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March 7, 2018

VIA HAND DELIVERY

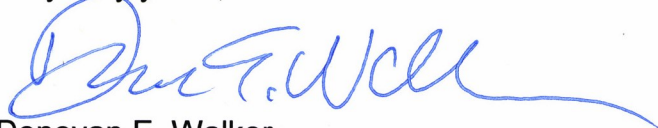
Diane Hanian, Secretary
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702

Re: Case No. IPC-E-17-13
New Schedules for Residential and Small General Service Customers with
On-Site Generation – Idaho Power Company's Objection to Vote Solar's
Motion to File Testimony Out-of-Time and/or Idaho Power Company's Motion
to Strike the Reply Testimony of Rick Gilliam

Dear Ms. Hanian:

Enclosed for filing in the above matter please find an original and seven (7) copies
of Idaho Power Company's Objection to Vote Solar's Motion to File Testimony Out-of-Time
and/or Idaho Power Company's Motion to Strike the Reply Testimony of Rick Gilliam.

Very truly yours,



Donovan E. Walker

DEW:csb
Enclosures

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF IDAHO POWER COMPANY FOR)	CASE NO. IPC-E-17-13
AUTHORITY TO ESTABLISH NEW)	
SCHEDULES FOR RESIDENTIAL AND)	IDAHO POWER COMPANY'S
SMALL GENERAL SERVICE CUSTOMERS)	OBJECTION TO VOTE SOLAR'S
WITH ON-SITE GENERATION)	MOTION TO FILE TESTIMONY
)	OUT-OF-TIME AND/OR IDAHO
)	POWER COMPANY'S MOTION TO
)	STRIKE THE REPLY TESTIMONY
)	OF RICK GILLIAM
)	

Idaho Power Company ("Idaho Power" or "Company") hereby moves the Idaho Public Utilities Commission ("Commission") to issue an order denying the Motion of Vote Solar seeking to untimely submit the March 6, 2018,¹ Reply Testimony of Rick Gilliam. Alternatively, Idaho Power seeks an order striking the proffered reply testimony of Rick Gilliam on behalf of Vote Solar from the record. The Commission should deny

¹ Vote Solar electronically served the proffered testimony as well as a Notice of Motion for Leave to file such testimony at 4:21 p.m. on Tuesday, March 6, 2018.

Vote Solar's Motion because it is untimely and violates the Commission's Scheduling Order No. 33901 (setting January 26, 2018, as the all-party rebuttal testimony deadline); Vote Solar was aware of the issues and had ample opportunity to respond to and present evidence in conformity with the Commission's Order; offering what amounts to surrebuttal as reply testimony at this late stage of the proceeding (less than two days before the hearing) is prejudicial and works a hardship upon Idaho Power and other parties; and the substance of Vote Solar's proffered testimony is more appropriately pursued as cross-examination during the hearing.

I. BACKGROUND

On July 27, 2017, Idaho Power applied to the Commission for authority to establish new schedules for residential and small general service customers with on-site generation. The following 11 parties were granted intervention in the case: Auric Solar, LLC; City of Boise; Idaho Conservation League; Idaho Clean Energy Association; Idahydro; Intermountain Wind and Solar, LLC; Idaho Irrigation Pumpers Association, Inc.; Sierra Cub; Snake River Alliance; NW Energy Coalition; and Vote Solar.

Idaho Power's Application requested a December 31, 2017, effective date and a prehearing conference. However, the Commission directed the Company, Commission Staff ("Staff"), and intervening parties to informally confer about a proposed schedule. Order No. 33843. As directed, Idaho Power, Staff, and most of the intervening parties, including Vote Solar, conferred and proposed an agreed upon schedule to the Commission. The Commission suspended the Company's proposed December 31, 2017, effective date and adopted the parties' proposed schedule. On October 4, 2017, the Commission issued a Notice of Schedule and Notice of Technical Hearing, Order

No. 33901, adopting the parties' recommended case schedule, which set forth the following deadlines:

DATE	ACTIVITY
October 27, 2017	Deadline to file dispositive motions
November 10, 2017	All party response to dispositive motions
December 22, 2017	Staff and Intervenors prefile direct testimony
January 26, 2018	All party rebuttal
February 23, 2018	Company reply
March 8-9, 2018	Technical hearing

Order No. 33901 at 2. As indicated above, Staff and Intervenors were to file direct testimony by December 22, 2017, and all parties were to file simultaneous rebuttal testimony by January 26, 2018. Vote Solar filed both direct and rebuttal testimony by these deadlines.² The Company was permitted to file reply testimony by February 23, 2018. The schedule does not provide for the filing of reply and/or surrebuttal testimony by any other party.

II. ARGUMENT

Vote Solar's proffered reply testimony is improper and the Commission should deny Vote Solar's Motion seeking to admit such testimony at this late stage in the proceeding. First, as set out above, the Commission's Scheduling Order No. 33901 does not allow for reply testimony for Staff or any intervening parties, including Vote Solar. The rebuttal testimony deadline for all parties was January 26, 2018, and Vote Solar filed its rebuttal testimony at that time as required. Moreover, Vote Solar is an

² Vote Solar submitted the direct and rebuttal testimony of Briana Kobor. On February 28, 2018, Vote Solar filed a Notice and Attestation of Rick Gilliam adopting Ms. Kobor's prefiled direct and rebuttal testimonies.

intervening party to this proceeding and should not be allowed to circumvent the Commission's Order by filing untimely reply testimony not contemplated by the Scheduling Order. All other parties to the proceeding have properly complied with the Commission's Order and the scheduling deadlines, and there is no compelling reason to allow Vote Solar to deviate from the same.

Second, despite its claims to the contrary, Vote Solar was fully aware of the issues; conducted extensive discovery; was granted other accommodations, including allowing another to adopt the testimony of its witness and to use non-identifying confidential customer data at hearing. It could have done load shape and load factor analysis and submitted the same in conformity with the ordered schedule. Furthermore, Vote Solar's claim in its Motion that Idaho Power has not provided additional requested data is not correct. See Motion at 3. In response to Vote Solar's discovery requests, Idaho Power provided the exact underlying data used in the analysis Vote Solar was questioning.³ Vote Solar requested additional data that was not used by the Company for the analysis, and the Company responded that it was not possible to create the data Mr. Gilliam requested.

Third, offering reply testimony less than two days before the hearing is prejudicial and works a hardship upon Idaho Power, Staff, and all other parties' preparation for this case. As of 2:00 p.m. on March 7, 2018, Vote Solar has not provided to Idaho Power the workpapers in support of its proffered testimony as promised in its Motion on page one. With hearing starting tomorrow morning, even if workpapers were provided, there is no way to assess Mr. Gilliam's analysis referenced in his new testimony. Although Vote Solar claims it is responding to certain items raised for the first time in Idaho

³ Vote Solar's Data Request No. 100.

Power's reply testimony, it is clear from the initial direct testimony of Idaho Power that differences in time, nature, and pattern of use by residential and small general service customers with on-site generation is what is driving the need for separate classes.⁴ Additional information regarding load factor and load shape was provided by the Company in direct response to several parties' claims in their prefiled testimony that the Company did not provide sufficient evidence to show that residential and small general service customers with on-site generation are different than residential and small general service customers without on-site generation. The Company provided information in direct reply to the testimony of these parties, including Vote Solar.⁵ These issues were not unknown to Vote Solar, as it addressed the same in its prefiled testimony, and, as stated above, nothing prevented Vote Solar from producing its own analysis regarding load shape and load factor by the deadlines ordered by the Commission for the filing of testimony and not waiting until two days before the hearing. Vote Solar submitted the direct and rebuttal testimony of Briana Kobor, and subsequent to the January 26, 2018, all party deadline for filing rebuttal, Vote Solar filed a Notice and Attestation of Rick Gilliam on February 28, 2018, adopting Ms. Kobor's prefiled direct and rebuttal testimonies. Vote Solar cannot now provide additional testimony from Mr. Gilliam after the ordered deadlines, and less than two days before hearing. Vote Solar's failure to explore issues related to load factor and load shape within the required deadlines for direct and rebuttal testimony does not justify its attempt to obtain special privileges through the filing of supplemental, untimely reply testimony from a

⁴ Aschenbrenner DI, p. 25, l. 19 – p. 26, l. 12, p. 36, ll. 10-14.

⁵ Levin DI, p. 7, ll. 9-10; Kobor DI, p. 32, ll. 18 – p. 33, ll. 5; Donohue DI, p. 5, l. 5.


new witness; neither can Vote Solar produce a new witness with new testimony after the deadline for the submission of testimony is passed.

Lastly, the substantive nature of the proffered testimony from Mr. Gilliam is entirely aimed at criticizing and critiquing Mr. David Angell and Mr. Ahmad Faruqui's rebuttal testimonies, and stating how Mr. Gilliam disagrees with the same. This type of information is more appropriate for cross-examination than for special permission and treatment allowing late-filed testimony. Each question in the proffered testimony is aimed at Mr. Gilliam saying why he feels Mr. Angell's and Mr. Faruqui's analysis is improper, what Mr. Gilliam's concerns are with the analysis, and how Mr. Gilliam's analysis would have been different. It is not necessary for the Commission to grant special treatment and grant Vote Solar's extraordinary request to admit new testimony, from a new witness, just two days before the start of hearing for such information as proffered by Vote Solar. Vote Solar has the opportunity to fully cross-examine Mr. Angell and Mr. Faruqui at hearing regarding their analysis from their properly prefiled testimony, and upon how Mr. Gilliam and Vote Solar disagree with how they conducted their analysis and how Mr. Gilliam and Vote Solar would do the analysis differently.

III. CONCLUSION

For the reasons set forth above, Idaho Power respectfully requests that the Commission deny the Motion of Vote Solar seeking to untimely submit the March 6, 2018, Reply Testimony of Rick Gilliam and/or striking the proffered Reply Testimony of Rick Gilliam on behalf of Vote Solar from the record.

Respectfully submitted this 7th day of March 2018.


DONOVAN E. WALKER
LISA D. NORDSTROM
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March 2018 I served a true and correct copy of IDAHO POWER COMPANY'S OBJECTION TO VOTE SOLAR'S MOTION TO FILE TESTIMONY OUT-OF-TIME AND/OR IDAHO POWER COMPANY'S MOTION TO STRIKE THE REPLY TESTIMONY OF RICK GILLIAM upon the following named parties by the method indicated below, and addressed to the following:

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