

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF IDAHO POWER’S</b>	)	<b>CASE NO. IPC-E-21-05</b>
<b>APPLICATION FOR APPROVAL OR</b>	)	
<b>REJECTION OF THE FIRST AMENDMENT</b>	)	<b>NOTICE OF APPLICATION</b>
<b>TO THE ENERGY SALES AGREEMENT</b>	)	
<b>WITH EVERGREEN ENERGY, INC</b>	)	<b>NOTICE OF</b>
	)	<b>MODIFIED PROCEDURE</b>
	)	
	)	<b>ORDER NO. 35000</b>

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On March 23, 2021, Idaho Power (“Company”) applied for approval or rejection of the first amendment (“Amendment”) to its Energy Sales Agreement (“ESA”) with Evergreen Energy, Inc. (“Seller”). The ESA falls under the Public Utilities Regulatory Policies Act of 1978 (“PURPA”) and is a contract for the sale and purchase of electricity generated by the Tamarack CSPP project—a PURPA qualifying facility. The Company asks the Commission to process its Application by Modified Procedure.

The Commission now sets deadlines for interested persons to comment on the Application, and for the Company to reply.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that the Commission approved the Company’s ESA with Seller in 2018. Order No. 34075. The Company asks the Commission to approve or reject the Amendment to the ESA, which the parties agreed to on March 10, 2021.

YOU ARE FURTHER NOTIFIED that the Amendment modifies when the Seller must notify the Company to revise future monthly Estimated Net Energy Amounts. Currently, Section 6.2.3 requires the Seller to notify the Company at least one-month before the Seller revises a given month’s Estimated Net Energy Amount. 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 p.m. Mountain Standard time on the 25<sup>th</sup> day of the month that is prior to the month to be revised.” If the 25<sup>th</sup> day falls on a weekend or holiday, written notice must be received by the Company by the last business day before the 25<sup>th</sup> day of the month.

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YOU ARE FURTHER NOTIFIED that the Amendment provides this 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<sup>th</sup> or the last business day prior to September 25<sup>th</sup>."

YOU ARE FURTHER NOTIFIED that the Application and attachments are available for public inspection during regular business hours at the Commission's office. These documents are also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click on the "ELECTRIC" icon, select "Open Cases," and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code, specifically *Idaho Code* § 61-501.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

#### **NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that persons desiring to state a position on this Application may file a written comment explaining why the person supports or opposes the Application. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons interested in filing written comments must do so within twenty-one (21) days of the service date of this Order.** Comments must be filed through the Commission website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission's home page at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Case Comment Form" and complete the form using the case number as it appears on the front of this document. To file by e-mail, the customer must e-mail the comments to the e-mail addresses listed below. In addition to submitting the comments to the Commission Secretary, the customer must also e-mail the Company at the e-

mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

**For the Idaho Public Utilities  
Commission:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074  
[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Street Address for Express Mail:

11331 W. Chinden Blvd.  
Building 8, Suite 201-A  
Boise, Idaho 83714

**For Idaho Power:**

Donovan Walker  
Energy Contracts  
1221 West Idaho Street (83702)  
P.O. Box 70  
Boise, ID 83707-0070  
[dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)  
[energycontracts@idahopower.com](mailto:energycontracts@idahopower.com)

YOU ARE FURTHER NOTIFIED that Idaho Power must file any reply comments **within twenty-eight (28) days of the service date of this Order.**

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

**ORDER**

IT IS HEREBY ORDERED that the Company's Application be processed by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-.204). Persons interested in filing written comments must do so within twenty-one (21) days from the service date of this Order. The Company must file any reply comments within twenty-eight (28) days of the service date of this Order.

IT IS FURTHER ORDERED that parties should continue to comply with Order No. 34781, issued September 17, 2020. All pleadings should be filed with the Commission electronically and shall be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should also be accomplished electronically. Voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

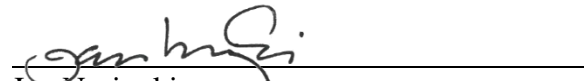
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 14<sup>th</sup> day  
of April 2021.

  
PAUL KJELLANDER, PRESIDENT

  
KRISTINE RAPER, COMMISSIONER

  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
Jan Noriyuki  
Commission Secretary

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