

DONOVAN E. WALKER (ISB No. 5921)
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
Telephone: (208) 388-5317
Facsimile: (208) 388-6936
dwalker@idahopower.com

Attorney for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) OF IDAHO POWER COMPANY FOR) APPROVAL OR REJECTION OF AN) ENERGY SALES AGREEMENT WITH THE) WHITE WATER POWER COMPANY INC,) FOR THE SALE AND PURCHASE OF) ELECTRIC ENERGY FROM THE WHITE) WATER RANCH HYDRO PROJECT.) _____))	CASE NO. IPC-E-20-13 MOTION FOR APPROVAL OF FIRST AMENDMENT TO ENERGY SALES AGREEMENT
--	--

Idaho Power Company (“Idaho Power” or “Company”), in accordance with RP 56 and the applicable provisions of the Public Utility Regulatory Policies Act of 1978 (“PURPA”), hereby respectfully moves the Idaho Public Utilities Commission (“Commission”) for an order approving the First Amendment to the Energy Sales Agreement for the White Water Ranch hydro project (“Amendment”) between Idaho Power and a PURPA Qualifying Facility (“QF”), dated March 29, 2020, filed herewith as Attachment 1. This Amendment corrects the Nameplate Capacity and Maximum Capacity Amount in Appendix B-1 and B-4, respectively, of the Energy Sales Agreement (“ESA”)

between Idaho Power Company and White Water Power Company Inc. (“White Water” or “Seller”).

In support of this Motion, Idaho Power represents as follows:

I. INTRODUCTION and BACKGROUND

1. The Seller currently has a PURPA firm energy sales agreement with Idaho Power for the White Water Ranch hydro QF (“Facility”) that was executed on February 24, 1984. The expiration date of the 1984 energy sales agreement is July 31, 2020. The Company and the Seller (jointly, “Parties”) entered into an ESA on March 2, 2020, under which White Water would sell and Idaho Power would purchase electric energy generated by Facility located near Gooding, Idaho. This ESA is currently pending approval or rejection by the Commission in Case No. IPC-E-20-13.

2. The ESA submitted in Case No. IPC-E-20-13, is a new contract with the same Qualifying Facility (“QF”) for a new term and current terms and conditions. The Nameplate Capacity and Maximum Capacity Amount identified in the ESA is 160 kW. The Seller subsequently provided information to Idaho Power that verifies the Nameplate Capacity of the Facility has totaled 170 kW since 1988 and has operated at the same level of generation output over the term of the 1984 energy sales agreement. The Amendment to the ESA is to correct the Nameplate Capacity and Maximum Capacity Amount identified in Appendix B from 160 kW to 170 kW. See Attachment 1. Because the Facility is an existing QF that is seeking a replacement agreement, has operated under a Nameplate Capacity of 170 kW since 1988, and generation output from the Facility has been included in Idaho Power’s capacity planning during periods when Idaho Power has

acquired capacity resources, the replacement ESA contains capacity payments for the entire term of the Agreement, with no sufficiency period.

3. On a March 24, 2020, phone call, Idaho Power and Commission Staff discussed the need to correct the Nameplate Capacity and agreed the change should be submitted in Case No. IPC-E-20-13. Idaho Power followed up with the Seller, who also agreed and executed the Amendment on March 29, 2020. Idaho Power signed the Amendment on April 3, 2020. The Amendment does not otherwise change any of the terms and obligations of the Parties set forth in the ESA.

II. THE AMENDMENT

4. The Amendment provides for the correction of Nameplate Capacity and Maximum Capacity Amount in Appendix B of the ESA. A redlined version of the corrections is attached. See Attachment 2.

Appendix B-1 shall now read:

B-1 DESCRIPTION OF FACILITY

This project consists of two separate plants operating on the same spring fed creek on the same contiguous property. Plant #1 (sometimes referred to as the Upper Plant) is located about 300 feet from the ranch residence at 609 River Road, Bliss, ID. This plant was originally built in 1964 to provide stand-alone power for the ranch. Stoddard Creek was diverted at River Road into a forebay and steel penstock, operating a Francis turbine and synchronous generator under 55 feet of head. This plant was upgraded in 1986 with a concrete diversion structure and forebay, a new 20" diameter steel penstock and thrust block. New switch gear was installed inside the concrete powerhouse. In about 1988, the original Plant #1 synchronous generator was replaced by a 75 HP (55 kW) Lincoln induction motor that is being operated in reverse to generate power. Stoddard Creek flows through the ranch's commercial trout facility and a forebay in the last trout raceway diverts the water into Plant #2.

Plant #2 (also referred to as the Lower Plant) was built in 1985-1986 and includes:

- 24" diameter, 750 foot long steel penstock
- Concrete and cinder block power house
- 1986 Byron-Jackson vertical Hydro turbine operating under 110 feet of head
- 1986 U.S. Motors 115 kW vertical induction generator
- Control valve and switch gear

Water from Plant #2 discharges into the Snake River and electricity generated flows at 480 volts in buried wires approximately 2,000 feet to Plant #1. Just outside Plant #1, the combined electrical production of Plants #1 and #2 flow through Idaho Power owned protection equipment and a single meter, then travels underground about 200 feet to Idaho Power's transformer pole.

Facility Nameplate Capacity: 170 kW

Qualifying Facility Category (Small Power Production or Cogeneration): Small Power Production

Primary Energy Source (Hydro, Wind, Solar, Biomass, Waste, Geothermal): Hydro

Fueled or Non-Fueled Rate (Generator primarily fueled with fossil or non-fossil fuel): Non-Fueled

Any modifications to the Facility, including but not limited to the generator or turbine, that (1) increases or decreases the Facility Nameplate Capacity, or (2) changes the Qualifying Facility Category, or (3) changes the Primary Energy Source or (4) changes to the generator fuel and subsequently the Fueled Rate or Non-Fueled Rate, will require a review of the Agreement terms, conditions and pricing and Idaho Power, at its sole determination, may adjust the pricing or terminate the Agreement. If the Agreement is terminated because of said modifications, the Seller will be responsible for any Termination Damages.

Appendix B-4 shall now read:

B-4 MAXIMUM CAPACITY AMOUNT:

The Maximum Capacity Amount is 170 kW which is consistent with the value provided by the Seller to Idaho Power in accordance with the GIA. This value is the maximum generation (kW) that potentially could be delivered by the

Seller's Facility to the Idaho Power electrical system at any moment in time.

Appendix E of the ESA requires a modification as it references Nameplate Capacity and shall now read:

APPENDIX E
NON-SEASONAL HYDRO FACILITY ENERGY PRICES
(Prices based on the Nameplate Capacity Amount of 170 kW, Non-Fueled Rates)

5. The Amendment is subject to the Commission's approval and shall not be fully effective unless the Commission approves the ESA and this Amendment in Case No. IPC-E-20-13.

III. MODIFIED PROCEDURE

6. Idaho Power believes that a hearing is not necessary to consider the issues presented herein and respectfully requests that this Application be processed under Modified Procedure; i.e., by written submissions rather than by hearing. RP 201, *et seq.*

IV. COMMUNICATIONS AND SERVICE OF PLEADINGS

7. Communications and service of pleadings, exhibits, orders, and other documents relating to this proceeding should be sent to the following:

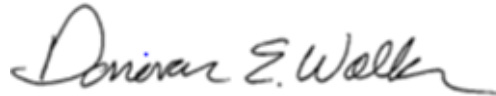
Donovan E. Walker
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
dwalker@idahopower.com
dockets@idahopower.com

Energy Contracts
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
energycontracts@idahopower.com

VI. REQUEST FOR RELIEF

16. Idaho Power respectfully requests that the Commission issue an order accepting the First Amendment to the Energy Sales Agreement submitted herewith without change or condition.

Respectfully submitted this 3rd day of April 2020.



DONOVAN E. WALKER
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of April, 2020, I served a true and correct copy of the within and foregoing MOTION upon the following named parties by the method indicated below, and addressed to the following:

Loretta Standal, President
White Water Power Company, Inc
609 River Road
Bliss, Idaho 83314
208-837-4970

Hand Delivered
 U.S. Mail
 Overnight Mail
 FAX
 Email standal@rtci.net

Idaho Public Utilities Commission
Edward Jewell
Yao Yin
Mike Lewis
11331 West Chinden Blvd., Building 8
Suite 201-A
Boise, Idaho 83714

Hand Delivered
 U.S. Mail
 Overnight Mail
 FAX
 Email edward.jewell@puc.idaho.gov
yao.yin@puc.idaho.gov
mike.louis@puc.idaho.gov



Christy Davenport, Legal Assistant

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-20-13

IDAHO POWER COMPANY

ATTACHMENT 1

**FIRST AMENDMENT
TO THE
ENERGY SALES AGREEMENT
BETWEEN
IDAHO POWER COMPANY
AND
WHITE WATER POWER COMPANY, INC.**

This First Amendment of the Energy Sales Agreement (“First Amendment”) is entered into on this 3rd day of April, 2020, by and between Idaho Power Company, an Idaho corporation (“Idaho Power”), and White Water Power Company, Inc., (“Seller”) (individually a “Party” and collectively the “Parties”).

WHEREAS, Idaho Power and the Seller hold an existing Firm Energy Sales Agreement (“FESA”) dated February 24, 1984, that expires on July 31, 2020, for the purchase and sale of generation produced by the White Water Ranch Hydro PURPA Qualifying Facility (“Facility”). The Facility is comprised of two generating units, unit #1 and unit #2. The total Nameplate Capacity of the generating units was not specified in the FESA; and

WHEREAS, the Seller has provided information to Idaho Power that identifies in 1988 generation unit #1 was replaced with a similarly sized motor with output capability of 75 horsepower that is equivalent to a Nameplate Capacity of approximately 55 kilowatts (“kW”). Generation unit #2 remained unchanged and has a physical Nameplate Capacity of 115 kW. The total Nameplate Capacity of the Facility is 170 kW; and

WHEREAS, on March 2, 2020, the Parties entered into a new Energy Sales Agreement (“ESA”), that is pending IPUC approval or rejection in Case No. IPC-E-20-13. Appendix B of the ESA incorrectly lists the Nameplate Capacity of the Facility as 160 kW; and

WHEREAS, Seller and Idaho Power desire to amend Appendix B of the ESA to include a change in the Nameplate Capacity and Maximum Capacity Amount from 160 kW to 170 kW;

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and intending to be legally bound, the Parties hereto agree as follows:

1. **Incorporation of Recitals.** The above-stated recitals are incorporated into and made a part of this ESA by this reference to the same extent as if these recitals were set forth in full at this point.
2. **Appendix B and Appendix E.** The following sections of Appendix B and Appendix E shall be modified as written below:

Appendix B -

B-1 DESCRIPTION OF FACILITY

This project consists of two separate plants operating on the same spring fed creek on the same contiguous property. Plant #1 (sometimes referred to as the Upper Plant) is located about 300 feet from the ranch residence at 609 River Road, Bliss, ID. This plant was originally built in 1964 to provide stand-alone power for the ranch. Stoddard Creek was diverted at River Road into a forebay and steel penstock, operating a Francis turbine and synchronous generator under 55 feet of head. This plant was upgraded in 1986 with a concrete diversion structure and forebay, a new 20" diameter steel penstock and thrust block. New switch gear was installed inside the concrete powerhouse. In about 1988, the original Plant #1 synchronous generator was replaced by a 75 HP (55 kW) Lincoln induction motor that is being operated in reverse to generate power. Stoddard Creek flows through the ranch's commercial trout facility and a forebay in the last trout raceway diverts the water into Plant #2.

Plant #2 (also referred to as the Lower Plant) was built in 1985-1986 and includes:

- 24" diameter, 750 foot long steel penstock
- Concrete and cinder block power house
- 1986 Byron-Jackson vertical Hydro turbine operating under 110 feet of head
- 1986 U.S. Motors 115 kW vertical induction generator
- Control valve and switch gear

Water from Plant #2 discharges into the Snake River and electricity generated flows at 480 volts in buried wires approximately 2,000 feet to Plant #1. Just outside Plant #1, the combined electrical production of Plants #1 and #2 flow through Idaho Power owned protection equipment and a single meter, then travels underground about 200 feet to Idaho Power's transformer pole.

Facility Nameplate Capacity: 170 kW

Qualifying Facility Category (Small Power Production or Cogeneration): Small Power Production

Primary Energy Source (Hydro, Wind, Solar, Biomass, Waste, Geothermal): Hydro

Fueled or Non-Fueled Rate (Generator primarily fueled with fossil or non-fossil fuel): Non-Fueled

Any modifications to the Facility, including but not limited to the generator or turbine, that (1) increases or decreases the Facility Nameplate Capacity, or (2) changes the Qualifying Facility Category, or (3) changes the Primary Energy Source or (4) changes to the generator fuel and subsequently the Fueled Rate or Non-Fueled Rate, will require a review of the Agreement terms, conditions and pricing and Idaho Power, at its sole determination, may adjust the pricing or terminate the Agreement. If the Agreement is terminated because of said modifications, the Seller will be responsible for any Termination Damages.

B-4 MAXIMUM CAPACITY AMOUNT:

The Maximum Capacity Amount is 170 kW which is consistent with the value provided by the Seller to Idaho Power in accordance with the GIA. This value is the maximum generation (kW) that potentially could be delivered by the Seller's Facility to the Idaho Power electrical system at any moment in time.

Appendix E -

APPENDIX E

NON-SEASONAL HYDRO FACILITY ENERGY PRICES

(Prices based on the Nameplate Capacity Amount of 170 kW, Non-Fueled Rates)

3. **Commission Approval.** The obligations of the Parties under this First Amendment are subject to the IPUC's approval of this First Amendment and such approval being upheld on appeal, if any, by a court of competent jurisdiction. The Parties will submit this First Amendment to the IPUC and request approval or rejection in its entirety pursuant to RP 274.
4. **Effect of Amendment.** Except as expressly amended by this First Amendment, the ESA shall remain in full force and effect.
5. **Capitalized Terms.** All capitalized terms used in this First Amendment and not defined herein shall have the same meaning as used in the ESA.
6. **Scope of Amendment.** This First Amendment shall be binding upon and inure to the benefit of the Parties hereto, and their respective heirs, executors, administrators, successors, and assigns, who are obligated to take any action which may be necessary or proper to carry out the purpose and intent thereof.
7. **Authority.** Each Party represents and warrants that (i) it is validly existing and in good standing in the state in which it is organized, (ii) it is the proper party to amend the ESA, and (iii) it has the requisite authority to execute this First Amendment.
8. **Counterparts.** This First Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single instrument.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be duly executed as of the date above written.

WHITE WATER POWER COMPANY, INC.

By: Loretta Standal

Name: Loretta Standal

Title: President

Date: 03/29/2020

IDAHO POWER COMPANY

By: TJ Harvey

Name: Tom J Harvey

Title: VP- Power Supply

Date: 4/3/20

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION
CASE NO. IPC-E-20-13**

IDAHO POWER COMPANY

ATTACHMENT 2

APPENDIX B

FACILITY AND POINT OF DELIVERY

Project Name: White Water Ranch Hydro Project

Project Number: 31315030

B-1 DESCRIPTION OF FACILITY

This project consists of two separate plants operating on the same spring fed creek on the same contiguous property. Plant #1 (sometimes referred to as the Upper Plant) is located about 300 feet from the ranch residence at 609 River Road, Bliss, ID. This plant was originally built in 1964 to provide stand-alone power for the ranch. Stoddard Creek was diverted at River Road into a forebay and steel penstock, operating a Francis turbine and synchronous generator under 55 feet of head. This plant was upgraded in 1986 with a concrete diversion structure and forebay, a new 20" diameter steel penstock and thrust block. New switch gear was installed inside the concrete powerhouse. ~~In about 1988, the original Plant #1 synchronous generator was replaced by a 75 HP (545 kW) Lincoln induction motor that is being operated in reverse to generate power. generator in about 1988. Norman Standal (Stan's father) researched, designed, and custom built a stainless steel crossflow turbine for this plant. This turbine was installed in 2000 and a belt drives the 55 kW Lincoln induction generator.~~ Stoddard Creek flows through the ranch's commercial trout facility and a forebay in the last trout raceway diverts the water into Plant #2.

Plant #2 (also referred to as the Lower Plant) was built in 1985-1986 and includes:

- 24" diameter, 750 foot long steel penstock
- Concrete and cinder block power house
- 1986 Byron-Jackson vertical Hydro turbine operating under 110 feet of head
- 1986 U.S. Motors 115 kW vertical induction generator
- Control valve and switch gear

Water from Plant #2 discharges into the Snake River and electricity generated flows at 480 volts in buried wires approximately 2,000 feet to Plant #1. Just outside Plant #1, the combined electrical production of Plants #1 and #2 flow through Idaho Power owned protection equipment and a single meter, then travels underground about 200 feet to Idaho Power's transformer pole.

Facility Nameplate Capacity: 1760 kW

Qualifying Facility Category (Small Power Production or Cogeneration): Small Power Production

Primary Energy Source (Hydro, Wind, Solar, Biomass, Waste, Geothermal): Hydro

Fueled or Non-Fueled Rate (Generator primarily fueled with fossil or non-fossil fuel): Non-Fueled

Any modifications to the Facility, including but not limited to the generator or turbine, that (1) increases or decreases the Facility Nameplate Capacity, or (2) changes the Qualifying Facility Category, or (3) changes the Primary Energy Source or (4) changes to the generator fuel and subsequently the Fueled Rate or Non-Fueled Rate, will require a review of the Agreement terms, conditions and pricing and Idaho Power, at its sole determination, may adjust the pricing or terminate the Agreement. If the Agreement is terminated because of said modifications, the Seller will be responsible for any Termination Damages.

B-4 MAXIMUM CAPACITY AMOUNT:

The Maximum Capacity Amount is 1760 kW which is consistent with the value provided by the Seller to Idaho Power in accordance with the GIA. This value is the maximum generation (kW) that potentially could be delivered by the Seller's Facility to the Idaho Power electrical system at any moment in time.

APPENDIX E

NON-SEASONAL HYDRO FACILITY ENERGY PRICES

(Prices based on the Nameplate Capacity Amount of 1760 kW, Non-Fueled Rates)