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IDAHO PUBLIC
UTILITIES COMMISSION

April 15, 2011

Jean Jewell
Secretary, Idaho Public Utilities Commission
472 W. Washington St.
Boise, ID 83702

Re: Case No. IPC-E-10-27
Community Action Partnership Association of Idaho-Application for Intervenor Funding

Dear Ms. Jewell:

Enclosed are the original and seven (7) copies of the Application for Intervenor Funding of the Community Action Partnership Association of Idaho in the above-referenced proceeding.

Thank you for your assistance.

Yours truly,


Brad M. Purdy

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bmpurdy@hotmail.com
Attorney for Petitioner
Community Action Partnership
Association of Idaho

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UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF AN INVESTIGATION)
OF APPROPRIATE COST RECOVERY) CASE NO. IPC-E-10-27
MECHANISMS FOR IDAHO POWER'S)
ENERGY EFFICIENCY PROGRAMS) COMMUNITY ACTION
) PARTNERSHIP ASSOCIA-
) TION'S APPLICATION FOR
) INTERVENOR FUNDING
)
_____)

COMES NOW, Applicant 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, petitions this Commission for an award of intervenor funding in the above-captioned proceeding.

Rule 161 Requirements:

Idaho Power Company is a regulated electric 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." CAPAI seeks total funding of \$2,080.72.

(02) Statement of Proposed Findings

The proposed findings and recommendations of CAPAI are set forth in the Comments submitted by CAPAI in this matter on March 4, 2011 and, as those comments indicate, reflected in the Settlement Stipulation itself executed by the majority of parties to this proceeding, including CAPAI, and filed with the Commission on March 3, 2011. CAPAI proposed that the Commission accept the terms of the Settlement Stipulation which it submits constitute a fair and reasonable mechanism for recovery of DSM investment by Idaho Power while preserving an effective incentive for the Company to continue prudently investing in DSM.

Though the Stipulation proposed acceptance of certain aspects of Idaho Power's initial application, it made certain modifications including rolling certain DSM investments into the Company's annual PCA mechanism, establishing a mechanism for separating the DSM program investments and allocation of their recovery from the customer class(es) that would have otherwise been recovered through the existing tariff rider, capitalizing the Company's Custom Efficiency incentive payments but extending the amortization period from the proposed four to seven years, applying a carrying charge to this regulatory asset equal to the Company's authorized rate of return and, agreeing that the carrying charge for the Rider deferral balance would remain at 1% (the same rate as applied to customer deposits).

CAPAI executed the Settlement Agreement unconditionally and proposed that the Commission accept the Agreement as written.

(03) Statement Showing Costs

CAPAI participated in this case as a formal party from the outset including analyzing the Company's original Application, participating in settlement negotiations, engaging in frequent communications with other parties, ultimately executing the Settlement Stipulation which was presented to this Commission, and submitting written comments.

Based on this as well as other reasons stated herein, CAPAI submits that the costs and fees incurred in this case, and set forth in Exhibit "A," are reasonable in amount.

(04) Explanation of Cost Statement

CAPAI is a non-profit corporation overseeing a number of agencies who fight the causes and conditions of poverty throughout Idaho. CAPAI's funding for any given effort might come from a different variety of sources, but those sources are often uncertain in terms of amount, timing, and whether they will be available at all. CAPAI does not have "memberships" and, therefore, does not receive member contributions of any kind. The unpredictability of CAPAI's funding sources creates conditions or limitations on the scope and nature of eligible work. CAPAI, therefore, has relatively little "discretionary" funds available for all potential matters before the Commission. Some matters, furthermore, do not qualify for intervenor funding by virtue of their nature.

Thus, were it not for the availability of intervenor funds and past awards by this Commission, CAPAI would likely not be able to participate at all in cases before this Commission. 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.

Because CAPAI typically cannot afford to retain expert witnesses in all areas that are of concern to low-income customers, it must be resourceful in utilizing the experience of its

Executive Director, attorney and low-income expert and rely on resources and tools readily available to the public without charge. CAPAI and its representatives certainly make their best of such resources in an effort to provide the Commission with information and perspectives that are informed, accurate and, therefore, of use to the Commission in reaching its decisions. It is safe to say that CAPAI's attorney and low-income expert do not simply price their services at otherwise applicable market rates but, rather, must take into consideration the financial means of their client as a major factor. CAPAI respectfully submits that this results in intervenor funding petitions that are relatively modest under the circumstances. In summary, were it not for the availability of intervenor funding, it is unlikely that CAPAI would be financially able to continue representing an important and otherwise unrepresented and increasingly large segment of public utility customers.

(05) Statement of Difference

Though the specifics of settlement discussions cannot be divulged, it is fair to say that CAPAI took a position materially different from the Commission Staff. CAPAI was the only party to this proceeding representing the specific interests of Idaho Power's low-income customers. The manner in which the Company's low-income customers are treated effects the general body of ratepayers. To the extent that reasonable investment in low-income customers' interests assists them in remaining timely in paying their bills, reduces debt collection and bad debt write-offs, improves overall Company cash-flow, etc., such investments benefit the general body of ratepayers. As the national and local economies continue to suffer, CAPAI fills an especially important role as the sole representative of an increasingly significant segment of Idaho Power's largest customer class.

06) Statement of Recommendation

CAPAI reiterates the statements made in Section (5) above. In addition, CAPAI notes that although the Commission chose to defer approval of the entirety of the proposal set forth in the Settlement Stipulation until Idaho Power's next general rate case, CAPAI's involvement still provided the Commission with a unique perspective not offered by any other formal party to this proceeding.

CAPAI further notes that although Idaho Power's Low-Income Weatherization Program was not subject to the filing in this case, some low-income customers might be able to participate in other residential conservation programs that are not low-income specific. The manner in which investments in these programs are made and recovered by Idaho Power, and the viability of their continued existence, is of importance to CAPAI's constituents, nearly all of whom are residential customers. For many reasons, therefore, not the least of which is the fact that Idaho Power's residential customer class is its largest, the proposals and recommendations made by CAPAI are "of concern to the general body of utility users or consumers."

Furthermore, it is always the objective of CAPAI to contribute materially to the Commission's decision on any issue in addresses in every case. Though this case resulted in a stipulated settlement that all signatories agreed to, CAPAI intervened to ensure that any measures ultimately proposed to the Commission involving DSM recovery were not unnecessarily punitive to low-income customers from a financial standpoint. It is that objective and role that CAPAI submits brought value to the negotiation table and the Settlement Stipulation that resulted from the process.

CAPAI respectfully submits that although the Commission chose to not accept the Stipulation in its entirety pending the filing by Idaho Power of a general rate case, no party could

predict the Commission's final ruling and CAPAI's involvement was important, regardless of hindsight. Further, CAPAI submits that when the issues raised in this case are ultimately addressed by the Commission, the matter will have already been framed and focused thereby facilitating a final resolution.

(07) Statement Showing Class of Customer

To the extent that CAPAI represents a specific Idaho Power customer class, it is the residential class.

Rule 164 – Time To Apply

CAPAI notes that Rule 164 of the Commission's Rules of Practice and Procedure, IDAPA 31.01.01.164, provides:

Unless otherwise provided by order, an intervenor requesting intervenor funding must apply no later than fourteen (14) days after the last evidentiary hearing in a proceeding or the deadline for submitting briefs, proposed orders, or statements of position, whichever is last. Motions in opposition to intervenor funding must be filed within fourteen (14) days after the request for intervenor funding is filed.

This proceeding presents a somewhat unique procedural scenario for purposes of applying the Rule 164 filing deadline. Pursuant to Procedural Order No. 32178, issued February 14, 2011, the previously adopted procedural schedule in this matter was vacated and a "hearing for oral argument" was scheduled for March 30, 2011. In its Order, the Commission noted that a settlement agreement between the parties was anticipated. The Order further established a schedule for pre-filing either testimony or comments by the parties. CAPAI elected to file comments, which it did on March 4, 2011.

Prior to the oral argument, CAPAI attempted to determine whether a formal contested hearing would take place, or simply oral argument as Order 32178 seemed to suggest, but was never able to clearly ascertain precisely what form the proceeding would take. The undersigned

had previously scheduled a vacation and, due to its execution of the Settlement Stipulation and agreement with the position taken by the Conservation Parties in this matter, CAPAI notified the Commission that it would not be represented at the oral argument and stood by its comments and the terms of the Settlement Stipulation, as well as any position taken by the Conservation Parties during oral argument.

To this day, CAPAI is not certain whether the March 30, 2011 event was a technical hearing or oral argument. Further, CAPAI did not anticipate that the Commission would issue a Final Order (No. 32217) two days after the March 30, 2011 proceeding. Under the circumstances, and for purposes of applying the Rule 164 deadline, therefore, CAPAI respectfully submits that the date Final Order No. 32217 was issued, April 1, 2011, should be the appropriate date from which to begin the fourteen (14) day deadline for filing intervenor funding applications, making that deadline April 15, 2011.

RESPECTFULLY SUBMITTED, this 15th day of April, 2011.


Brad M. Purdy

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 15th day of April, 2011, I served a copy of the foregoing document on the following by email and U.S. mail, first class postage.

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DATED, this 15th day of April, 2011


Brad M. Purdy

EXHIBIT "A"
ITEMIZED EXPENSES

Costs:		
	Photocopies/postage	\$45.72
	Total Costs	\$45.72
Fees:		
	Legal (Brad M. Purdy – 14.5 hours @ \$130.00/hr.)	\$1,885.00
	Expert Consultant (Teri Ottens – 3.0 hours @ \$50.00/hr.)	\$150.00
	Total Fees	\$2,035.00
	Total Expenses	\$2,080.72