

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE JOINT ) CASE NO. AVU-E-18-01**  
**APPLICATION OF AVISTA CORPORATION )**  
**AND CLARK FORK HYDRO LLC FOR ) NOTICE OF APPLICATION**  
**APPROVAL OF A POWER PURCHASE )**  
**AGREEMENT ) NOTICE OF**  
**) MODIFIED PROCEDURE**  
**)**  
**) ORDER NO. 33972**  
**)**

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On January 9, 2018, Avista Corporation dba Avista Utilities and Clark Fork Hydro LLC (collectively, “the Parties”) jointly applied to the Commission for an order approving their Power Purchase Agreement (PPA), with a requested effective date of January 1, 2018. Application at 1. The Commission now issues this Notice of Application<sup>1</sup> and Notice of Modified Procedure setting comment and reply deadlines.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that the Parties explain that Clark Fork is the developer of the Derr Creek Hydroelectric Project, a 250 kilowatt (kW) “qualifying facility” (QF) under the Public Utility Regulatory Policies Act (PURPA). *Id.* at 2.

YOU ARE FURTHER NOTIFIED that under the PPA, Avista will buy the QF’s output at the applicable non-levelized rates for non-seasonal hydro projects smaller than 10 average megawatts. *Id.* at 3. The PPA has a 20-year term. *See id.* at 4.

YOU ARE FURTHER NOTIFIED that according to the PPA, the Parties had a prior agreement under which Avista purchased the output from the QF, which expired by its own terms on December 31, 2017. PPA at 3. The Parties entered into the proposed PPA so Avista could continue to purchase the output from the QF. *Id.*

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<sup>1</sup> Avista and Clark Fork Hydro styled their filing as a “Petition.” The parties’ filing, in essence, asks the Commission for the right to buy and sell power under the PPA. The parties thus should have styled their filing as an “Application.” *See* Rule 52 (IDAPA 31.01.01.52) (All pleadings requesting a right, certificate, permit, or authority from the Commission are called “applications”). In this case, the Commission will refer to the parties’ “Petition” as an “Application.”

YOU ARE FURTHER NOTIFIED that in sum, the Parties jointly request that the Commission issue an order accepting the PPA, without change or condition, with an effective date of January 1, 2018, and declaring that all payments made by Avista for purchases under the PPA be allowed as prudently incurred expenses for ratemaking purposes. Application at 4.

YOU ARE FURTHER NOTIFIED that the Application has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices. These documents are also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the "File Room" tab at the top of the page, then select "Electric Cases" and click on the case number as shown on the front of this document.

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 has authority under PURPA and the implementing regulations of the Federal Energy Regulatory Commission (FERC) to set avoided costs, to order electric utilities to enter into fixed-term obligations for the purchase of energy from qualified facilities and to implement FERC rules. 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 pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

#### **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 that it will proceed under Modified Procedure pursuant to Rules 201 through 204 of the 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 by no later than **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 concerning this Application shall be mailed to the Commission and Avista at the addresses reflected below:

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

Street Address for Express Mail:

472 W. Washington Street  
Boise, ID 83702-5918

**For Avista Corporation:**

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Contracts  
Michael G. Andrea, MSC-33  
Senior Counsel  
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Spokane, WA 99202  
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[michael.andrea@avistacorp.com](mailto:michael.andrea@avistacorp.com)

**For Clark Fork Hydro:**

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These comments should contain the case caption and case number shown 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 located at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Case Comment or Question Form" under the "Consumers" tab, and complete the comment form using the case number as it appears on the front of this document.

YOU ARE FURTHER NOTIFIED that the Parties shall file reply comments, if necessary, by no later than **7 days from the comment deadline**.

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.

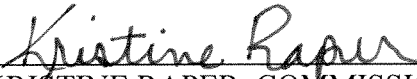
**ORDER**

IT IS HEREBY ORDERED that the Application of Avista Corporation and Clark Fork Hydro, LLC be processed by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so no later than 21 days from the service date of this Order. The Parties may file a reply no later than 7 days from the deadline for comments.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27<sup>th</sup> day of January 2018.



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PAUL KJELLANDER, PRESIDENT

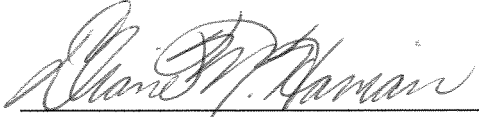


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KRISTINE RAPER, COMMISSIONER



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ERIC ANDERSON, COMMISSIONER

ATTEST:



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Diane M. Hanian  
Commission Secretary

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