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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE NORTHWEST)
AND INTERMOUNTAIN POWER)
PRODUCERS COALITION'S PETITION TO)
OPEN A GENERIC INVESTIGATION)
REGARDING COMPETITIVE BIDDING)
REQUIREMENTS FOR NEW SUPPLY-SIDE)
RESOURCE ACQUISITIONS)

GNR-E-08-03
CASE NO. ~~IPC-E-07-08~~

MOTION OF THE INTERMOUNTAIN
POWER PRODUCERS COALITION
TO INITIATE PROCEDURAL
SCHEDULE AND TO NARROW
SCOPE OF PROCEEDING TO IDAHO
POWER ONLY

COMES NOW, the Northwest and Intermountain Power Producers Coalition, hereinafter referred to as "NIPPC," and pursuant to this Commission's Rules of Procedure, Rule 56 IDAPA 31.01.01.56 hereby moves the Commission to initiate a procedural schedule and to narrow the scope of this docket to Idaho Power Company ("Idaho Power").

NIPPC initiated this docket on November 26, 2008 by filing a petition to open a generic investigation into the desirability of initiating competitive bidding guidelines. Subsequent to its Petition to open a generic docket, Idaho Power filed an application for a certificate of public convenience and necessity for the Langley Gulch Power Plant in Docket No. IP-E-09-03. In the Langley Gulch docket's prehearing conference it was noted that generic competitive bidding docket was pending and that it would be put on hold pending the outcome of the Langley Gulch

case. The following exchange in the Langley Gulch prehearing conference between Commissioner Smith, the Staff Attorney and the attorney for NIPPC clarifies the relationship between the two dockets:

COMMISSIONER SMITH: I just have a question and the question is on the bidding issue that's in this case which as I heard you describe it is was the request for proposal done correctly for the Langley Gulch project as opposed to being some generic investigation into the whole issue of bidding; is that correct?

MR. WOODBURY: It's a separate docket, Generic E-08-03 which was the petition to open a generic investigation.

COMMISSIONER SMITH: And that's not this case?

MR. WOODBURY: That's not this case.

...

MR. RICHARDSON: Thank you, Mr. Chairman. As the attorney representing the petitioner in the generic docket, I would like to clarify that NIPPC may intervene in this case and may raise, and will likely raise, issues relative to the conduct of the RFP specific to the Langley Gulch project, but may have generic implications just to be clear.

IPC-E-09-03, Tr. 10 – 11.

NIPPC did intervene in IPC-E-09-03 and did present testimony as to the lack of transparency and other defects in the competitive procurement process used by Idaho Power in its self-selection as the winning bidder in its RFP process. While the Commission did grant Idaho Power a certificate of convenience and necessity to build Langley Gulch, it did so by observing:

The Company should, however, be concerned about perception that the third-party consultant was directed by the Company and there was a bias in the selection process. The actual or perceived flaws in the RFP process, we find, while not fatal to the Company's resource selection clearly demonstrate a need for a separate proceeding to consider RFP competitive bidding rules and guidelines. We recognize that the Northwest & Intermountain Power Producers Coalition has filed a petition requesting such an investigation (Case No. GNR-E-08-03). The Commission will explore utility RFP's for supply-side resources in that case or another opened for that purpose.

Order No. 30892 pp 30 – 31. Emphasis provided.

The bidding process used by Idaho Power in the selection of the Langley Gulch resource “clearly demonstrate a need for a separate proceeding” to investigate competitive bidding rules and guidelines. That separate proceeding is currently on “hold” according to the Commission’s official web site. Attached as Exhibit A is a copy of the Commission’s web page for the generic docket indicating that the docket is “ON HOLD”. NIPPC requests that hold status be lifted and that the Commission establish a procedural schedule under which interested parties can proceed to fully investigate the competitive procurement practices of Idaho Power Company as ordered by the Commission in Order No. 30892.

NIPPC believes that workshops including stakeholders that are facilitated by an expert with experience in implementing competitive bidding procedures for investor owned utilities would be an efficient and cost effective first step in this docket. NIPPC would be willing to work with the Commission’s Staff in identifying such an individual and is ready to proceed at the Commission’s pleasure.

NIPPC further requests that this docket be amended to eliminate its generic status and limit the issues to be explored to only Idaho Power. NIPPC understands that the other two relevant electric utilities operating in Idaho already comply with competitive procurement rules in the other states in which they operate. There is no need for Idaho to be duplicative of rules already in play in those states. Although Idaho Power also operates in Oregon, it proceeded with the Langley Gulch RFP without also complying with Oregon’s competitive bidding requirements. Therefore it is clear that unless this Commission acts on NIPPC’s Petition, the ratepayers will continue to be exposed to procurement practices that do not engender robust bidder participation and confidence.

DATED this 22nd day of December 2009.

Richardson & O'Leary, LLP

By 

Peter J. Richardson
Northwest and Intermountain Power
Producers Coalition

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of December 2009, a true and correct copy of the within and foregoing MOTION OF THE INTERMOUNTAIN POWER PRODUCERS COALITION TO INITIATE PROCEDURAL SCHEDULE AND TO NARROW SCOPE OF PROCEEDING TO IDAHO POWER ONLY was served by hand delivery, to:

Barton Kline
Idaho Power Company
PO Box 70
Boise, Idaho 83707-0070

Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, Idaho 83702



Peter Richardson

CASE SUMMARY

Last Updated on: 12/21/2009 10:45:42 AM

Case Number: GNR-E-08-03 Date Filed: 11/26/2008

Description: GENERIC ELECTRIC -- REQUEST INVESTIGATION RE COMPETITIVE BIDDING REQUIREMEN

Case Type: PETITIO Status: ON HOLD

CASE FILES:

11/26/2008 PETITION.PDF

ORDERS & NOTICES:

COMPANY:

03/27/2009 KAHN DIRECT.PDF

03/27/2009 READING DIRECT.PDF

STAFF:

12/19/2008 DECISION MEMO.PDF

INTERVENOR: