

McDevitt & Miller LLP

Lawyers

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420 W. Bannock Street

P.O. Box 2564-8370 2011 APR 13 PM 2:12

Boise, Idaho 83702

IDAHO PUBLIC
UTILITIES COMMISSION

(208) 343-7500
(208) 336-6912 (Fax)

Chas. F. McDevitt
Dean J. (Joe) Miller

April 13, 2011

Via Hand Delivery

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 W. Washington St.
Boise, Idaho 83720

Re: Renewable Northwest Project—GNR-E-11-01

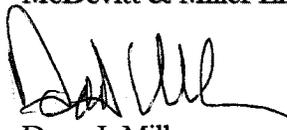
Dear Ms. Jewell:

Enclosed for filing in the above matter, please find an original and seven (7) copies of a Motion to Strike Portions of Direct Testimony of Mark Stokes and an original and seven (7) copies of a Motion to Strike Portions of Direct Testimony of Clint Kalich on behalf of Renewable Northwest Project.

Kindly return a file stamped copy to me.

Very Truly Yours,

McDevitt & Miller LLP



Dean J. Miller

DJM/hh
Enclosures

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IDAHO PUBLIC
UTILITIES COMMISSION

Dean J. Miller (*ISB No. 1968*)
Chas. F. McDevitt (*ISB No. 835*)
McDEVITT & MILLER LLP
420 W. Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702
Tel: 208-343-7500
Fax: 208-336-6912
joe@mcdevitt-miller.com

Attorneys for Renewable Northwest Project

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE
COMMISSION'S INVESTIGATION
INTO DISAGGREGATION AND AN
APPROPRIATE PUBLISHED
AVOIDED COST RATE ELIGIBILITY
CAP STRUCTURE

Case No. GNR-E-11-01

**MOTION TO STRIKE PORTIONS OF
THE DIRECT TESTIMONY OF MARK
STOKES**

COMES NOW The Renewable Northwest Project (RNP), and moves the Commission for an Order striking portions of the Pre-Filed Direct Testimony of Mark Stokes filed on behalf of Idaho Power Company for the reasons set forth below:

Introduction

Commission Order No. 32195, which initiated this proceeding, contains within it a Notice of Inquiry (Notice), identifying the issues the Commission wishes to consider in this phase of what may be a longer examination of issues relating the PURPA implementation in Idaho.

MOTION TO STRIKE PORTIONS OF THE DIRECT TESTIMONY OF MARK STOKES-1

The Notice identifies the scope of this proceeding as follows:

“YOU ARE FURTHER NOTIFIED that the Commission seeks information regarding criteria within which small wind and solar QFs can obtain a published avoided cost rate without allowing large QFs to obtain a rate that is not an accurate reflection of a utility's avoided cost for such projects. Specifically, the Commission solicits information and investigation of a published avoided cost rate eligibility cap structure that: (1) allows small wind and solar QFs to avail themselves of published rates for projects producing 10 aMW or less; and (2) prevents large QFs from disaggregating in order to obtain a published avoided cost rate that exceeds a utility avoided cost. (Notice pg.3).”

The Direct Testimony of Commission Staff correctly understands and identifies the scope of the current proceeding. Staff Witness Sterling states as follows on the grounds that they are outside the scope of the present phase of the proceeding:

“My testimony will be very narrowly focused.

Specifically, Order No. 32195 states, "(T) he Commission solicits information and investigation of a published avoided cost rate eligibility cap structure that: (1) allows small wind and solar QFs to avail themselves of published rates for projects producing 10 aMW or less and (2) prevents large QFs from is aggregating in order to obtain a published avoided cost rate that exceeds a utility's avoided cost." Reference Order No. 32195 at 3.

Therefore, my intent is to address only these two identified issues. Issues related to the appropriateness or accuracy of either the Surrogate Avoided Resource methodology (SAR methodology) or the Integrated Resource Plan methodology (IRP Methodology) will be addressed in subsequent proceedings. (Sterling Direct, Pg. 5, Line 16—Pg. 6, Line 6).

As explained in more detail below, several portions of Mr. Stokes' testimony are aimed at issues that have been reserved for review in subsequent proceedings.

Further, on March 23, 2011, the Commission issued its “Bench Order” in response to a Motion filed by PacifiCorp seeking to prevent, or delay discovery, propounded by an intervenor on IRP methodology issues. The Commission said, “Thus, we find that evidence regarding the IRP Methodology is beyond the scope of the present case and thus is not relevant to the subject matter of the pending case. I.R.P.C. 26(b)(1). Consequently, we find that it is reasonable for

MOTION TO STRIKE PORTIONS OF THE DIRECT TESTIMONY OF MARK STOKES-2

parties to stay answering discovery requests regarding the IRP Methodology.” (Bench Order Pgs. 1-2). We request that the Commission limit testimony in a manner consistent with its limitation on discovery and with the narrow scope established by Order No. 32195.

Specifically, the following portions of Mr. Stokes’ testimony should be stricken on the grounds that they are outside the scope of the present phase of the proceeding:

- **Pg. 3, Line 27 through Pg. 4, Line 9.**

This section of testimony argues that the IRP methodology is preferable to the SAR methodology. Accordingly, it is beyond the scope of issues identified for consideration in this proceeding.

- **Pg. 4, Line 14 through Pg. 8, Line 24.**

This section of testimony repeats arguments advanced by Idaho Power Company in support of the issuance of Order No. 32195, reducing the published rate eligibility cap. The NOI in this case invites comments on whether a mechanism can be devised to allow 10aMW project to receive the published avoided cost rate while prevent disaggregation. It did not invite repetition of previous arguments in favor of reducing the published rate threshold. Accordingly, this section of testimony is beyond the scope of issues identified for consideration in this proceeding.

- **Pg. 9, Line 1, through Pg. 11, Line 8.**

This section of testimony argues that the IRP methodology is preferable to the SAR methodology. Accordingly, this section of testimony is beyond the scope of issues identified for consideration in this proceeding.

- **Pg. 16, Line 1 through Pg. 16, Line 17.**

This section of testimony is, again, an argument for the superiority of the IRP methodology. Accordingly, this section of testimony is beyond the scope of issues identified for consideration in this proceeding.

- **Pg. 16, Line 18 through Pg. 25, Line 14.**

This section of testimony is, again, an argument for the superiority of the IRP methodology. Accordingly, this section of testimony is beyond the scope of issues identified for consideration in this proceeding.

- **Pg. 25, Line 15 through Pg. 26, Line 9**

This section of testimony introduces the idea of using nameplate rating rather than average megawatts. Accordingly, this section of testimony is beyond the scope of issues identified for consideration in this proceeding.

- **Pg. 26, Line 10 through Pg. 27, Line 4.**

This section is a summary of the previously identified irrelevant testimony. Accordingly, this section of testimony is beyond the scope of issues identified for consideration in this proceeding.

- **Exhibit No. 1.**

This Exhibit is offered in support of Idaho Power's argument that the IRP methodology is preferable to the SAR methodology. Accordingly, this exhibit is beyond the scope of issues identified for consideration in this proceeding.

DATED this 3 day of April, 2011.

MCDEVITT & MILLER, LLP



Dean J. Miller

Attorney for Renewable Northwest Project

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2011, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, ID 83720-0074
jjewell@puc.state.id.us

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Donovan Walker
Lisa Nordstrom
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, ID 83720-0074
dwalker@idahopower.com
lnordstrom@idahopower.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Donald L. Howell, II
Kristine A. Sasser
Deputy Attorneys General
Idaho Public Utilities Commission
472 W. Washington (83702)
PO Box 83720
Boise, ID 83720-0074
don.howell@puc.idaho.gov
kris.sasser@puc.idaho.gov

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Michael C. Andrea
Avisita Utilities
P.O. Box 3727
1411 E. Mission Ave
Spokane, WA 99220-3727
Michael.andrea@avistacorp.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Daniel Solander
Rocky Mountain Power
One Utah Center
201 S. Main Street, Suite 2300
Salt Lake City, UT 84111
daniel.solander@pacificorp.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Ken Kaufman
Lonvinger Kaufman, LLP
825 NE Multnomah, Suite 925
Portland, OR 97232
Kaufman@lklaw.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Ted S. Sorenson, P.E.
Birch Power Company
5203 South 11th East
Idaho Falls, ID 83404
ted@tsorenson.net

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Ronald L. Williams
Williams Bradbury
1015 W. Hays Street
Boise, ID 83702
ron@williamsbradbury.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Greg Ferney
Mimura Law Office
2176 E. Franklin Road
Meridian, ID 83642
greg@mimuralaew.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Thomas H. Nelson
P.O. Box 1211
Welches, OR 97067
nelson@thnelson.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Shelly Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson, Suite 102
P.O. Box 2139
Boise, ID 83701-2139
brs@idahowaters.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Robert D. Kahn
Executive Director
Northwest and Intermountain Power
Producers Coalition
1 17 Minor Ave., Suite 300
Seattle, WA 98101
rkahn@nippc.org

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

✓
✓
✓
✓
✓

Don Sturtevant
Energy Director
J.R. Simplot Company
PO Box 27
Boise, ID 83707-0027
don.sturtevant@simplot.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
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☐

Robert A. Paul
Grand View Solar II
15960 Vista Circle
Desert Hot Springs, CA
robertapaul@gmail.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐
☐

James Carkulis
Managing Member
Exergy Development Group of Idaho, LLC
802 W. Bannock St., Suite 1200
Boise, ID 83702
jcarkulis@exergydevelopment.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐
☐

Scott Montgomery
President
Cedar Creek Wind, LLC
668 Rockwood Dr.
North Salt Lake, UT 84054
scott@westernenergy.us

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐
☐

Dana Zentz
Vice President
Summit Power Group, Inc.
2006 E. Westminster
Spokane, WA 99223
dzentz@summitpower.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐
☐

John R. Lowe
Consultant to Renewable Energy Coalition
12050 SW Tremont St.
Portland, OR 97225
jravensanmarcos@yahoo.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐
☐

Bill Piske, Manager
Interconnect Solar Development, LLC
1303 E. Carter
Boise, ID 83706
billpiske@cableone.net

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐

Wade Thomas
General Counsel
Dynamis Energy, LLC
776 W. Riverside Dr., Suite 15
Eagle, ID 836 16
wthomas@dynamisenergy.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐

Brian Olmstead
General Manager
Twin Falls Canal Company
PO Box 326
Twin Falls, ID 83303
olmstead@tfcanal.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐

Ted Diehl
General Manager
North Side Canal Company
921 N. Lincoln St.
Jerome, ID 83338
nscanal@cableone.net

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐

Peter J. Richardson
Gregory M. Adams
Richardson & O'Leary, PLLC
PO Box 7218
Boise, ID 83702
peter@richardsonandoleary.com
greg@richardsonandoleary.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐

Bill Brown, Chair
Board of Commissioners of Adams County
PO Box 48
Council, ID 83612
bdbrown@frontier.net

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐

MJ. Humphries
Blue Ribbon Energy, LLC
4515 S. Ammon Road
Ammon, Idaho 83406
blueribbonenergy@gmail.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☐

Aaron F. Jepson
Blue Ribbon Energy, LLC
10660 South 540 East
Sandy, UT84070
arronesq@aol.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☒

Gary Seifert
Kurt Meyers
Idaho National Lab Conventional
Renewable Energy Group
2525 Fremont, Ave.
Idaho Falls, ID 83415-3810
Gary.Seifert@inl.gov; Kurt.Meyers@inl.gov

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
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☐
☐
☒

Benjamin J. Otto
710 N. 6th Street
P.O. Box 844
Boise, ID 83701
botto@idahoconservation.org

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☒

Glen Ikemoto
Margaret Rueger
Idaho Windfarms, LLC
672 Blair Avenue
Piedmont, CA 94611
glenni@envisionwind.com
Margaret@envisionwind.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
☐
☒

M.J. Humpheries
Blue Ribbon Energy LLC
4515 S. Ammon Road
Ammon, ID 83406
blueribbonenergy@gmail.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

☐
☐
☐
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Aaron F. Jepson
Blue Ribbon Energy LLC
10660 South 540 East
Sandy, UT 84070
arronesq@aol.com

Hand Delivered
U.S. Mail
Fax
Fed. Express
Email

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BY: Heather Houle
MCDEVITT & MILLER LLP