

McDevitt & Miller LLP

Lawyers

RECEIVED

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

420 W. Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702

2012 JUL 20 AM 10:59
IDAHO PUBLIC
UTILITIES COMMISSION

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

July 20, 2012

Via Hand Delivery

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

**Re: GNR-E-11-03
Renewable Northwest Project**

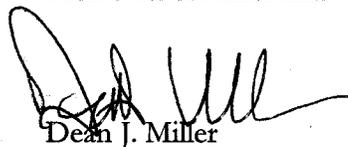
Dear Ms. Jewell:

Enclosed for filing in the above matter, please find an original and seven (7) copies of Renewable Northwest Project's Legal Brief.

Kindly return a file stamped copy to me.

Very Truly Yours,

McDevitt & Miller LLP



Dean J. Miller

DJM/hh
Enclosures

RECEIVED

2012 JUL 20 AM 11:00

IDAHO PUBLIC UTILITIES COMMISSION

Dean J. Miller (ISB No. 1968)
Chas. F. McDevitt (ISB No. 835)
McDEVITT & MILLER LLP
420 West Bannock Street
P.O. Box 2564-83701
Boise, ID 83702
Tel: 208.343.7500
Fax: 208.336.6912
joe@mcdevitt-miller.com
chas@mcdevitt-miller.com

Dina M. Dubson
Staff Counsel
Renewable Northwest Project
421 SW 6th Avenue, Ste. 1125
Portland, OR 97204
Tel: 503.223.4544
dina@rnp.org

Attorneys for Renewable Northwest Project

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE
COMMISSION'S REVIEW OF PURPA
QF CONTRACT PROVISIONS
INCLUDING THE SURROGATE
AVOIDED RESOURCE
(SAR) AND INTEGRATED RESOURCE
PLANNING (IRP) METHODOLOGIES
FOR CALCULATING PUBLISHED
AVOIDED COST RATES

Case No. GNR-E-11-03

**LEGAL BRIEF OF RENEWABLE
NORTHWEST PROJECT**

INTRODUCTION

Renewable Northwest Project ("RNP") respectfully submits this Legal Brief ("Brief") in the above-captioned proceeding. In its limited participation in this proceeding, RNP takes the following two positions: (i) federal law prevents automatic assignment of renewable energy credits ("RECs") generated by certain qualifying

facilities (“QFs”) to utilities that purchase energy and capacity from those QFs at avoided cost rates, at least when no provision of state law mandates such assignment, and (ii) the curtailment provision proposed in this proceeding is impermissible with respect to both existing contracts and fixed-rate contracts.

Before addressing those issues, Part I of this Brief provides an overview of the Public Utility Regulatory Policies Act of 1978 (“PURPA”), including the historical context, the purpose for which it was enacted, and key provisions regarding utilities’ obligations to purchase the energy and capacity made available by generating facilities approved as QFs.

Part II of this Brief argues that federal law prevents the Idaho Public Utilities Commission (“Commission”) from automatically assigning the RECs generated by certain QFs to the utilities that purchase energy and capacity from those QFs pursuant to PURPA. Under PURPA, utilities purchase the output from QFs at rates based on the utilities’ avoided energy and capacity costs. These avoided cost rates do not compensate for environmental attributes, and any such compensation would have to occur pursuant to state law—not under PURPA. In Idaho, no state law provides for the assignment of RECs from QFs to the purchasing utilities. Moreover, automatically assigning RECs to utilities without compensating the QFs for their environmental attributes would discriminate against the QFs. Accordingly, RNP urges the Commission to reject the proposal advanced by PacifiCorp, d.b.a. Rocky Mountain Power (“Rocky Mountain”) and supported by Commission Staff and Idaho Power Company (“Idaho Power”) to automatically assign RECs generated by QFs to the purchasing utilities.

In Part III, RNP encourages the Commission to reject Idaho Power's proposed Schedule 74 insofar as it would unilaterally amend existing QF contracts and impermissibly apply to fixed-rate contracts. If applied to future, non-fixed-rate contracts, the curtailment provision should be refined to be consistent with PURPA, balanced with other tools to manage system generation, and sufficiently bounded to give QFs reasonable certainty about curtailment exposure.

ARGUMENT

I. PURPA Is Intended to Encourage the Development of Generation Produced by Independent Co-generators and Small Power Producers.

PURPA has its genesis in the national energy crisis of the 1970's, which exposed the vulnerability of the U.S. economy to dependence on foreign oil and a lack of adequate competition in the supply of electricity. *See, e.g., Federal Energy Regulatory Comm'n v. Mississippi*, 456 U.S. 742, 745-46 (1982). In response to the energy crisis, Congress enacted PURPA in 1978 to lessen the nation's dependence on oil imports and promote the development of independent, domestic generating facilities. *See, e.g., id.; Grandview PV Solar Two, LLC v. Idaho Power Co*, Case No. IPC-E-11-15, Order No. 32580 at 3 (June 21, 2012) [hereinafter Order 32580].¹ To accomplish this, Section 210 of PURPA directs electric utilities to purchase any available energy and capacity from eligible co-generators and small power producers that obtain QF status under PURPA. *See* 16 U.S.C. § 824a-3(b) (2006); 18 C.F.R. § 292.303(a) (2012). This mandatory purchase requirement is intended to encourage the development of wholesale markets generally

¹ Order 32580 did not attempt to resolve the broad issue of REC ownership. Rather, it narrowly held that because the issue was undecided, Grandview's motion for summary judgment could not be granted. The broad issue of assignment of RECs is reserved for this proceeding. *See* Case No GNR-E-11-03, Order No. 32352 at 4 (Sept. 1, 2011).

and QFs in particular. *See* Direct Testimony of William Hieronymus on behalf of Idaho Power Co., P. 18; Rebuttal Testimony of Don Reading on behalf of Clearwater Paper Corp., J.R. Simplot Co., and Exergy Development Group, LLC, P. 12 [hereinafter Reading Rebuttal]; Order 32580 at 3.

PURPA requires that utilities buy energy and capacity from QFs at rates that (i) are just and reasonable to the utilities' ratepayers, (ii) are in the public interest, and (iii) do not discriminate against the QFs. 16 U.S.C. § 824a-3(b); 18 C.F.R. § 292.304(a).

Such rates paid to QFs for their energy and capacity are not to exceed the purchasing utility's incremental cost of alternative electric energy, commonly referred to as the utility's "avoided cost." *See* 16 U.S.C. § 824a-3(b); 18 C.F.R. § 292.101(b)(6).

"Avoided costs" are defined as "the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the qualifying facility or qualifying facilities, such utility would generate itself or purchase from another source." 18 C.F.R. § 292.101(b)(6).

II. The Commission Should Reject the Proposal to Automatically Assign the RECs Generated by QFs to the Purchasing Utilities.²

As discussed above, PURPA requires utilities to purchase the output from QFs at avoided cost rates based on the utilities' avoided energy and capacity costs. These avoided cost rates do not compensate for RECs or any other environmental attributes—nor could they, as any such compensation would have to occur under state law, not PURPA. No Idaho law provides for the assignment of RECs from QFs to the purchasing utilities, and in the absence of such a law, the Commission cannot automatically assign

² See the Direct Testimony of Paul H. Clements on behalf of Rocky Mountain at 6-10 for the proposal to directly assign the RECs generated by renewable energy QFs to utilities that purchase energy and capacity from those QFs at avoided cost rates.

the RECs to the purchasing utilities. Moreover, automatically assigning RECs to utilities that purchase energy and capacity without compensating the QFs for their environmental attributes would discriminate against the QFs and discourage future QF development. Accordingly, RNP urges the Commission to reject the proposal to automatically assign RECs generated by QFs to utilities that purchase energy and capacity from those QFs.

1. RECs are a creature of state law and exist outside of PURPA.

A REC is a certificate that represents the environmental attributes associated with 1 MWh of electricity generated from a renewable resource. Order 32580 at 4. Although renewable energy generation is what enables the REC to be created in the first instance, the environmental/renewable/green aspect of the generation is “unbundled” from the energy itself and sold separately from the underlying energy. *See id.* (citing *Wheelabrator Lisbon v. Connecticut Dept. Public Utility Control*, 531 F.3d 183, 186 (2d Cir. 2008)). Thus, a REC compensates only for the environmental or green attributes of renewable energy generation—not energy or capacity. *California Public Utilities Comm’n*, 133 FERC ¶ 61,059 at P 31 (Oct. 21, 2010); *American Ref-Fuel Co.*, 105 FERC ¶ 61,004 at P 23 (Oct. 1, 2003).

RECs are a fairly recent invention of state law, and are often used by utilities to comply with state Renewable Portfolio Standards (“RPSs”). Order 32580 at 4-5; *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 23. RPSs are programs that have been adopted by various states in order to promote the development of renewable energy resources and meet the related goals of improved air and water quality, reduced greenhouse gas emissions, and increased fuel security and fuel diversity. Order 32580 at 3-4; *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 4. Pursuant to most state RPSs, subject

utilities must generate or purchase a certain percentage of their annual electric generation or retail sales from eligible renewable energy resources. Order 32580 at 3. Although RPS programs share some overlapping goals with PURPA, these programs are separate and distinct from PURPA, and tend to be more focused on the environmental attributes of the generation, rather than the project size or ownership. See Order 32580 at 3-5; *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 4, 23.

Because RECs are “created by the States [and] exist outside the confines of PURPA,” PURPA does not address the ownership of RECs. *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 23. Thus, any decision as to who owns the RECs generated by a renewable energy facility must be made outside of the PURPA context, such as via the adoption of an RPS. In adopting programs that give rise to REC creation, states have the power to determine who owns the RECs and how they may be sold or traded. *Id.* The State of Idaho has not adopted an RPS or created another REC program and thus no Idaho law provides for the automatic assignment of RECs generated by QFs to the purchasing utilities. See Order No. 32580 at 5; Direct Testimony of Donald W. Schoenbeck on behalf of North Side Canal Company, Twin Falls Canal Company, and Renewable Energy Coalition, P. 27 [hereinafter Schoenbeck Direct].

2. Avoided cost rates do not compensate for a QF’s environmental attributes—RECs or otherwise.

As the Federal Energy Regulatory Commission (“FERC”) has consistently concluded, under PURPA, avoided cost rates may only compensate QFs for purchased energy and capacity; environmental attributes, such as RECs, are not part of the avoided cost payment. *Morgantown Energy Associates et al.*, 139 FERC ¶ 61,066 at P 47 (Apr. 24, 2012); *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 22; *California Public Utilities*

Comm'n, 133 FERC ¶ 61,059 at P 31; Order 32580 at 3. This requirement is because avoided cost rates are intended to put the purchasing utility in the same position when purchasing QF energy and capacity as if the utility had generated the energy itself or purchased it from another source. See 18 C.F.R. § 292.101(b)(6); *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 22. In other words, the avoided cost rate should render the utility indifferent from a pricing standpoint as to whether the energy and capacity comes from a renewable resource or a fossil fuel plant.³ *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 22; Rebuttal Testimony of Donald W. Schoenbeck on behalf of North Side Canal Company, Twin Falls Canal Company, and Renewable Energy Coalition, P. 9 [hereinafter Schoenbeck Rebuttal].

In states where a utility is obligated to build or purchase renewable generation pursuant to a law other than PURPA (such as an RPS), it may be appropriate to calculate the avoided cost based on the cost of the next avoidable renewable resource. However, in Idaho, the avoided cost rate is set based on (i) the levelized cost of a combined cycle combustion turbine under the SAR methodology, and (ii) a number of resources, the majority of which are fossil fuel plants, under the IRP methodology. See, e.g., Reading Rebuttal at 7-8; Schoenbeck Rebuttal at 10-11. Neither the SAR nor the IRP methodology factors in the renewable attributes of the QF generation in setting the avoided cost rate, and thus, neither compensates for a renewable QF's environmental attributes in any fashion. See Schoenbeck Direct at 26-27; Schoenbeck Rebuttal at 10-11; Direct Testimony of Don Reading on behalf of Clearwater Paper Corp., J.R. Simplot Co.,

³ Standard avoided cost rates may differentiate among QFs on the basis of *supply* characteristics; however, these characteristics are separate from the renewable or environmental attributes of a QF. See 18 C.F.R. § 292.304(c)(3)(ii).

and Exergy Development Group, LLC, P. 58-59 [hereinafter Reading Direct]. Even if the Idaho avoided cost rate were set pursuant to the next avoidable renewable resource, the RECs themselves could only be conveyed to the utilities pursuant to a state law separate from PURPA.

Contrary to Rocky Mountain's assertions, a facility's renewable or other environmental attributes are not what enable it to achieve its QF status under PURPA. Rather, as discussed in Part I, PURPA was enacted during a time when ratepayers' costs were going up due to utilities' heavy reliance on oil imports and the general lack of competition in electricity markets. PURPA was intended to help foster a market for power produced by domestic, independent generators—renewable and non-renewable alike. Indeed, PURPA expressly allows for non-renewable generators, such as co-generators, to obtain QF status and sell their power to utilities at avoided cost rates. *See* 18 C.F.R. §§ 292.203(b), 292.205. Moreover, if Rocky Mountain were correct that the only reason why utilities must buy from QFs under PURPA is because of the QFs' environmental attributes, states would not need to resort to adopting RPS programs that are specifically aimed at promoting renewable energy and REC sales (as opposed to independent generation that may or may not be renewable).

Because avoided cost rates do not compensate for environmental attributes, Rocky Mountain's assertion that utilities purchasing energy and capacity from QFs would pay twice for the renewable attributes of the generation is both factually and legally incorrect. Quite the opposite is true—automatically conveying a renewable QF's RECs to the purchasing utility without providing the QF separate compensation for the RECs would provide a windfall to the utility.

3. Automatically assigning RECs to utilities purchasing from QFs would discriminate against QFs, in violation of PURPA.

PURPA provides that avoided cost rates must not discriminate against QFs. 18 C.F.R. § 292.304(a)(1); *Morgantown Energy Associates*, 139 FERC ¶ 61,066 at P 47; *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 20. As noted above, FERC has consistently concluded that PURPA avoided cost rates do not compensate for RECs. *Morgantown Energy Associates*, 139 FERC ¶ 61,066 at P 47; *American Ref-Fuel*, 105 FERC ¶ 61,004 at P 22-23. In addition, Idaho's avoided cost rates are not set based on the next avoidable renewable resource and thus do not factor any of the renewable or environmental attributes of the QF generation into the avoided cost calculation. Because the environmental attribute reflected in a REC is a separate and distinct commodity from the energy generated by the facility that produced the REC, the renewable energy generator should receive separate compensation for the environmental component—either through a renewable energy avoided cost rate or a separate REC payment. Automatically assigning the RECs from renewable QFs to the utilities without compensating the QFs for their environmental attributes would mean that the utilities are receiving energy, capacity and environmental attributes but only paying an avoided cost rate for energy and capacity. Such a result would render the avoided cost rates discriminatory towards QFs, in violation of PURPA. In addition to running afoul of PURPA's anti-discrimination provision, assigning the RECs to the utilities would undermine PURPA's policy objective of encouraging independent, domestic generation because it would make it more difficult for renewable energy QFs to obtain financing for their projects.

4. The Commission should conclude that QFs are the default owners of RECs unless and until a state law or mutually agreed-upon contractual provision between QFs and utilities provides otherwise.

In this proceeding, the Commission should hold that REC payments are separate from compensation to QFs for energy and capacity at avoided cost rates, that QFs are the default owners of RECs from QFs, and that QFs and utilities are free to negotiate as to who owns the RECs under their contracts. Because there is no state or federal law in place that would allow Idaho utilities to be automatically assigned the RECs from renewable QFs, the most logical and equitable conclusion would be to find that renewable QFs are the default owners of the RECs. Such a finding would recognize that QFs are the ones generating the RECs in the first instance and are entitled to compensation for those RECs that is separate from the compensation for energy and capacity under Idaho's avoided cost rates. Finding that QFs are the default owners of the RECs would also help prevent against QFs being paid avoided cost rates that discriminate against them and would reinforce PURPA's policy goal of encouraging QF development.

As the Commission has correctly held, parties to a QF contract are free to contract for the ownership of RECs. Order 32580 at 10. Thus, while a QF may be the default owner of the RECs it generates, in entering into a contract with a utility for the sale of energy and capacity, the QF may agree to convey its RECs to the purchasing utility at a price that is equal to the utility's avoided capacity and energy costs or at another price. However, under PURPA, the utility is not automatically entitled to the RECs.

III. The Commission Should Reject Idaho Power's Proposed Schedule 74 as Impermissible With Respect to Existing QF Contracts, and Reject or Refine the Proposal for Application to Future Contracts.⁴

⁴ See the Direct Testimony of Tessia Park on behalf of Idaho Power at 18-26 for details on the proposed Schedule 74.

RNP supports the positions taken by Ridgeline Energy LLC (“Ridgeline”) in its Brief with respect to Idaho Power’s proposed Schedule 74 and encourages the Commission to reject Schedule 74 as an impermissible curtailment of QF output, particularly as applied to existing contracts. As Ridgeline notes in its brief, the sanctity of contracts is a cornerstone of American law that is reflected in a plethora of legal opinions as well as the Idaho Constitution. *See, e.g.*, Idaho Constitution, Art. I, Sec. 16; *Fidelity State Bank v. North Fork Highway Dist.*, 35 Idaho 797 (1922). Neither the Idaho Legislature nor state agencies may infringe upon existing contracts. Allowing Idaho Power’s proposed Schedule 74 to apply to existing contracts without mutual agreement of the parties to those contracts would constitute an impermissible encroachment upon such contracts. Reading Direct at 50-51; Schoenbeck Direct at 37-38.

Even if Schedule 74 did not seek to curtail existing QFs via unilateral contract modification, it would still be problematic. RNP agrees with Ridgeline that 18 C.F.R. § 292.304(f) does not allow for the curtailment of QFs with fixed-rate contracts, and that such a curtailment proposal is not necessary to compensate Idaho Power for changes in the utility’s operating costs because fixed rates take these variations into account. *See also* Reading Direct at 48-58; Schoenbeck Direct at 36-42.

RNP understands that there are certain times when limited curtailment of QF generation may be appropriate. However, proposals to curtail QF generation must be consistent with PURPA rules, regulations and policy objectives. Such proposals should also be fair and reasonable, providing a sufficient level of certainty to permit QF developers to understand the extent of curtailment exposure to which a contract provision exposes them before entering into the contract. In addition, these proposals should be

balanced with other methods for managing generation that spread the responsibility for system management across all generating resources without placing a disproportionate burden on QFs. Accordingly, RNP encourages the Commission to reject Idaho Power's proposed Schedule 74, particularly as applied to existing contracts and fixed-rate contracts, and encourages Idaho Power and the Commission to work toward a narrower and more balanced curtailment proposal that would be consistent with PURPA.

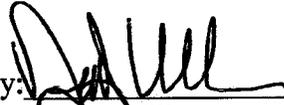
CONCLUSION

RNP appreciates the challenge that the Commission faces in sifting through diverse perspectives to arrive at a balanced PURPA implementation policy. RNP has focused its arguments primarily on the REC ownership issue because, on that issue in particular, existing federal law establishes clear sideboards that constrain the Commission's decision. To remain consistent with PURPA, the Commission should conclude that (i) REC payments are separate from compensation to QFs for energy and capacity at avoided cost rates; and (ii) QFs are the default owners of RECs from QFs, but are free to negotiate with the utilities that purchase energy and capacity from those QFs as to who owns the RECs under their contracts.

With regard to curtailment, RNP encourages the Commission to reject unilateral modification of existing contracts, particularly when the modification is a curtailment provision that is inconsistent with federal PURPA regulations. Going forward, the Commission should ensure that any curtailment provision applied to future, non-fixed rate contracts is consistent with federal regulations, is sufficiently certain to allow QFs to plan for exposure to curtailment events, and is complemented by other tools that fairly apportion responsibility for managing system conditions.

DATED this 27 day of July, 2012.

MCDEVITT & MILLER, LLP

By:  _____

Dean J. Miller
Attorney for Renewable Northwest Project

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of July, 2012, 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 E. Walker
Idaho Power Company
1221 W. Idaho Street
P.O. Box 70
Boise, ID 83707
dwalker@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

Dr. Don Reading
6070 Hill Road
Boise, Idaho 83703
dreading@mindspring.com

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

☐
☐
☐
☐
☐
☐

Glenn Ikemoto
Margaret Rueger
Idaho Wind Farms, LLC
672 Blair Avenue
Piedmont, California 94611
glenni@EnvisionWind.com
margaret@EnvisionWind.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

☐
☐
☐
☐
☐
☐

C. Thomas Arkoosh
Lori Thomas
Capital Law Group, PLLC
205 N. 10th St., 4th Floor
P.O. Box 2598
Boise, Idaho 83701
wthomas@capitollawgroup.com
lthomas@capitollawgroup.com

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

☐
☐
☐
☐
☐
☐

Don Schoenbeck
RCS
900 Washington Street, Suite 780
Vancouver, WA 98660
dws@r-c-s-inc.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

☐
☐
☐
☐
~~☐~~

Robert A. Paul
Grand View Solar II
15960 Vista Circle
Desert Hot Springs, CA
robertapaul08@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

☐
☐
☐
☐
~~☐~~

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

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

☐
☐
☐
☐
~~☐~~

Aaron F. Jepson
Blue Ribbon Energy LLC
10660 S. 540 E.
Sandy, UT 84070
arronesq@aol.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
jravesanmarcos@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 83616
wthomas@dynamisenerg.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

☐
☐
☐
☐
☐

Benjamin J. Otto
Idaho Conservation League
710 N. Sixth Street (83702)
PO Box 844
Boise, ID 83701
botto@idahoconservation.org

Hand Delivered
U.S. Mail
Fax
Email

☐
☐
☐
☐

Ken Miller
Liz Woodruff
Snake River Alliance
PO Box 1731
Boise, ID 83701
kmiller@snakeriveralliance.org
lwoodruff@snakeriveralliance.org

Hand Delivered
U.S. Mail
Fax
Email

☐
☐
☐
☐

Megan Walseth Decker
Senior Staff Counsel
Renewable Northwest Project
917 SW Oak Street, Suite 303
Portland, OR 97205
megan@rnp.org

Hand Delivered
U.S. Mail
Fax
Email

☐
☐
☐
☐

Marv Lewallen
Clearwater Paper Corporation
601 W. Riverside Ave., Suite 1100
Spokane, WA 99201
Marv.lewallen@clearwaterpaper.com

Hand Delivered
U.S. Mail
Fax
Email

☐
☐
☐
☑

Ted S. Sorenson, P.E.
Birch Power Company
5203 S. 11th E.
Idaho Falls, Idaho
ted@sorenson.net

Hand Delivered
U.S. Mail
Fax
Email

☐
☐
☐
☑

Tauna Christensen
Energy Integrity Project
769 N 1100 E Shelley, Idaho 83274
tauna@energyintegrityproject.org

Hand Delivered
U.S. Mail
Fax
Email

☐
☐
☐
☑

BY: Heather Hulse
MCDEVITT & MILLER LLP