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*Attorneys for Defendant-Intervenor Idaho Power
Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

FRANKLIN ENERGY STORAGE ONE,
LLC, FRANKLIN ENERGY STORAGE
TWO, LLC, FRANKLIN ENERGY
STORAGE THREE, LLC, FRANKLIN
ENERGY STORAGE FOUR, LLC,

Plaintiffs,

vs.

PAUL KJELLANDER, KRISTINE RAPER
and ERIC ANDERSON, in their official
capacity as Commissioners of the IDAHO
PUBLIC UTILITIES COMMISSION,

Defendants,

and,

IDAHO POWER COMPANY,

Defendant-Intervenor.

Case No.: 1:18-cv-00236-REB

**DECLARATION OF DONOVAN E.
WALKER**

I, DONOVAN E. WALKER, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Lead Counsel for Defendant-Intervenor Idaho Power Company (“Idaho Power”).

2. I submit this Declaration in support of Idaho Power’s Response to Plaintiffs’ Motion for Summary Judgment, Idaho Power’s Motion for Summary Judgment and Idaho Power’s Motion to Dismiss Plaintiffs’ First Amended Complaint.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiff Franklin Energy Storage One, LLC’s proposed battery storage facility’s Schedule 73 application requesting standard/published avoided cost pricing and 20-year contracts, the Federal Energy Regulatory Commission’s (“FERC”) Form 556 Certification of Qualifying Facility (“QF”) Status for a Small Power Production or Cogeneration Facility and the proposed project’s generation/output profile submitted by Plaintiff Franklin Energy Storage One, LLC to Idaho Power in January 2017.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff Franklin Energy Storage Two, LLC’s proposed battery storage facility’s Schedule 73 application requesting standard/published avoided cost pricing and 20-year contracts, the FERC Form 556 Certification of QF Status for a Small Power Production or Cogeneration Facility and the proposed project’s generation/output profile submitted by Plaintiff Franklin Energy Storage Two, LLC to Idaho Power in January 2017.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Plaintiff Franklin Energy Storage Three, LLC’s proposed battery storage facility’s Schedule 73 application requesting standard/published avoided cost pricing and 20-year contracts, the FERC Form 556 Certification of QF Status for a Small Power Production or Cogeneration Facility and the proposed project’s

generation/output profile submitted by Plaintiff Franklin Energy Storage Three, LLC to Idaho Power in January 2017.

6. Attached hereto as **Exhibit 4** is a true and correct copy of Plaintiff Franklin Energy Storage Four, LLC's proposed battery storage facility's Schedule 73 application requesting standard/published avoided cost pricing and 20-year contracts, the FERC Form 556 Certification of QF Status for a Small Power Production or Cogeneration Facility and the proposed project's generation/output profile submitted by Plaintiff Franklin Energy Storage Four, LLC to Idaho Power in January 2017.

7. Attached hereto as **Exhibit 5** is a true and correct copy of a map submitted by Plaintiffs to Idaho Power that depicts the location and layout of each of Plaintiffs' four proposed battery storage facilities.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a letter from Michael Darrington of Idaho Power to Peter Richardson, Plaintiffs' counsel, dated February 9, 2017, on which I was carbon copied.

9. Attached hereto as **Exhibit 7** is a true and correct copy of a letter from Mr. Richardson to Mr. Darrington, dated February 10, 2017, on which I was carbon copied.

10. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from Mr. Darrington to Mr. Richardson, dated February 27, 2017, on which I was carbon copied.

11. Attached hereto as **Exhibit 9** is a true and correct copy of Idaho Power's Petition for Declaratory Order without exhibits that it filed with the IPUC on February 27, 2017 in Case No. IPC-E-17-01.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the IPUC's Order No. 33785, dated July 13, 2017, that it issued in Case No. IPC-E-17-01.

13. Attached hereto as **Exhibit 11** is a true and correct copy of Plaintiffs' Petition for Reconsideration that they filed with the IPUC on August 3, 2017 in Case No. IPC-E-17-01.

14. Attached hereto as **Exhibit 12** is a true and correct copy of the IPUC's Order No. 33858, dated August 29, 2017, that it issued in Case No. IPC-E-17-01.

15. Attached hereto as **Exhibit 13** is a true and correct copy of Plaintiffs' a Petition for Declaratory Order and Petition for Enforcement Pursuant to Section 210(h) of the Public Utility Regulatory Policies Act of 1978 that they filed with FERC on or about December 14, 2017 in Docket No. EL 18-50-000.

16. Attached hereto as **Exhibit 14** is a true and correct copy of FERC's Notice of Intent Not to Act, dated February 15, 2018, in Docket No. EL 18-50-000.

17. The hourly generation output profile that each of the four Plaintiffs submitted to Idaho Power in January 2017 generally matches the shape, timing and output of a solar generation profile.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

DATED this 26th day of October, 2018.

/s/ Donovan E. Walker

Donovan E. Walker

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2018, I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which sent a Notice of Electronic Filing to the following persons:

Peter J. Richardson	peter@richardsonadams.com
Robert C. Huntley	rhuntely@huntleylaw.com
Brandon Karpen	brandon.karpen@puc.idaho.gov
Scott Zanzig	scott.zanzig@ag.idaho.gov

/s/ Steven B. Andersen

Steven B. Andersen