

## BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF IDAHO POWER ) CASE NO. IPC-E-21-42**  
**COMPANY’S APPLICATION FOR )**  
**APPROVAL OF SPECIAL CONTRACT AND ) NOTICE OF APPLICATION**  
**TARIFF SCHEDULE 33 TO PROVIDE )**  
**ELECTRIC SERVICE TO BRISBIE, LLC’S ) NOTICE OF**  
**DATA CENTER FACILITY ) INTERVENTION DEADLINE**  
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)  
) **ORDER NO. 35293**  
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On December 22, 2021, Idaho Power Company (“the Company”) applied to the Idaho Public Utilities Commission (“Commission”) seeking approval of a Special Contract for electric service between the Company and Brisbie, LLC (“Brisbie”) for Brisbie’s new enterprise data center and rates proposed in tariff Schedule 33.<sup>1</sup> The Company additionally sought approval for its’ regulatory framework proposed in the special contract without change or condition.

The Commission now issues this notice of the Company’s Application and Notice of Intervention Deadline, setting a 14-day intervention deadline for persons wishing to be joined as parties.

### NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that Brisbie is a large power service customer (“LPS”). *Application* at 2. LPS customers are those who use between 10,000 kilowatts (kW) and 20,000 kW of power. *Id.* LPS customers that receive service in excess of 20,000 kW are required to make special contract arrangements with the Company. *Application* at 1-2. “Each special contract customer is considered a separate class with different conditions and contract terms affecting their rates. . . .” *Application* at 2; *see also* Order No. 33038 at 11.

YOU ARE FURTHER NOTIFIED that the Company and Brisbie have negotiated a special contract for electric service, referred to as the Energy Services Agreement (“ESA”). The ESA encompasses pricing, cost and credit components, and terms and conditions based upon Brisbie’s acquisition of new renewable resources<sup>2</sup> as they relate to Brisbie’s expected electric

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<sup>1</sup> The proposed tariff Schedule 33 is attached to the Company’s Application.

<sup>2</sup> “Brisbie has a sustainability objective to support 100 percent of its operations with new renewable resources.” *Application* at 2.

service load. *Application* at 2. The ESA is the first representation of the Company's effort to promote and comply with the Clean Energy Your Way Program. *Application* at 3; *see* Case No. IPC-E-21-40.

YOU ARE FURTHER NOTIFIED that in addition to the ESA, the Company specifically requests approval of several components of the regulatory framework in the ESA. The components include: (1) authority to procure renewable resources for the purpose of supporting Brisbie's energy use under a standard procurement agreement; (2) the cost basis and pricing structure for the supply of retail electric service by the Company; (3) the compensation structure for excess renewable energy generation and capacity contribution of the renewable resources; (4) authorization to treat bill credits provided to Brisbie under the proposed compensation structure as prudently incurred expenses for ratemaking purposes; and (5) the cost recovery mechanisms necessary to protect existing customers from unreasonable cost shifting and to ensure the Company's cost recovery for service. *Application* at 3.

YOU ARE FURTHER NOTIFIED that, if approved, the ESA becomes effective on the date of the order issued in this matter. *Application* at 4. The Company believes that approval of the ESA is in the public interest. *Application* at 8. The Company represents that the ESA incorporates the goals of balancing renewable energy requirements and current energy economic realities in an equitable manner that considers new and existing customers as well as the Company. *Id.*

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" 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. The Commission may enter any final Order consistent with its authority under Title 61.

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 INTERVENTION DEADLINE**

YOU ARE FURTHER NOTIFIED that persons desiring to intervene in this matter to obtain parties’ rights of participation must file a Petition to Intervene with the Commission pursuant to this Commission’s Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -.073. **Persons who wish to intervene as a party must file a Petition to Intervene no later than 14 days after the date of service of this Order.** Such persons shall also provide the Commission Secretary with their email address to facilitate further communications. After the intervention deadline runs, the Commission Secretary shall issue a Notice of Parties that identifies the parties and assigns exhibit numbers to each party. Once the Notice of Parties has issued, Commission Staff shall informally confer with the Company and any intervening parties about how to further process this case, and shall then report back to the Commission on a proposed case schedule.

YOU ARE FURTHER NOTIFIED that persons who would like to present their views without parties’ rights of participation and cross-examination do not have to intervene but may present their views by submitting written comments to the Commission.

YOU ARE FURTHER NOTIFIED that the following people are designated as the Company’s representatives in this matter:

**For Idaho Power Company:**

Donavan E. Walker  
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**ORDER**

IT IS HEREBY ORDERED that persons desiring to intervene in this case for the purpose of obtaining parties’ rights of participation must file a Petition to Intervene with the Commission, pursuant to Rules 72 and 73, IDAPA 31.01.01.72-73, no later than 14 days after the service date of this Order.

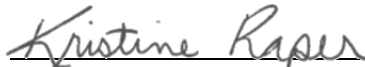
IT IS FURTHER ORDERED that after the Notice of Parties has issued, Commission Staff shall confer with the parties regarding a procedural schedule for this matter.

IT IS FURTHER ORDERED that the 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 21<sup>st</sup> day of January 2022.



ERIC ANDERSON, PRESIDENT

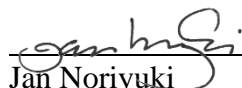


KRISTINE RAPER, COMMISSIONER



JOHN CHATBURN, COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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