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IDAHO PUBLIC  
UTILITIES COMMISSION

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Attorney for Idaho Conservation League

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF AVISTA )  
CORPORATION REQUESTING )  
APPROVAL TO DECREASE ITS )  
ENERGY EFFICIENCY PUBLIC )  
PURPOSE RIDER SCHEDULES 91 )  
AND 191 )

CASE NO. AVU-E-11-02  
AVU- E-11-03

**PETITION TO INTERVENE**

COMES NOW the Idaho Conservation League ("ICL") and hereby requests leave to intervene in the above captioned matter pursuant to the Idaho Public Utilities Commission Rules of Procedure, IDAPA 31.01.01.071-073. As discussed below, ICL has direct and substantial interests in these proceedings, and therefore should be granted intervention. Further, this petition is not untimely nor will granting it unduly broaden the issues, since ICL intends to focus on the direct issue in this case the proper level for the energy efficiency rider.

1. The name and address of this Intervenor to whom copies of all pleadings production requests, production responses, Commission orders and other documents should be provided is:

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2. Idaho Conservation League claims a direct and substantial interest in this proceeding arising from the impact to its members served by Avista and to its long-term role advocating for public values. As Idaho's largest state-based conservation organization, we have approximately 1,000 members who are residential customers of Avista in Idaho. In addition to representing the interest of residential customers, ICL has an interest in promoting the responsible expansion of energy efficiency in Idaho. As the only potential intervenor in this proceeding advocating for specifically for residential customers, ICL brings a unique and valuable perspective to this proceeding.

This intervention petition is not untimely nor will granting intervention unduly broaden the proceedings. In the notice for this proceeding, the Commission established a 21-day comment period that closes on July 19, 2011. *Order No. 32278*. The Commission did not establish a deadline for intervention in this order. *Id.* Nor did the Commission establish a date for a hearing or prehearing conferences, the benchmark for calculating a timely petition to intervene. *IDAPA 31.01.01.073*. On July 14, 2011, the date ICL is filing this intervention, Avista filed a motion to extend the comment period and effective dates "for an unspecified period." *Motion for Extension, AVU-E-11-02/AVU-G-11-03* (July 14, 2011). Because the notice for this proceeding did not establish deadline for intervention, Avista now requests an extension for a "unspecified period," and ICL is

filing this petition as soon as we became aware of this situation, ICL's petition is not untimely.

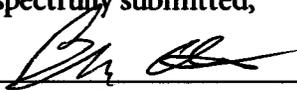
Further, unless the Commission grants this petition ICL is unable to protect our interests in this matter. Avista's motion explains the Company and the PUC staff have "engaged in discussions" regarding this proceeding. *Motion* at 2. The motion does not make clear whether these "discussions" are in fact active settlement discussions, which require notice to the Commission by the PUC Staff before their commencement. *IDAPA 31.01.01.272*. Before discovering these potential settlement discussions were underway, ICL was operating under the reasonable assumption that interested parties would be submitting written comments. Now it appears this case could be resolved through discussions. Unless ICL attains intervenor status, the other parties to this case have no duty to include ICL in these discussions. Without a seat at the table ICL is unable to protect the interests of our members in ensuring Avista's DSM programs are adequately funded and the company is in fact pursuing all cost effective energy efficiency. Because this Commission has directed all utilities to pursue all cost effective efficiency and conservation measures, ICL's intervention will not unduly broaden the issues in this proceeding.

3. ICL intends to fully participate in this matter as a party, and if necessary, may introduce evidence, be heard in argument and call, examine and cross-examine witnesses as may be relevant in this matter. The nature and quality of ICL's intervention in the proceeding is dependant upon the nature and effect of other evidence in this proceeding. ICL intends to seek intervenor funding pursuant to *IDAPA 31.01.01.161-165*.

WHEREFORE, ICL respectfully requests the Commission grant this petition.

DATED this 14<sup>th</sup> day of July 2011.

Respectfully submitted,



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Benjamin J. Otto  
Idaho Conservation League

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of July, 2011, true and correct copies of the foregoing PETITION TO INTERVENE were delivered to the following persons via the method of service noted:

Hand delivery:

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

Email only:

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