

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF

FROM: KARL T. KLEIN
DEPUTY ATTORNEY GENERAL

DATE: MAY 1, 2018

SUBJECT: PACIFICORP IDAHO INDUSTRIAL CUSTOMERS, MONSANTO COMPANY, AND IDAHO IRRIGATION PUMPERS ASSOCIATION'S LATE PETITIONS TO INTERVENE IN THE INVESTIGATION INTO THE IMPACT OF FEDERAL TAX CODE REVISIONS ON UTILITY COSTS AND RATEMAKING – CASE NO. GNR-U-18-01.

On February 22, 2018, the Commission set a March 6, 2018 intervention deadline for this case. Order No. 33991. On April 17, 2017, PacifiCorp Idaho Industrial Customers (PIIC) and Monsanto Company separately petitioned to intervene, and on April 20, 2018, Idaho Irrigation Pumpers Association, Inc. (IIPA) petitioned to intervene. All three petitioners wish to become a party to this case as it relates to PacifiCorp dba Rocky Mountain Power.

The rules for late petitions to intervene, and the late petitions filed by PIIC, Monsanto and IIPA, are summarized below.

RULES GOVERNING 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, “Intervenors who do not file timely petitions are bound by orders and notices earlier entered as a condition of granting the untimely petition.” *Id.*

THE THREE PETITIONS

In their petitions to intervene, PIIC, Monsanto, and IIPA note they have a direct and substantial interest in this case because without the opportunity to intervene, they could not participate in the lawful determination of issues that will affect their or their members' rates for electric service. *See* PIIC Petition at 3; Monsanto Petition at 2; IIPA Petition at 2. The intervenors explain they have good cause for filing their late petitions because they had no notice of the proceeding until after the March 6, 2018 intervention deadline ran. They note they regularly monitor PacifiCorp electric rate cases on the Commission's website under the "Electric Cases" tab. But they did not learn the Commission had opened this tax case as a "Multi-Utility" case with a generic case number, or that PacifiCorp was a party to it, until April 2018. *See* PIIC Petition at 1-2; Monsanto Petition at 2-4; IIPA Petition at 2-4.

No one has opposed PIIC's, Monsanto's, and IIPA's petitions to intervene.

COMMISSION DECISION

1. Does the Commission wish to grant the PIIC's late petition to intervene?
2. Does the Commission wish to grant Monsanto's late petition to intervene?
3. Does the Commission wish to grant IIPA's late petition to intervene?



Karl T. Klein
Deputy Attorney General

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