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Attorneys for Petitioner Avista Customer Group

BEFORE THE IDAHO PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE JOINT
APPLICATION OF HYDRO ONE LIMITED
AND AVISTIA CORPORATION FOR
APPROVAL OF MERGER AGREEMENT

CASE NOS. AVU-E-17-09
AVU-G-17-05

**AVISTA CUSTOMER GROUP'S
PETITION TO INTERVENE**

COMES NOW, Avista Customer Group, (hereinafter "ACG"), through the undersigned counsel of record, pursuant to the Rules of Procedure of the Idaho Public Utilities Commission (hereinafter "RP"), IDAPA 37.01.01.071-075, and hereby petitions the Commission for an order granting intervention to ACG to become a party and participate fully in this matter, including the formal technical hearing currently scheduled for July 23, 2018.

1. The address and name of the Petitioner is:

Avista Customer Group
P.O. Box 2325
Sandpoint, Idaho 83860

2. ACG will be represented by the below counsel of record and effective immediately, all notices, correspondence, pleadings, filings, or other communications should be directed to the following persons at the address listed below:

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3. ACG is an unincorporated nonprofit association, composed of utility ratepayers, taxpayers and concerned citizens, including electrical and natural gas utility service customers of the Co-Applicant, Avista Corporation. ACG members stand to be impacted by potential cost or rate increases resulting from the proposed merger of Avista Corporation with Hydro One Limited. ACG therefore has a direct and substantial interest in the outcome of the Joint Application, as required by RP 74. This interest is further evidenced by the *Comments of Avista Customer Group*, submitted herewith.
4. ACG seeks intervention as a full party, including participation in the formal technical hearing currently scheduled for July 23, 2018. ACG seeks to participate regarding the issues already involved in this matter, including those raised during the public hearings and in the written comments submitted to the Commission. Therefore, ACG's intervention would not unduly broaden the issues, as required by RP 74.
5. A petition to intervene is timely filed if it is "filed at least fourteen (14) days before the date set for hearing or prehearing conference, whichever is earlier, unless a different time is provided by order or notice." RP 73. The Commission's *Order No. 33903* (Oct. 5, 2017) set a deadline of October 26, 2017 to petition to intervene for the purpose of participating at hearing, and *Order No. 33950* set a formal technical hearing for June 27, 2018. That case schedule was subsequently vacated and replaced with a new, amended schedule, which did not include a formal hearing date, prehearing conference date, or deadline for intervention. *See, Notice of Proposed Settlement; Notice of Modified*

Procedure; Notice of Public Hearings; Notice of Amended Schedule; Order No. 34061 (May 16, 2018). Following the public hearings, at which ACG members and counsel testified, a formal technical hearing date was subsequently approved by the Commission at a Decision Meeting held on June 26, 2018, to address the concerns and issues raised by the public. *See, Decision Memorandum* (June 20, 2018). This Petition to Intervene is filed more than 14 days before the formal technical hearing, which is currently scheduled for July 23, 2018, and is thus timely under RP 73.

6. In the event that the Commission determines that ACG's petition to intervene is untimely, the Commission should conditionally grant the petition for good cause, pursuant to RP 73. ACG was only recently formed, in response to the proposed merger and settlement, the modified procedure adopted by the Commission, and the announcement of the scheduled public hearings, as included in the May 16, 2018 notices and order, as well as the written comments that have been submitted. The July 23 formal technical hearing provides an opportunity for the Co-Applicants, and intervenors, if necessary, to present live direct testimony regarding the multiple issues raised at the public hearings and in written comments. *Decision Memorandum*. ACG's participation as an intervenor would allow for meaningful cross-examination of the witnesses at hearing, which is not otherwise likely to occur given the posture of the existing parties, who have all agreed to support the proposed settlement filed in this matter. No other party can adequately represent the interests of ACG. In addition, ACG's participation will assist the Commission with its duty to independently review the settlement proposal and determine whether it is just, fair, reasonable, in the public interest, or otherwise in accordance with law or regulatory policy, as required by RP 276. This is further

supported by the Commission's expectation that opponents of the settlement should be prepared to examine supporting witnesses, offer their own witnesses, or argue against the settlement. RP 275. As a result, ACG's intervention would not disrupt the proceedings, prejudice the existing parties, or unduly broaden the issues; and there is good cause for granting intervention. In the event the Commission conditionally grants ACG's petition to intervene, Petitioner understands that it would be bound by the orders and notices earlier entered, as a condition of such intervention, pursuant to RP 73.

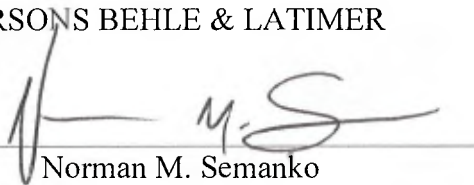
7. In the event intervention is granted, Petitioner ACG reserves the right to apply for intervenor funding pursuant to RP 161-165.

For the foregoing reasons, ACG's petition should be granted to allow ACG to intervene in this matter and fully participate in all proceedings, including the July 23 technical hearing.

DATED this 27th day of June, 2018.

PARSONS BEHLE & LATIMER

By:



Norman M. Semanko

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 27th day of June, 2018 by the following method:

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