

DECISION MEMORANDUM

**TO: COMMISSIONER ANDERSON
COMMISSIONER CHATBURN
COMMISSIONER HAMMOND
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL**

**FROM: RILEY NEWTON
DEPUTY ATTORNEY GENERAL**

DATE: DECEMBER 13, 2022

SUBJECT: IN THE MATTER OF IDAHO POWER COMPANY’S APPLICATION FOR APPROVAL OF A REPLACEMENT SPECIAL CONTRACT WITH MICRON TECHNOLOGY, INC. AND A POWER PURCHASE AGREEMENT WITH BLACK MESA ENERGY, LLC; CASE NO. IPC-E-22-06.

On March 10, 2022, Idaho Power Company (“Company”) applied to the Commission for an order: 1) approving a revised Special Contract for electric service between the Company and Micron Technology, Inc. (“Micron”), and 2) approving the 20-year Power Purchase Agreement between the Company and Black Mesa Energy, LLC that was entered with the expectation of assigning the associated energy to Micron under the revised Special Contract.

On August 1, 2022, the Commission issued Order 35482, approving the Black Mesa PPA, as filed but directing the Company to file an updated ESA, consistent with the Commission’s modifications, within 90 days from August 1, 2022. Order No. 35482 at 18.

On August 22, 2022, the Company filed a Petition for Clarification. In granting the Company’s Petition, the Commission stayed the directive in Order No. 35482 requiring the Company to file an updated Micron ESA by October 30, 2022, ordering the Company and Staff to “work together to develop a rate structure for calculating Micron’s RCC under the ESA which the Company shall file as a compliance filing in this case by December 13, 2022, or by another date set by Commission order.” Order No. 35532 at 10.

On December 9, 2022, the Company filed a Motion for Extension of Time to Make Compliance Filing (“Motion”) requesting the deadline to make its compliance filing be extended to December 23, 2022.

STAFF RECOMMENDATION

Staff and the Company have been working together in good faith to develop a rate structure for calculating Micron's RCC under the ESA, participating in five meetings between November 2, 2022, and December 8, 2022. Staff and the Company have developed the fundamental structure for calculating Micron's RCC under the ESA but believe that additional time to finalize the data and work through some remaining details will be beneficial to Staff, the Company, and ultimately the Commission's understanding. Staff recommends the Commission grant the Company's Motion and extend the deadline for the Company to make a compliance filing to December 23, 2022.

COMMISSION DECISION

Does the Commission wish to grant the Company's Motion and extend the deadline for it to make its compliance filing until December 23, 2022?



Riley Newton
Deputy Attorney General

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