

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF IDAHO POWER</b>	)	<b>CASE NO. IPC-E-21-23</b>
<b>COMPANY’S APPLICATION FOR</b>	)	
<b>APPROVAL OR REJECTION OF THE</b>	)	
<b>FIRST AMENDMENT TO THE ENERGY</b>	)	<b>ORDER NO. 35147</b>
<b>SALES AGREEMENT WITH DOUG AND</b>	)	
<b>NANCY HULL</b>	)	
_____	)	

On June 30, 2021, Idaho Power Company (“Company”) filed an Application with the Commission requesting approval of an amendment to its Energy Sales Agreement (“ESA”) with Doug and Nancy Hull (“Seller”) who sell energy to the Company from the Curry Cattle Company hydro project (“Facility”). The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978 (“PURPA”). The amendment (“Amendment”) would change the time by which Sellers must notify the Company of the Facility’s estimated net energy production for the following month.

On July 16, 2021, the Commission issued a Notice of Application and Notice of Modified Procedure. Order No. 35110. Staff filed the only comments. The Company did not file a reply.

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

**BACKGROUND**

The Commission approved the Company’s ESA with the Seller in Case No. IPC-E-18-01. *See* Order No. 34002. 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. Under the existing ESA, the Seller must provide the Company at least one month’s notice to revise a given month’s Estimated Net Energy Amount. *See* Case No. IPC-E-18-01, Application at 2.

**THE AMENDMENT**

The Amendment changes when the Seller must notify Idaho Power to revise future monthly Estimated Net Energy Amounts. 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 25<sup>th</sup> day of the month that is prior to the month to be revised.” Application at 2. If the 25<sup>th</sup> 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 25<sup>th</sup> 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 25<sup>th</sup> or the last business day prior to September 25<sup>th</sup>.” *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 . . .” Staff Comments at 2. Additionally, Staff noted the five-day advanced notice improves the accuracy of inputs used for short-term operational planning for the Company.

### **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 Staff’s comments. 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 the Company’s Amendment modifying the advance notice required for the monthly Estimated Net Energy Amounts.

### **ORDER**

IT IS HEREBY ORDERED that the Amendment to the Company’s ESA with Doug and Nancy Hull changing from a one-month advanced notice to a five-day advanced notice for adjusting Estimated Net Energy Amounts—is approved.

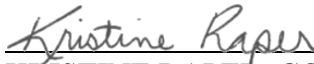
THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order about any matter

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 26<sup>th</sup> day of August 2021.



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PAUL KJELLANDER, PRESIDENT

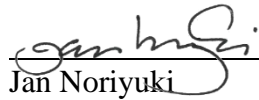


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KRISTINE RAPER, COMMISSIONER



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ERIC ANDERSON, COMMISSIONER

ATTEST:



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Jan Noriyuki  
Commission Secretary

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