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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Idaho Conservation League

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)	
COMMISSION'S REVIEW OF PURPA QF)	
CONTRACT PROVISIONS INCLUDING)	CASE NO. GNR-E-11-03
THE SURROGATE AVOIDED)	
RESOURCE (SAR) AND INTEGRATED)	APPLICATION FOR INTERVENOR
RESOURCE PLANNING (IRP))	FUNDING
METHODOLOGIES FOR CALULATING)	
PUBLISHED AVOIDED COST RATES.)	

COMES NOW, the Idaho Conservation League ("ICL"), pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161-165 with the following application for intervenor funding. ICL is an intervenor in this case pursuant to Order No. 32352 wherein the Commission automatically included all parties from the prior case GNR-E-11-01. This application is timely under IDAPA 31.01.01.164, which establishes a deadline "no later than fourteen (14) days after the last evidentiary hearing in a proceeding[.]"

I. Idaho Code § 61-617A and IDAPA Rule 31.01.01.161 Requirement

Avista Corporation, Idaho Power Corporation, and Rocky Mountain Power are all regulated public utilities with gross Idaho intrastate, annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00). Because the three utilities presented a united front in this case, ICL proposes the Commission allocate the responsibility for any intervenor funding award equally between the three.

II. IDAPA Rule 31.01.01.162 Requirements

1. Itemized list of Expenses

The attached Exhibit A is an itemized list of expenses incurred by ICL in this proceeding.

2. Statement of Proposed Findings

This is a multifaceted case involving a host of issues. ICL's proposed findings address only two issues: (a) that Renewable Energy Credits are owned by project developers in the first instance, and (b) that Idaho Power's definition of must run resources should not, as a matter of law, include four Mid-Snake dams, Twin Falls, Milner, Lower Salmon, and Bliss. Also, ICL asks the Commission to grant this request for intervener funding to support ICL's efforts in reviewing the case, opposing Idaho Power's motion for temporary stay, filing direct testimony, and participating in the evidentiary hearing.

3. Statement Showing Costs

ICL requests \$8,100 in intervenor funding, as shown in Exhibit A, but rounded down for ease of accounting. Both the hourly rate and hours expended are reasonable for this complex case and in line with the current range for other intervening parties. ICL does not request any reproduction fees, although the rules allow and the amount of paper produced in this case was substantial. Because ICL's expert witness is employed by the organization, we ask only for attorney's fees spent reviewing the case, testimony, and representing the organization at the hearings. Further, due to the diverse range of intervenors in this case, ICL purposefully limited our expenses to address the two issues described above. For all these reasons ICL's request is reasonable.

ICL dedicated far more hours than reflected in the Cost Statement during two prior

phases of this case. In GNR-E-10-04 ICL submitted extensive and detailed comments describing this Commission's flexibility to implement PURPA. Following this, the Commission opened Phase II, GNR-E-11-01, in Order 321276, and granted ICL's intervention in Order 32205. During Phase II ICL filed a strawman proposal specifically answering the Commission's directive to develop rules regarding disaggregated PURPA projects. ICL's proposal differed from the Staff by providing less discretion in distinguishing between individual PURPA projects in order to create a more self-enforcing system. Deciding that pricing was a predicate to resolving the project size rules, the Commission then opened Phase III, which is the present case GNR-E-11-03. While ICL believes the prior phases of this case established an important foundation and greatly informed this phase, we only seek intervenor funding for our work in Phase III. ICL recounts this procedural history to establish our long involvement in this case dating back to January of 2011; during all of this time, ICL dedicated substantial organization resources to addressing the Commission's implementation of PURPA in Idaho and offered a distinct position from the staff that addressed the interests of a broad range of Idaho ratepayers.

4. Explanation of Cost Statement

ICL is a nonprofit organization supported solely through charitable donations from our members and foundations. In this proceeding, ICL represents its member and supporters who are ratepayers of all three Idaho investor owned utilities, as well as those who have an interest in promoting renewable energy throughout Idaho. To provide consistent, professional, and impactful advocacy for our members and supporters ICL has dedicated a full-time, highly trained staff member to work solely on energy issues. The cost of employing and training this staff member is a significant financial commitment in a time of difficult fundraising. Because charitable contributions are inherently unstable, the availability of intervenor funding is essential

for ICL to participate in these proceedings. ICL has no pecuniary interest in the outcome of this case; rather we dedicated our time and resources to represent the interests of our 20,000 supporters around the state who have a strong interest in a robust clean energy industry in Idaho.

5. Statement of Difference

ICL's proposed findings are materially different than the Staff. Regarding who owns Renewable Energy Credits ("REC") in the first instance, ICL established the opposite position of the Staff. The Staff argue Idaho utilities should receive the REC's when they purchase the power. ICL's position is the REC's are an independent property interest owned by the project developer. To support this position ICL's brief provides legal analysis built upon case law from both Idaho state courts and the Federal Energy Regulatory Commission. At the evidentiary hearing ICL cross-examined the utility and Staff witnesses to more fully develop the factual record and crystalize our different position from the Staff. Further, ICL was the only party to rebut Idaho Power's claims regarding the legal obligations imposed on Idaho Power's Mid-Snake dams pursuant to the Clean Water Act. To support our position ICL offered the expert testimony of Mr. Justin Hayes and entered into the record the applicable FERC licenses. The Staff did not address this foundational issue.

6. Statement of Recommendation

ICL's proposed findings address issues of concern for customers of all three Idaho investor owned utilities. All customers, regardless of class, share a strong interest in ensuring Idaho utilities acquire power pursuant to rules that are fair, accurate, and conform to applicable laws. Determining the party whom owns RECs in the first instance is a question of law. ICL's recommendation regarding RECs ensures the answer to this question conforms to applicable law,

and thus, if adopted, will reduce the likelihood of further legal challenges and increased costs to Idaho ratepayers. In addition, while not directly related to utility customers, ICL's recommendation addresses an issue of concern for all Idahoans interested in fostering renewable energy development in this state. Further, all customers share a strong interest in ensuring Idaho Power operates its existing resources so as to find the least cost, most reliable solution to meet their legal obligations under federal laws. ICL's recommendation regarding the Mid-Snake dams establishes that Idaho Power has far more flexibility to find a least cost solution than the utility claims. On both issues, ICL has no monetary interest specific to our organization. Rather, ICL's recommendations on these issues addresses broad topics applicable to all customers.

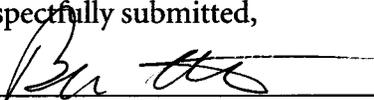
7. Statement Showing Class of Customer

ICL's individual members and supporters are residential and small commercial customers of all the Idaho investor owned utilities.

WHEREFORE, ICL respectfully requests the Commission grant this application.

DATED this 14 th day of August 2012.

Respectfully submitted,



Benjamin J. Otto
Idaho Conservation League

EXHIBIT A

Attorney Fees for Benjamin J. Otto – Total: \$8,187.50

65.5 Hours at \$125 per hour

12/15/11	Attend utility presentation of PURPA issues and initial positions	1.5
02/01/12	Review Idaho Power direct testimony	3.5
02/02/12	Review Avista direct testimony	1.5
02/02/12	Review RMP direct testimony	1.5
02/03/12	Identify issues in utilities' testimony, prepare memo on options and initial positions	2.5
02/28/12	Attend settlement conference	1.5
03/12/12	Review IPC motion for stay and supporting brief	1.75
03/14/12	Prepare and file ICL opposition to IPC motion for stay	1.5
03/20/12	Prepare for oral argument on IPC motion for stay	1.5
03/21/12	Attend oral argument for IPC motion for temporary stay	1.0
04/24/12	Review direct testimony of Parks	0.25
04/24/12	Research IPC Mid-Snake river hydro dam licenses	2.5
04/25/12	Research IPC Mid-Snake river hydro dam licenses; draft memo re: same	2.25
04/30/12	Conf with Hayes re: expert testimony regarding Mid-Snake dams	1.25
05/04/12	Final review and edit of Hayes testimony; file same	3.5
05/07/12	Review direct testimony of Sterling	0.5
05/07/12	Briefly review direct testimony of other intervenors	1.5
06/13/12	Review direct testimony of all parties and determine if ICL will file rebuttal	1.25
07/09/12	Review rebuttal testimony of Stokes	0.5
07/09/12	Review rebuttal testimony of Parks	0.5
07/09/12	Review rebuttal testimony of Sterling	0.25
07/10/12	Research issues for ICL legal brief	1.5
07/11/12	Draft ICL legal brief	2.5
07/16/12	Research issues and edit ICL legal brief	1.25
07/20/12	Final review of ICL legal brief and file same	2.25
07/23/12	Review Avista legal brief	0.25
07/23/12	Review Staff legal brief	0.5
07/23/12	Review Idaho Power legal brief	1.25
07/26/12	Prepare for cross examination coordination meeting	0.75
07/27/12	Conf with other intervenors to coordinate cross examination of witnesses	2.25
08/02/12	Prepare cross examination of Staff witness Sterling	1.5
08/02/12	Prepare cross examination for RMP witness Clements	1.0
08/06/12	Prepare cross examination of IPC witness Parks	1.25
08/07/12	Attend technical hearing	6.5
08/08/12	Attend technical hearing	6.5
08/08/12	Prepare closing argument	1.25
08/09/12	Attend technical hearing	1.25
08/14/12	Prepare and file application for intervenor funding	1.75
	Total Hours	65.5

CERTIFICATE OF SERVICE

I hereby certify that on this 14 th day of August, 2012 I delivered true and correct copies of the foregoing APPLICATION FOR INTERVENOR FUNDING to the following persons via the method of service noted:

Hand delivery:

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IPC-E-11-19

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