

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

www.racinelaw.net

SENDER'S E-MAIL ADDRESS: elo@racinelaw.net

RECEIVED

2011 DEC 13 PM 3:50

IDAHO PUBLIC UTILITIES COMMISSION

BOISE OFFICE

101 SOUTH CAPITOL
BOULEVARD, SUITE 300
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

IDAHO FALLS OFFICE

477 SHOUP AVENUE
SUITE 107
POST OFFICE BOX 50698
IDAHO FALLS, ID 83405
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

**ALL OFFICES TOLL FREE
(877) 232-6101**

LOUIS F. RACINE (1917-2008)
WILLIAM D. OLSON, OF COUNSEL

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
FREDERICK J. HAHN, III
PATRICK N. GEORGE
SCOTT J. SMITH
DAVID E. ALEXANDER
JOSHUA D. JOHNSON
STEPHEN J. MUHONEN
CANDICE M. MCHUGH
CAROL TIPPI VOLYN
JONATHAN S. BYINGTON
JONATHAN M. VOLYN
BRENT L. WHITING
DAVE BAGLEY
THOMAS J. BUDGE
JASON E. FLAIG
FERRELL S. RYAN, III
AARON A. CRARY
JOHN J. BULGER
BRETT R. CAHOON
JEFFREY A. WARR

December 13, 2011

Jean Jewell
IPUC Commission Secretary
P.O. Box 83720
Boise, Idaho 83720-0074

Re: IPC-E-11-08

Dear Ms. Jewel:

Enclosed for filing please find an original and seven (7) copies of the Application of Intervenor Funding for Idaho Irrigation Pumps Association.

Sincerely,



ERIC L. OLSEN

ELO/rg
Enclosures
c: Service List

ORIGINAL

Eric L. Olsen, ISB No. 4811
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Fax: (208) 232-6109

RECEIVED

2011 DEC 13 PM 3:50

IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Intervenor
Idaho Irrigation Pumpers Association, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF)
IDAHO POWER FOR AUTHORITY TO) **CASE NO. IPC-E-11-08**
INCREASE ITS BASE RATES AND CHARGES)
FOR ELECTRIC SERVICE IN IDAHO)
_____)

**APPLICATION FOR INTERVENOR FUNDING OF
THE IDAHO IRRIGATION PUMPERS ASSOCIATION, INC.**

COMES NOW the Idaho Irrigation Pumpers Association, Inc. ("Irrigators"), by and through counsel of record, Eric L. Olsen, and hereby respectfully makes application to the Idaho Public Utilities Commission ("Commission") for intervenor funding, pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161 through .165, in Idaho Power's general rate case, as follows:

(A) A summary of the expenses that the Irrigators request to recover broken down into legal fees, consultant fees and other costs and expenses is set forth in Exhibit "A" attached hereto and incorporated by reference. Itemized statements that support the legal and consultant time spent in this case are available upon request.

(B) This case was filed on May 24, 2011. The Irrigators immediately intervened and began reviewing the case. The Irrigators submitted to Idaho Power to approximately 48 data requests and reviewed the responses thereto, along with review of other data responses that Idaho

Power provided to the other parties in this case. The Irrigators developed revenue normalization adjustments for the residential and irrigation customer classes that were asserted in the settlement negotiations and which ultimately formed a basis for the settlement of this case. These adjustments were provided to all the parties and discussed with Commission Staff. The Irrigators actively participated in the settlement negotiations that were held in this case and signed the Stipulation and Proposed Partial Settlement (the "Stipulation"). The Irrigators now urge the Commission to adopt the Stipulation as a fair, just and reasonable resolution of the issues dealt with therein. Notwithstanding the settlement, the Irrigators had to prepare and approach this case as if it would have gone to a full blown technical hearing on the merits of all issues presented.

(C) The expenses and costs incurred by the Irrigators set forth in Exhibit A are reasonable in amount and were necessarily incurred. The expenses and costs were incurred in reviewing the Company's filing, preparing and reviewing approximately 48 Irrigators data requests and responses, preparing settlement positions on revenue requirement issues, participating in settlement conferences/negotiations that resulted in the Stipulation, reviewing the Stipulation language, and in participating in the recent technical hearings to support the adoption of the Stipulation by the Commission.

(D) The costs described in Paragraph (A) above constitute a financial hardship for the Irrigators. The Irrigators currently have approximately \$27,784.81 in the bank with outstanding accounts payable from this case and the pending Rocky Mountain Power general rate case totaling approximately \$46,070.75. This leaves us at a current deficit of approximately \$18,285.94. Participating in the more frequent general rate cases has been taxing on the Irrigators' limited resources.

The Irrigators are an Idaho nonprofit corporation qualified under I.R.C. § 501(c)(5) representing farm interests in electric utility rate matters affecting farmers in southern and central Idaho. The Irrigators rely solely upon dues and contributions voluntarily paid by members, together with intervenor funding, to support activities and participate in rate cases. Each year mailings are sent to approximately 7500 Idaho Irrigators (approximately two-thirds in the Idaho Power Company service area and one-third in the RMP service area), soliciting annual dues. The Irrigators recommend members make voluntary contributions based on acres irrigated or horsepower per pump. Member contributions have been falling which are believed to be attributable to the depressed agricultural economy and increased operating costs and threats, particularly those relating to water right protection issues.

From member contributions the Irrigators must pay all expenses, which generally include mailing expenses, meeting expenses and shared office space in Boise, Idaho, in addition to the expenses relating to participation in rate cases. The Executive Director, Lynn Tominaga, is the only part-time paid employee, receiving a retainer plus expenses for office space, office equipment, and secretarial services. Officers and directors are elected annually and serve without compensation.

It has been and continues to be a financial hardship for the Irrigators to fully participate in all rate matters affecting its members. As a result of financial constraints, participation in past rate cases and in this case has been selective and, primarily, on a limited basis. The Irrigators are also finishing up participating in Rocky Mountain Power's general rate case and will be participating in the technical hearings scheduled for next week. This concurrent participation in the Rock Mountain Power proceedings has added additional financial strain on the organization this year.

(E) The Irrigators' positions urged in the settlement negotiations were similar to Commission Staff proposed adjustments to normalize or increase class revenue for the residential and irrigation class. However, they materially differed in amount in that they sought greater imputation of revenue for these customer classes and a resulting greater reduction in Idaho Power's revenue requirement. As a signatory of the Stipulation, the Irrigators necessarily are aligned with Commission Staff urging the Commission adopt the Stipulation.

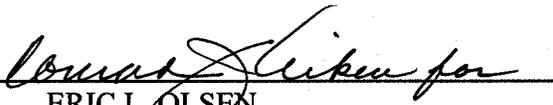
(F) The Irrigators' participation addressed issues of concern to the general body of users or consumers on Idaho Power's system by reducing Idaho Power's alleged revenue requirements. This reduction is embodied in the Stipulation.

(G) The Irrigators represent the irrigation class of customers under Schedule 10.

Based on the foregoing, it is respectfully submitted that the Irrigators are a qualifying intervenor and should be entitled to an award of costs of intervention pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161 through .165 in such amount as determined by the Commission.

DATED this 13th day of December, 2011.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
ERIC L. OLSEN

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this _____ day of December, 2011, I served a true, correct and complete copy of the foregoing document, to each of the following, via the method so indicated:

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
P.O. Box 83720
472 W/ Washington Street
Boise, Idaho 83720-0074
jjewell@puc.state.id.us

_____ U.S. Mail/Postage Prepaid
_____ E-Mail
_____ Facsimile
_____ Overnight Mail
 X Hand Delivered

Lisa D. Nordstrom
Donovan E. Walker
Jason B. Williams
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707-0072
lnordstrom@idahopower.com
dwalker@idahopower.com
jwilliams@idahopower.com

 X U.S. Mail/Postage Prepaid
 X E-Mail
_____ Facsimile
_____ Overnight Mail
_____ Hand Delivered

Greg W. Said
Director State Regulation
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707-0071
gsaid@idahopower.com

 X U.S. Mail/Postage Prepaid
 X E-Mail
_____ Facsimile
_____ Overnight Mail
_____ Hand Delivered

Brad M. Purdy
Attorney at Law
2019 N. 17th Street
Boise, Idaho 83702
bmpurdy@hotmail.com

 X U.S. Mail/Postage Prepaid
 X E-Mail
_____ Facsimile
_____ Overnight Mail
_____ Hand Delivered

Arthur Perry Bruder
Attorney-Advisor
United States Department of Energy
1000 Independence Ave. SW
Washington, DC 20585
Arthur.bruder@hq.doe.gov

 X U.S. Mail/Postage Prepaid
 X E-Mail
_____ Facsimile
_____ Overnight Mail
_____ Hand Delivered

Mr. Dwight Etheridge
Exeter Associates
5565 Sterrett Place, Suite 310
Columbia, MD 21044
detheridge@exeterassociates.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Steven A. Porter
Assistant General Counsel
Electricity and Fossil Energy
United State Department of Energy
steven.porter@hq.doe.gov

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Dr. Don Reading
6070 Hill Road
Boise, Idaho 83703
dreading@mindspring.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Peter J. Richardson
Gregory M. Adams
Richardson & O'Leary, PLLC
515 N 27th Street
P.O. Box 7218
Boise, Idaho 83702
peter@richardsonandoleary.com
greg@richardsonandoleary.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Richard E. Malmgren
Sr. Asst. General Counsel
Micron Technology, Inc.
800 South Federal Way
Boise, Idaho 83716
remalmgren@micron.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Mary V. York
Thorvald A. Nelson
Mark A. Davidson
Holland & Hart, LLP
6800 S. Fiddlers Green Circle, Ste. 500
Greenwood Village, CO 80111
myork@hollandhart.com
tnelson@hollandhart.com
madaidson@hollandhart.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Thorvald A. Nelson
Mark A. Davidson
Fred Schmidt
Holland & Hart, LLP
6380 S. Fiddlers Green Circle, Suite 500
Greenwood Village, CO 80111
tnelson@hollandhart.com
madavidson@hollandhart.com
fschmidt@hollandhart.com
lnbuchanan@hollandhart.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

John R. Hammond, Jr.
Batt Fisher Pusch & Alderman, LLP
U.S. Bank Plaza, 5th Floor
101 S. Capitol Boulevard, Suite 500
P.O. Box 1308
Boise, Idaho 83701
jrh@battfisher.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Kurt J. Boehm
Boehm, Kurtz & Lowery
36 E. Seventh St., Suite 1510
Cincinnati, Ohio 45202
kboehm@bkllawfirm.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Kevin Higgins
Energy Strategies
215 S. State St., Suite 200
Salt Lake City, UT 84111
khiggins@energystrat.com

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Benjamin Otto
Idaho Conservation League
710 N. Sixth Street (83702)
PO Box 844
Boise, Idaho 83701
botto@idahoconservation.org

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Ken Miller
Snake River Alliance
PO Box 1731
Boise, Idaho 83701
kmiller@snakeriveralliance.org

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail
 Hand Delivered

Nancy Hirsh, Policy Director
NW Energy Coalition
811 1st Ave, Suite 305
Seattle, WA 98104

U.S. Mail/Postage Prepaid
 E-Mail
 Facsimile
 Overnight Mail


ERIC L. OLSEN

EXHIBIT A

SUMMARY OF EXPENSES INCURRED BY IRRIGATORS
IN CASE NO. IPC-E-11-08

| | | | |
|----|---------------------------------|---------------------|--------------------|
| 1. | Legal Fees: | | |
| | Eric L. Olsen (Partner): | 39.5 hrs @ \$185.00 | \$ 7,307.50 |
| | Costs: | | |
| | Mileage, Hotel, Meals | | <u>\$ 419.92</u> |
| | Total Work and Costs: | | <u>\$ 7,727.42</u> |
| 2. | Consultant Anthony J. Yankel: | | |
| | 182 hrs @ \$125 per hour | | \$22,750.00 |
| | Expenses: | | |
| | Travel, room and meals | | \$ <u>0.00</u> |
| | Total Work and Costs: | | <u>\$22,750.00</u> |
| | TOTAL FEES AND EXPENSES: | | \$30,477.42 |