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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTEER OF THE APPLICATION)	
OF IDAHO POWER COMPANY FOR AN)	CASE NO. IPC-E-09-30
ACCOUNTING ORDER TO AMORTIZE)	
ADDITIONAL ACCUMULATED DEFERRAL)	CAPAI'S APPLICATION
INCOME TAX CREDIT AND APPROVING A)	FOR INTERVENOR
RATE CASE MORATORIUM)	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 in the above-captioned proceeding.

Rule 161 Requirements

Idaho Power 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." CAPAI also points out that, as set forth in the prefiled, direct testimony of Teri Ottens, this proceeding has taken a procedural path that, most likely, is the first of its kind. IDAPA 31.01.01.164 states, in part:

164. TIME TO APPLY (Rule 164).
 Unless otherwise provided by order, an intervenor requesting intervenor funding must apply no later than fourteen (14) days after the last

evidentiary hearing in a proceeding or the deadline for submitting briefs, proposed orders or statements of position, whichever is last.

...

Because of the unique procedural nature of this case, it is not entirely clear when the fourteen (14) day period would commence. For example, Order No. 30960 states that depending on input regarding the Settlement Stipulation the Commission might, in its discretion, set this case for formal hearing. In addition, though Order No 30960 does not provide for responsive comments or testimony, Idaho Power filed responsive testimony to the Idaho Conservation League's comments. Though CAPAI does not object to this, it merely illustrates that the time at which the fourteen (14) day period to file an application for intervenor funding is not yet known with certainty. If the original comment deadline of December 22, 2009 is indeed the date by which the fourteen day deadline commenced, then today is the deadline for filing an Application for funding and, to possibly err on the side of caution, CAPAI hereby submits its Application on this day. Thus, CAPAI simply wishes to point out that should this matter proceed to hearing or require additional, significant work, the amount of expenses and costs might require amendment.

(02) Statement of Proposed Findings

The proposed findings and recommendations of CAPAI are set forth in the direct, prefiled testimony of Teri Ottens and interwoven throughout the settlement stipulation to which CAPAI was a signatory. The Stipulation largely speaks for itself and CAPAI will not endeavor to summarize it. Though, as briefly discussed below, CAPAI had a disagreement with certain other parties, including the Commission Staff regarding the proper procedure by which to craft and execute the Stipulation, CAPAI supports the general substance of the Settlement and believes that it is in the best interests of Idaho Power's low-income customers.

(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. As stated in the testimony of Teri Ottens, CAPAI fully participated in every settlement discussion conducted in this case and provided input throughout the process. In addition to the numerous meetings conducted, there were significant other forms of communication, analysis, side bar discussions and other activities that required considerable work on the part of CAPAI personnel and its legal counsel.

(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. CAPAI has incurred considerable expense participating in this very important proceeding. There are numerous other examples of projects worthy of CAPAI's involvement but for which funding is unavailable.

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

The procedural handling of this case created numerous quandaries. Non-signatory participants to the settlement discussions are not prohibited from commenting on any aspect of

the Settlement Stipulation. Signatories, however, are somewhat limited from doing so. Specifically, Section IV(9) of the Stipulation states, in part, that “other than any testimony filed in support of the approval of this Stipulation, and except to the extent necessary for a Party to explain before the Commission its own statements and positions with respect to the Stipulation all statements made and positions taken in negotiations relating to this Stipulation shall be confidential and will not be admissible in evidence in this or any other proceeding.”

CAPAI fully recognizes its obligation to honor this provision, but because IDAPA 31.01.01.162(05) requires that an applicant for funding must have taken a materially different position than that of the Commission Staff, in order to “explain before the Commission its own statements and positions with respect to the Stipulation,” and because the Idaho Conservation League and the Snake River Alliance fully addressed the issue in their comments CAPAI notes that it took a materially different position from the Commission Staff regarding the procedure by which the Stipulation was crafted, executed, and put before the public. As ICL and Snake River noted, the procedure utilized arguably contains shortcomings and sets a precedent that might be regrettable. Suffice it to say that CAPAI vociferously and frequently raised procedural concerns during the course of the settlement meetings. The Commission Staff took a different viewpoint.

Nothing in the preceding paragraph should be construed to suggest that CAPAI does not continue to support the Settlement Stipulation. CAPAI believes, however, that the procedure employed should be carefully examined for the purpose of future cases. CAPAI respectfully urges the Commission to approve the Settlement Stipulation but consider providing guidance for future reference.

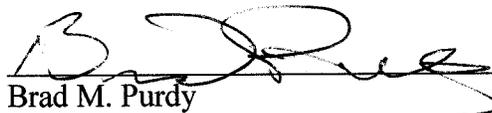
06) Statement of Recommendation

To a large extent, the Settlement Stipulation, and how it benefits the general body of ratepayers, speaks for itself. Due to the restriction on interpreting or explaining the Stipulation, CAPAI notes the obvious benefit of a rate moratorium. There were many other issues and considerations that the participants took into serious consideration and an attempt to fully explain them might prove self-defeating. Rule 162(6) directs that a given applicant for intervenor funding explain why their particular recommendation or position addresses issues of concern to the general body of ratepayers. Because the majority of participants signed the Stipulation it, essentially provides the reasons why the Stipulation addresses areas of concern to the general body of ratepayers. Also, it is fair to say that each signatory had slightly different reasons for why it supported the Stipulation and why those reasons are of concern to the general body of ratepayers. Because of the restraint on positions taken or statements made, it would seem to violate the confidentiality provision of the Stipulation to discuss any particular party's list of reasons why the Stipulation is in the interests of all ratepayers.

(07) Statement Showing Class of Customer

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

RESPECTFULLY SUBMITTED, this 5th day of January, 2009.


Brad M. Purdy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on January 5th, 2009, I caused the APPLICATION FOR INTERVENOR FUNDING on the following via email attachment, to be followed by hard copy, U.S. Postage.

Weldon B. Stutzman
Deputy Attorney General
Idaho Public Utilities Commission
472 W. Washington St.
Boise, Idaho 83702

Peter J. Richardson
515 North 27th St.
P.O. Box 7218
Boise, ID 83702

Eric L. Olson
P.O. Box 1391
201 E. Center
Pocatello, ID 83204-1391

Kurt J. Boehm
36 East Seventh St., Suite 1510
Cincinnati, Ohio 45202

Conley Ward
601 West Bannock St.
P.O. Box 2720
Boise, ID 83701-2720

Arthur Perry Bruder
U.S. Dept. of Energy
1000 Independence Ave., SW
Washington, D.C. 20585

Ken Miller
Snake River Alliance
P.O. Box 1731
Boise, ID 83701

Betsy Bridge
Idaho Conservation League
710 North Sixth St.

P.O. Box 844
Boise, ID 83701

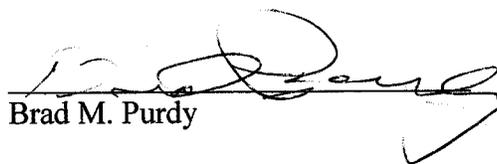

Brad M. Purdy

EXHIBIT "A"
ITEMIZED EXPENSES

Costs:		
	Photocopies/postage	\$45.00
	Total Costs	\$45.00
Fees:		
	Legal (Brad M. Purdy – 29.23 hours @ \$130.00/hr.)	\$3,800.00
	Expert (Teri Ottens – 10 hours @ \$45.00/hr.)	\$450.00
	Total Fees:	\$4,250.00
	Total Expenses:	\$4,295.00