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Chas. F. McDevitt
Dean J. (Joe) Miller

420 West Bannock Street
P.O. Box 2564-83701
Boise, Idaho 83702

(208) 343-7500
(208) 336-6912 (Fax)

May 19, 2014

Via Hand Delivery & Electronic Transmission

The Honorable Paul Kjellander
The Honorable Marsha Smith
The Honorable Mack Redford
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702

Re: Idaho Power Company Petition to Suspend, Case No. IPC-E-14-09.

Dear Commissioners:

I am writing on behalf of the Idaho Clean Energy Association, Inc., (ICEA) regarding Item No. 5, on today's Decision Agenda, *Idaho Power Company Petition to Suspend Solar PURPA Obligation*. As you recall from the recent Net Metering case¹, in which ICEA participated as an Intervenor, ICEA is an incorporated association of business and individuals interested in promoting the development of clean, renewable energy in Idaho.

As with the Net Metering case, Idaho Power Company did not confer with any ICEA member or representative prior to filing the present Petition for a Stay of its PURPA obligation. ICEA learned of the Petition only through periodic monitoring of the Commission website. Consequently, we have not had an opportunity for in-depth study of the Petition and accompanying testimony. And, as with the Net Metering case, ICEA is concerned that the unannounced filing of petitions that seek to suspend or upset the prevailing regulatory framework has a destabilizing effect on the renewable energy industry.

Based on preliminary review of the Petition, ICEA intends to seek intervention in the proceeding and to oppose the Petition.

The Petition in its Prayer for Relief,² asks for the issuance of an immediate order temporarily suspending Idaho Power's obligation under PURPA. If by this Idaho Power is requesting the issuance of an order without further notice and opportunity to comment, ICEA objects. In ICEA's opinion, the Petition and accompanying testimony do not establish the existence of imminent irreparable injury that would justify such an extraordinary remedy.

¹ IPC-E-12.27

² Petition Pg. 17

As recited in the Petition,³ Idaho Power does not currently have any solar PURPA contracts. The Petition also recites that two previous solar contracts were terminated, demonstrating that even if a developer obtains a firm energy sales agreement there is no assurance the project will achieve commercial operation. And, as shown by the attached Idaho Power publication, solar generation accounts for .01 percent of Idaho Power's current Resource Portfolio Fuel Mix. Idaho Power's doomsday worries are overblown and do not justify an immediate stay.

There is also substantial legal doubt regarding the Commission's authority to stay PURPA obligations. In previous cases, the Commission has been able to avoid the legal question by reducing the eligibility cap for published rates.⁴ Here, that option is not available to the Commission as avoided cost rates for solar QF's above 100 kilowatts are determined by the incremental cost IRP methodology.⁵

Accordingly, the Commission should not act precipitously. Rather, the Commission should follow its normal process of issuing a Notice of the Petition, establishing an intervention deadline and thereafter set a procedural schedule that will permit a reasoned consideration of issues presented by the Petition.

Very truly yours,

McDEVITT & MILLER LLP



Dean J. Miller

DJM/hh

Cc: by electronic mail:
Jean Jewell, Commission Secretary
Kris Sasser, Deputy Attorney General
Donovan Walker, Idaho Power Company
Peter Richardson
Idaho Clean Energy Association

³ Petition Pg. 6

⁴ Order No. 32498, Case No. GNR-E-11-3.

⁵ Petition Pg. 5.



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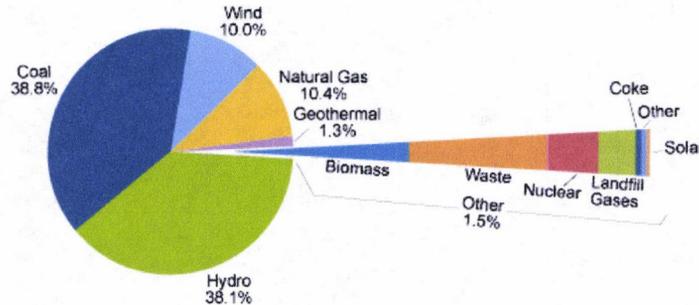
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Resource Portfolio Fuel Mix – 2013

Idaho Power obtains energy from a diverse set of generation resources, long-term power purchase agreements, and short-term market purchases. The estimated fuel mix for Idaho Power's resource portfolio¹ in 2013 is shown below².

Fuel	Percentage
Coal	38.8%
Hydroelectric	38.1%
Natural Gas	10.4%
Wind	10.0%
Geothermal	1.3%
Biomass	0.6%
Waste ³	0.5%
Nuclear	0.2%
Landfill Gases	0.1%
Coke	0.02%
Other	0.02%
Solar	0.01%
Total	100%



Does not total exactly 100% due to rounding.

¹ Long-term power purchases with a known fuel source have been identified by fuel type, market purchases have been assigned the Northwest Power Pool Net System Mix for 2012 as summarized in the [State of Washington Department of Commerce Fuel Mix Disclosure](#) - see Annual Reports/2012 data, page 3.

² This is an estimate of the fuel mix of Idaho Power's portfolio of generation supply, including market purchases. Fuel mix percentages may not total 100 percent due to rounding. Because Idaho Power intends to sell the Renewable Energy Certificates (RECs) that it owns in the near-term with proceeds benefiting retail customers, and since Idaho Power does not own the RECs for the other qualified renewable resources represented in the above Resource Portfolio Fuel Mix table and chart, Idaho Power cannot and does not represent that electricity produced by this fuel mix is being delivered to its retail customers in 2012. For more information on the energy delivered to our retail customers see [Electricity Delivered to Customers](#).

³ Combination of industrial waste and other forms of waste.

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Learn more about our:

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