

DECISION MEMORANDUM

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

**FROM: EDWARD JEWELL
DEPUTY ATTORNEY GENERAL**

DATE: MARCH 26, 2020

**SUBJECT: FORMAL COMPLAINT OF BLACK MESA ENERGY, LLC TO
ESTABLISH A LEGALLY ENFORCEABLE OBLIGATION; CASE NO.
IPC-E-20-17.**

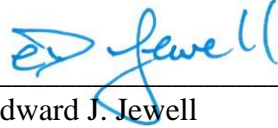
On March 17, 2020, Black Mesa Energy, LLC (“Black Mesa”) filed a formal complaint against Idaho Power Company (“Idaho Power” or “Company”) seeking a determination that Black Mesa established a legally enforceable obligation (“LEO”) with Idaho Power for both Black Mesa Energy 1 and Black Mesa Energy 2. Black Mesa Energy 1 and 2 are qualifying facilities (“QFs”) under the Public Utility Regulatory Policies Act of 1978 (“PURPA”). Black Mesa has self-certified its QFs with the Federal Energy Regulatory Commission (“FERC”) as energy storage QFs. Black Mesa asserts its facilities “will deliver firm energy commitments of energy and capacity throughout the day to Idaho Power and will continue supplying energy and capacity during critical peak times after the sun goes down in summer evenings.” Formal Complaint at 5. Black Mesa asserts its QFs are entitled to 20-year contracts and published avoided-cost rates because they qualify as “other” QFs under the Commission’s implementation of PURPA.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Summons requiring the Company to answer within 21 days of the issuance of the Summons and providing a 14 day reply period for parties to the case.

COMMISSION DECISION

Does the Commission wish to issue a Summons requiring the Company to answer within 21 days of the issuance of the Summons and providing a 14 day reply period for parties to the case?



Edward J. Jewell
Deputy Attorney General

I:\Legal\ELECTRIC\IPC-E-20-17\IPCE2017_dec memo_ej