

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER'S) CASE NO. IPC-E-20-08
APPLICATION FOR APPROVAL OF THE)
FIRST AMENDMENT TO THE ENERGY) ORDER NO. 34632
SALES AGREEMENT FOR THE HEAD OF U)
HYDRO PROJECT)

On February 20, 2020, Idaho Power Company ("Idaho Power") applied for approval of the First Amendment to its Energy Sales Agreement ("ESA") with North Side Energy Company, Inc. ("North Side Energy"). The ESA falls under the Public Utility Regulatory Policies Act of 1978 ("PURPA") and is a contract for the sale and purchase of electric energy generated by the Head of U Hydro Project, a PURPA qualifying facility ("QF"). The First Amendment to the ESA addresses when North Side Energy must notify Idaho Power before North Side Energy revises its future Monthly Estimated Net Energy Amounts. Idaho Power asked that the Commission process its Application by Modified Procedure.

On March 12, 2020, the Commission issued a Notice of Application and Notice of Modified Procedure, setting deadlines for public comments and Idaho Power's reply. Order No. 34581. Staff filed the only comments and supported the Application. Idaho Power did not reply.

Having reviewed the record, we now approve the First Amendment to the ESA as discussed below.

BACKGROUND

The Commission approved Idaho Power's ESA with North Side Energy on August 21, 2014. Order No. 33102. Section 6.2.3 of that ESA addresses when North Side Energy must notify Idaho Power if North Side Energy wishes to revise its Monthly Estimated Net Energy Amounts after the Operation Date. As approved in Order No. 33120, North Side Energy must notify Idaho Power in writing by 5 PM on the last business day of the month two months before the month the Monthly Estimated Net Energy Amount is to be revised.¹ See Case No. IPC-E-14-07, Attachment 1 of Application at 15. After the ESA

¹ Example: Under the current ESA, North Side Energy must notify Idaho Power by the last day of January 2020 if they want to revise the Estimated Net Energy Amounts for March 2020, or any future months.

was executed and approved, North Side Energy and Idaho Power agreed to adjust the notification requirements for revising North Side Energy's Monthly Estimated Net Energy Amounts.

The proposed Amendment would modify when North Side Energy must notify Idaho Power before revising future Monthly Estimated Net Energy Amounts. The proposed Amendment states that "[a]fter the Operation Date, [North Side Energy] must revise any future Monthly Estimated Net Energy Amounts by providing written notice no later than 5 PM Mountain Standard time on the 25th day of the month that is prior to the month to be revised." Application at 2-3. If the 25th day of the month falls on a weekend or holiday, Idaho Power must receive North Side Energy's written notice by the last business day before the 25th day of the month. The First Amendment provides the following example: "...if [North Side Energy] would like to revise the [Monthly] Estimated Net Energy Amount for October, they would need to submit a revised schedule no later than September 25 or the last business day prior the September 25." *Id.* at 3.

STAFF COMMENTS

Staff reviewed the Application and supports the First Amendment. Staff noted that the Commission has previously approved five-day advance notice for projects with extensive historical generation data. North Side Energy's Head of U Hydro Project has a long generation history; therefore, Staff believes it should qualify for five-day advanced notice.

COMMISSION FINDINGS AND DISCUSSION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-502 and 61-503. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503. In addition, the Commission has authority under PURPA and Federal Energy Regulatory Commission ("FERC") regulations to set avoided costs, to order electric utilities to enter into fixed-term obligations for the purchase of energy from QFs, and to implement FERC rules. The Commission may enter any final order consistent with its authority under Title 61 of Idaho Code and PURPA.

The Commission has reviewed the record, including the Application, proposed Amendment, and the comments of Staff. In multiple cases, the Commission has allowed a five-day advanced notification to adjust Monthly Estimated Net Energy Amounts, recognizing that adjustments made closer to the time of delivery can improve the accuracy of input used by Idaho Power for short-term operational planning. *See e.g.*, Case Nos. IPC-E-19-01, IPC-E-19-03, IPC-E-19-04, IPC-E-19-07, IPC-E-19-12. Based on our review, we find it fair, just, and reasonable to approve the Idaho Power’s First Amendment modifying the advance notice required for the Monthly Estimated Net Energy Amounts.

ORDER

IT IS HEREBY ORDERED that the First Amendment to Idaho Power’s ESA with North Side Energy Company, Inc.—changing from a one-month plus advanced notice to a five-day advanced notice for adjusting Estimated Net Energy Amounts—is approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within 21-days of the service date of this Order with regard to any matter decided in this Order. Within seven days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17th
day of April 2020.



PAUL KJELLANDER, PRESIDENT

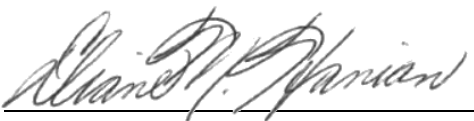


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

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