

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IDAHO POWER ) CASE NO. IPC-E-22-19**  
**COMPANY’S APPLICATION FOR )**  
**APPROVAL OR REJECTION OF THE )**  
**SECOND AMENDMENT TO ITS ENERGY ) ORDER NO. 35477**  
**SALES AGREEMENT WITH AMERICAN )**  
**FALLS SOLAR, LLC )**  
**)**

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On June 14, 2022, Idaho Power Company (“Company”) filed an Application with the Commission requesting approval of the Second Amendment to its Energy Sales Agreement (“ESA”) with American Falls Solar, LLC (“Seller”) who sells energy generated by the Seller’s 20 megawatt solar photovoltaic project (“Facility”) located in Power County, Idaho. The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978 (“PURPA”).

On June 23, 2022, the Idaho Public Utilities Commission (“Commission”) issued a Notice of Application and Notice of Modified Procedure and set deadlines for interested persons to comment on the Application and for the Company to reply.

Commission Staff (“Staff”) filed comments. No other comments were filed in this case. With this Order, we approve the Second Amendment to the ESA.

**APPLICATION**

The Commission approved the Company’s ESA with the Seller on December 29, 2014, for the purchase and sale of energy from the Facility with Order No. 33198. Application at 2. Section 6.2.2 of the ESA provides the Seller with the option to adjust the monthly estimated Net Energy Amounts (“NEA”) within a specified period. *Id.*

The Second Amendment seeks to change the NEA adjustment period in Section 6.2.2 of the ESA so that the Seller could make adjustments by the 25th day of the preceding month in which a change is requested. *Id.*

The Company represented that the Second Amendment was executed by the Parties on June 9, 2022 and did not otherwise change any of the obligations of the Parties in the ESA. *Id.* at 3.

**STAFF COMMENTS**

Staff reviewed the Application and recommended approval of the five-day advanced notice proposed in the Company’s Application. Staff believed that monthly estimates provided

closer to the time of delivery can improve the accuracy of input used for short-term operational planning. Staff pointed out that the five-day advanced notice has recently been authorized by multiple Commission orders. Thus, Staff recommended the Commission approve the Second Amendment to the ESA, as filed.

### **FINDINGS AND DECISION**

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-502 and 61-503. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503. The Commission also has authority under PURPA and Federal Energy Regulatory Commission (“FERC”) regulations to set avoided cost rates, to order electric utilities to enter fixed-term obligations for the purchase of energy from QFs, and to implement FERC rules. The Commission may enter any final order consistent with its authority under Title 61 and PURPA.

The Commission has reviewed the record, including the Application, the Second Amendment to the ESA, and Staff’s comments. In previous cases the Commission has approved a five-day advanced notification to adjustment monthly estimated NEA, recognizing that adjustment made closer to the time of delivery can improve the accuracy of input used by the Company for short-term operational planning.<sup>1</sup> Based on our review, we find it fair, just, and reasonable to approve the Company’s Second Amendment to the ESA modifying the advance notice required for adjusting the monthly estimated NEA.

### **ORDER**

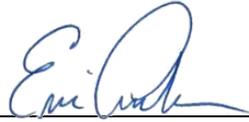
IT IS HEREBY ORDERED that the Company’s Application is approved; Section 6.2.2 of the ESA is amended as set forth in Attachment 1 to the Application.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this order about any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

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<sup>1</sup> See, e.g., Case Nos. IPC-E-21-23, IPC-E-20-20, IPC-E-19-12, IPC-E-19-07, IPC-E-19-04, IPC-E-19-03, and IPC-E-19-01.

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 29<sup>th</sup> day of July 2022.



ERIC ANDERSON, PRESIDENT

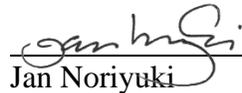


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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