

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: CAMILLE CHRISTEN
DEPUTY ATTORNEY GENERAL

DATE: APRIL 13, 2017

SUBJECT: INDUSTRIAL CUSTOMERS OF IDAHO POWER'S LATE PETITION TO INTERVENE IN IDAHO POWER'S APPLICATION FOR AUTHORITY TO INCREASE ITS RATES FOR ELECTRIC SERVICE TO RECOVER COSTS ASSOCIATED WITH THE NORTH VALMY PLANT, CASE NO. IPC-E-16-24

On October 21, 2016, Idaho Power Company filed an Application requesting Commission authorization to accelerate the depreciation schedule for the North Valmy power plant, establish an associated balancing account, and adjust customer rates, with a requested effective date of June 1, 2017. *See* Application (Case No. IPC-E-16-24) at 1.

The Company concurrently filed an Application asking the Commission to adopt revised depreciation rates for its electric plant-in-service and correspondingly adjust Idaho jurisdictional base rates, also with an effective date of June 1, 2017. Application (Case No. IPC-E-23) at 1.

In November 2016, the Commission issued an Order providing Notice of the Application and setting a deadline for interventions. Order No. 33650. The Commission granted Petitions to Intervene in the North Valmy case from the Idaho Irrigation Pumpers Association, Inc. (IIPA), Micron Technology, Inc., the Idaho Conservation League (ICL) and Sierra Club, and the U.S. Department of Energy and the Federal Executive Agencies. Order Nos. 33660, 33671, 33672, and 33674. The Commission granted Petitions to Intervene in the revised depreciation case from the same parties, plus Industrial Customers of Idaho Power (ICIP). Order Nos. 33659, 33670, 33673, 33676, and 33710. ICIP did not initially Petition to Intervene in the North Valmy case.

The parties conferred and agreed to process the Application via Modified Procedure and to a schedule. The Commission issued an Order providing Notice of Modified Procedure and adopting the parties' proposed comment schedule:

April 20, 2017	Deadline for parties' comments
May 4, 2017	Deadline for parties' cross-answering comments
May 18, 2017	Deadline for Company reply comments

Order No. 33690. The parties also agreed to meet to discuss potential settlement options.

On April 7, 2017, ICIP filed a late Petition to Intervene. Per Rule 75, the deadline for objections to the Petition is April 14, 2017. In a settlement discussion on April 12 at which all parties and ICIP were present, legal counsel for Staff noted that the timeline for objections to the Petition had not yet passed and that the Petition was still pending. Counsel asked if any party objected to ICIP's intervention or its participation in the settlement discussion. No party objected. ICIP's Petition is now before the Commission.

LATE PETITIONS TO INTERVENE

Commission Rules provides that a petitioner seeking intervention must state its "direct and substantial interest . . . in the proceeding." IDAPA 31.01.01.072. Petitions to intervene that are not timely filed "must state a substantial reason for delay." IDAPA 31.01.01.073. "The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons." *Id.* Also, "[i]ntervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition." *Id.*

ICIP'S PETITION FOR INTERVENTION

ICIP is an unincorporated association of Schedule 19 customers of Idaho Power and its members receive electric utility services from the Company. Petition at 2. ICIP states it has "a direct and substantial interest" in this matter because "its members' rates for electrical services for Idaho Power's benefit may be affected by the outcome of this proceeding." *Id.* ICIP states that "without the opportunity to intervene", it would be "without any means of participation in this proceeding which may have a material impact on the rates its members pay for electrical services in the State of Idaho." *Id.*

ICIP states that its intervention “will not unduly broaden the issues nor will it prejudice any party to this case.” *Id.* ICIP recognizes that its Petition is out of time, but states that this docket is inter-related with the revised depreciation case, Case No. IPC-E-16-23, and that all the parties to the two cases are the same except for ICIP. *Id.* at 2-3. ICIP states that as the two cases have progressed

it has become apparent that the common parties to both cases have found it economical to hold concurrent settlement discussions to facilitate the efficient resolution of issues in both dockets. The ICIP’s ability to participate [*sic*] in concurrent settlement discussions is complicated and less efficient without having status as a party in this, the Valmy docket, as well as the general depreciation docket.

Id. at 3. ICIP further commits that it will not broaden the issues nor will it seek to alter the schedule in this docket, and that it will abide by all protective agreements and informal process guidelines heretofore adopted by the parties. *Id.* ICIP asserts that the process going forward will be more efficient for all parties in both cases by its intervention in this case. *Id.*

COMMISSION DECISION

Does the Commission wish to find that ICIP has stated good cause for its late Petition, has identified direct and substantial interest in this case, and will not unduly broaden the issues, and thus grant the late Petition to Intervene?



Camille Christen
Deputy Attorney General

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