

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	CASE NO. IPC-E-24-46
COMPANY'S APPLICATION FOR)	
APPROVAL OF A POWER PURCHASE)	ORDER NO. 36671
AGREEMENT WITH JACKALOPE WIND,)	
LLC, AND A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY FOR THE)	
JACKALOPE WIND PROJECT)	

On December 27, 2024, Idaho Power Company ("Company") filed an application ("Application") with the Idaho Public Utilities Commission ("Commission") requesting an order: (1) approving a 35-year Power Purchase Agreement ("PPA") between the Company and Jackalope Wind, LLC ("Jackalope"); and (2) granting the Company a Certificate of Public Convenience and Necessity ("CPCN") to acquire 300 megawatts ("MW") of generation to meet an identified capacity deficiency in 2027. Application at 1-2.

On January 30, 2025, the Commission issued a Notice of Application and Notice of Intervention Deadline. Order No. 36450. The Commission granted intervention to the Industrial Customers of Idaho Power, the Idaho Irrigation Pumpers Association, Inc. ("IIPA"), and Micron Technology, Inc. Order Nos. 36486 and 36493.

On April 25, 2025, the Commission issued a Notice of Modified Procedure setting a May 13, 2025, public comment deadline, and a June 3, 2025, Company reply comment deadline. Order No. 36563. On May 13, 2025, Commission Staff ("Staff") and IIPA filed comments. On June 3, 2025, the Company filed reply comments.

On June 6, 2025, IIPA filed a reply to the Company's reply comments. On June 9, 2025, the Company filed an Objection to IIPA's reply comments. On June 16, 2025, IIPA filed an Answer to the Objection and an Application for Intervenor Funding.

On June 27, 2025, the Commission issued Final Order No. 36659.

IIPA'S PETITION FOR INTERVENOR FUNDING

IIPA's petition includes an itemized list of expenses totaling \$11,533.16 including expert witness fees and legal fees. IIPA argues that these expenses are reasonable given that they were necessarily incurred in participating in the case.

IIPA's states that its experts Dr. Lance Kaufman and Dr. Deborah Glosser reviewed the Company's Application, prepared and served written discovery, and ultimately submitted written recommendations. IIPA recommended that the CPCN not be approved, or in the event that the CPCN was approved, IIPA recommended that the Commission impose a suite of cost containment measures, including: a soft cap on total capital cost recovery; a seasonal cap on cost recovery; a true-up of annual payments to account for seasonal variation; penalties for transmission and deliverability curtailment; and shareholder absorbance of any loss of the projected Production Tax Credits.

IIPA represents the irrigation class of customers under Schedule 10 on the Company's system. IIPA represents that the costs it incurred in this case constitute a financial hardship for the association, which is a 501(c)(5) nonprofit and represents farming interests in eastern and central Idaho through voluntary contributions by its members and that such contributions have been falling.

IIPA notes that its recommendations materially differed from that of Staff. IIPA represents that its participation addressed issues of concern to the general body of users or consumers on the Company's system as the recommended cost containment measures would benefit all of the Company's customers.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over the Company's Application and the issues in this case under Title 61 of the Idaho Code including *Idaho Code* §§ 61-301 through 303. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of all public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provisions of law, and to fix the same by order. *Idaho Code* §§ 61-501 through 503.

Commission decisions benefit from robust public input. "It is hereby declared the policy of this state to encourage participation at all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings." *Idaho Code* § 61-617A(1). Recoverable costs can include legal fees, witness fees, transportation, and other expenses so long as the total funding for all intervening parties does not exceed \$40,000.00 in any proceeding. *Idaho Code* § 61-617A(2). The Commission must consider the following factors when deciding whether to award intervenor funding:

- (1) That the participation of the intervenor materially contributed to the Commission's decision;
- (2) That the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor;
- (3) The recommendation made by the intervenor differs materially from the testimony and exhibits of the Commission Staff; and
- (4) The testimony and participation of the intervenor addressed issues of concern to the general body of customers.

Id.

To obtain an award of intervenor funding, an intervenor must further comply with Commission's Rules of Procedure 161-165, IDAPA 31.01.01.161-165. Rule 162 of the Commission's Rules of Procedure provides the form and content requirements for a petition for intervenor funding. The petition must contain: (1) an itemized list of expenses broken down into categories; (2) a statement of the intervenor's proposed finding or recommendation; (3) a statement showing that the costs the intervenor wishes to recover are reasonable; (4) a statement explaining why the costs constitute a significant financial hardship for the intervenor; (5) a statement showing how the intervenor's proposed finding or recommendation differed materially from the testimony and exhibits of the Commission Staff; (6) a statement showing how the intervenor's recommendation or position addressed issues of concern to the general body of utility users or customers; and (7) a statement showing the class of customer on whose behalf the intervenor appeared.

Commission Rule 165.02-.03 requires the payment of awards of intervenor funding to be made by the utility and is an allowable expense to be recovered from ratepayers in the next general rate case. IDAPA 31.01.01.165.02-.03. Awards of intervenor funding are chargeable to the class of customers represented by the intervenors. IDAPA 31.01.01.03.

The Commission finds that IIPA's petition satisfies the intervenor funding requirements. IIPA intervened and participated in all aspects of the proceeding. IIPA's petition for intervenor funding was filed timely and no party objected to IIPA's petition.

The Commission finds that IIPA materially contributed to the Commission's final decision. IIPA's recommendations materially differed from the request in the Company's Application and Staff's recommendation. IIPA's participation addressed issues of concern to the general body of customers. Finally, we find the expert witness fees, legal fees, paralegal fees, and soft costs incurred by IIPA are reasonable in amount for this case, and that IIPA, as a non-profit organization, would suffer financial hardship if the request is not approved.

IIPA's request for intervenor funding does not exceed the statutory maximum award allowed in any single case. Accordingly, we find it reasonable to award IIPA its full request of \$11,533.16 in intervenor funding. We hereby authorize a total of \$11,533.16 to be paid to IIPA.

ORDER

IT IS HEREBY ORDERED that IIPA's petition for intervenor funding is granted in the amount of \$11,533.16. *See Idaho Code* § 61-617A(2), IDAPA 31.01.01.165.01. The Company is ordered to remit said amount to IIPA within 28 days from the date of this Order. IDAPA 31.01.01.165.02. The Company shall be permitted to recover the cost of this intervenor funding in its next general rate case from its Schedule 10 irrigation customer class. *See Idaho Code* § 61-617A(3).

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date upon this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 9th day of July 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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