# 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 WITH THE	)	
IDAHO OFFICE OF ENERGY RESOURCES	)	<b>ORDER NO. 32397</b>
	_ )	

On September 29, 2011, the Commission issued an Order approving Idaho Power Company's Energy Efficiency Incentive Agreement with the Idaho Office of Energy Resources ("OER"). On October 20, 2011, Idaho Power filed a Petition for Clarification and/or Reconsideration of Order No. 32368, which asks that the Commission clarify what the term "implemented" means as used in the Order. The Commission has reviewed the Company's Petition and clarifies Order No. 32368 as set forth below.

## **ORDER NO. 32368**

On August 10, 2011, Idaho Power asked the Commission to approve the Company's July 21, 2011, Energy Efficiency Incentive Agreement with the OER. Under the Agreement OER will seek to qualify its federal stimulus-funded K-12 public school retrofit projects for Idaho Power's energy efficiency incentive programs. If a project qualifies, Idaho Power will deposit a corresponding energy efficiency incentive payment into a dedicated fund for use on other projects. The parties believe their arrangement will maximize dollars available for public school, energy efficiency projects.

On September 29, 2011, the Commission issued an Order approving the Agreement as follows:

The Commission approves the Agreement. As the Agreement was not effective until July 21, 2011, it applies only to 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 at 2.

## THE PETITION AND CORRESPONDING COMMENTS

Idaho Power's Petition states 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 1, 2011." The Company says it:

does not understand if Order No. 32368's reference to "implemented" on or after July 21, 2011, is intended to exclude those [OER-funded] projects that ... 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....

#### Petition at 3.

After Idaho Power filed its Petition, OER commented that OER understands "implemented to mean when the K-12 energy efficiency project retrofits are completed and final documentation is submitted to the Idaho Power Company for reimbursement per their program specifications." See October 26, 2011 Comment from OER. No other comments were received regarding the Petition.

# **FINDINGS**

Idaho Power's Petition asks the Commission to clarify and/or reconsider Order No. 32368. *See* RP 325. After reviewing the Petition, the comments, and the record, the Commission clarifies that the term "implemented" in Order No. 32368 means exactly what OER understands it to mean. As clarified, the pertinent paragraph in Order No. 32368 reads:

The Commission approves the Agreement. As the Agreement was not effective until July 21, 2011, it applies only to projects implemented (i.e., only to those K-12 energy efficiency projects on which retrofits were completed and final documentation was submitted to Idaho Power for reimbursement per the Company's program specifications) 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

IT IS HEREBY ORDERED that Idaho Power's Petition is granted. Order No. 32368 is clarified as set forth above.

THIS IS A FINAL ORDER ON RECONSIDERATION/CLARIFICATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this case may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See *Idaho Code* § 61-627.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this  $\mathcal{S}^{\prime\prime}$  day of November 2011.

PAUL KJELLANDER, PRESIDENT

MACK A. REDFORD, COMMISSIONER

MARSHA H. SMITH, COMMISSIONER

ATTEST:

Jean D. Jewel

Commission Secretary

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