The Idaho Conservation League, NW Energy Coalition, and Vote Solar file this comment, pursuant to IDAPA Rule 31.01.01.256.04, responding to the Staff Decision Memo of October 11, 2019 regarding Idaho Power’s Motion to Approve Settlement Agreement. We are concerned the proposed procedural schedule inhibits informed public participation and the ability to develop a complete record in this major decision. As noted in the Decision Memo, we raised our concerns and proposed a solution previously. We now turn to the Commission to raise our concerns regarding the sequence of party filings and public hearings as well as the need for a technical hearing. As an initial matter, we encourage the Commission to take all the time necessary to reach a fully informed and considered decision in this case and not be bound by an arbitrary January 1, 2020 implementation date. As seen through the years, issues regarding customer-owned solar drives high levels of public engagement.

Regarding the sequence of filings and hearings: Staff proposes a public hearing 21 days following the notice with party comments filed later, 28 days from the notice. This deprives the public of the informed commentary from the parties that negotiated the agreement before the public opportunity to comment on the settlement. We propose swapping the sequence so that the public is better informed about the contents of the agreement and the perspectives of the parties. Swapping the sequence so parties file comments on the settlement before the hearing will provide the public with meaningful notice of the issues and substance and enable more informed comments for the Commission decision making. We are prepared to file comments by

1 IDAPA Rule 31.01.01.256.04 provides for 14 days from the filing of a prehearing motion to respond.
November 1. We propose a public hearing roughly 14 days later, the week of November 11. This provides close to 30 days between the notice and the public hearing, a best practice for public participation. We agree with the proposed reply comment and public comment deadline at the end of November.

Regarding a technical hearing: The Decision Memo and Motion both explain the parties will present the issue of existing customers to the Commission. This issue has both legal and factual questions to be addressed. We note that Idaho Code 61-617 provides parties with the right to be heard and present evidence at any hearing. IDAPA Rule 31.01.01.241.04 describes two types of hearings: a technical hearing where parties present evidence, and a public hearing where parties are prohibited from introducing evidence. While briefing can assist the Commission's decision, we believe scheduling a technical hearing now will provide an opportunity to address factual disputes and hear directly from parties on the legal issues. We are prepared to attend a technical hearing 14-days after the reply comment deadline.

Respectfully submitted,

[Signature]

Benjamin J. Otto
Idaho Conservation League
Local Council – Vote Solar and NW Energy Coalition
CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2019, I delivered true and correct copies of the foregoing PROCEDURAL COMMENT to the following persons via the method of service noted:

Hand delivery:

Diane Hanian
Commission Secretary (Original and seven copies provided)
Idaho Public Utilities Commission
427 W. Washington St.
Boise, ID 83702-5983

Electronic Mail:

Idaho Power
Lisa D. Nordstrom
Tim Tatum
Connie Aschenbrenner
lnordstrom@idahopower.com
tatum@idahopower.com
caschenbrenner@idahopower.com
dockets@idahopower.com

Idaho PUC Staff
Edward Jewel, Deputy Attorney General
Idaho Public Utilities Commission
Edward.Jewell@puc.idaho.gov

Idaho Irrigation Pumpers Association
Eric L. Olsen
Echo Hawk & Olsen PLLC
elo@echohawk.com

Anthony Yankel
tony@yankel.net

Idahohydro
C Tom Arkoosh
Arkoosh Law Offices
tom.arkoosh@arkoosh.com
erin.cecil@arkoosh.com

Idaho Clean Energy Association
Preston N. Carter
Givens Pursley LLC
prestoncarter@givenspursley.com

Sierra Club
Kelsey Jae Nunez, LLC
kelsey@kelseyjaenunez.com

Zack Waterman, Idaho Sierra Club
zack.waterman@sierraclub.org
michael.p.heckler@gmail.com

City of Boise
Abigail R. Germaine, Deputy City Attorney
agermaine@cityofboise.org

Vote Solar
David Bender, Earthjustice
dbender@earthjustice.com

Briana Kober, Vote Solar
birana@votesolar.org

NWEC
Diego Rivas, NW Energy Coalition
diego@nwenergy.com

Benjamin J. Otto

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October 14, 2019