

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF PACIFICORP DBA ROCKY MOUNTAIN) **CASE NO. PAC-E-13-04**
POWER TO INITIATE DISCUSSIONS WITH)
INTERESTED PARTIES ON ALTERNATIVE) **ORDER NO. 32946**
RATE PLAN PROPOSALS)

On March 1, 2013, PacifiCorp dba Rocky Mountain Power (“Rocky Mountain” or “Company”) filed an Application requesting that the Commission open a case “to identify interested parties that would like to participate [in] settlement discussions” regarding alternatives to the Company filing a general rate case. Application at 1.

Subsequently, the Commission issued Orders granting intervention to various parties, including the Community Action Partnership Association of Idaho (“CAPAI”). *See* Order Nos. 32761, 32779. On June 3, 2013, the Company filed a Stipulated Settlement Agreement (“Stipulation”) signed by the Company, Commission Staff, and the intervening parties, except CAPAI.

On September 25, 2013, the Commission received a Petition for Intervenor Funding from CAPAI. On September 27, 2013, the Commission received Rocky Mountain’s filing in opposition to CAPAI’s request for intervenor funding. On September 30, the Commission received CAPAI’s response to Rocky Mountain’s opposition to its Petition for Intervenor Funding and Affidavit in Support.

On October 24, 2013, the Commission issued a final Order approving the Stipulation but deferred its ruling regarding CAPAI’s Petition for Intervenor Funding. Order No. 32910.

CAPAI’S SUPPLEMENTAL PETITION FOR INTERVENOR FUNDING

On November 6, 2013, the Commission received CAPAI’s Supplemental Petition for Intervenor Funding. The Supplemental Petition purports to comply with the Commission’s directive to CAPAI to provide more detailed information regarding its request for intervenor funding. *See id.* at 14. CAPAI’s Supplemental Petition divided its participation in the instant case into seven discrete activities and assigned a percentage to each of those activities:

Review and Investigation of the Application (26%)
Discovery (8%)
Participation in Settlement Conference (19%)

Discovery Dispute (15%)
Witness/Hearing Preparation (9%)
Hearing (19%)
Preparation of Intervenor Funding Petition and Reply (4%)

COMMISSION FINDINGS AND DECISION

Having reviewed the several filings submitted by CAPAI and Rocky Mountain related to CAPAI's Petition for Intervenor Funding, the Commission finds that CAPAI should be allowed to recover a reasonable amount of intervenor funding as compensation for fees and costs accrued for the organization's activities in this case. As stated above, our prior Order deferred a final ruling regarding CAPAI's Petition for Intervenor Funding and directed "CAPAI to indicate the amount of hours or the percentage of hours spent on areas such as reviewing and investigating the Application, discovery, participating in the settlement conferences, the discovery dispute (Motion to Compel), witness/hearing preparation, the hearing, and preparing the Intervenor Funding petition and reply." *Id.*

Intervenor funding is available pursuant to *Idaho Code* § 61-617A and Commission Rules of Procedure 161 through 165. The statutory cap for intervenor funding that can be awarded in any one case is \$40,000. *Idaho Code* § 61-617A(2). The Commission may order any regulated utility with intrastate annual revenues exceeding \$3.5 million "to pay all or a portion of the costs of one or more parties for legal fees, witness fees, and reproduction costs not to exceed a total for all intervening parties combined of \$40,000. . . ." *Id.* The basic premises supporting the award of intervenor funding are to lessen the hardship for interested parties and thereby "encourage participation at all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings." *Idaho Code* § 61-617A(1).

In its Petition to Intervene, CAPAI stated that it "is a non-profit corporation consisting of six community action agencies serving every county in Idaho and also includes, among others, the statewide Community Council of Idaho . . ." Petition at 2. In its Application for Intervenor Funding, CAPAI states that its funding sources are "unpredictable" and that the organization has "relatively little 'discretionary' funds available." Application at 9. CAPAI states that it represents the interests of the residential class. *Id.* at 10.

The Commission finds that CAPAI meets the standards outlined in Commission Rules 161 through 165 for the award of intervenor funding. The Commission finds that CAPAI

made material contributions which warrant a partial recovery of the amount requested, \$16,050 – CAPAI Petition, Exhibit A, for costs and expenses accrued by CAPAI in the prosecution of its case. The Commission finds that an award of \$12,000 for costs and expenses is fair, just and reasonable. The Commission finds that this amount of intervenor funding is commensurate with CAPAI's relative contributions to the resolution of this case and will also encourage future participation by similarly situated parties.

In awarding this amount, the Commission acknowledges and places a value on CAPAI's contributions, including feedback and dissent during settlement discussions, preparation of prefiled witness testimony and at the technical hearing. Nevertheless, the Commission finds that not all of CAPAI's efforts materially contributed to the effective resolution of this case, including but not limited to the "costs associated with CAPAI's Motion to Compel and associated pleadings." Rocky Mountain Opposition to Funding at 3.

We urge counsel to develop or obtain a system to more accurately track and document his professional services related to Commission proceedings. Such actions would greatly assist the Commission in evaluating and expediting the resolution of future requests for intervenor funding.

ORDER

IT IS HEREBY ORDERED that the Community Action Partnership Association of Idaho's Petition for Intervenor Funding is granted in the amount of \$12,000. *See Idaho Code* § 61-617A. Rocky Mountain Power is ordered to remit said amount to CAPAI within 28 days from the date of this Order. IDAPA 31.01.01.165.02. Rocky Mountain Power shall be permitted to recover the cost of this intervenor funding in its next general rate case from the residential customer class. *See Idaho Code* § 61-617A(3).

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6th
day of December 2013.



PAUL KELLANDER, PRESIDENT

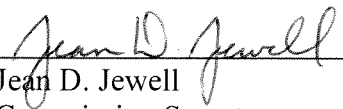


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:PAC-E-13-04_np4_Intervenor Funding