

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	CASE NO. IPC-E-21-30
COMPANY’S APPLICATION FOR)	
APPROVAL OR REJECTION OF THE)	NOTICE OF APPLICATION
THIRD AMENDMENT TO ITS ENERGY)	
SALES AGREEMENT WITH MC6 HYDRO)	NOTICE OF
LLC)	MODIFIED PROCEDURE
)	
)	ORDER NO. 35186

On August 26, 2021, Idaho Power Company (“Company”) applied to the Commission requesting approval or rejection of the Second Amendment to its Energy Sales Agreement (“ESA”) with MC6 Hydro, LLC (“Seller”) who sells energy generated by the MC6 hydro facility (“Facility”). The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978.

The Commission now 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 July 21, 2018, for the purchase and sale of energy from the Facility in Case No. IPC-E-18-09, Order No. 34106. Application at 2. On June 21, 2019, in Order No. 34425, the Commission approved the Company’s First Amendment to the Scheduled First Energy Date and Schedule Operation date in the ESA “due to the unexpect[ed] passing away of one of the principle [sic] developers of the project.” *Id.*

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Company states, “as a result to the COVID-19 pandemic, the Facility was unable to obtain its generator unit from Wuhan, China causing a Force Majeure event, which changed the Operation Date to April 5, 2021, and the project received and installed a generator with a Nameplate Capacity of 2.3 megawatts (“MW”)” which is 0.2 MW larger than the 2.1 MW generator capacity listed in the ESA. *Id.* Accordingly, the Second Amendment provides for a change to Appendix B, Article B-1 of the ESA so that the designated nameplate rating of the generator is “2.3 MW” rather than “2.1 MW.” *Id.* at 3.

YOU ARE FURTHER NOTIFIED that the ESA currently provides the Seller with the option to adjust the monthly estimated Net Energy Amounts (“NEA”) within a specified time

period. *Id.* at 2. The Amendment seeks to change the Net Energy Amounts (“NEA”) “adjustment time period in Section 6.2.3 so that [the Seller] can make adjustments by the 25th day of the preceding month in which a change is requested [.]” *Id.* at 2.

YOU ARE FURTHER NOTIFIED that the Amendment provides this 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 25th or the last business day prior to September 25th.” *Id.* at 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 people desiring to state a position on this Application may file a written comment explaining why they support or oppose the Application. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons interested in filing written comments shall do so by October 28, 2021.** Comments must be filed through the Commission’s 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 “Case Comment Form” tab 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 (83702)
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 by November 4, 2021.

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 by **October 28, 2021**. The Company must file any reply comments by **November 4, 2021**.

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.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 1st day of October 2021.



PAUL KJELLANDER, PRESIDENT

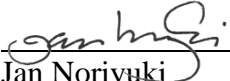


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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