

DECISION MEMORANDUM

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

FROM: JOHN R. HAMMOND JR.
DEPUTY ATTORNEY GENERAL

DATE: MARCH 5, 2020

SUBJECT: IDAHO POWER COMPANY'S APPLICATION FOR APPROVAL OF FIRST AMENDMENT TO ENERGY SALES AGREEMENT WITH MUD CREEK S&S HYDRO PROJECT; CASE NO. IPC-E-20-09.

On February 20, 2020, Idaho Power Company ("Idaho Power" or "Company") applied for Commission approval of the First Amendment to its Energy Sales Agreement ("Amendment") with H K Hydro, LLC ("H K Hydro" or "Seller") for the energy generated by the Mud Creek S&S hydro project ("Facility"). The Facility is a qualifying facility ("QF") under the Public Utility Regulatory Policies Act of 1978 ("PURPA").

THE APPLICATION

Idaho Power and H K Hydro entered into an energy sales agreement ("ESA") on October 5, 2016, for the purchase and sale of energy produced by Mud Creek. The ESA was approved by the Commission in Order No. 33692.

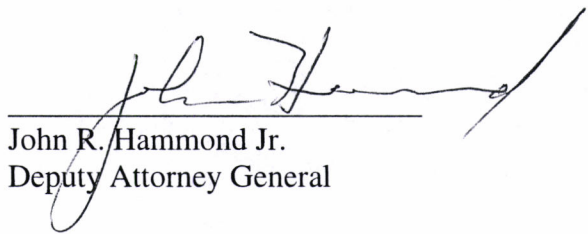
The Company states the ESA contains provisions providing for the Seller's Adjustment of Estimated Net Energy Amounts in Section 6.2.3. Idaho Power and H K Hydro have agreed to amend Section 6.2.3 of the ESA in order to adjust the notification requirements in this Section. Idaho Power asserts the Amendment does not otherwise change any of the obligations of the Company or the Seller. Idaho Power requests that its Application be processed by Modified Procedure.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure. Staff recommends the Notice of Application and Notice of Modified Procedure provide for a twenty-one (21) day written comment period for itself and any other interested parties, with a seven (7) day reply comment period for the Company to follow.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure that establishes a twenty-one (21) day written comment period for Staff and any other interested parties followed by a seven (7) day reply comment period for the Company?



John R. Hammond Jr.
Deputy Attorney General

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