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 Attorney for Petitioner  
 Community Action Partnership  
 Association of Idaho and  
 American Association of  
 Retired Persons.

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 2004 APR 26 PM 3:43  
 IDAHO PUBLIC  
 UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF )	CASE NO. IPC-E-O3-13
IDAHO POWER COMPANY FOR AUTHORITY )	
TO INCREASE ITS INTERIM AND BASE )	PETITION FOR
RATES AND CHARGES FOR ELECTRIC )	INTERVENOR FUNDING
SERVICE )	
)	
)	
)	

COMES NOW, petitioner Community Action Partnership Association of Idaho (CAPAI) and, pursuant to Idaho Code § 61-617A and Rules 161-165 of the Commission’s Rules of Procedure, IDAPA 31.01.01, petitions this Commission for an award of intervenor funding.

**Rule 162 Requirements**

**(01) Itemized list of Expenses**

Consistent with Rule 162(01) of the Commission’s Rules of Procedure, an itemized list of all expenses incurred by CAPAI in this proceeding is attached hereto as Exhibit “A.”

## **(02) Statement of Proposed Findings**

CAPAI addressed issues of importance to the general body of Idaho Power's ratepayers, including the Company's overall proposed rate increase and the impact it would have on its low-income customers. CAPAI proposes that the Commission not grant the rate increase requested by Idaho Power for the residential class which, essentially, includes all of its low-income customers. CAPAI also opposes the Company's proposed approximate 300% increase in its monthly customer minimum charge. CAPAI proposes that this charge remain at its current level for the reasons set forth in the testimony of Terri Ottens.

CAPAI also identified the existence and characteristics of Idaho Power's low-income ratepayers and the unique challenges those individuals face in paying the electric bills and the significant gap between the current level of "need" of those customers and available resources.

CAPAI proposes that the Commission order Idaho Power to increase funding of the Low Income Weatherization Assistance Program (LIWA) from current levels to \$1.2 million, increase payment of administrative costs from \$75 to \$150 and that the Company be ordered to pay 100% of project costs, as opposed to 50%.

## **(03) Statement Showing Costs**

Attached hereto as Exhibit "A" is a statement showing the costs incurred by CAPAI in participating in this proceeding. The costs and fees incurred by CAPAI in this matter are reasonable. CAPAI was a very active participant in this proceeding from the outset.

CAPAI has never appeared before this Commission and relied heavily, therefore, on its consultant and attorney for both legal and substantive counsel. CAPAI originally retained Michael Karp as its expert witness on technical and policy issues. As stated in the Affidavit of Michael Karp, filed contemporaneously herewith, because of commitments he made that took him out of the country at the time of the hearing, he was unable to attend the hearing.

The process of selecting the various filing deadlines and hearing date at the prehearing conference was challenging to all parties. The compressed time frame the parties were operating under resulted in little or no “wiggle room” in the schedule. Once the schedule had been agreed upon and adopted by the Commission, and once CAPAI realized that Mr. Karp would be unavailable during the hearing, CAPAI did not believe it appropriate to attempt to disrupt the schedule by asking that the hearing date be rescheduled so that Mr. Karp could attend as a witness.

As characterized in his affidavit, Mr. Karp was, in essence, a witness “*in absentia*.” Both his affidavit and those of Teri Ottens and Ken Robinette demonstrate that Mr. Karp was critical in assisting CAPAI establish policy and technical positions and in assisting Ms. Ottens and Mr. Robinette in preparing their testimonies.

In summary, the costs and fees incurred by CAPAI were reasonable.

#### **(04) Explanation of Cost Statement**

As explained in the Affidavit of Teri Ottens, the costs incurred by CAPAI constitute a significant financial hardship for that intervenor. CAPAI is a non-profit corporation overseeing a number of agencies who fight the causes and conditions of

poverty throughout Idaho. CAPAI operates on a very limited funding basis. The cost to CAPAI of participating in this proceeding constitutes a significant financial hardship.

No other intervenor in this proceeding represented, exclusively, the interests of the residential class, particularly the low-income sector of that class. CAPAI raised issues, and represented the interests of, the general body of Idaho Power's ratepayers. For example, the LIWA program for which CAPAI seeks increased funding reduces the consumption of electricity during Idaho Power's summer peak season helping to defer the acquisition of marginally-priced resources and provides other system-wide benefits including the reduction of bad debt and arrearages. CAPAI is a non-profit entity lacking a substantial, reliable source of income or funding.

**(05) Statement of Difference**

While there might have been mutual concern expressed by Staff and CAPAI on several issues, their respective positions and recommendations ultimately differed in several important respects. Staff took essentially no position on LIWA funding. CAPAI was the only party to this proceeding to do so. Also, though they both agreed that Idaho Power's monthly minimum charge should not increase to \$10.00, Staff conceded that an increase to slightly more than \$4 could be justified. CAPAI recommended that the charge remain at its existing level.

**(06) Statement of Recommendation**

CAPAI's participation in this case addressed issues of concern to the general body of ratepayers. The problems facing Idaho Power's low-income customers are societal problems that affect us all. Specific to Idaho Power's other ratepayers, as Teri Ottens testified, when low-income customers cannot pay their electric bills, the Company incurs

increased collection and associated costs as well as the write-off of uncollectible accounts. These are costs that are passed on to all ratepayers. If low-income customers are enabled to lower their electric bills through a Company-funded weatherization program, this decreases the likelihood that they will be unable to pay their bills and, consequently, the Company avoids incurring the aforementioned costs.

Furthermore, because LIWA is a DSM program, it represents a resource to the Company. It is in the best interests of Idaho Power's ratepayers for the Company to have a healthy diversity of resources. By promoting the conservation of electricity consumption, the Company is able to defer the acquisition of new, marginally higher cost, resources.

Though a final Order has not yet been issued, CAPAI's participation in this case contributed materially toward shaping the scope, and focus of the issues and evidence presented to the Commission and, thus, the ultimate outcome of this proceeding, by offering a perspective not offered by any other party.

**(07) Statement Showing Class of Customer**

To the extent that CAPAI represented a specific Idaho Power customer class, it is the residential class.

RESPECTFULLY SUBMITTED, this 26th day of April, 2004.

  
Brad M. Purdy

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT, I HAVE THIS 26th DAY OF APRIL, 2004, SERVED THE FOREGOING PETITION FOR INTERVENOR FUNDING, IN CASE NO. IPC-E-03-13, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

Barton L. Kline	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid
Monica B. Moen	<input type="checkbox"/> Hand delivered
Idaho Power Company	<input type="checkbox"/> Facsimile
P.O. Box 70	<input type="checkbox"/> Overnight mail
Boise, ID. 83707	

John R. Gale	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid
Idaho Power Company	<input checked="" type="checkbox"/> Hand delivered
P.O. Box 70	<input type="checkbox"/> Facsimile
Boise, ID. 83707	<input type="checkbox"/> Overnight mail

Lisa Nordstrom	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid
Deputy Attorney General	<input type="checkbox"/> Hand delivered
Idaho Public Utilities Commission	<input type="checkbox"/> Facsimile
472 W. Washington St.	<input type="checkbox"/> Overnight mail
Boise, ID. 83702	

Peter J. Richardson	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid
Richardson & O'Leary	<input type="checkbox"/> Hand delivered
99 East State Street, Suite 200	<input type="checkbox"/> Facsimile
P.O. Box 1849	<input type="checkbox"/> Overnight mail
Eagle, ID. 83616	

Don Reading	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid
Ben Johnson Associates	<input type="checkbox"/> Hand delivered
6070 Hill Rd.	<input type="checkbox"/> Facsimile
Boise, ID. 83703	<input type="checkbox"/> Overnight mail

Randall C. Budge	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid
Racine, Olson, Nye, Budge & Bailey	<input type="checkbox"/> Hand delivered
201 E. Center	<input type="checkbox"/> Facsimile
Pocatello, ID. 83204	<input type="checkbox"/> Overnight mail

Anthony Yankel	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid
29814 Lake Road	<input type="checkbox"/> Hand delivered
Bay Village, OH. 44140	<input type="checkbox"/> Facsimile
	<input type="checkbox"/> Overnight mail

Lawrence A. Gollomp  
1000 Independence Ave., SW  
Washington, D.C. 20585

U.S. Mail, postage prepaid  
 Overnight mail  
 Hand delivered  
 Facsimile

Dennis Goins  
Potomac Management Group  
5801 Westchester St.  
Alexandria, VA 22310-1149

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

Dean J. Miller  
P.O. Box 2564  
Boise, ID. 83701

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

Jeremiah J. Healey  
P.O. Box 190420  
Boise, ID. 83719-0420

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

William M. Eddie  
P.O. Box 1612  
Boise, ID. 83701

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

Nancy Hirsch  
219 First Ave. South, Suite 100  
Seattle, WA. 98104

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

Conley E. Ward  
601 W. Bannock St.  
Boise, ID. 83702

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

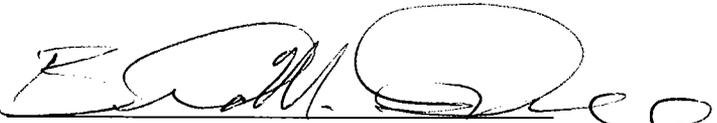
Dennis Pesau  
1500 Liberty St., Suite 250  
Salem, OR. 97302

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

Michael L. Kurtz  
Kurt J. Boehm  
Boehm, Kurtz & Lowry  
36 E. Seventh St., Suite 2110

U.S. Mail, postage prepaid  
 Hand delivered  
 Facsimile  
 Overnight mail

Cincinnati, OH 45202



Brad M. Purdy

**EXHIBIT "A"**  
**ITEMIZED EXPENSES**

<b>Costs:</b>		
Photocopies		\$238.86
Mileage (Ken Robinette-hearing: 240 miles @ \$0.25)		\$60.00
Telephone conferencing costs		\$333.08
Postage		<u>\$211.58</u>
<b>Total Costs</b>		<b>\$843.52</b>
<b>Fees:</b>		
Legal	(Brad M. Purdy 170.00 hours @ \$85/hr. <sup>1</sup> )	\$14,450.00
Expert	(Michael Karp-contract fee)	\$6,000.00
<b>Total Fees</b>		<b>\$20,450.00</b>
<b>Total Expenses</b>		<b>\$21,293.52</b>

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<sup>1</sup> This is a discounted "public interest" rate.

Brad M. Purdy  
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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF )	CASE NO. IPC-E-03-13
IDAHO POWER COMPANY FOR AUTHORITY )	
TO INCREASE ITS INTERIM AND BASE )	AFFIDAVIT OF TERI
RATES AND CHARGES FOR ELECTRIC )	OTTENS
SERVICE )	
)	
)	
)	

STATE OF IDAHO )  
 ) ss.  
 County of Ada )

Teri Ottens, being first duly sworn upon oath, deposes and says as follows:

1. That I am the Executive Director of the Community Action Partnership Association of Idaho (CAPAI) and provided testimony before the Public Utilities Commission concerning the need of low income customers of Idaho Power.
2. That CAPAI is a non-profit corporation, created by the Federal Economic Opportunity Act of 1964, whose mission is to serve low-income families throughout Idaho. The majority of our operational funding is dependent

upon federal grant funds that are designated to specific purposes and programs. Our total annual budget for the office operation is \$65,000 and includes staffing and operational expenses. The cost of participating in this proceeding constitutes a financial hardship given the lack of other discretionary funding.

3. That CAPAI originally hired Michael Karp to provide assistance in developing testimony and to act as an expert witness. He provided consulting services to CAPAI based upon his expertise in low income energy issues and alternatives and also provided critical guidance to me in preparing my testimony.
4. That Mr. Karp was compensated for his critical work in assisting CAPAI to prepare its position.

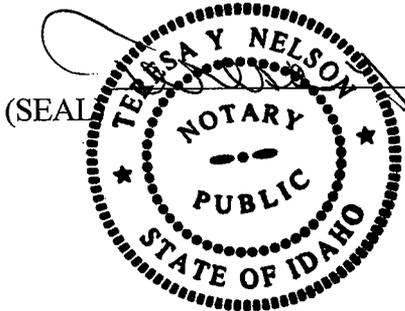
FURTHER your affiant saith not.

DATED this 26th day of April, 2004.



TERI OTTENS

SUBSCRIBED AND SWORN TO before me this 26 day of April, 2004.



Notary Public for Idaho  
Residing at ~~Twin Falls~~ Boise  
~~Twin Falls County~~ Ada county  
My Commission expires 12-15-05

Brad M. Purdy  
 Attorney at Law  
 Bar No. 3472  
 2019 N. 17<sup>th</sup> St.  
 Boise, ID. 83702  
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 Attorney for Petitioner  
 Community Action Partnership  
 Association of Idaho and  
 American Association of  
 Retired Persons.

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IN THE MATTER OF THE APPLICATION OF )	CASE NO. IPC-E-O3-13
IDAHO POWER COMPANY FOR AUTHORITY )	
TO INCREASE ITS INTERIM AND BASE )	AFFIDAVIT OF Ken
RATES AND CHARGES FOR ELECTRIC )	Robinette
SERVICE )	
)	
)	
_____ )	

STATE OF IDAHO )  
 ) ss.  
 County of Twin Falls

Ken Robinette, being first duly sworn upon oath, deposes and says as follows:

1. That I am the Executive Director of the South Central Community Action Partnership (SCCAP) and provided testimony before the Public Utilities Commission concerning the weatherization program needs in Idaho Power service territory on behalf of the Community Action Partnership Association of Idaho (CAPAI).
2. That CAPAI originally hired Michael Karp to provide assistance in developing testimony and to act as an expert witness in areas of weatherization and low income needs. Mr. Karp provided valuable input to

me in formulating my testimony concerning the weatherization program that I presented before the PUC.

3. That after CAPAI determined our final testimony needs, we decided that it would be an unnecessary expense to bring Mr. Karp to Boise.
4. That Mr. Karp was compensated for his critical work in assisting CAPAI and myself in preparing our testimony.

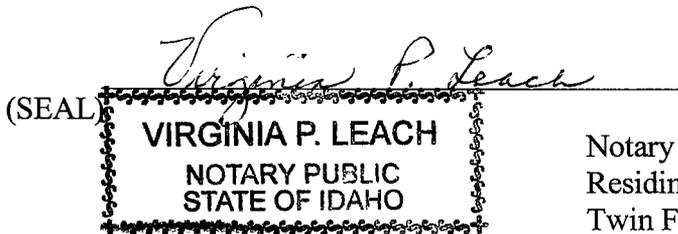
FURTHER your affiant saith not.

DATED this 22nd day of April, 2004.



Ken J. Robinette

SUBSCRIBED AND SWORN TO before me this 22nd day of April, 2004.



Notary Public for Idaho  
Residing at Twin Falls  
Twin Falls County  
My Commission expires 12/11/06

Brad M. Purdy  
 Attorney at Law  
 Bar No. 3472  
 2019 N. 17<sup>th</sup> St.  
 Boise, ID. 83702  
 (208) 384-1299  
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 Attorney for Petitioner  
 Community Action Partnership  
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IN THE MATTER OF THE APPLICATION OF )	CASE NO. IPC-E-03-13
IDAHO POWER COMPANY FOR AUTHORITY )	
TO INCREASE ITS INTERIM AND BASE )	AFFIDAVIT OF
RATES AND CHARGES FOR ELECTRIC )	MICHAEL KARP
SERVICE )	
)	
)	
)	

STATE OF WASHINGTON )  
 ) ss.  
 County of WHATCOM )

MICHAEL KARP, being first duly sworn upon oath, deposes and says as follows:

1. That I am the consultant for the Community Action Partnership of Idaho and I was retained in October of 2003 to provide energy expert testimony and support services to CAPAI. This work entailed strategically leading CAPAI on new and/or improved program design and funding levels for low-income weatherization that would be rate based for Idaho Power. The work I did consisted of leading the CAPAI team in strategy, drafting testimony for Ken Robinette and Teri Ottens, and technical assistance in this docket. Work included reviewing other parties materials, research and preparation, conference calls, assisting the CAPAI attorney with discovery, rebuttal, settlement strategies, etc. My role in this case was

deemed integral by CAPAI. Due to prior conflicts out of the country that arose prior to scheduling of testimony in this case I switched over from providing direct testimony to supporting the testimony of the CAPAI witnesses and assisting the attorney. I was in effect a witness in absentia. The amount invoiced to CAPAI for this work was \$6,000, based on 70.5 hours at \$85 hr.

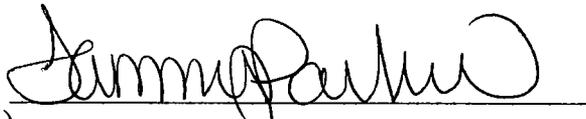
FURTHER your affiant saith not.

DATED this 23 day of April, 2004.

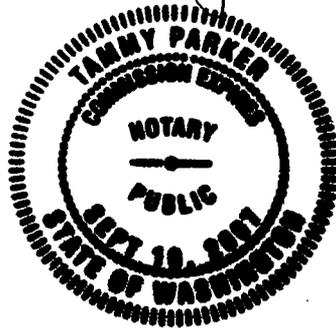


**Michael Karp**

SUBSCRIBED AND SWORN TO before me this 23 day of April, 2004.



(SEAL)



Notary Public for Washington  
Residing at **Bellingham**  
Whatcom County  
My Commission expires ~~Sept 10, 2007~~

 Sept 10, 2007