

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER) CASE NO. IPC-E-21-05
COMPANY’S APPLICATION FOR)
APPROVAL OR REJECTION OF A FIRST) ORDER NO. 35065
AMENDMENT TO THE ENERGY SALES)
AGREEMENT WITH EVERGREEN)
ENERGY, INC.)
)

On March 23, 2021, Idaho Power Company (“Idaho Power”) applied to the Commission for approval or rejection of the first amendment (“Amendment”) to Idaho Power’s Energy Sales Agreement (“ESA”) with Evergreen Energy, Inc. (“Seller”). 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 Tamarack CSPP project—a PURPA qualifying facility. The Amendment addresses when the Seller must notify Idaho Power to revise future monthly Estimated Net Energy Amounts.

On April 14, 2021, the Commission issued a Notice of Application and Modified Procedure, setting a May 5, 2021 comment deadline and a May 12, 2021 reply comment deadline. Order No. 35000. Commission Staff filed the only comments, and Idaho Power did not file reply comments.

Having reviewed the record, we now approve the Amendment as discussed below.

BACKGROUND

The Commission approved Idaho Power’s ESA with the Seller in 2018. Order No. 34075. Section 6.2.3 of the ESA addresses when the Seller must notify Idaho Power if it wishes to revise any future monthly Estimated Net Energy Amounts after the Operation Date. The Seller must give Idaho Power at least one month’s notice to revise a given month’s Estimated Net Energy Amount. *See* Case No. IPC-E-18-04, Application, Attachment 1.

THE AMENDMENT

The Amendment changes when the Seller must notify Idaho Power in order to revise future monthly Estimated Net Energy Amounts. The current ESA requires the Seller to give Idaho Power at least one month’s notice in order to revise a given month’s Estimated Net Energy Amount. The Amendment states that “[a]fter the Operation Date, the Seller may 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.” Application at 2. If the 25th day falls on a weekend or holiday, written notice must be received by Idaho Power no later than the last business day prior to the 25th day of the month. 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 25th or the last business day prior to September 25th.” *Id.*

STAFF COMMENTS

Staff recommended the Commission approve the Amendment. Staff noted the “five-day advanced notice [provision] has been authorized in prior Commission orders such as Order Nos. 34263 and 34870.” Staff Comments at 2.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-502 and 61-503. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503. The Commission also has authority under PURPA and Federal Energy Regulatory Commission (“FERC”) regulations to set avoided cost rates, to order electric utilities to enter fixed-term obligations for the purchase of energy from QFs, and to implement FERC rules. The Commission may enter any final order consistent with its authority under Title 61 and PURPA.

The Commission has reviewed the record, including the Application, proposed Amendment, and the comments of Staff. In multiple cases, the Commission has allowed a five-day advanced notification to adjust monthly Estimated Net Energy Amounts. *See, e.g.*, Case Nos. IPC-E-19-01, IPC-E-19-03, IPC-E-19-04, IPC-E-19-07, and IPC-E-19-12. Based on our review, we find it fair, just, and reasonable to approve Idaho Power’s Amendment modifying the advance notice required for the monthly Estimated Net Energy Amounts.

ORDER

IT IS HEREBY ORDERED that the Amendment to Idaho Power’s ESA with Evergreen Energy, Inc.—changing from a one-month advanced notice to a five-day advanced notice for adjusting Estimated Net Energy Amounts—is approved.

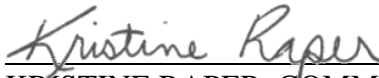
THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order about any matter

decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code § 61-626.*

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8th day of June 2021.



PAUL KJELLANDER, PRESIDENT

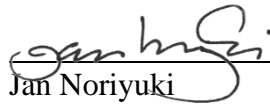


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

I:\Legal\ELECTRIC\IPC-E-21-05\Orders\IPCE2105_Final_mh.docx