

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	CASE NO. IPC-E-21-26
OF IDAHO POWER COMPANY FOR)	
APPROVAL OR REJECTION OF AN)	ORDER NO. 35425
ENERGY SALES AGREEMENT WITH)	
MICHAEL BRANCHFLOWER, FOR THE)	
SALE AND PURCHASE OF ELECTRIC)	
ENERGY FROM THE TROUT-CO HYDRO)	
PROJECT)	
)	

On August 16, 2021, Idaho Power Company (“Company” or “Idaho Power”) applied to the Commission for approval or rejection of an energy sales agreement (“Replacement ESA”) with Michael Branchflower, (“Seller”) in which the Company would purchase electric generation from the Trout-Co Hydro Project (“Facility”).

On November 30, 2021, the Commission issued Order No. 35239, approving the Replacement ESA with two modifications. First, the Commission ordered that the Replacement ESA would use two sets of avoided cost rates from 2021 through 2025. Any hourly generation less than or equal to 240 kilowatt-hours (“kWhs”) would receive immediate capacity payments, while any hourly generation exceeding 240 kWhs would not receive capacity payments until after the Company became capacity deficient. Second, the 90/110 Rule would be implemented based on two sets of avoided cost rates from 2021 through 2025 until the Facility became eligible for capacity payments. The Company was directed to submit an update or amendment to the Replacement ESA consistent with Order No. 35239.

On December 15, 2021, Idaho Power filed a Motion to Approve the First Amendment to the Replacement ESA (“First Amendment”) with the Commission in compliance with Order No. 35239. Staff reviewed the First Amendment and believed that it generally complied with the Commission’s directives; however, Staff recommended several corrections to the language. At its December 28, 2021, Decision Meeting, the Commission approved the First Amendment subject to Staff’s proposed modifications being made and the Seller’s agreement.

On February 4, 2022, the Company filed a Compliance Filing to reflect Staff’s recommended edits with signatures from both parties. The Company requested that the Commission issue an order accepting the edits to the First Amendment as being in compliance with Order No. 35239. Staff reviewed the Company’s Compliance Filing and believed that the

edits to the First Amendment as filed on February 4, 2022, reflected Staff's proposed edits and fully complied with the Commission's directives and Order No. 35239. At the Commission's March 8, 2022, Decision Meeting, Staff recommended that the Commission approve the Company's edits to the First Amendment as filed on February 4, 2022.

COMMISSION FINDINGS AND DECISION

After reviewing the Company's Compliance Filing, we find the edits to the First Amendment as filed on February 4, 2022, are consistent with our directives in Order No. 35239. Accordingly, we accept the Company's edits to the First Amendment.

ORDER

IT IS HEREBY ORDERED that the Company's edits to the First Amendment to the Energy Sales Agreement between Idaho Power and the Seller are accepted.

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. 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 9th day of June 2022.



ERIC ANDERSON, PRESIDENT



JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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