

**Brad M. Purdy**  
**Attorney at Law**  
2019 N. 17<sup>th</sup> St.  
Boise, Idaho 83702  
(208) 384-1299  
Cell: (208) 484-9980  
Fax: (208) 384-8511

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August 7, 2009

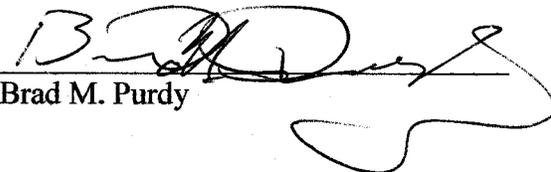
Ms. Jean Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington St.  
Boise, ID 83702

Re: Case No. IPC-E-09-03 – Application for Intervenor Funding

Dear Ms. Jewell:

Pursuant to a verbal ruling issued by the Commission at the conclusion of the evidentiary hearing in the above-identified docket, enclosed for the Commission's consideration is the original and nine copies of the Application for Intervenor Funding of the Community Action Partnership Association of Idaho.

Thank you for your assistance in this matter.

  
Brad M. Purdy

Brad M. Purdy  
Attorney at Law  
Bar No. 3472  
2019 N. 17<sup>th</sup> St.  
Boise, ID. 83702  
(208) 384-1299 (Land)  
(208) 384-8511 (Fax)  
bmpurdy@hotmail.com  
Attorney for Petitioner  
Community Action Partnership  
Association of Idaho

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**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF IDAHO POWER	)	CASE NO. IPC-E-09-03
COMPANY'S APPLICATION FOR A	)	
CERTIFICATE OF PUBLIC	)	COMMUNITY ACTION PARTNER-
CONVENIENCE AND NECESSITY FOR	)	SHIP ASSOCIATION OF IDAHO'S
THE LANGLEY GULCH POWER PLANT	)	APPLICATION FOR INTERVENOR
_____	)	FUNDING

COMES NOW, Applicant 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 161 Requirements**

Idaho Power Company is a regulated, electric public utility with gross Idaho intrastate, annual revenues exceeding three million, five hundred thousand dollars (\$3,500,000.00).

**(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**

The proposed findings and recommendations of CAPAI are set forth in the direct, prefiled testimony of Teri Ottens. CAPAI initially did not execute the original Joint Motion to Stay until it had the opportunity to review all filings, issues, and facts pertinent to the Company's

Application. Once CAPAI had made a due diligence assessment of the case, it took the position that the Motion had merit and though this case presents complicated issues and an extraordinarily challenging decision for the Commission, the wiser course of action would be to defer a ruling on the Company's application until additional information has been obtained. As a result, CAPAI filed the testimony of Teri Ottens as a low-income expert to articulate CAPAI's concerns regarding the risks of making a premature decision on the Company's Application and the harmful impact a premature decision would likely have on the Company's low-income customers. CAPAI executed the Joint Renewed Motion to Stay the application.

Initially, Ms. Ottens testified that the Langley Gulch project would be the largest generation plant constructed or acquired by Idaho Power in roughly half a century with long-term rate implications. Ms. Ottens expressed concern regarding the rate impact that the acquisition of such a large project (potentially comprising roughly 1/5 of the Company's entire rate base) would have on low-income customers, particularly during the current difficult economic times. She questioned whether the Commission presently has sufficient information to make the determination whether the Langley Gulch project is in the public convenience and necessity and whether the ratemaking assurances sought by Idaho Power are fair, just and reasonable.

Ms. Ottens elaborated on her concerns about the current lack of sufficient information to make a determination on Langley Gulch. In doing so, she pointed out the following facts, among others. First, Idaho Power's Integrated Resource Plan process was put on deferral at the Company's request. Ms. Ottens pointed out that it is partially through the IRP process that the very question of prudence and cost-effectiveness of resources is determined. Completion of the

IRP process, scheduled roughly for this November, Ms. Ottens opines, would provide the type of information that would greatly assist the Commission in rendering its judgment in this case.

Ms. Ottens also noted the considerable concern expressed by all non-utility parties to this case which is the uncertainty of whether Idaho Power's load forecasting, one of the most critical pieces of information needed by the Commission, is accurate. Additional data is forthcoming and a ruling should not be made until the most recent, legitimate load forecast is completed.

In addition, Ms. Ottens pointed out that there might be other means of meeting the Company's load growth that are more cost-effective, and that don't involve the construction of a \$247 million thermal power plant. She noted the recent shareholder resolution pushing the Company's management to reduce and/or deal with gas emissions as well as the impact of existing or pending greenhouse gas emissions. Ms. Ottens particularly noted that there exist more cost-effective, demand side management programs and, thus, potential alternative resources, than the Company is currently pursuing.

Finally, Ms. Ottens conceded that Langley Gulch might conceivably prove to be a cost-effective and prudent resource, but that there are too many assumptions now, regarding the viability of Langley Gulch, which a relatively short period of time will either prove or refute. Thus, CAPAI continues to support a ruling by the Commission deferring a final determination of whether to provide ratemaking assurance to Idaho Power for Langley Gulch until additional data is available.

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

CAPAI submits that the costs and fees incurred in this case, and set forth in Exhibit "A," are reasonable in amount. CAPAI fully participated in the hearing in this case and presented the testimony of its expert witness, Teri Ottens, who testified regarding the impact that a large

project such as Langley Gulch will have on low-income customers and the need to acquire all data and information essential for the Commission to make a very difficult decision. CAPAI was also involved in the strategizing and drafting of the Renewed Post-Hearing Brief/Joint Renewed Motion to Stay.

CAPAI has historically not sought funding compensation for the services of its expert, Teri Ottens. Ms. Ottens was formerly Executive Director of CAPAI, but for the past few years, has served as an expert consultant to CAPAI whose Executive Director is Mary Chant.

Ms. Ottens has been consulting with, advising and testifying for CAPAI for approximately seven years. During that time, she has testified before this Commission many times in proceedings ranging from general rate cases to cases specific to low-income issues. She is routinely involved in workshops either ordered or facilitated by the Commission and has acquired a broad range of expertise in public utility issues to the extent that they affect low-income customers.

In addition to her consultation to the Energy Project, Ms. Ottens also served as Energy Coordinator for the Association of Idaho Cities and Counties and, for a number of years, organized that group's annual Idaho Energy Conference. Ms. Ottens' curriculum vitae is attached hereto as Exhibit "B."

Needless to say, every party who retains an expert for proceedings before the Commission, chooses someone with expertise in that particular party's areas of concern. Ms. Ottens is just such an individual. Given the breadth of knowledge and expertise that Ms. Ottens has acquired over the past years, CAPAI respectfully submits that it is reasonable for the Commission to recognize her expertise for funding purposes, as it does for other experts who testify before it. CAPAI also respectfully submits that its applications for intervenor funding,

and the hourly rates and fees of its legal counsel and expert, have historically have been quite reasonable and relatively modest.

**(04) Explanation of Cost Statement**

CAPAI is a non-profit corporation overseeing a number of agencies who fight the causes and conditions of poverty throughout Idaho. CAPAI's funding for any given effort might come from a different variety of sources, including governmental. Many of those funding sources, however, are unpredictable and impose conditions or limitations on the scope and nature of work eligible for funding. CAPAI, therefore, has relatively little "discretionary" funds available and what little exists must cover a variety of competing projects, including certain Commission proceedings for which intervenor funding is not available. For approximately the past 7 years, CAPAI has been the only regular party to Commission proceedings whose focus is exclusively directed to the interests of low-income, and to a certain respect, all residential customers. Staff is the only other regular party who even addresses residential customer class interests, but must also devote its time and resources to every other customer class and the utility itself. Prior to CAPAI's first involvement in Commission proceedings, there was a rather lengthy period of time during which the interests advocated by CAPAI were unrepresented.

Thus, were it not for the availability of intervenor funds and past awards by this Commission, CAPAI would not be able to participate in cases before this Commission leaving a gap not likely to be filled by any other entity. Even with intervenor funding, participation in Commission cases constitutes a significant financial hardship because CAPAI must pay its expenses as they are incurred; not if and when intervenor funding becomes available.

**(05) Statement of Difference**

Reduced to its essential core, this case posed a single question: Should Idaho Power's application for ratemaking assurance for Langley Gulch be approved, without delay necessary to obtain additional data and information? Staff's position is yes, CAPAI's is no. Needless to say, the two parties' statements of position materially differ.

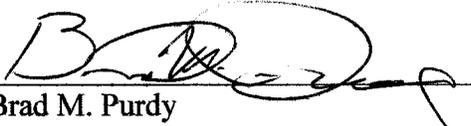
**06) Statement of Recommendation**

It is fair to characterize this case as involving some of the most challenging legal, factual and substantive issues to come before this Commission for some time. Naturally, the decision of whether to grant ratemaking assurance to Idaho Power for a thermal generation plant estimated to cost in the hundreds of millions and that will constitute roughly 1/5 of the Company's entire rate base, involves addressing issues of concern to the general body of Idaho Power's customers. In fact, it is fair to say that there will not be a single customer who somehow isn't affected by the decision rendered by the Commission in this case.

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

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

RESPECTFULLY SUBMITTED, this 7th day of August, 2009.

  
Brad M. Purdy

**CERTIFICATE OF SERVICE**

I hereby represent that on the 7<sup>th</sup> day of August, 2009, I have served the foregoing document on the following parties via U.S. Postage and by electronic mail (where available).

Barton L. Kline  
Lisa D. Nordstrom  
Idaho Power Company  
PO Box 70  
Boise, ID 83707-0070

Scott Woodbury  
Deputy Attorney General  
Idaho Public Utilities Commission  
PO Box 83720-0074

Peter J. Richardson  
Richardson & O'Leary  
515 N. 27<sup>th</sup> St.  
Boise, ID 83702

Don Reading  
6070 Hill Road  
Boise, ID 83703

Eric L. Olsen  
Racine, Olson, et al  
201 E. Center  
PO Box 1391  
Pocatello, ID 83204-1391

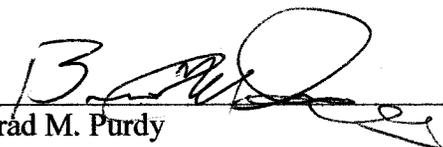
Anthony Yankel  
29814 Lake Road  
Bay Village, OH 44140

Ken Miller  
Snake River Alliance  
PO Box 1731  
Boise, ID 83701

Betsy Bridge  
Idaho Conservation League  
710 N. Sixth St.  
PO Box 844

Boise, ID 83701

Susan K. Ackerman  
9883 NW Nottage Dr.  
Portland, OR 97229

  
Brad M. Purdy

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

<b>Costs:</b>		
	Photocopies/postage	\$43.50
	<b>Total Costs</b>	<b>\$43.50</b>
<b>Fees:</b>		
	Legal (Brad M. Purdy -79.0 hours @ \$120.00/hr)	\$9,480.00
	Expert (Teri Ottens - 16 hours @ \$45.00/hr.	\$720.00
	<b>Total Fees</b>	<b>\$10,200.00</b>
	<b>Total Expenses</b>	<b>\$10,243.50</b>

# EXHIBIT B

## CIRRICULUM VITAE FOR TERI OTTENS

Consultant, 2006 – Present – Work as Policy Director and consultant for CAPAI in energy matters from legislation to rate cases before the PUC. Duties range broadly from research, lobbying, frequent interaction with CAP agencies and CAPAI Board of Directors, involvement in PUC cases as expert witness, to consultant.

Executive Director, Community Action Partnership Association of Idaho 2002-2006

- Worked on a variety of low income issues including housing, energy and food issues
- Administrator overseeing several state and federal low income programs including ITSAP, LIHEAP, Weatherization.

Deputy Director 1997 to 1998, Technical Services Director 1994-1996, Association of Idaho Cities, Boise, ID. AIC is a non-profit membership organization for Idaho cities. Duties included:

- Worked with over 100 cities and the majority of the 44 counties on planning issues from comprehensive planning, implementation ordinances, area of impact, open space preservation and other related issues
- Developed and followed through on public participation/education plans
- Worked with cities and counties to develop regional partnerships in meeting planning goals
- Participating in the writing and preparation of AIC publications, reports and articles
- Acting as spokesperson or liaison for the organization with many other groups, the media and the state legislature
- Identifying and developing funding resources and partnerships, including extensive grant writing and administration
- Served as Energy Coordinator throughout my tenure for cities and counties concerning grant funding. Planned annual Idaho Energy Conference.

Administrative Officer, City of Caldwell, ID, 1989-1993. Duties included:

- Daily administration of all facets of city government
- Served as Budget Officer in preparation and management of \$14 million budget
- Served as Personnel Officer and the American with Disabilities Coordinator
- Preparation of meeting agendas and staff reports
- Grants Officer responsible for over \$250,000 in grants
- Involved in strategic planning at all levels including the city comprehensive plan, area of impact negotiations, infrastructure master plans, budgets and the Regional/Urban Design Assistance Team (R/UDAT) Study.

Information Officer/Planner, Ada County Development Services, ID, 1988. Ada County serves a population of over 200,000. Duties included:

- Knowledge of land use planning, zoning laws and issues, growth management.
- Interpersonal skills in dealing with general public, governmental agencies and developers in complaint and enforcement issues.

Executive Director, Downtown Casper Development Corporation, 1986-1987. DCDC is a non-profit membership agency with responsibility for downtown redevelopment. Duties included:

- Business retention, expansion and recruitment
- All administrative functions of organization including budgeting, preparation of Board agendas and reports, staff supervision, membership development

- Fund raising for the organization, including membership development, identifying grant resources and corporate/business donors. This included preparing and making presentations
- Responding to membership needs/technical assistance

Assistant City Manager, City of Laramie, WY 1980-1986. Duties included:

- Working with the City County Planning Office to coordinate city/county growth
- Preparation and management of \$17 million budget as City Budget Officer.
- Understanding and management of city risk management program, utility franchises, personnel, grant writing and contract negotiations and administration.
- Public Information Officer

Director of Planning and Research, City of Tracy, CA 1977-1979. Duties included:

- Facilities and program planning and implementation
- Grant administration, volunteer coordinator