

## APPENDIX A

### Idaho Statutes/Rules/Requests for Intervenor Funding (Avista)



# Idaho Statutes

TITLE 61  
PUBLIC UTILITY REGULATION  
CHAPTER 6

PROCEDURE BEFORE COMMISSION AND IN COURTS

61-617A. AWARD OF COSTS OF INTERVENTION. (1) It is hereby declared the policy of this state to encourage participation at all stages of all proceedings before the commission so that all affected customers receive full and fair representation in those proceedings.

(2) The commission may order any regulated electric, gas, water or telephone utility with gross Idaho intrastate annual revenues exceeding three million five hundred thousand dollars (\$3,500,000) to pay all or a portion of the costs of one (1) or more parties for legal fees, witness fees, and reproduction costs, not to exceed a total for all intervening parties combined of forty thousand dollars (\$40,000) in any proceeding before the commission. The determination of the commission with regard to the payment of these expenses shall be based on the following considerations:

(a) A finding that the participation of the intervenor has materially contributed to the decision rendered by the commission; and

(b) A finding that the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor; and

(c) The recommendation made by the intervenor differed materially from the testimony and exhibits of the commission staff; and

(d) The testimony and participation of the intervenor addressed issues of concern to the general body of users or consumers.

(3) Expenses awarded to qualifying intervenors shall be an allowable business expense in the pending rate case or, if the proceeding is not a rate case, in the utility's next rate case. Expenses awarded shall be chargeable to the class of customers represented by the qualifying intervenors.

(4) The commission may adopt rules for the implementation of this statute.

(5) The payment of expenses of intervenors who are in direct competition with a public utility involved in proceedings before the commission is prohibited.

History:

[61-617A, added 1985, ch. 126, sec. 1, p. 309; am. 1993, ch. 234, sec. 1, p. 816; am. 2003, ch. 41, sec. 1, p. 162.]

How current is this law?

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application, complaint, or petition an additional thirty (30) days plus five (5) months and, for good cause shown on the record, an additional sixty (60) days. (7-1-93)

Statutory Reference: *Idaho Code* § 61-538.

**152. RULES OF PROCEDURE TO BE USED (Rule 152).**

These Rules of Procedure apply to all proceedings concerning the rates, terms, or conditions for cable pole attachments, provided, that any such proceeding, whether denominated an application, complaint or petition, shall be processed according to the timetable of Rule 151. (7-1-93)

Cross Reference: Rule 151.

**153. -- 160. (RESERVED).**

**APPLICATIONS FOR INTERVENOR FUNDING  
RULES 161 THROUGH 170**

**161. CASES IN WHICH INTERVENORS MAY APPLY FOR FUNDING (Rule 161).**

In any case involving regulated electric, gas, water or telephone utilities with gross Idaho intrastate annual revenues exceeding three million five hundred thousand dollars (\$3,500,000), intervenors may apply for intervenor funding. (3-16-04)

[Amended, 31-0101-0301.]

**162. FORM AND CONTENTS OF PETITION FOR INTERVENOR FUNDING (Rule 162).**

A petition for intervenor funding must contain the following: (2-15-14)

**01. Itemized List of Expenses.** An itemized list of expenses that the intervenor requests to recover broken down into categories such as legal fees, witness fees, or reproduction fees. Legal and witness fees shall, where applicable, indicate hourly rates. (4-5-00)

**02. Statement of Proposed Findings.** A statement of the intervenor's proposed finding or recommendation that the intervenor wishes the Commission to adopt. (7-1-93)

**03. Statement Showing Costs.** A statement showing that the costs that the intervenor proposes to recover are reasonable in amount. (7-1-93)

**04. Explanation of Cost Statement.** A statement explaining why the costs described in Rule 162.01 constitute a significant financial hardship for the intervenor. (4-5-00)

**05. Statement of Difference.** A statement showing how the intervenor's proposed finding or recommendation in the case differs materially from the testimony and exhibits of the Commission Staff. (4-5-00)

**06. Statement of Recommendation.** A statement showing how the intervenor's recommendation or position addressed issues of concern to the general body of utility users or consumers, and (7-1-93)

**07. Statement Showing Class of Customer.** A statement showing the class of customer on whose behalf the intervenor appeared. (7-1-93)

[Adopted, G.O. 163A; amended, G.O. 202; amended, 31-0101-1301.]

Statutory Reference: *Idaho Code* § 61-617A.

**163. PROHIBITION ON APPLICATION BY COMPETITOR (Rule 163).**

No intervenor in direct competition with a public utility involved in a proceeding is entitled to intervenor funding for that proceeding. (7-1-93)

[Adopted, G.O. 163A.]

Statutory Reference: *Idaho Code* § 61-617A.

**164. TIME TO APPLY (Rule 164).**

Unless otherwise provided by order, an intervenor requesting intervenor funding must apply no later than fourteen (14) days after the last evidentiary hearing in a proceeding or the deadline for submitting briefs, proposed orders, or statements of position, whichever is last. Motions in opposition to intervenor funding must be filed within fourteen (14) days after the request for intervenor funding is filed. (7-1-93)

[Adopted, G.O. 163A; amended, G.O. 182.]

Cross Reference: Rules 161, 162, 163, 165.

**165. AWARDS (Rule 165).**

**01. Order Awarding Intervenor Funding.** The Commission may by order award intervenor funding pursuant to Section 61-617A, Idaho Code. The total award for all intervening parties combined shall not exceed forty thousand dollars (\$40,000) in any proceeding. The Commission must find that: (3-16-04)

- a. The intervenor's presentation materially contributed to the Commission's decision, (7-1-93)
- b. The costs of intervention awarded are reasonable in amount, (7-1-93)
- c. The costs of intervention were a significant hardship for the intervenors, (7-1-93)
- d. The recommendations of the intervenor differed materially from the testimony and exhibits of the Commission Staff, and (7-1-93)
- e. The intervenor addressed issues of concern to the general body of users or consumers. (7-1-93)

**02. Payment of Awards.** Awards of intervenor funding must be paid within twenty-eight (28) days of the order of the Commission awarding intervenor funding, unless the order of the Commission is stayed. (7-1-93)

**03. Recovery of Awards of Intervenor Funding.** Awards of intervenor funding paid by electric, gas, water or telephone utilities will be an allowable business expense in the pending

rate case or, if the proceeding is not a rate case, in the utility's next rate case. Awards of intervenor funding shall be chargeable to the class of customers represented by the intervenors.

(7-1-93)

[Adopted, G.O. 163A; amended, 31-0101-0301.]

Statutory Reference: *Idaho Code* § 61-617A.

Cross Reference: Rules 161, 162, 163, 164.

**166. -- 200. (RESERVED).**

**PART 3 – POST-PLEADING PROCEDURE  
RULES 201 THROUGH 300**

**MODIFIED PROCEDURE  
RULES 201 THROUGH 210**

**201. SCOPE OF MODIFIED PROCEDURE (Rule 201).**

The Commission may preliminarily find that the public interest may not require a hearing to consider the issues presented in a proceeding and that the proceeding may be processed under modified procedure, i.e., by written submissions rather than by hearing.

(4-5-00)

[Adopted as Rule 13.1, G.O. 155; amended and recodified, G.O. 163; amended, G.O. 202.]

Cross Reference: Rules 202, 203, 204.

**202. NOTICE OF MODIFIED PROCEDURE (Rule 202).**

**01. Notice of Modified Procedure.** When the Commission finds that it may not be in the public interest to hold a hearing in a matter, notice of modified procedure will be issued. It will:

(7-1-93)

- a. Describe the issues presented in the proceeding, (7-1-93)
- b. Summarize the moving party's justification for the proposed changes and its position, (7-1-93)
- c. State that the Commission finds that it may be in the public interest not to hold a hearing in the proceeding and will not do so unless it receives written protests or comments opposing the use of modified procedure and stating reasons why modified procedure should not be used, and (7-1-93)

d. Establish the deadline for filing written protests or comments, and a reply by the moving party. (5-8-09)

**02. Distribution of Notice.** Copies of the notice of modified procedure will be provided to all interested persons, including newspapers, municipalities, counties, and chambers of commerce located within the territorial scope of the application, petition or complaint whose readers, citizens or members may be affected by the proceedings and to all parties. Unless