide comments to same. Provide initial draft template of comments. Attend Teams meeting with intervenors to discuss filing of comments.
10/03/2023	ARG	0.30	90.00	300.00	Billed	Review Idaho Power's response to Vote Solar's first discovery request. Review and respond to email correspondence from Kate Bowman regarding filing of comments.
10/10/2023	ARG	0.20	60.00	300.00	Billed	Review and respond to email correspondence regarding final comments. Review information provided by Idaho Power in response to discovery requests.
10/11/2023	ARG	2.30	690.00	300.00	Billed	Review draft comments for filing with Commission. Provide revisions to same and accompanying comments for consideration.
10/12/2023	ARG	1.30	390.00	300.00	Billed	Finalize formal comments to be filed with Public Utilities Commission. Review comments filed by other intervenors.
10/16/2023	ARG	0.30	90.00	300.00	Billed	Review public hearing order and send email correspondence to Kate Bowman regarding same. Review correspondence from Commission Secretary.
10/17/2023	ARG	0.30	90.00	300.00	Billed	Review and finalize data request to Idaho Power from Vote Solar. Draft email correspondence to Kate Bowman regarding same.
10/18/2023	ARG	0.20	60.00	300.00	Billed	Review and respond to email correspondence related to parties' comments at customer hearing.

10/24/2023	ARG	3.70	1,110.00	300.00 Billed	Prepare for customer hearing in front of the IPUC. Travel to and attend hearing at IPUC on behalf of Vote Solar. Outline issue brought by concerned customers.
10/31/2023	ARG	1.20	360.00	300.00 Billed	Review and respond to email correspondence from Kate Bowman regarding issues for consideration in reply comments and intervenor funding. Begin review of reply comments.
11/01/2023	ARG	1.50	450.00	300.00 Unbilled	Review and revise reply comments by Vote Solar. Send revisions to Kate Bowman for consideration.
11/02/2023	ARG	0.30	90.00	300.00 Unbilled	Review and revise final version of reply comments. File same with Commission staff.
11/16/2023	ARG	0.30	90.00	300.00 Unbilled	Review and respond to email correspondence from Kate Bowman regarding status of docket and petition for intervenor funding.
11/19/2023	ARG	1.40	420.00	300.00 Unbilled	Begin preparing petition for intervenor funding on behalf of Vote Solar. Review prior petitions and IDAPA for applicable standards.
11/20/2023	ARG	1.30	390.00	300.00 Unbilled	Continue to prepare petition for intervenor funding.
		29.60	8,880.00		