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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Petitioner
Community Action Partnership
Association of Idaho

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

| | |
|--------------------------------------|---------------------------|
| IN THE MATTER OF THE APPLICATION) | |
| OF AVISTA CORPORATION DBA AVISTA) | CASE NOS. AVU-E-21-01 |
| UTILITIES FOR AUTHORITY TO) | AVU-G-21-01 |
| INCREASE ITS RATES AND CHARGES FOR) | |
| ELECTRIC SERVICE TO ELECTRIC) | COMMUNITY ACTION |
| CUSTOMERS IN THE STATE OF IDAHO) | PARTNERSHIP ASSOCIATION'S |
|) | PETITION FOR INTERVENOR |
|) | FUNDING |
|) | |
| _____) | |

I. INTRODUCTION

COMES NOW, the Community Action Partnership Association of Idaho (CAPAI) and, pursuant to Idaho Code § 61-617A and Rules 161-165 of the Commission's Rules of Procedure, IDAPA 31.01.01.161-165, petitions this Commission for an award of intervenor funding in the above-captioned proceeding.

II. BACKGROUND

This case was initiated with the filing of an Application by Avista on January 29, 2021 for a general rate increase for its electric and natural gas customers; to be phased in over a two year period consisting of \$24.8 million to become effective September 1, 2021 and September 1,

2022, rate years 1 and 2, respectively. Avista seeks an increase in rate year 1 of \$24.8 million (10.1%) and an increase in rate year 2 of \$0.1 million (0.1%). The Application was accompanied by the pre-filed testimony and exhibits of approximately 20 witnesses together with numerous supporting exhibits.

On February 23, 2021, the Commission issued a Notice of Application and Order No. 34930 establishing an intervention deadline which CAPAI timely met by filing its Petition to Intervene on March 3, 2021.

In the months that followed the filing of Avista's Application, the parties began engaging in extensive formal discovery. During that time period, telephonic settlement conferences were conducted between all parties, including CAPAI. All parties ultimately reached a proposed settlement agreement, which CAPAI agreed to, and the matter was scheduled by the Commission for technical hearing which CAPAI participated in telephonically.

III. PROCEDURAL REQUIREMENTS

Rule 161 Requirements (IDAPA 31.01.01.161):

Avista is a regulated, electric and gas public utility with gross Idaho intrastate annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

Rule 162 Requirements:

(01) Itemized list of Expenses

Consistent with Rule 162(01) of the Commission's Rules of Procedure, an itemized list of all expenses incurred by CAPAI in this proceeding is attached hereto as Exhibit "A."

(02) Statement of Proposed Findings

CAPAI proposes that the Commission accept the settlement agreement executed by Avista and all other parties to this proceeding.

(3) Statement Showing Costs:

CAPAI requests seven thousand dollars (\$7,000.00) in Intervenor funding. CAPAI submits that both the hourly rate and hours expended are reasonable. CAPAI's legal counsel has nearly thirty (30) years of direct experience before this commission as both Deputy Attorney General for the Commission Staff and in private practice handling a myriad of cases before this Commission as well as in other sectors of the law. CAPAI has historically requested an amount of intervenor funding that prices CAPAI's Executive Director and legal counsel at levels far less than market rates. Given his nearly three decades of experience in a field that is undeniably arcane and highly specialized, and given that legal counsel's current hourly rate of \$225 is, at most, near the bottom end of market rates for attorneys with similar experience, CAPAI asserts that the requested funding is reasonable.

CAPAI fully participated in every aspect of this proceeding from start to finish and provided input and asserted issues not raised by Staff and other parties, including that CAPAI and Avista meet, post-decision, to determine ways in which to maximize the efficacy of CAPAI's existing low-income weatherization program as well as to explore other possibilities to decrease bad debt expense, among other things, attributable to the inability of the Company's low-income customers to timely pay their bills. It is anticipated that such a meeting will take place relatively shortly after the Commission issues its final ruling in this case. For the reasons stated herein, CAPAI respectfully submits that the costs it seeks to recover as set forth in Exhibit "A," are reasonable in amount.

(4) Explanation of Cost Statement:

The Commission well knows the financial limitations that CAPAI faces. Rarely is CAPAI capable to retain well-compensated expert witnesses and must rely on in-house personnel

including both CAPAI and CAP employees. In January of this year, CAPAI unexpectedly lost its executive director and had to rely on all personnel, both within CAPAI and the agencies it serves. Given the undersigned's experience in IPUC-related matters, much more of his experience was needed to participate meaningfully in this case.

CAPAI is a non-profit corporation overseeing a number of agencies who fight the causes and conditions of poverty throughout Idaho and has relatively little "discretionary" funds available for all projects, including participating in IPUC proceedings. CAPAI notes that it has no choice but to minimize its expenses and maximize the effect that its involvement has in proceedings before the Commission in light of its limited financial resources for this type of effort. Thus, CAPAI must adopt a resourceful approach using what limited resources that are at its disposal.

CAPAI's sole source of funding to cover the initial costs of intervention before this Commission is the LIHEAP program. CAPAI's LIHEAP budget is limited and its future existence and levels are uncertain. There have occurred recent changes in terms of the limitations on how CAPAI administers the federal funding it receives. These changes were not anticipated and have increased the difficulties CAPAI faces in assisting low-income utility customers to the greatest extent possible.

Finally, CAPAI has no monetary stake in the outcome of this or any other proceeding before the Commission in the sense that it does not represent for-profit businesses or advocacy groups representing industry interests. Rather, CAPAI is a non-profit voice for the low income ratepayers of Avista and all other fully regulated utilities in Idaho.

Thus, were it not for the availability of intervenor funding and past awards by this Commission, CAPAI would not be able to participate in IPUC cases representing an important

and otherwise unrepresented and growing segment of regulated public utility customers. Even with intervenor funding, participation in Commission cases constitutes a significant financial hardship because CAPAI must pay its expenses as they are incurred, not if and when intervenor funding becomes available.

Finally, CAPAI has not included any out-of-pocket costs not related to attorney fees in this request. Such costs were absorbed by CAPAI.

Based on the foregoing, CAPAI respectfully submits that the costs incurred and requested in this Petition are reasonable in amount.

(05) Statement of Difference

As with any case at least partially resolved through settlement, details of positions taken during such negotiations typically cannot be revealed or otherwise disclosed outside of the settlement process. Thus, to specify in this case exactly how the positions taken by CAPAI during settlement materially differed from those of the Commission Staff carries the risk of violating the confidentiality provision of negotiated settlements. Just the same, the positions taken by CAPAI and the Commission Staff were certainly not identical and differed materially from one another. CAPAI was the only party to this proceeding to advocate exclusively for the interests of Avista's low income residential customers who are at the highest risk of non-payment, late payment, and disconnection; all of which ultimately result in negative consequences to the general body of ratepayers..

(06) Statement of Recommendation

Avista's low income customers constitute a significant and increasing segment of the Company's residential ratepayers. In today's increasingly challenging economic times, issues affecting low income public utility ratepayers also become increasingly important. To the extent

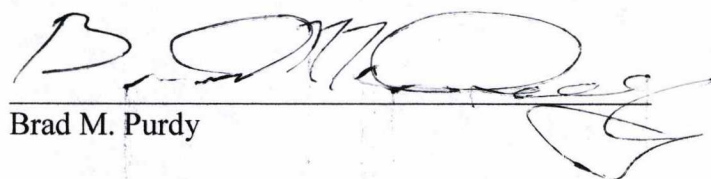
that low income customers are unable to reduce their energy consumption due to limited financial and other means and to the extent that the poor are most vulnerable to disconnection due to inability to pay their bills, any measures to assist the Company's low income customers in paying their bills both clearly and positively affects the general body of Avista's customers through, among other things, the reduction of bad debt expense, collection costs, and the lost revenue from customers who cannot afford to pay their electric bills.

In light of the foregoing and the fact that the proposed settlement results in a rate decrease for all customer classes, CAPAI joins all other parties in recommending that the Commission approve the proposed settlement and related motion for approval.

(07) Statement Showing Class of Customer

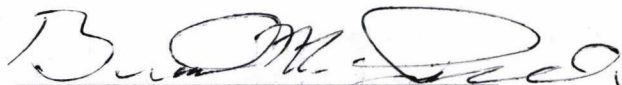
To the extent that CAPAI represents a specific customer class of Avista, it is the residential class.

RESPECTFULLY SUBMITTED, this 16th day of August, 2021.


Brad M. Purdy

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 16th day of August, 2021, I served a copy of the foregoing document on all parties of record in this proceeding via electronic transmission.



Brad M. Purdy



EXHIBIT "A"
ITEMIZED EXPENSES

CAPAI'S STATEMENT SHOWING COSTS
Case AVU-E-20-01

The following explanation of cost statement breaks out the general topic and categories of work performed by the undersigned. As such, it is not a precise replication of attorney timesheets due to impracticality and the almost certainty that there would otherwise be a breach of the attorney-client privilege. Actual hours worked by the undersigned were taken directly from time sheets and client billings and, thus, are accurate.

General categories of tasks performed during course of case: Brad M. Purdy.

Analysis of Avista Application with testimony of roughly 20 witnesses and numerous attachments and exhibits.

Draft, file and serve CAPAI Petition for Intervention.

Receipt and review dozens, if not hundreds of emails, with attachments, from all parties to case involving all issues.

Numerous telephone calls all parties, including discussions.

Review all discovery requests and responses.

Review all Commission Orders and Notices.

Review and execute all settlement documents and participate in process of same.

Extensive meetings and communications w/client.

Receipt and review testimony and comments of other parties.

Review all public comments.

Prepare for and participate in technical hearing.

Total Hours Worked - Brad M. Purdy

| | | |
|---|-------------------------------|-------------------|
| Total Hours worked at billable rate: | 31 hrs. @ \$225.00/hr. | \$6,975.00 |
|---|-------------------------------|-------------------|

Total fees for Brad M. Purdy: **\$6,975.00**

Copies and postage: **\$0**

TOTAL EXPENSES **\$6,975.00**

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