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IDAHO PUBLIC
UTILITIES COMMISSION

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March 22, 2024

Commission Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd
Building 8, Suite 201-A
Boise, ID 83714

RE: In the Matter of the Joint Petition of Avista Corporation and the Regents of the University of Idaho for Approval of Power Purchase and Sale Agreement.
Case No. AVU-E-24-02

On March 15, 2024, the Staff of the Idaho Public Utilities Commission submitted comments recommending the Power Purchase Agreement between Avista Corporation (“Avista”) and the Regents of the University of Idaho “conditioned upon modification of Section 9.6 to meet the requirement in Order 35705.” Specifically, Staff indicated that Section 9.6 needed to be modified to be clear that written notice needs to be made to before modifications are made to the facility.

In response to Staff’s comments, Avista and Regents entered into the attached Amendment No. 1 to the Power Purchase Agreement to modify Section 9.6 of the PPA to clarify that written notice must be made before modifications are made to the facility. Avista respectfully requests that the Commission approve the Power Purchase Agreement as amended by the attached Amendment No. 1.

Please direct any questions regarding this report to Michael Andrea at (509) 495-2564 or myself at 509-495-4584.

Sincerely,

/s/Paul Kimball

Paul Kimball
Manager of Compliance & Discovery
Avista Utilities
509-495-4584

paul.kimball@avistacorp.com

Enclosure

AMENDMENT NO. 1

This Amendment No. 1 (“Amendment”) dated March 22, 2024 to the Power Purchase Agreement (“Agreement”), is entered into by and between Avista Corporation (“Avista”) and the Regents of the University of Idaho (“Seller”). Avista and Seller are sometimes referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, on January 30, 2024, the Parties entered in to the Agreement, which is to be effective on February 17, 2024;

WHEREAS, on March 15, 2024, the Idaho Public Utilities Commission Staff (“Staff”) submitted comments recommending approval of the Agreement conditioned upon the modification of Section 9.6 of the Agreement to ensure that notification of a material modification to the facility is made before any such modifications are made to the Facility;

WHEREAS, the Parties desire to amend the Agreement to modify Section 9.6 of the Agreement consistent with Staff’s comments.

NOW THEREFORE, it is agreed as follows:

AGREEMENT TO AMEND

1. The first sentence of Section 9.6 is deleted and replaced in its entirety with the following sentence:

Seller shall notify Avista in writing prior to making any material modifications to the Facility.

2. This Amendment shall be effective on the date set forth above, or such other date set by the Commission. Except as expressly amended by the provisions set forth in this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect following execution of this Amendment and each Party confirms, ratifies and approves the Agreement as amended. All capitalized terms used herein and not otherwise defined shall have the respective meanings given to such terms in the Agreement. As of the effective date of Amendment, this Amendment is hereby incorporated in and made part of the Agreement.

3. This Amendment may be executed in two (2) or more counterparts, each of which shall be deemed as an original and together shall constitute one and the same document.


IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed by their duly authorized representatives as of the date first set forth above.

AVISTA CORPORATION

REGENTS OF THE UNIVERSITY OF IDAHO

By: **Christopher Drake**
Printed Name: **Christopher Drake**
Title: **Mgr, Res Opt & Mktg**

Digitally signed by Christopher Drake
Date: 2024.03.22 08:55:56 -07'00'

By: 
Printed Name: **Brian Foisy**
Title: **Vice President for Finance & Administration**