

## **Idaho Public Utilities Commission**

Case No. GNR-E-10-04, Order No. 32212

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### **Commission declines to reconsider most issues in wind case**

The Idaho Public Utilities Commission has denied most of a petition for reconsideration by the Northwest and Intermountain Power Producers Coalition (NIPPC) that asked the commission, among other things, to reverse its Feb. 7 order that temporarily reduced the eligibility cap for wind and solar projects that can qualify for commission-established rates.

On Feb. 7, the commission issued an order that said wind and solar project developers who want to be paid a rate published by the commission can be no larger than 100 kilowatts. Previously, projects up to 10 average megawatts in size could qualify for the published rate. Utilities can still be required to buy from renewable projects larger than that, but the rate is negotiated with utilities based on a least-cost planning model developed through a commission-approved Integrated Resource Planning (IRP) Methodology. The commission modified the eligibility for its published rates in response to a petition by utilities that claims large-scale wind farms are breaking up their projects into smaller 10-MW increments in order to qualify for the commission rate.

NIPPC, which represented wind developers in this case, petitioned for reconsideration of the order and asked, among other things, that the commission require utilities to immediately implement changes to their IRP methodology and calculate a new rate to be paid small-power producers with projects larger than the previous eligibility cap of 10 aMW. That, the wind developers argue, would allow for an IRP-based negotiated rate that is more attractive to developers and would make it no longer necessary to break-up their projects to be small enough to qualify for the commission's published rate. NIPPC also asked the commission to reinstate the 10aMW eligibility cap for wind and solar projects that seek to be paid the published rate.

The commission said NIPPC's primary argument is with the 1995 commission-adopted IRP methodology used for larger projects, which was not an issue in this case. "Attacking the IRP methodology approved by the commission in 1995 and utilized for the past 16 years in an effort to stop the commission from reducing the eligibility cap for wind and solar projects represents a collateral attack of the commission's final order adopting the IRP methodology," the commission said. If NIPPC desired to challenge the IRP methodology, it could have petitioned the commission to open an investigation, the commission said. The commission intends to examine NIPPC's issues regarding the IRP methodology in a subsequent case.

NIPPC also claimed the commission should have conducted a technical hearing before issuing its Feb. 7 order. The commission elected to handle the case through a process called "modified procedure" that allows for written comments rather than hearings. NIPPC, as did most parties to the case, submitted initial comments and reply comments and actively participated in oral arguments. "NIPPC has not proven that its position could not be adequately presented in writing," the commission said.

Finally, NIPPC asked that a number of documents and records that it cited in oral argument be included in the case record. The commission accepted some of those documents, but not all.

A full text of the commission's order, along with other documents related to this case, is available on the commission's Web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on "File Room" and then on "Electric Cases" and scroll down to Case No. GNR-E-10-04.