

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT PETITION) CASE NO. AVU-E-24-02
OF AVISTA CORPORATION AND)
REGENTS OF THE UNIVERSITY OF IDAHO) ORDER NO. 36139
FOR APPROVAL OF POWER PURCHASE)
AGREEMENT)
)

On January 31, 2024, Avista Corporation (“Avista”) and the Regents of the University of Idaho (“University”) (collectively, the “Parties”) filed a joint petition with the Idaho Public Utilities Commission (“Commission”) requesting an order approving a Power Purchase Agreement (“Agreement”) between the Parties for a 132.32 kilowatt (“kW”) (AC) solar facility (“Facility”).

The Parties represented that the Agreement was substantially the same as the Original Agreement approved by the Commission in Order No. 35440, which was set to expire by its terms on February 16, 2024, and the University intended to use the output from the Facility to serve the University’s load. Application at 3-4. The Parties stated that to the extent that the Facility generated output in excess of the University’s load, the University had elected to sell all such output from the Facility to Avista at the avoided costs calculated at the time of delivery. *Id.*

The Parties represented that in the Agreement the Parties made minor modifications to the language of the Original Agreement to reflect Commission precedent in Order No. 35705, and the Agreement also contained language reflecting the significance of Commission approval of any amendment to the Agreement. *Id.*

STAFF COMMENTS

Commission Staff (“Staff”) reviewed the Agreement focusing on the proposed avoided cost rates, the lapsed-contract period, and Section 9.6 of the Agreement. Based on its review, Staff recommended approval of the Agreement conditioned upon the modification of Section 9.6 to meet the requirement in Order No. 35705, which requires inclusion of language that restricts a seller from modifying the facility from the as-built description of the facility without promptly notifying the Company of that intent. Staff also recommended: (1) the Seller be paid at the proposed avoided cost rates with an effective date of February 17, 2024; and (2) if the Seller modifies the Facility, the Company only include Net Power Cost in the Power Cost Adjustment that reflects rates for

any energy delivered appropriate for the Facility as modified, regardless of the compensation paid to the Seller.

PARTY REPLY COMMENTS

On March 22, 2024, the Parties submitted Amendment No. 1, which contained modifications to Section 9.6 conforming with Staff's recommended changes.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over the Company's Application and the issues in this case under Title 61 of the Idaho Code including *Idaho Code* §§ 61-301 through 303. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of all public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provisions of law, and to fix the same by order. *Idaho Code* §§ 61-501 through 503.

The Commission has reviewed the Application, all submitted materials, and the comments of the parties. Based on its review of the record, the Commission finds it fair, just, and reasonable to approve the Power Purchase Agreement Between the Parties, as amended by Amendment No. 1 filed on March 22, 2024, with an effective date of February 17, 2024.

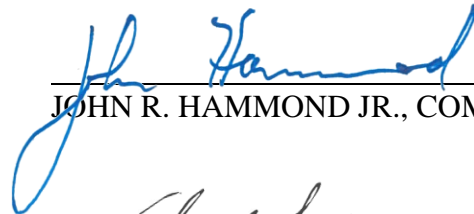
ORDER

IT IS HEREBY ORDERED that the Power Purchase Agreement Between the Parties, as amended by Amendment No. 1 filed on March 22, 2024, is approved with an effective date of February 17, 2024.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date upon this Order regarding any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* §§ 61-626 and 62-619.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 17th day of April 2024.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

I:\Legal\ELECTRIC\AVU-E-24-02_Regents PPA\orders\AVUE2402_FO_cb.docx