

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	CASE NO. IPC-E-21-28
COMPANY’S APPLICATION FOR)	
APPROVAL OR REJECTION OF THE)	NOTICE OF APPLICATION
FOURTH AMENDMENT TO THE)	
ENERGY SALES AGREEMENT WITH)	NOTICE OF
RIVERSIDE INVESTMENTS I, LLC FROM)	MODIFIED PROCEDURE
THE FARGO DROP HYDRO PROJECT)	
<hr/>		ORDER NO. 35175

On August 26, 2021, Idaho Power Company (“Company”) applied to the Commission requesting approval or rejection of the Fourth Amendment to its Energy Sales Agreement (“ESA”) with Riverside Investments I, LLC (“Riverside” or “Seller”). Riverside sells energy to the Company from the Fargo Drop Hydro Project (“Facility”). The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978.

The Idaho Public Utilities Commission (“Commission”) now issues this Notice of Application and sets deadlines for interested persons to comment on the Application and for the Company to reply.

BACKGROUND

The Commission approved the Company’s ESA with the Seller on February 1, 2012, for the purchase and sale of energy from the Facility. Order No. 32451. In 2014, the Commission approved the Company’s First Amendment to the ESA which changed the definition of the Mid-Columbia Market Energy Cost. *See* Order Nos. 33184 and 33053. In March 2016, the Commission approved the Company’s Second Amendment to change any references in the ESA from “Riverside Investments, LLC” to “Riverside Investments I, LLC.” *See* Order No. 33521. In August 2016, the Commission approved the Company’s Third Amendment to the ESA to amend Article 6.2.3 of the ESA to include a change to the notification of Net Energy Amount (“NEA”) monthly adjustments from three-month advance notice to one-month advance notice. *See* Order No. 33574.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Fourth Amendment modifies when the Seller must notify the Company of their intent to revise future monthly estimated NEA. Currently, Section 6.2.3 grants the Seller the option to adjust the monthly estimated NEA within a specified time span. The Fourth Amendment states that “[a]fter the Operation Date, the Seller may revise

any future monthly estimated NEA 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 Attachment 1, Fourth Amendment at 2, § 6.2.3.* If the 25th day falls on a weekend or holiday, written notice must be received by the Company by the last business day before the 25th day of the month. *Id.* at 2-3, § 6.2.3.

YOU ARE FURTHER NOTIFIED that the Amendment provides this example: “... if the Seller would like to revise the Estimated [NEA] 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.* at 3, § 6.2.3.

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. Click on the “ELECTRIC” icon, 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.

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 a person 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. Click the “Consumers” tab and then “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

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 W. Idaho Street (83707)
P.O. Box 70
Boise, ID 83707
dwalker@idahopower.com
dockets@idahopower.com
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 22nd day of September 2021.



PAUL KJELLANDER, PRESIDENT

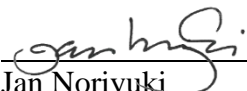


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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