

Peter J. Richardson ISB # 3195
Greg Adams ISB # 7454
RICHARDSON & O'LEARY PLLC
515 N. 27th Street
Boise, Idaho 83702
Telephone: (208) 938-7901
Fax: (208) 938-7904
peter@richardsonandoleary.com

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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for the Industrial Customers of Idaho Power

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER IDAHO POWER)	CASE NO. IPC-E-13-04
COMPANY'S APPLICATION FOR)	
APPROVAL OF ITS AGREEMENT WITH)	PETITION OF THE INDUSTRIAL
ENERNOC TO IMPLEMENT AND)	CUSTOMERS OF IDAHO POWER
OPERATE A VOLUNTARY)	FOR ADDITIONAL TIME IN WHICH
COMMERCIAL DEMAND RESPONSE)	TO FILE COMMENTS
PROGRAM)	

Pursuant to Rule 053 of the Rules of Procedure of the Idaho Public Utilities Commission
(the "Commission"), the Industrial Customers of Idaho Power ("ICIP") by and through their attorney of record, Peter J. Richardson, hereby requests that the Commission modify the schedule in this docket in order to allow the ICIP sufficient time to resolve its dispute with Idaho Power Company ("Company") over access to certain documents critical to the ICIP's ability to file meaningful comments.

On March 19, 2013 the ICIP petitioned to intervene in this docket and requested it be provided a copy of the Commission's standard protective agreement in order for it to have full access to the Company's application and supporting documentation. Idaho Power provided the protective agreement to the ICIP on March 21. The ICIP's counsel, expert witness and support staff have all now executed the protective agreement which is being lodged with the Parties contemporaneously with this Motion. Thus under "normal" Commission procedure, the ICIP

would have become a party to the case seven days after its Petition to Intervene was lodged and would therefore normally have had access to the entire filing. Under those circumstances the ICIP would have sufficient time to review the Company's filing and lodge meaningful comments.

Unfortunately, one day after it provided the ICIP with the Commission's standard protective agreement, the Company informed the Commission's Secretary that the ICIP is not to be provided access to the entire file. See attached Exhibit A to this Motion. Also contemporaneously with this Motion the ICIP is serving its first production requests on the Company. Responses to discovery may take as many as 21 days. Discovery is necessary to ascertain the underlying facts and fully evaluate the impact of the Company's proposal. Assuming there is no delay due to the necessity of having to file a motion to compel a response, the ICIP respectfully requests a delay in the comment deadline in this matter until one week after discovery responses have been received.

The ICIP see no reason how such a short delay could prejudice Idaho Power or the Commission Staff. In addition, the duration of the delay will be under the timing and control of the Company should the Commission tie the comment deadline to the date seven days after discovery is received.

Therefore the Industrial Customers of Idaho Power respectfully request the Commission its Petition in this matter as described above.

DATED this 25th day of March, 2013.

RICHARDSON & O'LEARY PLLC

By: 

Peter J. Richardson, ISB #3195
Attorneys THE INDUSTRIAL
CUSTOMERS OF IDAHO POWER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of March, 2013, a true and correct copy of the within and foregoing **PETITION OF THE INDUSTRIAL CUSTOMERS OF IDAHO POWER** was served in the manner shown to:

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington (83702)
PO Box 83720
Boise, ID 83720-0074

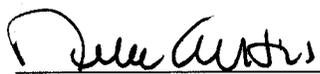
Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Lisa Nordstrom
Idaho Power Company
PO Box 70
Boise, Idaho 83707-0070
lnordstrom@idahopower.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Weldon Stutzman
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702
Weldon.stutzman@idaho.puc.gov

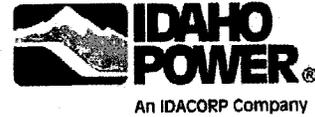
Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail



Nina Curtis
Administrative Assistant

EXHIBIT A

EXHIBIT A – PETITION FOR ADDITIONAL TIME
OF INDUSTRIAL CUSTOMERS OF IDAHO POWER



LISA D. NORDSTROM
Lead Counsel
lnordstrom@idahopower.com

March 21, 2013

VIA HAND DELIVERY

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

Re: Case Nos. IPC-E-09-02 and IPC-E-13-04
EnerNOC, Inc., Contract – Access to Confidential Information in Above
Cases

Dear Ms. Jewell:

On March 7, 2013, Idaho Power Company (“Idaho Power” or “Company”) filed a Petition for approval of a second amendment to its agreement with EnerNOC, Inc. (“EnerNOC”) (the “Agreement”) to operate the FlexPeak demand response program for commercial and industrial customers. By letter dated March 19, 2013, Idaho Power was advised by Mr. Richardson, counsel for the Industrial Customers of Idaho Power (“ICIP”), that he wishes to execute the Idaho Public Utilities Commission’s (“Commission”) standard protective agreement and have access to the entire file for purposes of preparing ICIP’s comments. Today, Idaho Power sent Mr. Richardson the appropriate protective agreement and Exhibit A for signature. By doing so, ICIP can request a confidential explanation of the second amendment to the Agreement as described in paragraph 12 of the Company’s Petition in Case No. IPC-E-13-04.

Although full access to the Commission file is appropriate in most instances, Idaho Power does not believe it is appropriate in instances where parties with a financial interest can benefit at the expense of other customers. Disclosure of the contract with the demand- aggregator for the FlexPeak program may give ICIP’s members, several of whom are FlexPeak participants, an undue advantage over other participants in negotiating with EnerNOC, thus decreasing the margins and damaging the aggregator business model that support the effectiveness of the FlexPeak program. Furthermore, the contract between Idaho Power and EnerNOC contains business model and pricing information that EnerNOC considers to be proprietary and a trade secret. Release of the contract to potential participants will negatively affect future contract negotiations with EnerNOC and other third-party providers.

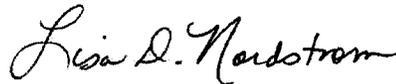
1221 W. Idaho St. (83702)
P.O. Box 70
Boise, ID 83707

Jean D. Jewell
March 21, 2013
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Idaho Power has attempted to address ICIP's need for information about the Agreement and its amendments by offering a confidential explanation that provides greater detail than that found in the Petition without disclosing the financial details that could negatively affect program nominations. Idaho Power does not believe that access to the financial information in the Agreement and two amendments is necessary for ICIP to comment on the merits of the pending Petition.

If you or your counsel would like to discuss this matter further, please feel free to contact me.

Sincerely,



Lisa D. Nordstrom

LDN:csb

cc: Weldon Stutzman, Commission (via e-mail)
Peter Richardson, ICIP (via e-mail)
Brad Davids, EnerNOC, Inc. (via e-mail)