

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	<b>CASE NO. IPC-E-21-26</b>
<b>OF IDAHO POWER COMPANY FOR</b>	)	
<b>APPROVAL OR REJECTION OF AN</b>	)	<b>NOTICE OF APPLICATION</b>
<b>ENERGY SALES AGREEMENT WITH</b>	)	
<b>MICHAEL BRANCHFLOWER, FOR THE</b>	)	<b>NOTICE OF</b>
<b>SALE AND PURCHASE OF ELECTRIC</b>	)	<b>MODIFIED PROCEDURE</b>
<b>ENERGY FROM THE TROUT-CO HYDRO</b>	)	
<b>PROJECT</b>	)	<b>ORDER NO. 35161</b>

On August 16, 2021, Idaho Power Company (“Company”) applied to the Commission for approval or rejection of an energy sales agreement (“ESA”) with Michael Branchflower, (“Seller”) under which Seller would sell and the Company would purchase electric generation from the Trout-Co Hydro Project (“Facility”). The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978. The Company asks that its Application be processed by Modified Procedure.

The Commission now issues this Notice of Application and Notice of Modified Procedure setting comment and reply deadlines.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that the Facility has a nameplate capacity of 280 kilowatts and is located near the city of Hagerman, Idaho.

YOU ARE FURTHER NOTIFIED that the Company and Seller entered the ESA to replace the previous energy sales agreement with the Company that was executed on January 7, 1985 and expires on November 30, 2021. The replacement ESA was signed by the Seller on August 9, 2021, and by the Company on August 12, 2021.

YOU ARE FURTHER NOTIFIED that the replacement ESA has a 20-year term with non-levelized, non-seasonal hydro published avoided cost rates as set in Order No. 35052, for replacement contracts and for energy deliveries of less than 10 aMW.

YOU ARE FURTHER NOTIFIED that the ESA contains capacity payments for its entire term, with no sufficiency period because it is a replacement energy sales agreement.

YOU ARE FURTHER NOTIFIED that the Company requests the Commission approve the ESA and declare all payments for purchases of energy under the ESA between the Company and the Seller be allowed as prudently incurred expenses for ratemaking purposes.

YOU ARE FURTHER NOTIFIED that the Company requests that the Commission set a procedural schedule that would result in a final Commission determination on the ESA prior to November 30, 2021.

YOU ARE FURTHER NOTIFIED that the Application is 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" tab, then 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, and specifically *Idaho Code* §§ 61-501 to 61-503.

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 that it will proceed under Modified Procedure pursuant to Rules 201 through 204 of the 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 on the "Consumers" tab and then on 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 Commission

Secretary and 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, Ste. 201-A  
Boise, Idaho 83714

**For Idaho Power Company:**

Donovan E. Walker  
Idaho Power Company  
1221 West Idaho Street (83702)  
P.O. Box 70  
Boise, Idaho 83707  
[dwalker@idahopower.com](mailto:dwalker@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

Energy Contracts  
Idaho Power Company  
1221 West Idaho Street (83720)  
P.O. Box 70  
Boise, Idaho 83707  
[energycontracts@idahopower.com](mailto:energycontracts@idahopower.com)

YOU ARE FURTHER NOTIFIED that the Company 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. 35058, issued June 3, 2021. 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.

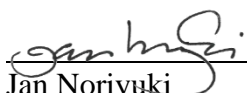
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 8<sup>th</sup> day of September 2021.

  
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PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
KRISTINE RAPER, COMMISSIONER

  
\_\_\_\_\_  
ERIC ANDERSON, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jan Noriyuki  
Commission Secretary

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