

IDAHO PUBLIC UTILITIES COMMISSION

MINUTES OF DECISION MEETING

May 26, 2015 – 1:30 P.M.

In attendance were Commissioners Paul Kjellander, Mack Redford and Kristine Raper. Commissioner Kjellander called the meeting to order.

The first order of business was **APPROVAL OF MINUTES FROM PREVIOUS MEETING** on Monday, May 18, 2015. The Commission voted unanimously to approve the minutes as written.

The second order of business was approval of the **CONSENT AGENDA**:

2. Neil Price's May 22, 2015 Decision Memorandum re: Application of Schweitzer Basin Water LLC for a Certificate of Public Convenience and Necessity, Case No. SCH-W-15-01.

There was no discussion and Commissioner Kjellander made a motion to approve Staff's recommendations for item 2 on the Consent Agenda. A vote was taken on the motion and it carried unanimously.

The next order of business was **MATTERS IN PROGRESS**:

3. Don Howell's May 21, 2015 Decision Memorandum re: Ecoplexus's Late Petition to Intervene in Consolidated PURPA Cases and Objections to Intervention, Case Nos. IPC-E-15-01, AVU-E-15-01, PAC-E-15-03.

Mr. Howell reviewed his Decision Memo and two additional filings in the case received since the memo was prepared—a Response to Opposition filed by Ecoplexus and a Joint Objection to Motion filed by the companies reinforcing Staff's objections. Commissioner Kjellander asked about limited intervention and whether or not Ecoplexus could file written comments without being subject to cross-examination, and if Ecoplexus would have access to discovery. Mr. Howell replied that the Commission could put conditions on the intervention if it decided to grant the intervention.

Commissioner Redford asked if Ecoplexus had raised new issues or if the issues were already covered by other parties. Mr. Howell replied that some issues were covered but there are other issues that would constitute a broadening of the case. He said filing testimony at this late date denies Staff the opportunity to adequately respond, and Staff has a full plate due to all the other cases before the Commission.

Commissioner Raper stated that for the benefit of Ecoplexus's counsel who was present at the meeting, she had researched the rules and statutes and had not found any requirement that a utility must provide actual notice of a filing to any interested party, but clearly there was more

than enough notice provided for Ecoplexus to intervene in a timely manner. She stated that it would cause prejudice to the other parties and broadening of the issues to allow Ecoplexus to file testimony at such a late date. She made a motion to grant late intervention to Ecoplexus based on the conditions and limitations provided by the rules and to deny the inclusion of Ecoplexus's testimony on the record.

Commissioner Kjellander commented that Commissioner Raper had "hit the nail on the head" regarding the Commission's Rules of Procedure. He said it would cause unfair hardship to the parties to grant full intervention and there is a point at which we simply say "no." He cautioned Ecoplexus not to try to use cross-examination at the hearing in order to introduce new testimony. There was no further discussion. A vote was taken on the motion and it carried unanimously.

The final order of business was **FULLY SUBMITTED MATTERS:**

4. Deliberation re: Idaho Power's Application to Approve or Reject Its Energy Sales Agreement with IDWR, Case No. IPC-E-15-08. [Daphne Huang, Attorney]

5. Deliberation re: Idaho Power's Application to Approve or Reject Its Energy Sales Agreement with IDWR, Case No. IPC-E-15-07. [Daphne Huang, Attorney]

6. Deliberation re: The Application of PacifiCorp dba Rocky Mountain Power and Idaho Power for Authority to Exchange Certain Transmission Assets, Case Nos. IPC-E-14-41 AND PAC-E-14-11. [Daphne Huang, Attorney]

7. Deliberation re: Idaho Power's Application for Approval of Modifications to the PCA's True-Up Component, Case No. IPC-E-15-15. [Karl Klein, Attorney]

8. Deliberation re: Idaho Power's PCA Application, Case No. IPC-E-15-14. [Karl Klein, Attorney]

Commissioner Kjellander stated that items 4 through 8 would be deliberated privately.

There was no further business before the Commission and Commissioner Kjellander adjourned the meeting.

COMMISSION SECRETARY

DATE OF APPROVAL