

DECISION MEMORANDUM

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

FROM: MATT HUNTER
DEPUTY ATTORNEY GENERAL

DATE: April 16, 2020

SUBJECT: IN THE MATTER OF IDAHO POWER COMPANY’S APPLICATION FOR APPROVAL OF A FIRST AMENDMENT TO THE ENERGY SALES AGREEMENT WITH WILLIAM ARKOOSH FOR THE SALE AND PURCHASE OF ELECTRIC ENERGY FROM THE LITTLE WOOD RIVER RANCH II HYDRO PROJECT; CASE NO. IPC-E-20-20

On April 3, 2020, Idaho Power Company filed an Application seeking approval of the First Amendment (“Amendment”) to its Energy Sales Agreement (“ESA”) with William Arkoosh (“Seller”). Application at 1. 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 Little Wood River Ranch II Hydro Project—a PURPA qualifying facility. *Id.* The Amendment addresses when the Seller must notify the Company in order to revise future monthly Estimated Net Energy Amounts. *Id.* at 2. Idaho Power asks that the Commission process its Application by Modified Procedure. *Id.* at 3.

BACKGROUND

The Commission approved Idaho Power’s ESA with the Seller in 2014. Order No. 33103. Section 6.2.3 of the ESA addresses when the Seller must notify the Company if it wishes to revise any future monthly Estimated Net Energy Amounts after the Operation Date. Application at 2. The Seller must give the Company at least one month’s notice in order to revise a given month’s Estimated Net Energy Amount. *See* Case No. IPC-E-14-06, Application, Attachment 1.

THE AMENDMENT

The Amendment changes when the Seller must notify the Company in order to revise future monthly Estimated Net Energy Amounts. Application at 2. The current ESA requires the Seller to give the Company at least one month’s notice in order to revise a given month’s Estimated

Net Energy Amount. *Id.*, Attachment 1. The Amendment states that “[a]fter the Operation Date, the Seller 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.” *Id.* If the 25th day falls on a weekend or holiday, written notice must be received by the Company no later than the last business day prior to the 25th day of the month. *Id.* The Amendment provides the following example: “...if the Seller would like to revise the 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.*

STAFF RECOMMENDATION

Staff has reviewed the Application and the Amendment and recommends that the Application be processed under Modified Procedure with a May 14, 2020 comment deadline and an May 21, 2020 reply comment deadline.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure with a May 14, 2020 comment deadline and a May 21, 2020 reply comment deadline?



Matt Hunter
Deputy Attorney General