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IDAHO PUBLIC
UTILITIES COMMISSION

DONOVAN E. WALKER
Lead Counsel
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October 20, 2011

VIA HAND DELIVERY

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702

Re: Case No. IPC-E-11-16
*IN THE MATTER OF THE APPLICATION OF IDAHO POWER COMPANY
FOR APPROVAL OF ITS ENERGY EFFICIENCY INCENTIVE
AGREEMENT WITH THE IDAHO OFFICE OF ENERGY RESOURCES*

Dear Ms. Jewell:

Enclosed for filing are an original and seven (7) copies of Idaho Power Company's Petition for Clarification and/or Reconsideration of Order No. 32368 in the above matter.

Very truly yours,

Donovan E. Walker

DEW:csb
Enclosures

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Attorneys for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF IDAHO POWER COMPANY FOR)	CASE NO. IPC-E-11-16
APPROVAL OF ITS ENERGY)	
EFFICIENCY INCENTIVE AGREEMENT)	IDAHO POWER COMPANY'S
WITH THE IDAHO OFFICE OF ENERGY)	PETITION FOR CLARIFICATION
RESOURCES.)	AND/OR RECONSIDERATION OF
)	ORDER NO. 32368
)	

Idaho Power Company ("Idaho Power" or "Company"), pursuant to RP 325, RP 331, and Idaho Code § 61-626, hereby respectfully petitions for clarification and/or reconsideration of Order No. 32368, dated September 29, 2011, issued in the above-referenced case. RP 325 provides that any person may petition to clarify any order, and that the Idaho Public Utilities Commission ("Commission") may clarify any order on its own motion. A petition to clarify does not toll the time in which to petition for reconsideration of a final order, but RP 325 states that the two may be combined and stated in the alternative. This Petition for Clarification and/or Reconsideration is based on the following grounds:

I.

THE COMPANY SEEKS CLARIFICATION OF THE COMMISSION'S INTENT WITH REGARD TO WHETHER ANY SPECIFIC PROJECTS UNDER THE OFFICE OF ENERGY RESOURCES' K-12 PROGRAM WHERE PHYSICAL CONSTRUCTION MAY HAVE STARTED PRIOR TO JULY 21, 2011, BUT THAT HAVE NOT YET SUBMITTED PAYMENT APPLICATIONS TO IDAHO POWER FOR ENERGY EFFICIENCY INCENTIVES, SHOULD BE EXCLUDED FROM INCLUSION IN THE AGREEMENT.

Order No. 32368 grants the Company's Application seeking approval of an agreement ("Agreement") with the Idaho Office of Energy Resources ("OER") providing for the qualification of OER's K-12 Energy Efficiency Projects for Idaho Power's energy efficiency incentives and for the re-investment of any incentive funds paid thereto into additional cost-effective energy efficiency measures for Idaho Power customers. The Order states:

IT IS HEREBY ORDERED that the Idaho Power's Application is granted. The Commission approves the Agreement. *As the Agreement was not effective until July 21, 2011, it applies only to the projects implemented on or after that date.* When the Company evaluates whether an OER-funded project qualifies for a DSM program incentive payment, the Company must use the same criteria it would use to evaluate any other entity's project.

Order No. 32368, p. 2 (emphasis added).

Idaho Power understands that OER has initiated several projects where actual construction has begun at various schools that are part of its K-12 program prior to July 21, 2011. OER filed comments in this matter stating that due to time constraints, OER began energy efficiency upgrades at the school buildings this summer, and has remained in close contact with Idaho Power to ensure that program requirements were being met. Idaho Power has not yet received payment applications from, nor paid any incentive monies to, any of the projects pursuant to Idaho Power's energy efficiency

incentive programs. Idaho Power does not understand if Order No. 32368's reference to "implemented" on or after July 21, 2011, is intended to exclude those projects that may have started construction prior to July 21 from inclusion in the Agreement or if the Commission's intent was that only those projects that are completed and submit payment applications on or after July 21 are eligible for inclusion in the terms of the Agreement, whereby qualifying incentive monies will be paid to a dedicated fund and reserved for additional cost-effective energy efficiency measures. Is it the Commission's intent to exclude any K-12 project that has started construction prior to July 21, 2011? Because of the emphasis upon a subsequent prudence determination that was referenced by Commission Staff in its Comments in this matter, ("Staff will increase its scrutiny of these programs. . . ." Staff Comments, p. 3) the Company wants to be sure of the Commission's intent for inclusion or exclusion of projects that have all ready begun prior to paying out any incentive dollars to them if otherwise qualified.

Consequently, the Company respectfully seeks clarification with regard to the Commission's intent regarding whether any particular projects included in OER's K-12 program that may have started construction prior to July 21, 2011, are included within the approved Agreement, or if Idaho Power should exclude those projects from qualification for energy efficiency incentives.

II.

CONCLUSION

Idaho Power respectfully requests that the Commission clarify and/or reconsider that portion of Order No. 32368 set forth above. The Company respectfully requests clarification of the Commission's definition of "implemented" on or after the date of the

signed Agreement regarding whether any of OER's K-12 projects where construction started prior to July 21, 2011, should be excluded from qualification for energy efficiency incentives and inclusion in the approved Agreement.

Respectfully submitted at Boise, Idaho, this 20th day of October 2011.

A handwritten signature in black ink, appearing to read "Don Walker", written over a horizontal line.

DONOVAN E. WALKER
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October 2011 I served a true and correct copy of IDAHO POWER COMPANY'S PETITION FOR CLARIFICATION AND/OR RECONSIDERATION OF ORDER NO. 32368 upon the following named parties by the method indicated below, and addressed to the following:

Commission Staff

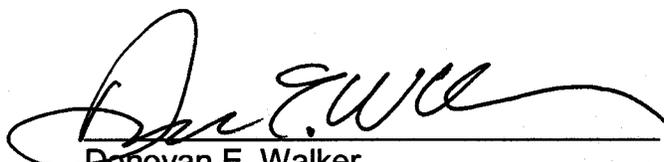
Karl T. Klein
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