

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION ) CASE NO. IPC-E-08-24**  
**OF IDAHO POWER COMPANY FOR )**  
**AUTHORITY TO RETIRE ITS GREEN ) NOTICE OF HEARING**  
**TAGS. ) FOR ORAL ARGUMENT**  
**)**  
**) ORDER NO. 30743**

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On January 26, 2009, the Commission issued Order No. 30720 approving Idaho Power’s request to retire its Green Tags. The Industrial Customers of Idaho Power (ICIP) filed a timely Petition for Reconsideration on February 17, 2009, alleging that the Commission had a “fundamental misunderstanding about the nature of Green Tags and the workings of the Green Tags market.” Petition for Reconsideration, p. 1. Specifically, ICIP argued that the Commission did not understand the consequences that retirement has on Green Tags, its effect on ratepayer assets, and implications to image advertising. Idaho Power did not file a response to ICIP’s Petition.

After reviewing the Petition and final Order, the Commission grants Industrial Customers of Idaho Power’s Petition for Reconsideration. Reconsideration shall be granted by written briefs, followed by oral argument, pursuant to the schedule detailed in this Order.

**ISSUES ON RECONSIDERATION**

In its Petition, ICIP raises three issues regarding the Commission’s final Order in this case. First, ICIP maintains that the Order reflects a misunderstanding of the Green Tag market. ICIP asserts that retired Green Tags cannot be used to meet future renewable portfolio standards. ICIP advocates holding the Green Tags, but references “shelf life” as a potential obstacle to this option.

Second, ICIP argues that the Order inappropriately disposes of “surplus ratepayer funded property.” Petition for Reconsideration, p. 2. ICIP claims that retiring the Green Tags destroys the value of this surplus property that could otherwise financially benefit the ratepayers.

Finally, ICIP alleges that Idaho Power’s intent to retire Green Tags in order to advertise its renewable resources amounts to image advertising. ICIP argues that the Commission’s Order failed to address whether \$2,000,000, in addition to advertising funds already contributed by ratepayers, is a reasonable budget for image advertising.

## COMMISSION FINDINGS

Reconsideration provides an opportunity for a party to bring to the Commission's attention any question previously determined and thereby affords the Commission with an opportunity to rectify any mistake or omission. *Washington Water Power Co. v. Kootenai Environmental Alliance*, 99 Idaho 875, 879, 591 P.2d 122, 126 (1979). The Commission may grant reconsideration by rehearing if it intends to take additional argument. If reconsideration is granted, the Commission must complete its reconsideration within 13 weeks after the deadline for filing petitions for reconsideration. *Idaho Code* § 61-626(2). The Commission must issue its order upon reconsideration within 28 days after the matter is finally submitted. *Id.*

Given the relatively unique concept of Green Tags, i.e., separating the attributes of renewable energy from the actual energy produced, the Commission finds it appropriate to grant reconsideration on this matter in order to more fully examine the issues presented. In granting reconsideration, we require the parties to state with greater clarity their claims regarding:

- The concept of "shelf life" for a Green Tag that is neither retired nor sold;
- Federal and/or state guidelines regarding shelf life;
- Federal and/or state rules that disallow the use of previously retired Green Tags to meet current/future renewable portfolio standards;
- The monetary value that the disputed Green Tags would have if sold in the present market;
- The differential that such value would have if credited back to each ratepayers' bill (i.e., what difference an individual ratepayer would see in his or her bill if the Green Tags were sold and credited back to the ratepayers) and the amount of time that such credit would be in place; and
- Whether retiring Green Tags in order to use the credits to promote Idaho Power's renewable resources amounts to image advertising.

The Commission will accept written arguments in the form of legal briefs. ICIP's initial brief shall be filed on or before March 30, 2009. Idaho Power's responsive brief shall be filed on or before April 20, 2009.

**NOTICE OF HEARING FOR ORAL ARGUMENT**

YOU ARE HEREBY NOTIFIED that the Commission will convene a hearing for oral argument in this case on **WEDNESDAY, APRIL 22, 2009, AT 9:30 A.M. IN THE COMMISSION HEARING ROOM, 472 WEST WASHINGTON STREET, BOISE, IDAHO.** The Commission will hear oral argument on the issues discussed herein.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted pursuant to the Commission's Rules of Procedure. IDAPA 31.01.01.000, *et seq.*

YOU ARE FURTHER NOTIFIED that all hearings and oral arguments in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand testimony and argument at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0338 (Telephone)  
(208) 334-3762 (FAX)  
E-Mail: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

**ORDER**

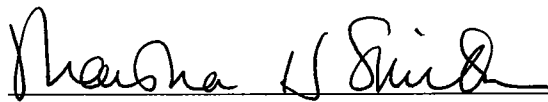
IT IS HEREBY ORDERED that Industrial Customers of Idaho Power's Petition for Reconsideration is granted to allow the ICIP and Idaho Power an opportunity to present additional evidence regarding the issues discussed in the body of this Order. The Commission will accept written briefs from ICIP no later than March 30, 2009, and from Idaho Power no later than April 20, 2009.

IT IS FURTHER ORDERED that an oral argument take place on April 22, 2009, at 9:30 a.m. in the Commission Hearing Room.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10<sup>th</sup>  
day of March 2009.



MACK A. REDFORD, PRESIDENT

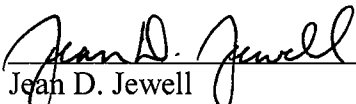


MARSHA H. SMITH, COMMISSIONER



JIM D. KEMPTON, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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