

Ronald L. Williams, ISB No. 3034  
Williams Bradbury, P.C.  
1015 W. Hays St.  
Boise ID, 83702  
Telephone: 208-344-6633  
Fax: 208-344-0077  
ron@williamsbradbury.com

RECEIVED  
2015 JUL -9 PM 4:52  
IDAHO PUBLIC  
UTILITIES COMMISSION

Irion Sanger  
Sanger Law PC  
1117 SE 53<sup>rd</sup> Avenue  
Portland, OR 97215  
Tel: (503) 756-7533  
Fax: (503) 334-2235  
irion@sanger-law.com

*Counsel for Renewable Energy Coalition*

**BEFORE THE IDAHO PUBLIC UTILITES COMMISSION**

IN THE MATTER OF IDAHO POWER )	<b>CASE NO. IPC-E-15-01</b>
COMPANY'S PETITION TO MODIFY )	
TERMS AND CONDITIONS OF )	<b>CASE NO. AVU-E-15-01</b>
PROSPECTIVE PURPA ENERGY SALES )	
AGREEMENTS, )	<b>CASE NO. PAC-E-15-03</b>
)	
IN THE MATTER OF AVISTA )	
CORPORATION'S PETITION TO MODIFY )	<b>PETITION FOR INTERVENOR</b>
TERMS AND CONDITIONS OF )	<b>FUNDING OF RENEWABLE</b>
PROSPECTIVE PURPA AGREEMENTS )	<b>ENERGY COALITION</b>
ENERGY SALES AGREEMENTS, )	
)	
IN THE MATTER OF THE PETITION OF )	
ROCKY MOUNTAIN POWER FOR )	
MODIFICATION OF THE TERMS AND )	
CONDITIONS OF PURPA PURCHASE )	
AGREEMENTS AND FOR )	
MODIFICATION OF ITS AVOIDED COST )	
METHODOLOGY. )	
)	

COMES NOW the Renewable Energy Coalition ("REC"), pursuant to Idaho Code § 61-617A and Rules 161-165 of the Idaho Public Utilities Commission's (the

“Commission”) Rules of Procedure, IDAPA 31.01.01, petitions for an award of \$8,800 intervenor funding in the above captioned proceeding. REC is an intervenor in this proceeding pursuant to Order No. 33239, and this application is timely pursuant to the Commission’s instruction at the technical hearing that applications should be submitted by July 10, 2015.

**I. This Case Qualifies for Intervenor Funding**

Intervenors may apply for intervenor funding in any case involving regulated electric utilities with gross Idaho intrastate annual revenues exceeding three million five hundred thousand dollars (\$3,500,000). Idaho Code § 61-617A and 31.01.01.161. Idaho Power Company, Rocky Mountain Power, and Avista are regulated electric public utilities with gross Idaho intrastate annual revenues exceeding three million five hundred thousand dollars (\$3,500,000.00).

**II. REC Meets the Commission’s Standards for Granting Intervenor Funding**

Pursuant to Rule 162, the Form and Contents of Petition for Intervenor Funding, REC submits the following information demonstrating qualification for intervenor funding.

1. **Itemized List of Expenses.** Consistent with Rule 162.01 of the Commission’s Rules of Procedure, an itemized list of legal expenses incurred by REC in this proceeding is attached hereto as Exhibit A. Exhibit A indicates the time spent reviewing the three utilities’ applications for relief, drafting pleadings (intervention, cross motion for clarification, response to motion for clarification, and petition for intervenor funding), reviewing discovery, revising expert testimony, legal research, reviewing testimony, communicating with parties, preparing for the technical hearing, and attending

the prehearing conference and technical hearing. As indicated on Exhibit A, REC is not seeking recovery of any travel related time, or expert witness fees. The legal fees included on Exhibit A also do not include all the legal fees billed to REC. For example, time was reduced to ensure that intervenor funding is not provided for potentially duplicative work (none of Ron Williams time attending the prehearing conference is requested, the total hearing participation time for attorneys Ron Williams and Irion Sanger was reduced to 10 hours, etc.). Finally, REC is not seeking recovery of legal fees that were not billed because of REC's limited budget in this proceeding.

2. **Statement of Proposed Findings.** The proposed findings and recommendation of REC are as follows:

REC recommends that the Commission open a generic investigation into Public Utility Regulatory Policy Act ("PURPA") issues to review whether solutions other than reducing the contract term might better protect the utilities and ratepayers without unduly harming QFs. John Lowe Direct Testimony at 7. REC recommends that the Commission should not revise contract term limits without a thorough review of the issues and potential solutions typically achieved by a broader investigation. Id.

In the alternative, if the Commission adopts some form of relief in this proceeding, then REC recommends that there be no changes for qualifying facilities under the current rate eligibility cap. Id. at 3. The current rate eligibility cap is 100 kilowatts for wind and solar, and 10 average megawatts for all other generation resources. Specifically, REC recommends that the Commission reject Rocky Mountain Power's proposal that contract lengths be reduced for all QFs, regardless of size or whether they have previously sold power to an Idaho utility.

3. **Statement of Showing Costs.** The costs shown on Exhibit A are reasonable in amount. The costs that REC is seeking recovery of solely relate to the cost of REC's retained attorneys. REC is not seeking recovery of any expert witness fees, is not seeking recovery of any witness or attorney travel time, is not seeking recovery of some hours billed, and is not seeking recovery of any worked hours not billed. In addition, REC is seeking recovery of attorney fees at the rate of \$185, which is lower than the actual billing rates for attorneys Ron Williams and Irion Sanger. The Commission recently found reasonable an attorney fee rate of \$185 for a experienced attorney in Order No. 32846. Mr. Williams has over thirty years of experience representing clients in utility matters, and Mr. Sanger has approximately fifteen years of experience representing clients in utility matters. For convenience, the total amount was rounded down to \$8,800.

4. **Explanation of Cost Statement.** The Renewable Energy Coalition Idaho members, who are customers of and/or have power purchase agreements with both Idaho Power and Rocky Mountain Power, imposed a special assessment upon themselves to support the REC's involvement in this case. These members include Sorenson Engineering, Mink Creek, David Snedigar, ShoRock Hydro, Arkoosh Hydro, Ravenscroft Hydro, Koyle Hydro, Hydro Plus, and Jordan Whittaker.

The costs for REC to participate in this proceeding exceeded REC's assessments to its members. This resulted in not all legal fees worked being charged to REC. In addition, REC's witness John Lowe not charging part of his time that is related to work in this proceeding. In addition, there have also been a number of other PURPA related proceedings related to Idaho Power Company, PacifiCorp, and Portland General Electric

Company in Oregon, Washington, and Wyoming. Due to the unprecedented level of PURPA regulatory activity in these other proceedings, REC's members in other states were unable to meaningfully assist with the costs of participation in this proceeding.

5. **Statement of Difference.** There are material and substantial differences in the positions of REC and the Commission Staff. REC opposes lowering the contract term for QFs, and Staff supports reducing the contract term for QFs to five years. REC agrees that the utilities have legitimate concerns regarding the number of new PURPA contracts, but believes that the utilities' concerns are exaggerated because not all of the QFs that request contracts, or that even enter into contracts, ever come on line. REC also believes that the utilities have overestimated the costs and harms associated with QFs, and underestimate their benefits.

REC is also the only party that recommends that the Commission should more broadly investigate the issues raised by the utilities. Lowering the contract term is not the only, and potentially not the best, tool that the Commission has to protect ratepayers while not unduly harming QFs.

REC is the only party that submitted testimony and representing the interests of small baseload QFs that are under the rate eligibility cap and are selling power to both Idaho Power and Rocky Mountain Power.

6. **Statement of Recommendation.** REC recommends that:

- The Commission deny the requests of Idaho Power Company, Rocky Mountain Power Company, and Avista to shorten the contract length for QFs;
- The Commission open an investigation in PURPA matters; and

- If the Commission lowers the contract length for QFs, then the Commission should reject Rocky Mountain Power's proposal to reduce the contract length for QFs below the rate eligibility cap.

REC's statement of recommendations impacts all customers of Idaho Power Company, Avista, and Rocky Mountain Power as well as the public interest. REC's primary goal in this proceeding was to ensure fair and reasonable contract terms and conditions, and avoided cost rates for small projects under the published rate eligibility cap, including existing projects. REC also recognizes that PURPA must work to benefit all interested parties, including the utilities, ratepayers, and new and existing QFs of various sizes. Therefore, while ratepayers should not be required to pay for expensive and unneeded power, any solution that the Commission adopts should not prevent cost effective and valuable QFs from selling power to the utilities.

The continued operation of existing small hydroelectric facilities also benefits Idaho ratepayers and their local communities. Payments to small and locally owned QF facilities are often re-invested in the local economy.

7. **Statement Showing Class of Customer.** REC's members are residential and commercial customers of Idaho Power Company and Rocky Mountain Power Company.

Wherefore, REC respectfully requests that the Commission grant this petition for \$8,800 intervenor funding.

Respectfully submitted,



---

Irion Sanger  
Sanger Law, P.C.  
Attorneys for REC

Exhibit A  
 Cost Statement for Renewable Energy Coalition

Prepare intervention and pro hac vice request	
Irion A Sanger: 0.5 hours @ \$185	\$92.50
Ronald Williams: 1.5 hours @ \$185	\$277.50
Review clarification request, draft and revise cross petition for clarification, and review responses	
Irion A Sanger: 3 hours @ \$185	\$555.00
Ronald Williams: 1 hours @ \$185	\$185.00
Attend prehearing conference	
Irion A Sanger: 2 hours @ \$185	\$370.00
Ronald Williams: 0 hours @ \$185	\$0.00
Review discovery/productions of documents	
Irion A Sanger: 1.5 hours @ \$185	\$277.50
Ronald Williams: 0 hours @ \$185	\$0.00
Review Idaho Power Company, Rocky Mountain Power, and Avista filings, applications, and testimony	
Irion A Sanger: 7.1 hours @ \$185	\$1,313.50
Ronald Williams: 1.5 hours @ \$185	\$277.50
Review, research, revise, and file REC testimony	
Irion A Sanger: 4 hours @ \$185	\$740.00
Ronald Williams: 0.5 hours @ \$185	\$92.50
Review Staff and Intervenor testimony	
Irion A Sanger: 4.7 hours @ \$185	\$869.50
Ronald Williams: 0 hours @ \$185	\$0.00
Strategy discussions and meetings with client and other parties	
Irion A Sanger: 2.3 hours @ \$185	\$425.50
Ronald Williams: 1.8 hours @ \$185	\$333.00
Preparation for and participation in the technical hearing of June 29-30	
Irion A Sanger: 8 hours @ \$185	\$1,480.00
Ronald Williams: 2 hours @ \$185	\$370.00
Draft and file Intervenor Funding Request	
Irion A Sanger: 1 hours @ \$185	\$185.00
Ronald Williams: 0.5 hours @ \$185	\$92.50
Travel Costs	
Irion A Sanger:	\$405.00
John Lowe	\$410.00
<b>Total</b>	<b><u>\$8,800.00</u></b>

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 9th day of July, 2015, a true and correct copy of the within and foregoing PETITION FOR INTERVENOR FUNDING OF THE RENEWABLE ENERGY COALITION was served as shown to:

Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington  
Boise, Idaho 83702  
[jean.jewell@puc.idaho.gov](mailto:jean.jewell@puc.idaho.gov)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

C. Tom Arkoosh  
Twin Falls Canal Company  
North Side Canal Company  
American Falls Reservoir District #2  
Arkoosh Law Offices  
802 W Bannock Ste 900  
Boise ID 83702  
[tom.arkoosh@arkoosh.com](mailto:tom.arkoosh@arkoosh.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Ben Otto  
Idaho Conservation League  
710 N 6<sup>th</sup>  
Boise ID 83702  
[botto@idahoconservation.org](mailto:botto@idahoconservation.org)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Leif Elgethun PE LEED AP  
Intermountain Energy Partners LLC  
PO Box 7354  
Boise ID 83707  
[leif@sitebasedenergy.com](mailto:leif@sitebasedenergy.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Dean J Miller  
McDevitt & Miller LLP  
PO Box 2564  
Boise ID 83702  
[joe@mcdevitt-miller.com](mailto:joe@mcdevitt-miller.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Daniel E Solander  
Rocky Mountain Power  
201 South Main Street Ste 2400  
Salt Lake City UT 84111  
[daniel.solander@pacificorp.com](mailto:daniel.solander@pacificorp.com)  
[datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail



Ted Weston  
Rocky Mountain Power  
201 South Main Ste 2300  
Salt Lake City UT 84111  
[ted.weston@pacificorp.com](mailto:ted.weston@pacificorp.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Kelsey Jae Nunez  
Snake River Alliance  
PO Box 1731  
Boise ID 83701  
[knunez@snakeriveralliance.org](mailto:knunez@snakeriveralliance.org)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Donovan E. Walker  
Lisa A. Grow  
RandyAllphin  
Idaho Power Company  
1221 West Idaho Street  
Boise, ID 83702  
[dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[lgrow@idahopower.com](mailto:lgrow@idahopower.com)  
[rallphin@idahopower.com](mailto:rallphin@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Clint Kalich  
Avista Corporation  
1411 E Mission Ave MSC-7  
Spokane WA 99202  
[clint.kalich@avistacorp.com](mailto:clint.kalich@avistacorp.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Michael Andrea  
Avista Corporation  
1411 E Mission Ave MSC-23  
Spokane WA 99202  
[michael.andrea@avistacorp.com](mailto:michael.andrea@avistacorp.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Scott Dale Blickenstaff  
The Amalgamated Sugar Company LLC  
1951 S Saturn Way Ste 100  
Boise ID 83702  
[sblickenstaff@amalsugar.com](mailto:sblickenstaff@amalsugar.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Richard E. Malmgren  
Micron Technology Inc  
800 South Federal Way  
Boise ID 83716  
[remalmgren@micron.com](mailto:remalmgren@micron.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Frederick J. Schmidt  
Pamela S. Howland  
Holland & Hart LLP  
377 South Nevada Street  
Carson City NV 89701  
[fschmidt@hollandhart.com](mailto:fschmidt@hollandhart.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

John R. Hammond, Jr.  
Fisher Pusch LLP  
[jrh@fisherpusch.com](mailto:jrh@fisherpusch.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

John Gorman  
Ecoplexus, Inc.  
[johng@ecoplexus.com](mailto:johng@ecoplexus.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Matt Vespa  
Sierra Club  
85 Second St 2<sup>nd</sup> Floor  
San Francisco CA 94105  
[matt.vespa@sierraclub.org](mailto:matt.vespa@sierraclub.org)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Andrew Jackura  
Camco Clean Energy  
AgPower DCD, LLC and  
AgPower Jerome, LLC  
[andrew.jackura@camcocleanenergy.com](mailto:andrew.jackura@camcocleanenergy.com)

Hand Delivery  
 U.S. Mail, postage pre-paid  
 Facsimile  
 Electronic Mail

Signed   
Irion Sanger