

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER) **CASE NO. IPC-E-17-11**
COMPANY'S 2017 INTEGRATED)
RESOURCE PLAN) **ORDER NO. 33909**
)

On June 30, 2017, Idaho Power Company (Idaho Power or Company) filed its 2017 Integrated Resource Plan (IRP). The Commission issued an Order providing notice of the filing and setting a deadline of August 21, 2017, for petitions to intervene. *See* Order No. 33827. The Commission granted timely-filed motions to intervene from the Idaho Irrigation Pumpers Association, Inc., Idahohydro, Industrial Customers of Idaho Power, Micron Technology, Inc., Sierra Club, and Stop B2H. *See* Order Nos. 33845, 33852, 33828, 33878, and 33864.

On September 18, 2017, Renewable Energy Coalition (REC) filed a petition for late intervention in Case No. IPC-E-17-11 (Petition). The Commission received no objections to the petition for late intervention by the deadline per Rule 75. *See* IDAPA 31.01.01.075.

LATE PETITIONS TO INTERVENE

Commission Rules provide that a petitioner seeking intervention must state its “direct and substantial interest . . . in the proceeding.” IDAPA 31.01.01.072. Petitions to intervene that are not timely filed “must state a substantial reason for delay.” IDAPA 31.01.01.073. “The Commission may deny or conditionally grant petitions to intervene that are not timely filed for failure to state good cause for untimely filing, to prevent disruption, prejudice to existing parties or undue broadening of the issues, or for other reasons.” *Id.* Also, “[i]ntervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition.” *Id.*

REC'S PETITION TO INTERVENE

REC stated that it is an organization whose membership consists mainly of small hydro companies who are Public Utility Regulatory Policies Act (PURPA) qualifying facility (QF) power producers that have, or may seek, power purchase agreements (PPAs) with Idaho utilities. *See* Petition at 2. As a result, REC states that it has a direct and substantial interest in the IRP case because of the potential impact Idaho Power's proposal(s) may have on avoided cost rates available to its PURPA QF members. *Id.* at 3.

REC further stated that its late petition is the result of “changed circumstances.” *Id.* REC participated as a party to Case No. GNR-E-17-02, however, it noted, that Idaho Power has withdrawn that case. *Id.* In GNR-E-17-02, Idaho Power proposed to alter the gas-price forecast used for calculation of standard avoided cost rates. *Id.* Therefore, because of the “occasional reliance on the IRP for inputs to avoided cost rates” REC asserted it also has a substantial interest in the IRP filing, and should be granted late intervention in order to protect the same interests it had originally intended to protect in GNR-E-17-02. *Id.*

For these reasons, and because a schedule had not been set in this case at the time of REC’s petition¹, REC asserted it has good cause for late intervention because of the material impact it may have on prices REC members receive from Idaho Power and “without the opportunity to intervene herein, REC would be without a manner or means of participating in the lawful determination of issues which may affect the avoided costs rates or contract terms and conditions regarding PPAs for REC members.” *Id.* at 4.

COMMISSION FINDINGS

We find that no party opposed this late Petition to Intervene.

We further find that based on the pleadings and other documents filed in this case, intervention by this party would serve the purposes of intervention as described by Rule 74 of the Rules of Procedure. IDAPA 31.01.01.074. We also find that granting this late intervention will not prejudice any party and that late intervention should be granted.

As set forth in Rule 73, IDAPA 31.01.01.073, REC is “bound by orders and notices earlier entered as a condition of granting the untimely petition” including, but not limited to, the Notice of Modified Procedure and Notice of Comment deadline issued on September 26, 2017. *See* Order No. 33889.

ORDER

IT IS THEREFORE ORDERED that the Petition to Intervene filed by REC is hereby granted.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. This intervenor is represented by the following for purposes of service:

¹ The Notice of Modified Procedure and Comment Deadline was issued on September 26, 2017. *See* Order No. 33889.

Gregory M. Adams
Richardson Adams, PLLC
515 N. 27th Street
Boise, Idaho 83702
E-mail: greg@richardsonadams.com

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this ^{13th}
day of October 2017.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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