

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN)	CASE NO. PAC-E-24-04
POWER’S APPLICATION FOR)	
AUTHORITY TO INCREASE ITS RATES)	ORDER NO. 36506
AND CHARGES IN IDAHO)	
)	
)	

On May 31, 2024, PacifiCorp dba Rocky Mountain Power (“Company”) applied for authority to increase its Idaho jurisdictional revenue requirement by \$92.4 million, or approximately 26.8 percent. Order No. 36229. The Company proposed increasing its revenue requirement by \$66.7 million, or 19.4 percent, effective January 1, 2025, with a second increase of \$25.7 million, or 7.4 percent, effective January 1, 2026.

On June 20, 2024, the Commission issued a Notice of Application and a Notice of Intervention Deadline. Order No. 36229. P4 Production, LLC, an affiliate of Bayer Corporation (“Bayer”), Idaho Conservation League (“ICL”), Idaho Irrigation Pumpers Association, Inc. (“IIPA”), and PacifiCorp Idaho Industrial Customers (“PIIC”) (the “Intervenors”) intervened in the case. Order Nos. 36240 & 36253.

On December 6, 2024, the Company filed a Stipulation and Settlement (“Settlement”) signed by Bayer, IIPA, PIIC, the Company, and Staff—all the parties who actively engaged in settlement negotiations.¹ The parties agree that the Settlement resolves the outstanding issues in this case.

On January 9, 2025, the Commission held a technical hearing. Staff, IIPA, and the Company all offered pre-filed testimony in support of the Settlement to be spread on the record. PIIC and Bayer filed comments in support of the Settlement. Fourteen other public comments were filed. Conforming Tariffs were included in the Company’s testimony.

On January 21, 2025, IIPA filed a petition for intervenor funding, requesting recovery of a total of \$27,246.63 in expenses and other costs incurred during this case.

On January 31, 2025, the Commission issued Order No. 36452, which approved the Proposed Settlement with a modified effective date of February 1, 2025, for new rates. However, Order No. 36452 did not address IIPA’s request for intervenor funding.

¹ The one party that did not sign—ICL—had already filed a notice of withdrawal on November 14, 2024.

IIPA’S PETITION FOR INTERVENOR FUNDING

IIPA’s petition includes an itemized list of expenses totaling \$27,246.63—including expert witness fees and legal fees. IIPA argues that these expenses are reasonable given that they were necessarily incurred in participating in the settlement conferences, in drafting discovery and reviewing discovery responses, and in negotiation.

IIPA’s states that its proposed recommendations are captured in the Settlement. IIPA believes the Settlement, resulting proposed revenue requirement, and new rates are a fair, just, and reasonable resolution of the issues.

IIPA argues 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—which have been falling. Approximately 1/3 of its potential members are operating in the Company’s service area. IIPA states that due to its limited means of participation in this and other cases, its participation has been focused and prudent.

IIPA notes that absent the Settlement, it would have (1) argued at a technical hearing that certain expenses related to wildfire restoration should have been removed from rate base; and (2) proposed changes to the Company’s capital structure. IIPA argues that the issues it raised materially differed from those addressed by the other parties.

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. The Petition filed by IIPA comports with the procedural and technical requirements of the Commission's Rules.

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.

We find 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. Because we lack insight into the confidential settlement negotiations, we award intervenor funding based on our assessment of the submitted written materials included in IIPA's petition. IIPA demonstrated that it worked closely with the Company and Staff and other intervenors throughout the case.

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. 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 \$27,246.63 in intervenor funding. We hereby authorize a total of \$27,246.63 to be paid to IIPA.

ORDER

IT IS HEREBY ORDERED that IIPA's petition for intervenor funding is granted in the amount of \$27,246.63. *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 12th day of March 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER

Recused
DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios Sanchez
Commission Secretary

I:\Legal\ELECTRIC\PAC-E-24-04_rates\orders_Intervenor_Funding_at.docx