

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: ERICK SHANER
DEPUTY ATTORNEY GENERAL**

DATE: AUGUST 20, 2021

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

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 has a nameplate capacity of 280 kilowatts and is located near the city of Hagerman, Idaho.

THE APPLICATION

The Facility has been delivering energy to the Company under an energy sales agreement dated January 7, 1985. The 1985 energy sales agreement expires on November 30, 2021. The new 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. 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. 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.

STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure and establish a 21-day comment deadline and a 7-day reply comment deadline.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure and establish a 21-day comment deadline and a 7-day reply comment deadline?

A handwritten signature in black ink, appearing to read "Erick Shaner", is written over a horizontal line.

Erick Shaner
Deputy Attorney General