

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) CASE NO. PAC-E-17-08
FOR APPROVAL OF A POWER PURCHASE)
AGREEMENT BETWEEN PACIFICORP) NOTICE OF APPLICATION
DBA ROCKY MOUNTAIN POWER AND)
BRIGHAM YOUNG UNIVERSITY – IDAHO) NOTICE OF
) MODIFIED PROCEDURE
)
) ORDER NO. 33818

On July 12, 2017, PacifiCorp dba Rocky Mountain Power (the Company) filed an Application asking the Commission to approve its renewed Power Purchase Agreement (PPA) with Brigham Young University – Idaho (BYUI). Under the PPA, BYUI would sell, and the Company would purchase, electric energy generated from BYUI’s gas/oil fueled generating facility in Rexburg, Idaho. The Company requested that the Application be processed by Modified Procedure, Rules 202-204 (IDAPA 31.01.01.202-.204).

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that on June 29, 2017, the Company and BYUI entered into a renewed PPA under the terms of various Commission Orders and the federal Public Utility Regulatory Policies Act (PURPA). Application at 2, *citing*, Order Nos. 32697, 32737, 32802. The Commission approved the initial PPA between the Company and BYUI in June 2015, by Order No. 33317. Application at 2. The initial PPA is scheduled to terminate September 27, 2017. *Id.*

YOU ARE FURTHER NOTIFIED that under PURPA, electric utilities must purchase electric power from “qualifying facilities” (QFs) at rates approved by the applicable state regulatory agency – in Idaho, this Commission. 16 U.S.C. § 824a-3; *Idaho Power v. Idaho PUC*, 155 Idaho 780, 789, 316 P.3d 1278, 1287 (2013). The purchase or “avoided cost” rate shall not exceed the “incremental cost” to the utility, defined as the cost of energy which, “but for the purchase from [the QF], such utility would generate or purchase from another source.” 16 U.S.C. § 824a-3(d); 18 C.F.R. § 292.101(6) (defining “avoided cost”).

YOU ARE FURTHER NOTIFIED that the Company states that the BYUI facility is a QF under PURPA and has a nameplate rating of 5,600 kilowatts (kW), or 5.6 megawatts (MW). Application at 1-2.

YOU ARE FURTHER NOTIFIED that BYUI “elected to renew its QF PPA with the Company for a twenty-year term.” *Id.* at 4. The Company will pay BYUI “non-levelized, Conforming Energy or Non-conforming Energy Purchase Prices for Net Output adjusted for the month and On-Peak Hours or Off-Peak Hours.” *Id.* The Company and BYUI agree that “should the Facility exceed 5.6 [average megawatts (aMW)] on a monthly basis, [the Company] will accept the energy (“Inadvertent Energy”) that does not exceed the Maximum [Generator Interconnection Agreement] Delivery Rate, but will not purchase or pay for the Inadvertent Energy.” *Id.*

YOU ARE FURTHER NOTIFIED that the PPA provides that it will not become effective until the Commission has approved it and determined that “the prices to be paid for energy and capacity are just and reasonable, in the public interest, and that the costs incurred by [the Company] for purchasing capacity and energy from [BYUI] are legitimate expenses.” *Id.*

YOU ARE FURTHER NOTIFIED that the PPA includes provisions regarding the curtailment or disconnection of BYUI’s facility from the Company’s system. The Company asserts that BYUI knows of these provisions and has accepted them. *Id.* at 5.

YOU ARE FURTHER NOTIFIED that the Application and a copy of the renewal PPA have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and attachments are also available on the Commission’s web site at www.puc.idaho.gov under “File Room” and then “Electric Cases” and listed under the Case Number as it appears on the first page of this Notice.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure, Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within 21 days from the service date of this Order. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their

written comments. Written comments about this case shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Ted Weston
Rocky Mountain Power
1407 West North Temple, Suite 330
Salt Lake City, UT 84116
E-Mail: ted.weston@pacificorp.com

Street Address for Express Mail:

472 W. Washington St.
Boise, ID 83702-5918

Daniel E. Solander, Senior Counsel
Rocky Mountain Power
1407 West North Temple, Suite 320
Salt Lake City, UT 84116
E-Mail: daniel.solander@pacificorp.com

These comments should contain the case caption and case number on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page at www.puc.idaho.gov. Click the "Case Comment or Question Form" under the "Consumers" tab, and complete the form using the case number on the front of this document. These comments must also be sent to the Company at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that the Company may file reply comments, if necessary, no later than 28 days from the service date of this Order.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.


YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code, and specifically *Idaho Code* §§ 61-502 and 61-503. The Commission may enter any final Order consistent with its authority under Title 61 and PURPA.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted under the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

ORDER

IT IS HEREBY ORDERED that the Company's Application be processed under Modified Procedure, Rules 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so within 21 days of the service date of this Order. The Company may file a reply within 28 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 25th day of July 2017.



PAUL KJELLANDER, PRESIDENT




KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

O:PAC-E-17-08_djh