

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT PETITION) CASE NO. AVU-E-24-03
OF AVISTA CORPORATION AND STIMSON)
LUMBER COMPANY FOR APPROVAL OF) NOTICE OF PETITION
AMENDMENT NO. 6 TO POWER)
PURCHASE AND SALE AGREEMENT) NOTICE OF MODIFIED
) PROCEDURE
)
) ORDER NO. 36106

On February 6, 2024, Avista Corporation d/b/a Avista Utilities (“Avista”) and Stimson Lumber Company (“Stimson”) (collectively “the Parties”) jointly petitioned the Idaho Public Utilities Commission (“Commission”) requesting an order approving Amendment No. 6 to the Power Purchase Agreement (“PPA”) between the Parties (“Petition”). The Parties represented that Amendment No. 6 shall account for the anticipated periods when the facility¹ (“Facility”) will be non-operational between January 1, 2024, and December 31, 2025. The Parties requested that the Commission issue an order accepting Amendment No. 6 with a retroactive effective date of February 2, 2024.

NOTICE OF PETITION

YOU ARE HEREBY NOTIFIED that the Parties represented that the original PPA was extended by Amendment No. 2 through December 31, 2023.

YOU ARE FURTHER NOTIFIED that the Parties represented that the proposed Amendment Nos. 3 through 5 extended the term of the PPA through December 31, 2025, and updated the PPA to apply the current published avoided cost rates to all power purchases by Avista from January 1, 2024, through December 31, 2025.

YOU ARE FURTHER NOTIFIED that the Parties stated that Stimson informed Avista that Stimson expects there to be extended periods when the Facility will not be operating during the updated contract term. As a default, Section 31 of the PPA requires Stimson to pay a use-of-facilities charge during the entire contract term. The proposed Amendment No. 6 would allow Stimson to not pay the use-of-facilities charge for any months that the Facility is not in use.

¹ The Facility is a 6.5 megawatt, “thermal wood waste small power electric generation plant located in Plummer, Idaho.” Petition at 2.

YOU ARE FURTHER NOTIFIED that the Petition is available for public inspection during regular business hours at the Commission's office. The Petition is also available on the Commission's website at www.puc.idaho.gov. Click on the "ELECTRIC" icon, select "Open 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 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 HEREBY 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 the Commission's Rules of Procedure 201-204, IDAPA 31.01.01.201-.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 persons desiring to state a position on this Petition may file a written comment explaining why the person supports or opposes the Petition. Persons who would like a hearing must specifically request a hearing in their written comments and explain why written comments alone are insufficient. **Persons interested in filing written comments must do so by April 8, 2024.** Comments must be filed through the Commission's website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission's website at <http://www.puc.idaho.gov/>. Click the "Case Comment Form" and complete the form using the case number as it appears on the front of this document.

To file by e-mail, persons must e-mail the comments to the Commission Secretary and the Parties at the e-mail addresses listed below. Persons submitting a comment by e-mail must provide their name, address, and the Case Number under which they are commenting. Persons submitting a comment by e-mail also acknowledge that submitting a comment in an open case constitutes a public record under *Idaho Code* § 74-101(13), and all information provided by such person is available for public and media inspection.

If computer access is unavailable, then comments may be mailed to the Commission and the Parties at the addresses below. Persons submitting a comment by mail must provide their name,

address, and the Case Number under which they are commenting. Persons submitting a comment by mail also acknowledge that submitting a comment in an open case constitutes a public record under *Idaho Code* § 74-101(13), and all information provided by such person is available for public and media inspection.

**For the Idaho Public Utilities
Commission:**

Commission Secretary
Idaho Public Utilities Commission
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For Avista:

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YOU ARE FURTHER NOTIFIED that the Parties must file any reply comments **by April 15, 2024.**

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 final 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

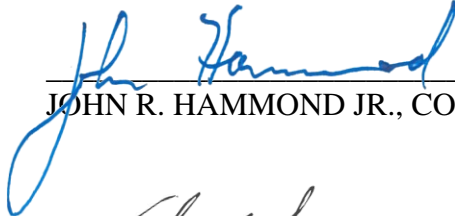
IT IS HEREBY ORDERED that the Parties' filing be processed by Modified Procedure. Persons wishing to file written comments must do so by April 8, 2024. The Parties must file any reply comments by April 15, 2024.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between

parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4th day of March 2024.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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