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 IDAHO PUBLIC
 UTILITIES COMMISSION

Attorney for Rocky Mountain Power

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE
 APPLICATION OF ROCKY MOUNTAIN
 POWER FOR MODIFICATION OF
 TERMS AND CONDITIONS OF PURPA
 PURCHASE AGREEMENTS AND FOR
 MODIFICATION OF ITS AVOIDED
 COST METHODOLOGY**

**CASE NO. PAC-E-15-03
 IPC-E-15-01
 AVU-E-15-01**

**IN THE MATTER OF IDAHO POWER
 COMPANY’S PETITION TO MODIFY
 TERMS AND CONDITIONS OF
 PROSPECTIVE PURPA ENERGY SALES
 AGREEMENTS**

**ROCKY MOUNTAIN POWER’S
 OBJECTION AND MOTION IN
 OPPOSITION TO ECOPLEXUS INC.’S
 PETITION TO INTERVENE**

**IN THE MATTER OF AVISTA
 CORPORATION’S PETITION TO
 MODIFY TERMS AND CONDITIONS OF
 PROSPECTIVE PURPA AGREEMENTS**

COMES NOW, Rocky Mountain Power (“Rocky Mountain Power” or “Company”), pursuant to Idaho Public Utilities Commission Rules of Procedure 73 and 75, and supports and joins Idaho Power Company’s Objection and Motion in Opposition (“Idaho Power Motion”) to Ecoplexus, Inc.’s (“Ecoplexus”) Petition to Intervene (“Intervention Petition”), based on the following:

PROCEDURAL HISTORY

Rocky Mountain Power filed a Petition and the supporting testimony of two witnesses, Paul Clements and Brian Dickman, with the Commission March 2, 2015 requesting certain modifications to the terms and conditions of its power purchase agreements.

On March 13, 2015, the Commission issued Order No. 33250, by which it consolidated the Company's and Avista Corporation's ("Avista") petitions with Idaho Power's Case No. IPC-E-15-01, which was open pursuant to Idaho Power Company's Petition requesting similar modifications to its own terms and conditions within its power purchase agreements. 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 party desiring to intervene in the Rocky Mountain Power or Avista cases should file petitions to intervene no later than March 27, 2015.

On March 18, 2015, the Commission issued Order No. 33253 to, among other things; adopt a procedural schedule in the combined cases. The Commission ordered deadlines in the case as follow: Staff and Intervenor direct testimony – April 23, 2015; Staff and Intervenor rebuttal testimony – May 14, 2015; utilities rebuttal testimony – June 11, 2015; technical hearing – June 29 -30, 2015, and July 1, 2015. On May 7, 2015, the Commission issued a Notice of Public Customer Hearings for this case, scheduling two public customer hearings as follow: in-person hearing – June 24, 2015; telephonic hearing – June 30, 2015.

On May 12, 2015, Ecoplexus submitted its Intervention Petition, approximately 1.5 months from the March 27, 2015 intervention deadline established in the Rocky Mountain Power

and Avista cases, and about 2.5 months from the intervention deadline established in the Idaho Power case.

ARGUMENT

Rocky Mountain Power hereby incorporates and joins in the arguments in the Idaho Power Motion objecting to the Intervention Petition. In addition, Rocky Mountain Power urges the Commission to deny the Intervention Petition because the interests of Ecoplexus in this case are not unique; they will be covered to a large extent by parties with similar interests who timely intervened and filed at least one round of testimony already. Allowing Ecoplexus to intervene in this case at this late stage would disrupt the process and be prejudicial to the utilities.

Responding specifically to the accusation that Rocky Mountain Power failed to provide Ecoplexus with notice about this proceeding, Rocky Mountain Power provided the pending case number to Ecoplexus in the letter referenced and attached to the Motion to Late File the Direct Prefiled Testimony of Erik A. Stuebe (“Motion to File Direct Testimony Late”), dated and filed May 18, 2015, almost one month past the deadline for intervenor direct testimony. Ecoplexus provides no explanation or reason for filing the Motion to File Direct Testimony Late and the Direct Testimony of Erik A. Stuebe almost one week after its Intervention Petition.

Further, Rocky Mountain Power does not have a duty to provide the status of and explain the process and schedule in a case, or to ensure that the interests of Ecoplexus are represented in such a case. In any event, the Idaho Power Motion confirmed that Ecoplexus was made aware of the proceedings as early as February 2, 2015. In summary, Ecoplexus has not met its burden of providing a “substantial reason” for delay under RP 73, and granting the Intervention Petition at this late stage of the proceeding will prejudice the utilities.

For the foregoing reasons, Rocky Mountain Power urges the Commission to reject the Intervention Petition, the Motion to File Direct Testimony Late and the Direct Testimony of Erik A. Stuebe. In the alternative, Rocky Mountain Power proposes that the Commission limit Ecoplexus' participation in this matter as a public witness.

DATED this 20th day of May, 2015.

RESPECTFULLY SUBMITTED,



Yvonne R. Hogle
Attorney for Rocky Mountain Power

CERTIFICATE OF SERVICE

I hereby certify that on this 20th of May 2015, I caused to be served, via e-mail a true and correct copy of the foregoing document in Case Nos. PAC-E-15-03/IPC-E-15-01/AVU-E-15-01 to the following:

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