

Benjamin J. Otto (ID Bar # 8292)
710 N 6th Street
Boise, ID 83701
Ph: (208) 345-6933 x 12
Fax: (208) 344-0344
botto@idahoconservation.org

RECEIVED
2015 APR 22 PM 3:17
IDAHO PUBLIC
UTILITIES COMMISSION

Matt Vespa (CA Bar #222265)
Sierra Club
85 Second St., 2nd Floor
San Francisco, CA 94105
Ph: (415) 977-5753
Fax: (415) 977-5793
matt.vespa@sierraclub.com

Attorneys for the Idaho Conservation League and Sierra Club

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	
COMPANY'S PETITION TO MODIFY TERMS)	CASE NO. IPC-E-15-01
AND CONDITIONS OF PURPA PURCHASE)	
AGREEMENTS)	
_____)	
IN THE MATTER OF AVISTA)	
CORPORATION'S PETITION TO MODIFY)	CASE NO. AVU-E-15-01
TERMS AND CONDITIONS OF PURPA)	
PURCHASE AGREEMENTS)	
_____)	
IN THE MATTER OF ROCKY MOUNTAIN)	
POWER COMPANY'S PETITION TO)	CASE NO. PAC-E-15-03
MODIFY TERMS AND CONDITIONS OF)	
PURPA PURCHASE AGREEMENTS)	
_____)	

Idaho Conservation League and the Sierra Club

Direct Testimony of Adam Wenner

April 23, 2015

1 Q. What is your name and background?

2 A. My name is Adam Wenner. I am a partner at Orrick, Herrington and Sutcliffe, LLP, and
3 work in the Washington DC office. Prior to working at Orrick, I served as an attorney in the
4 Federal Energy Regulatory Commission (“FERC”) Office of the General Counsel, from 1976-
5 1981. During my term at the FERC, I worked with a staff team that was responsible for drafting
6 and implementing regulations under the Public Utility Regulatory Policies Act of 1978
7 (“PURPA”). In that capacity I am listed as one of the four staff contacts for the FERC’s order
8 adopting regulations implementing section 210 of PURPA, which requires electric utilities to
9 purchase electric power from and sell electric power to qualifying cogeneration and small power
10 production facilities (“QFs”), and to pay rates based on the utility’s avoided costs. These
11 regulations require state regulatory commissions to implement the FERC regulations.

12 Since leaving FERC in 1981, I have worked as an attorney in the electric power industry
13 and have handled many matters relating to PURPA.

14

15 Q. As a staff member, you did not vote on the rules that FERC issued, correct?

16 A. That is correct. I and the other members of the group working on PURPA
17 implementation drafted proposed rules, participated in conferences around the country,
18 reviewed and analyzed comments filed in the rulemaking proceeding, and drafted a
19 recommended final rule that FERC voted to adopt.

20

21 Q. What is the purpose of your testimony?

22 A. I have been asked to provide my opinion regarding a proposal before the Idaho Public
23 Utility Commission (“Idaho PUC”) in the above-styled docket regarding the PURPA and FERC
24 requirements for long-term power purchases from QFs. In this docket the Idaho PUC is