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IDAHO PUBLIC
UTILITIES COMMISSION

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF IDAHO POWER COMPANY FOR)
AUTHORITY TO INCREASE ITS INTERIM)
AND BASE RATES AND CHARGES FOR)
ELECTRIC SERVICE)
_____)

CASE NO. IPC-E-03-13

APPLICATION FOR INTERVENOR FUNDING

Pursuant to Idaho Code § 61-617A and Rules of Procedure 161 through 165, NW Energy Coalition hereby applies for intervenor funding in this matter in the amount of \$11,512.30. This application is supported by the following Supporting Points and Authorities.

SUPPORTING POINTS AND AUTHORITIES

An award of intervenor funding in this matter is warranted under the criteria in Rule of Procedure 165. Intervenor is a non-profit organization whose ability to participate in Commission proceedings in a meaningful way is limited by their modest staff and financial resources.

Intervenor's involvement in this case contributed materially to the Commission's deliberations. Intervenor, through the direct testimony of Ralph Cavanagh, presented a unique proposal to remove disincentives for Idaho Power to invest in energy efficiency programs and distributed generation. Through the direct and rebuttal testimony of Nancy Hirsh, Intervenor also presented an in-depth analysis of the fixed customer charge issue, and contributed additional analysis on low-income and rate design issues.

Intervenor's filings differed materially from those submitted by Commission Staff in numerous respects, as discussed in detail below. The issues addressed by Intervenor are of concern to the general body of Idaho Power customers. The following information and statements fulfill the requirements of Rule of Procedure 162, and demonstrate that an award of intervenor funding is warranted:

1. Itemized list of expenses.

Intervenors incurred the following expenses in this matter:

- a. Attorney fees for William M. Eddie in the amount of \$10,197.00.

This amount reflects 92.7 hours at \$110 per hour. This rate is below the range of rates charged by other attorneys of similar experience practicing in a specialized area of law. In other natural resources matters, Mr. Eddie typically bills his time at \$150 per hour and higher.

- b. Copying expenses totaling \$253.10.

c. Travel expenses (air fare and related costs) totaling \$809.20 for witnesses Cavanagh and Hirsh.

- d. Transcript costs of \$253.00.

No funding is sought for the expert services of witnesses Ralph Cavanagh and Nancy Hirsh, apart from travel expenses.

Subtotal of costs (exclusive of attorney fees): \$1,315.30.

Total Fees and Costs: \$ 11,512.30

2. Statement of proposed findings.

Intervenor proposes the Commission adopt the following finding with respect to this Application:

NW Energy Coalition's presentation of witnesses and participation at hearing materially contributed to Commission's decision in this matter with respect to (a) whether to initiate further proceedings examining a fixed-cost recovery true up mechanism for Idaho Power Company; (b) whether to increase the amount of fixed service charges for residential customers; (c) rate design issues for the residential class; and (d) mitigation of financial hardship for fixed- and low-income customers. We find that NW Energy Coalition's requested award of attorney fees and costs are reasonable in amount, and that the costs of intervention constituted a significant hardship for intervenors. NW Energy Coalition's recommendations and presentations in this matter differed materially from the testimony and exhibits presented by Staff with respect to each of the issues listed above. NW Energy Coalition addressed issues of concern both to the general body of Idaho Power customers, and to the residential class of customers.

3. Statement showing costs are reasonable.

The costs for which recovery is requested are reasonable. First, with respect to attorney fees, Intervenor seeks recovery at an hourly rate of \$110 per hour for Mr. Eddie's time. This rate is below the range of rates charged by other attorneys of similar experience practicing in a specialized area of law. Several years ago, the Commission granted intervenor funding for Mr. Eddie's time at a slightly lower rate. See Order Nos. 28894 and 28756. In other natural resources matters, Mr. Eddie typically bills his time at \$150 per hour and higher.

Mr. Eddie carefully reviewed his time sheets in this case and heavily redacted hours that were arguably duplicative or otherwise unnecessary. Mr. Eddie expended a total of 141.4 hours in this matter, but after redactions, NW Energy Coalition is seeking compensation for only 92.7 hours of his time. Thus NW Energy Coalition seeks an attorney fee recovery of \$10,197.00 for Mr. Eddie's time. These hours were reasonably necessary for Intervenor's participation in this matter. Timesheets can be provided upon request.

Copying expenses are charged at five cents (5¢) per page, which is below amounts charged by private print shops. Receipts for Mr. Cavanagh's and Ms. Hirsh's travel costs, as well as for transcript costs, can be provided upon request.

4. Explanation of cost statement.

Payment of the requested costs would constitute a financial hardship for Intervenor. Intervenor is a non-profit organization with an annual budget of approximately \$660,000. With these limited resources to pay the salaries of eleven (11) staff members, plus overhead, Intervenor seeks to influence energy policy decisions in the four (4) northwest states through participation at state, regional (e.g. Bonneville Power Administration) and national venues. NW

Energy Coalition would not be able to pay the attorney fees and other costs incurred in this matter without suffering financial hardship.

5. Statement of difference.

Intervenor's participation in this matter differed materially from Commission Staff's with respect to both discussion of issues and specific recommendations.

First, Intervenor presented a proposal for the Commission to investigate the implementation of a fixed-cost recovery true up mechanism in order to remove disincentives for Idaho Power to invest in energy efficiency and distributed generation. This recommendation was totally unique among all parties to the case.

Second, Intervenor presented an in-depth discussion of the fixed service charge issue, including through analysis of relevant literature and studies, independent analysis of the policy considerations surrounding this issue, and comparison to decisions in other jurisdictions and recommendations by staff in other jurisdictions. Intervenor also analyzed the impact of the proposed fixed charge to low income customers. This issue was addressed by Staff relatively briefly by comparison.

Third, in concert with the Community Action Partnership of Idaho, NW Energy Coalition advocated for increased weatherization assistance funding for low-income customers. This issue was only briefly addressed by Staff.

6. Statement of recommendation.

The recommendations reflected in the testimony of Ralph Cavanagh in this matter are of concern to the general body of Idaho Power customers. Mr. Cavanagh's recommendations were not class-specific. If adopted, Mr. Cavanagh's policy recommendations would likely contribute

to increased investment in energy efficiency and distributed generation, to the benefit of all customers.

The recommendations of Nancy Hirsh were more particularly of concern to the residential class.

7. Statement of class.

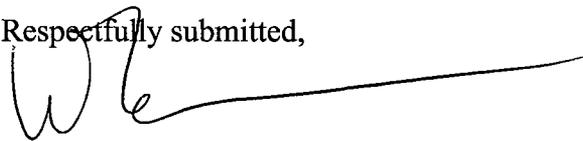
As noted above, Intervenor's participation concerned the general body of rate payers and the residential class in particular. NW Energy Coalition's membership includes individuals, organizations such as Idaho Rivers United and Idaho Rural Council, as well as utilities in the Northwest, and thus represents interests applicable to the general body of rate payers.

CONCLUSION

Intervenor respectfully requests that the foregoing Application for Award of Intervenor Funding be granted, and that \$11,512.30 be paid to Advocates for the West, attorneys for Intervenor.

Dated: April 26, 2004

Respectfully submitted,



William M. Eddie
Advocates for the West

On behalf of NW Energy Coalition