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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 PROSPECTIVE PURPA ENERGY SALES AGREEMENTS	)	**Case No. IPC-E-15-01**
	)	**RESPONSE TO OPPOSITION TO PETITION TO INTERVENE AND MOTION TO LATE FILE THE PREFILED DIRECT TESTIMONY OF ERIK A. STUEBE**

COMES NOW Ecoplexus, Inc., a Delaware corporation ("Ecoplexus") and files this Response to: 1) Idaho Power Company's Objection and Motion in Opposition to Ecoplexus, Inc.'s Petition to Intervene; 2) Rocky Mountain Power's Objection and Motion in Opposition to Ecoplexus's Petition to Intervene; and 3) Staff's Answer and Objection to Ecoplexus's Motion to Late File Direct Testimony.

RESPONSE

1. Petition to Intervene

In good faith, Ecoplexus believed that the utilities in this case had not informed it

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about these proceedings until recently. Later, Ecoplexus realized that it had received written communication from Idaho Power Company that stated the utility had filed a petition in regard to PURPA contracts. This was an innocent oversight by Ecoplexus that it has acknowledged.

Regardless of Idaho Power Company's notification, Ecoplexus did not receive word that Rocky Mountain Power would also be participating in this docket until May of 2015. It is Rocky Mountain Power's participation in this docket that primarily led to Ecoplexus's interest in intervention in this case, due to Ecoplexus's proposed qualifying facility ("QF") projects in Rocky Mountain Power's service territory.

Notwithstanding issues of timeliness, Ecoplexus undeniably has substantial interest in the outcome of this case due to the proposed solar QF projects that it has in Rocky Mountain Power's service territory. Denial of the ability to participate in this case would be extremely prejudicial to Ecoplexus's interests.

2. **Motion to Late File Testimony and Content of Testimony of Erik A. Stuebe.**

In seeking to participate in this case, Ecoplexus is not trying to unduly broaden the issues in this proceeding. Rather, in attempting to discuss legally enforceable obligations and grandfathering, Ecoplexus believes it is positing questions that are common to proceedings of this subject matter. However, to the extent the Commission finds that these matters unduly broaden this proceeding, it has the discretion pursuant to Idaho Commission Rule of Procedure 74 to limit the consideration of these matters in this case. More specifically, rather than denying Ecoplexus's Motion and striking Mr. Stuebe's entire prefiled direct testimony, the Commission could simply strike any specific testimony that it believes is beyond the scope of these proceedings, leaving the remainder to become a part of the record in this case.

Second, pursuant to Idaho Commission Rule of Procedure 74, the Commission could also grant Ecoplexus's Petition to Intervene and Motion subject to "reasonable conditions." In order to address concerns raised by Idaho Power Company, Rocky Mountain Power and the Commission Staff, the Commission could condition the granting of the relief sought in Ecoplexus's Petition and Motion upon: 1) Ecoplexus being required to answer any discovery requests propounded upon it by a party within shortened period of time; and 2) the right of any party, including the Commission Staff, to have the opportunity to file rebuttal testimony in response to the Prefiled Direct Testimony of Erik A. Stuebe.

3. Limited Record Concerning Proposed Projects in Rocky Mountain Power's Service Territory.

One significant reason for the Commission to grant Ecoplexus's Petition and Motion is that currently this consolidated docket has very limited initial or rebuttal testimony concerning proposed QF projects within Rocky Mountain Power's service territory. Ecoplexus asserts that each utility's situation in relation to proposed QF projects and their effect upon each utility's operations and ratepayers is different. Ecoplexus believes that it would be the only party, if allowed to intervene, to have proposed solar QF projects in Rocky Mountain Power's service territory. Accordingly, Ecoplexus is uniquely positioned to address whether Rocky Mountain Power should be entitled to the same relief which Idaho Power Company has requested in its petition in this case.

In addition, Ecoplexus is a party in ongoing litigation before the Public Service Commission of the State of Utah in Docket No. 14-035-140 and part of the stakeholder group who had informal discussions on capacity payments and the Utah pricing queue. Through participation in the Utah case and review of this proceeding, it is clear that there remain major

flaws in Rocky Mountain Power's pricing queue structure and management: flaws that greatly distort avoided cost calculations and overstate potential QF capacity. These same flaws exist in the state of Idaho. Further, in Idaho, like in Utah, to enter Rocky Mountain Power's queue there is no requirement to show site control, apply for the physical interconnection queue and pay fees, or apply for transmission service rights. As such, there are many projects that are completely unrealistic but remain a part of Rocky Mountain Power's pricing queue. As a result, Rocky Mountain Power benefits from this as every extra 100 MWs of "virtual QF projects" further push out future resource displacement value and capacity needs in the avoided cost calculations. The end result is an extremely inaccurate and misrepresented picture of the actual conditions existing in Rocky Mountain Power's service territory in Utah and Idaho.

Ecoplexus asserts that its participation in this case would be beneficial to this proceeding as it has direct experience with Rocky Mountain Power, its QF application process and program in Idaho. Allowing Ecoplexus to fully participate as a party in this case will assist the Commission in reaching a more fully informed decision in this proceeding.

CONCLUSION

Ecoplexus strongly believes energy and capacity pricing structures are best to deal with capacity concerns for each utility rather than arbitrarily reducing the contract length for QF projects. Ecoplexus appreciates Idaho Power Company's concerns as raised in its petition and welcomes constructive solutions that allow viable projects to be built and others to be removed from the queue. A measured and balanced solution employing a variety of tools will benefit all parties in this proceeding. Adopting the utilities' contract length reduction proposal would end all QF development in Idaho as many have testified and eliminate the benefit that good solar QF

projects can bring to the state of Idaho. Ecoplexus's participation in this docket as a party can assist the Commission in determining which factors, tools and processes can be employed to address the concerns of all the parties in this proceeding. Further, Ecoplexus's participation in this case can also assist the Commission in determining whether the relief requested by Idaho Power Company should be applied to Rocky Mountain Power or whether the Commission should tailor its decision to the particular facts and circumstances existing in each utility's service territory.

Based on the foregoing, Ecoplexus respectfully requests that it be allowed to intervene in this case and to prefile the direct testimony of Erik A. Stuebe subject to reasonable terms and conditions as imposed by the Commission.

DATED this 26 day of May 2015

John R. Hammond Jr.
Attorney for Ecoplexus, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of May, 2015, I served a true and correct copy of the foregoing by delivering the same to each of the following individuals by electronic mail, addressed as follows:

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