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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorney for Idaho Conservation League

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE )	
APPLICATION OF IDAHO POWER )	CASE NO. IPC-E-11-08
COMPANY FOR AUTHORITY TO )	
INCREASE ITS RATES AND CHARGES )	<b>APPLICATION FOR INTERVENOR</b>
FOR ELECTRIC AND SERVICE IN )	<b>FUNDING</b>
IDAHO )	

COMES NOW, the Idaho Conservation League (“ICL”), pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.161–165 with the following application for intervenor funding. On July 12, 2011 in Order No 32288, the Commission granted ICL’s intervenor status.

**I. Idaho Code § 61-617A and IDAPA Rule 31.01.01.161 Requirement**

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

**II. IDAPA Rule 31.01.01.162 Requirements**

**1. Itemized list of Expenses**

Exhibit A is an itemized list of expenses incurred by ICL and or expert witness.

**2. Statement of Proposed Findings**

ICL asks this Commission to approve the stipulated settlement and maintain the current energy efficiency rider level of 4.75%. Also, ICL asks the Commission to grant this request for intervenor funding to support ICL’s efforts in reviewing the case, participating in the settlement negotiations, filing direct and rebuttal testimony, and participating in the technical hearing.

**3. Statement Showing Costs**

This application is to support ICL's efforts in reviewing the case, participating in the settlement negotiations, filing direct and rebuttal testimony, and participating in the technical hearing. While the parties resolved their primary issues in his case, reviewing the filings, discovery, and testimony in order to prepare for and participate in settlement discussions was complex and time consuming. Following the settlement meetings ICL spent additional time drafting and reviewing testimony as well as preparing for the hearing.

ICL requests \$14,218.40 in intervenor funding, as shown in Exhibit A, for the expert witness fees and travel costs for Nancy Hirsh and the Attorneys fees for Benjamin J. Otto. Both the hourly rate and hours expended are reasonable for this complex case involving negotiations, direct and rebuttal testimony and a technical hearing.

#### **4. Explanation of Cost Statement**

ICL is a nonprofit organization supported solely through charitable donations from foundations and our members. In this proceeding, ICL represents its member and supporters who are ratepayers of Idaho Power, as well as those who have an interest in promoting energy efficiency throughout Idaho. To provide consistent, professional, and impactful advocacy ICL employs a full-time, highly trained staff member to focus on energy issues. The cost of employing and training this staff member is a significant financial commitment in a time of difficult fundraising. Because charitable contributions are inherently unstable, the availability of intervenor funding is essential for ICL to participate in these in proceedings.

#### **5. Statement of Difference**

This was a complex case of multifaceted issues. At times ICL agreed with some parties, at times we supported others. Throughout ICL provided an informed and effective voice for energy conservation and the residential class more broadly.

The parties resolved the major issues in this case and entered into a stipulated settlement on September 20, 2011. During the settlement meetings, ICL participated in negotiations about the revenue requirement, cost of service methodology, and related issues. The stipulation both includes and omits terms ICL argued for and against that are distinct from the positions of Staff or other Parties. ICL signed the stipulation and the Testimony of Nancy Hirsh explains why we believe it is in the public interest. However, the stipulation did not resolve two issues that concern ICL, the amount of low income weatherization funding, and the level of the energy efficiency tariff rider.

Unique from the Staff, ICL was the only party to raise Idaho Power's rate design proposals during our meetings. For residential customers, Idaho Power proposed several changes including increasing the fixed charge, changing the time of use rate offerings, and limiting any increase in the highest winter use block. ICL did agree with raising the fixed customer charge by \$1 to recognize Idaho Power's increasing investment in AMI infrastructure. While these did not become contested issues, ICL's informed participation in the proceedings ensured the parties discussed and considered them fully.

ICL's primary difference with Staff is on the level of the energy efficiency rider tariff. Staff proposed reducing the rider to 4.0% to reflect a shift of some energy efficiency costs into base rates. ICL presented testimony and cross-examined witnesses supporting our position to maintaining adequate funding, based on the potential measured in service territory, to ensure Idaho Power will pursue all cost effective energy efficiency.

## **6. Statement of Recommendation**

ICL's positions-reflected by terms both included and excluded from the stipulation-address issues germane to all of Idaho Power's customers. During the settlement meetings, ICL

engaged on a variety of issues including rate of return, cost of service, and revenue requirement. ICL initially was the only party to address rate design issues. After settling most issues, ICL argued to maintain the current funding for energy efficiency.

These issues are important to all utility customers. Revenue, cost of service, rate of return, and rate design are foundational issues for all utility customers. Since every customer pays the energy efficiency riders, the level affects every customer. Likewise, ensuring sufficient funding means that every customer has the opportunity to participate in a company sponsored energy efficiency program. Promoting energy efficiency is good for all customers whether they participate or not since saving energy reduces bills for all.

In the end, ICL joined the other parties, except for CAPAI, in recommending the Commission approve the settlement. ICL took a unique stance that the Commission should also maintain the energy efficiency rider level at 4.75%. ICL is the only party who supported our recommendation with evidence and testimony regarding the potential for energy efficiency investments. Settling the rate case and ensuring sufficient funding for energy efficiency is a recommendation that concerns the general body of utility consumers.

#### **7. Statement Showing Class of Customer**

ICL's has individual member and supporters who are residential customers of Idaho Power in Idaho.

WHEREFORE, ICL respectfully requests the Commission grant this application.

DATED this 13th day of December 2011.

Respectfully submitted,



Benjamin J. Otto  
On behalf of the Idaho Conservation League

**EXHIBIT A**

**Expert Fees and Expenses for Nancy Hirsh – Total: \$1,153.40**

Travel from Seattle to Boise for hearing - \$193.40

24 hours at \$40 per hour - \$960

**Attorney Fees for Benjamin J. Otto – Total: \$13,065**

100.5 Hours at \$130 per hour

7/6/11	Review application and initial testimony	3.5
7/7/11	Review application and initial testimony	2.5
7/8/11	Review application and initial testimony	3.75
7/9/11	Review application and initial testimony	2.75
7/13/11	Protective agreement - review, sign and return	0.75
7/20/11	Scheduling conference	2.5
8/2/11	Review discovery responses	0.75
8/5/11	Review discovery responses	1
8/11/11	Review discovery responses	1.5
8/18/11	Review discovery responses	0.75
8/25/11	Review discovery responses	1.25
8/26/11	Prepare for settlement	2.5
8/29/11	Prepare for settlement	1.5
8/30/11	Prepare for settlement	2.75
8/31/11	Settlement meetings	6
9/5/11	Review settlement issues, prepare for next round	1.25
9/6/11	Conf with N. Hirsh and K. Miller re: settlement	0.5
9/7/11	Draft settlement memo	2.75
9/7/11	Conf with N. Hirsh and K. Miller re: settlement	0.75
9/8/11	Settlement meetings	6
9/9/11	Conf with N. Hirsh and K. Miller re: settlement	0.5
9/19/11	Review settlement offer	0.75
9/19/11	Conf with J. Williams Re: Settlement	0.25
9/19/11	Conf with N. Hirsh and K. Miller re: settlement	0.5
9/19/11	Conf with Staff re: settlement	0.5
9/22/11	Execute settlement and send to IPC	0.5
10/4/11	Draft Hirsh Testimony	6.5
10/5/11	Draft Hirsh Testimony	4.5

10/7/11	Final review of Hirsh testimony	1.5
10/7/11	Prepare and File Direct Testimony of Nancy Hirsh	0.75
10/10/11	Review testimony of other parties, draft memo re: same	2.25
10/21/11	Review IPC discovery request, compile initial response, send to N. Hirsh	1.75
10/24/11	File discovery request for IPC and Staff	1.5
11/14/11	Draft Hirsh Rebuttal	4.5
11/15/11	Review responses from Staff and IPC	1.5
11/15/11	Draft Hirsh Rebuttal	2.5
11/16/11	Final review of Hirsh Rebuttal	1.75
11/16/11	Prepare and File Rebuttal Testimony of Hirsh	0.5
11/18/11	Review rebuttal testimony of D. English, S. Donohue, R. Lobb, K. Higgins. Draft memo re same	2.25
11/30/11	Prepare for hearing	2.5
12/1/11	Prepare for hearing	3.25
12/3/11	Conf with N Hirsh re: hearing	1.25
12/5/11	Hearing	8
12/6/11	Hearing	3.5
12/12/11	Prepare funding application	2.25

## CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2011 I delivered true and correct copies of the foregoing APPLICATION FOR INTERVENOR FUNDING to the following via the method of service noted:

### Hand delivery:

Jean Jewell  
Commission Secretary (Original and seven copies)  
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427 W. Washington St.  
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