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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER COMPANY'S PETITION TO MODIFY TERMS AND CONDITIONS OF PURPA PURCHASE AGREEMENTS	CASE NO. IPC-E-15-01
IN THE MATTER OF AVISTA CORPORATION'S PETITION TO MODIFY TERMS AND CONDITIONS OF PURPA PURCHASE AGREEMENTS	CASE NO. AVU-E-15-01
IN THE MATTER OF ROCKY MOUNTAIN POWER COMPANY'S PETITION TO MODIFY TERMS AND CONDITIONS OF PURPA PURCHASE AGREEMENTS	CASE NO. PAC-E-15-03 JOINT UTILITIES' OBJECTION TO ECOPLEXUS, INC.'S MOTION TO LATE FILE THE DIRECT PREFILED TESTIMONY OF ERIK A. STUEBE

COME NOW, Idaho Power Company ("Idaho Power"), Rocky Mountain Power Company ("Rocky Mountain Power"), and Avista Corporation ("Avista") (collectively "Joint Utilities"), pursuant to Idaho Public Utilities Commission ("Commission") Rules of Procedure 57, 73, and 75, and hereby object to Ecoplexus, Inc.'s ("Ecoplexus") Motion to Late File the Direct Prefiled Testimony of Erik A. Stuebe ("Motion to Late File") filed on May 18, 2015. The basis for the Joint Utilities' objection is as follows:

I. BACKGROUND

Idaho Power filed its Petition, as well as the accompanying direct testimony of two witnesses, Lisa Grow and Randy Allphin, on January 30, 2015. On February 6, 2015, the Commission issued Order No. 33222, Notice of Petition and Notice of Intervention Deadline. This Order set an intervention deadline of February 20, 2015. On February 27, 2015, Avista filed its Petition and accompanying direct testimony of Clint Kalich. On March 2, 2015, Rocky Mountain Power filed its Petition and accompanying direct testimony of Paul Clements and Brian Dickman. On March 13, 2015, the Commission issued Order No. 33250, by which it consolidated the petitions of Rocky Mountain Power and Avista with Idaho Power's Case No. IPC-E-15-01. This Order also directed that all parties granted intervenor status in Idaho Power's case would be designated as parties in Rocky Mountain Power's and Avista's cases, and that any other persons desiring to intervene in the Rocky Mountain Power and Avista matters should file petitions to intervene no later than March 27, 2015.

On March 18, 2015, the Commission issued Order No. 33253, by which it granted clarification of its previously directed interim relief, adopted a procedural schedule for the filing of direct and rebuttal testimony, and scheduled the technical hearing for this proceeding. The Commission ordered that Commission Staff ("Staff")

and Intervenors file direct testimony no later than April 23, 2015, and that Staff and Intervenors file rebuttal testimony no later than May 14, 2015. The utilities were directed to file rebuttal testimony no later than June 11, 2015. The Commission scheduled the technical hearing in this matter for June 29, June 30, and July 1, 2015.

Ecoplexus submitted its untimely Petition to Intervene on May 12, 2015, well after the February 20, 2015, deadline for intervention in Idaho Power's Case No. IPC-E-15-01, and well after the March 27, 2015, deadline for intervention in Rocky Mountain Power's and Avista's cases.[1] In addition, six days later on May 18, 2015, Ecoplexus filed its Motion to Late File the Direct Prefiled Testimony of its witness. Ecoplexus alleged in both its Petition to Intervene and its Motion to Late File, that its participation "will not broaden the issues, delay the proceedings or result in prejudice to any party." Petition and Motion at 2.

II. ARGUMENT

On May 21, 2015, Staff filed its Answer Objecting to Ecoplexus's Motion to Late File Direct Testimony. In the interest of expediency and to spare the Commission a repetitive recitation of the Joint Utilities' grounds for also objecting to Ecoplexus's Motion to Late File, the Joint Utilities hereby join in Staff's Answer Objecting to Ecoplexus's Motion to Late File Direct Testimony, and incorporate the same herein by this reference.

The Joint Utilities object to Ecoplexus's Motion to Late File for failure to state good cause for its untimely filing, disruption of the proceedings, prejudice to existing parties, and unduly broadening of the issues in the case. Ecoplexus should be limited at this late stage in the proceedings to participating as an interested person and public

[1] Idaho Power filed an Objection and Motion in Opposition to Ecoplexus, Inc.'s Petition to Intervene on May 19, 2015. Rocky Mountain Power filed an Objection and Motion in Opposition to Ecoplexus, Inc.'s Petition to Intervene on May 21, 2015.

witness as defined by RP 39 and RP 76, whereby it is without a party's rights of direct testimony and cross-examination.

Ecoplexus's only explanation for its late filings is that it "was not aware of this proceeding until recently" and "only recently learned of this open proceeding and its right to provide testimony and participate." Petition at 2; Motion at 1. As demonstrated in Idaho Power's Objection to the Petition to Intervene, and Ecoplexus's subsequent Errata, this clearly is not the case as Ecoplexus was specifically and expressly informed of this proceeding in writing on February 2, 2015. As pointed out by Staff, contrary to Ecoplexus's assertions, allowing the introduction of the proposed testimony of its witness will broaden the issues. The proposed testimony introduces several new issues. Ecoplexus's significant delay in filing will disrupt the proceedings, prejudice existing parties, and unduly broaden the issues in the case.

III. CONCLUSION

Because Ecoplexus has not shown good cause or a substantial reason for the untimely filing of its requests, and because granting the requests at this late date would create disruption, prejudice, and unduly expand the issues, the Joint Utilities respectfully request that the Commission deny the Motion to Late File.

Respectfully submitted this 26th day of May 2015.

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MICHAEL G. ANDREA
Attorney for Avista Corporation

YVONNE R. HOGLE
Attorney for Rocky Mountain Power

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of May 2015 I served a true and correct copy of the JOINT UTILITIES' OBJECTION TO ECOPLEXUS, INC.'S MOTION TO LATE FILE THE DIRECT PREFILED TESTIMONY OF ERIK A. STUEBE upon the following named parties by the method indicated below, and addressed to the following:

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