

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: DAYN HARDIE
DEPUTY ATTORNEY GENERAL

DATE: FEBRUARY 27, 2020

SUBJECT: IN THE MATTER OF IDAHO POWER COMPANY'S APPLICATION TO
MODIFY SCHEDULE 30, SPECIAL CONTRACT WITH UNITED
STATES DEPARTMENT OF ENERGY; CASE NO. IPC-E-20-01.

On February 26, 2020, Idaho Power ("Idaho Power" or "Company") filed an Amended Application seeking approval of an asset transfer related to the Company's Application to modify Schedule 30. To ensure the asset transfer doesn't receive posthumous Commission approval or disapproval, which could ultimately jeopardize the outcome of the Commission's decision regarding the modification of Schedule 30, Staff believes the asset transfer should be incorporated into the process ahead of the Commission's decision. Commission Staff requests that the Commission issue a Notice of Amended Application, Notice of Amended Comment Deadlines, and Notice of Telephonic Hearing.

BACKGROUND

The genesis of the proposed modifications to Schedule 30 is an August 21, 2019 transfer of title agreement entered between the Department of Energy ("DOE") and the Company—transferring ownership of DOE owned asset to the Company. *See* Attachment 1. Concurrently with the transfer agreement between the DOE and the Company, the Company transferred partial ownership of those same assets¹ under a separate transfer of title agreement entered between the Company and PacifiCorp, dated August 22, 2019. *See* Attachment 2.

On February 10, 2020, the Commission issued a Notice of Application and Notice of Modified Procedure, establishing a public comment deadline of March 10, 2020 and Company reply deadline of March 17, 2020. On February 4, 2020, Commission Staff sent its First Production

¹ Regarding the assets transferred from Idaho Power to PacifiCorp, and for purposes of the Joint Ownership and Operating Agreement, the Weighted Average Ownership Percentage will be 53.365% for Idaho Power and 46.635% for PacifiCorp.

Request to the Company. In its First Production Response, filed on February 18, 2020, the Company responded to Staff's request regarding an asset transfer between the Company and PacifiCorp, which is directly relates to the Company's Application.

After reviewing the Company's First Production Response, Commission Staff became concerned about processing the Company's Application to modify Schedule 30 without knowing if the Company's asset transfer to PacifiCorp would also be approved. Commission Staff asked the Company to file the Amended Application, seeking approval of the PacifiCorp asset transfer in addition to approval of the modifications to Schedule 30. Staff believes this ensures any decision made regarding the asset transfer will not affect the outcome of modifications to Schedule 30.

THE AMENDED APPLICATION

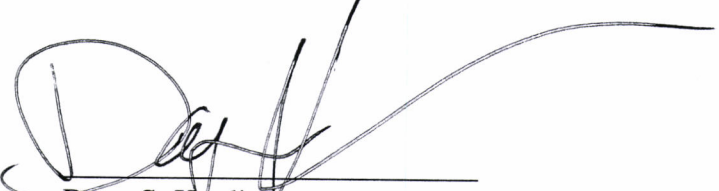
The Company's Amended Application seeks approval of the asset transfer between the Company and PacifiCorp in addition to approval of the modifications to Schedule 30 sought in the Application. The Company states that the assets were transferred concurrently to PacifiCorp when the DOE to Idaho Power transaction occurred. The reason for the transfer to PacifiCorp is that the Company does not require full capacity for its service of the DOE and PacifiCorp serves customers via the same assets.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Amended Application, Notice of Amended Comment Deadlines, and Notice of Telephonic Hearing. Staff recommends extending the public comment deadline to March 24, 2020 and the Company reply deadline to March 27, 2020. Staff further recommends the telephonic hearing be held on March 24, 2020.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Amended Application, Notice of Amended Comment Deadlines extending the public comment deadline to March 24, 2020 and the Company reply deadline to March 27, 2020, and Notice of Telephonic Hearing with a hearing to be held on March 24, 2020?



Dayn S. Hardie
Deputy Attorney General