

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER COMPANY'S APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE INVESTMENT IN SELECTIVE CATALYTIC REDUCTION CONTROLS ON JIM BRIDGER UNITS 3 AND 4.)))))))	CASE NO. IPC-E-13-16 ORDER NO. 32956
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On June 28, 2013, Idaho Power Company filed an Application with the Commission for a Certificate of Public Convenience and Necessity (CPCN) pursuant to *Idaho Code* §§ 61-526 through 528 and 61-541. The Company requested authorization of its investment in Selective Catalytic Reduction (SCR) controls in Jim Bridger Units 3 and 4 and inclusion of the investment in Idaho Power's rate base once the SCR controls are installed and operational.

The Idaho Conservation League (ICL), Industrial Customers of Idaho Power (ICIP, Industrial Customers) and Snake River Alliance (SRA, Alliance) petitioned for, and were granted, intervention. Testimony was filed and a technical hearing was conducted on November 7, 2013. Legal briefs were submitted by the parties on November 15 and a public hearing was held on November 25, 2013. On December 2, 2013, the Commission issued Order No. 32929 granting in part and denying in part the Application of Idaho Power for a Certificate of Convenience and Necessity regarding its investment in Selective Catalytic Reduction (SCR) controls in Jim Bridger Units 3 and 4.

On November 26, 2013, Snake River Alliance petitioned for intervenor funding in the amount of \$16,451.30. By this Order, we grant SRA's request for intervenor funding.

THE PETITION

Intervenor funding is available pursuant to *Idaho Code* § 61-617(A) and Commission Rules of Procedure 161 through 165. Section 61-617(A)(1) declares that it is "the policy of [Idaho] to encourage participation at all stages of all proceedings before this commission so that all affected customers receive full and fair representation in those proceedings." The statutory cap for intervenor funding that can be awarded in any one case is \$40,000. *Idaho Code* § 61-617A(2). Accordingly, the Commission may order any regulated utility with intrastate annual revenues exceeding \$3.5 million to pay all or a portion of the costs of one or more parties for

legal fees, witness fees and reproduction costs not to exceed a total for all intervening parties combined of \$40,000.

Rule 162 of the Commission's Rules of Procedure provides the form and content requirements for a petition for intervenor funding. The petition must contain: (1) an itemized list of expenses broken down into categories; (2) a statement of the intervenor's proposed finding or recommendation; (3) a statement showing that the costs the intervenor wishes to recover are reasonable; (4) a statement explaining why the costs constitute a significant financial hardship for the intervenor; (5) a statement showing how the intervenor's proposed finding or recommendation differed materially from the testimony and exhibits of the Commission Staff; (6) a statement showing how the intervenor's recommendation or position addressed issues of concern to the general body of utility users or customers; and (7) a statement showing the class of customer on whose behalf the intervenor appeared.

Snake River Alliance (SRA, Alliance) is a not-for-profit Idaho corporation that promotes the use of clean energy resources. SRA supports energy efficiency and other demand-side resources as well as renewable energy development while also working to reduce utility reliance on traditional fossil fuel supply-side resources. The Alliance provided an itemized list of expenses totaling \$16,451.30. The Alliance is not seeking intervenor funding for the time expended by its witness, Ken Miller.

In its Petition, SRA states that, through written testimony, cross-examination and post-hearing briefing, it contributed a perspective to this case that would not otherwise have been presented. SRA explains that its view differed from Commission Staff in that SRA opposed both the request for a CPCN and binding ratemaking treatment under *Idaho Code* § 61-541. The Alliance maintains that it presented detailed factual, policy and legal arguments in support of its position.

SRA states that its source of income is derived through grants from foundations interested in environmental issues, dues from members and contributions from the public. The Alliance asserts that its participation in this case was not included as part of its 2013 budget. However, the Alliance felt its participation was essential to represent the interests of its members and the overall public interest in clean energy. Petition, Affidavit of Liz Woodruff at 2. SRA states that absorbing the legal fees associated with its representation in this case would result in an enormous financial hardship.

SRA maintains that its position addressed issues of concern to the general body of utility users and customers because Idaho Power's continued reliance on coal-fired generation poses significant economic and environmental risks to customers and residents. The Alliance states that, although the members of its organization are primarily residential customers, the Alliance's advocacy benefited all customers of Idaho Power. SRA's attorney voluntarily agreed to reduce his hourly rate for legal services from \$250 to \$200 per hour based on SRA's limited financial resources and the public interest nature of his representation in this case. SRA asserts that \$200 per hour is reasonable based on the knowledge and experience of its legal counsel.

FINDINGS AND CONCLUSIONS

The Commission has reviewed the Petition for Intervenor Funding filed by Snake River Alliance. We find that SRA contributed to discussions, debate, testimony and legal analysis through briefing. The Alliance presented important perspectives that materially contributed to the Commission's decision-making in this case. Specifically, SRA presented testimony and cross-examination regarding the uncertain regulatory climate that prompted meaningful discussion regarding the unknown future costs of maintaining coal-fired generation.

The Commission finds that SRA's participation contributed to our deliberations in this matter and presented positions different from that of Staff and utility witnesses. We further find that \$16,451.30 is a reasonable amount in costs and fees based on SRA's level of participation at all phases of this proceeding and that these costs would otherwise amount to a financial hardship for the organization. Therefore, we find that it is just and reasonable to grant SRA intervenor funding in the amount of \$16,451.30. Pursuant to *Idaho Code* § 61-617A(3), the amount awarded to SRA shall be recovered from all of Idaho Power's customers.

ORDER

IT IS HEREBY ORDERED that Snake River Alliance's request for intervenor funding in the amount of \$16,451.30 is granted. Idaho Power is directed to remit this amount to SRA within 28 days from the date of this Order and as more specifically described herein. IDAPA 31.01.01.165.02.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 23rd
day of December 2013.



PAUL KJELLANDER, PRESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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