

DECISION MEMORANDUM

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

**FROM: EDWARD JEWELL
DEPUTY ATTORNEY GENERAL**

DATE: JULY 31, 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 with Idaho Power for both Black Mesa Energy 1 and Black Mesa Energy 2. Black Mesa Energy 1 and 2 are qualifying facilities under the Public Utility Regulatory Policies Act of 1978.

On April 23, 2020, Idaho Power filed an Answer and Motion to Dismiss.

On May 15, 2020, Black Mesa filed an Answer to Idaho Power’s Motion to Dismiss.

On July 10, 2020, the Commission issued an order denying Black Mesa’s Motion to Dismiss and set briefing deadlines. The Commission set a deadline of August 6, 2020 for Black Mesa to submit a brief on the merits and a deadline of September 3, 2020 for Idaho Power to submit a reply brief. Order No. 34715.

MOTION TO STAY BRIEFING SCHEDULE

On July 29, 2020, Black Mesa submitted a Motion to Stay Briefing Schedule. Black Mesa states that it is currently engaged with Idaho Power in negotiations that may moot this case, but negotiations are not likely to be concluded prior to the briefing deadlines. Therefore, Black Mesa requests the Commission stay the briefing schedule until either Black Mesa or Idaho Power notify the Commission of a need to resume the briefing schedule. Black Mesa indicates

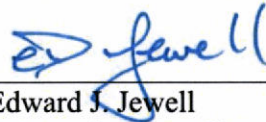
Idaho Power concurs in the request. Staff counsel confirmed with Idaho Power that the Company concurs in the request.

STAFF RECOMMENDATION

Staff recommends the Commission stay the briefing schedule until either Black Mesa or Idaho Power notifies the Commission of a need to resume the briefing schedule.

COMMISSION DECISION

Does the Commission wish to stay the briefing schedule?



Edward J. Jewell
Deputy Attorney General

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