

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF COMMISSION) **CASE NO. GNR-E-23-01**
STAFF’S APPLICATION TO ALTER THE)
FILING DATE OF THE CAPACITY) **NOTICE OF APPLICATION**
DEFICIENCY CASE)
) **NOTICE OF**
) **MODIFIED PROCEDURE**
)
) **ORDER NO. 35761**

On April 6, 2023, Commission Staff (“Staff”) filed an application (“Application”) with the Idaho Public Utilities Commission (“Commission”) for an order modifying the required filing date for the capacity deficiency cases filed by Idaho Power, Avista, and Rocky Mountain Power.

BACKGROUND

A capacity deficiency case is used to determine when new qualifying facilities (“QFs”) begin avoiding capacity cost for a utility and are eligible to start receiving capacity payments. *See* Order No. 32697. Originally, each utility was required to file its capacity deficiency date case when a utility submitted its Integrated Resource Plan (“IRP”) to the Commission, and the capacity deficiency determined through the IRP planning process would be the starting point subject to the outcome of the proceeding. *See* Order No. 32697. On October 24, 2017, the Commission amended Order No. 32697 to require “that each Idaho electric utility shall submit its updated capacity deficiency filing after the Commission has acknowledged its IRP report, rather than upon its IRP filing...” Order No. 33917 at 4.

On June 28, 2019, Idaho Power filed its 2019 IRP in Case No. IPC-E-19-19, and concurrently filed its capacity deficiency date case in Case No. IPC-E-19-20. On April 29, 2020, the Commission issued Order No. 34649, requiring Idaho Power to file its first capacity deficiency date case upon IRP acknowledgement. Order No. 34649 at 4.

On April 9, 2021, Idaho Power filed its capacity deficiency date case, Case No. IPC-E-21-09, after the acknowledgement of the Second Amended 2019 IRP. On July 21, 2021, Staff recommended in its comments that a generic docket be opened to determine the timing of the capacity deficiency date filing in relation to the timing of the IRP. On July 28, 2021, Idaho Power

stated in its reply comments that Idaho Power preferred that the capacity deficiency date case be filed at the time of the IRP filing.

On February 4, 2022, Idaho Power filed an amended application in that case. On March 31, 2022, Staff recommended in its Amended Comments that “if the Commission decided to re-evaluate when the capacity deficiency date case should be filed, a generic docket should be opened because the decision may need to consider factors affecting all three Idaho electric utilities.” Staff’s Amended Comments at 3.

On May 25, 2022, the Commission issued Order No. 35415, which required Staff to “meet with the Companies to review and consider the factors that impact the established filing date of the capacity deficiency date. If warranted, a docket shall be opened to seek authorization to alter the established date.” Order No. 35415 at 11.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that on February 22, 2023, Staff met with representatives from Idaho Power, Avista, and Rocky Mountain Power, through an online workshop to consider a potential change to the timing for filing capacity deficiency date cases.

YOU ARE FURTHER NOTIFIED that at the end of the workshop, all the participants reached a consensus that the best option was to have each utility file its capacity deficiency case within 30 days from the date it files its IRP for acknowledgment. Participants believe that this will ensure that each utility’s capacity deficiency case will be based on the most recent information identified in its IRP and will allow that utility to incorporate any new information and data that may have changed while preparing its IRP during its development cycle.

YOU ARE FURTHER NOTIFIED that Staff proposes to change the filing time of the capacity deficiency case to within 30 days after the IRP is filed for acknowledgment.

YOU ARE FURTHER NOTIFIED that the Application and Attachments are available for public inspection during regular business hours at the Commission’s office. These documents are 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.

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 will proceed under Modified Procedure pursuant to 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 persons desiring to state a position on this Application may file a written comment explaining why the person supports or opposes the Application. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons interested in filing written comments must do so within twenty-one (21) days of the service date of this Order.** 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 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, the customer must e-mail the comment to the Commission Secretary and the Utilities at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and the Utilities at these addresses:

**For the Idaho Public Utilities
Commission:**

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
secretary@puc.idaho.gov

Street Address for Express Mail:

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Building 8, Suite 201-A
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For Avista:

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For Rocky Mountain Power:

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daniel.macneil@pacificorp.com

YOU ARE FURTHER NOTIFIED that Staff must file any reply comments **within twenty-eight (28) days of the service date of this Order.**

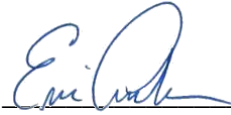
YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and,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

ORDER

IT IS HEREBY ORDERED that Commission Staff's Application be processed by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so within twenty-one (21) days of the service date of this Order. Commission Staff must file any reply comments within twenty-eight (28) days of the service date of this Order.

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 28th day of April 2023.



ERIC ANDERSON, PRESIDENT

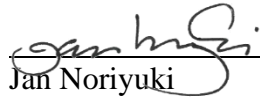


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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