

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF IDAHO POWER COMPANY FOR )** **CASE NO. IPC-E-22-20**  
**APPROVAL OF A SECOND AMENDMENT )**  
**TO THE ENERGY SALES AGREEMENT )** **ORDER NO. 35481**  
**WITH AMERICAN FALLS SOLAR II, LLC )**  
**FOR THE SALE AND PURCHASE OF )**  
**ELECTRIC ENERGY )**  
**)**

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

The Second Amendment sought to delete Section 6.2.2 of the ESA and replace it with a new Section 6.2.2. The Company represented that the new Section 6.2.2 modified the Net Energy Amount (“NEA”) adjustment period but did not otherwise change any obligations of the parties set forth in the ESA. The Company represented that Section 6.2.2 of the ESA provided the Seller with the option to adjust the monthly estimated NEA within a specified period. The Company stated that the Second Amendment would change the NEA adjustment period in Section 6.2.2 so that the Seller may make adjustments by the 25th day of the preceding month in which a change was requested but did not change any other obligations set forth in the ESA.

**STAFF COMMENTS**

Commission Staff (“Staff”) reviewed the Application and recommended approval of the five-day advanced notice. Staff believed that monthly estimates that were provided closer to the time of delivery could improve the accuracy of input used for short-term operational planning. In addition, the five-day advanced notice had been authorized in prior Commission orders such as Order Nos. 34263, 34870 and 34937. Staff recommended that the Commission approve the Second Amendment to the ESA as filed on June 14, 2022.

## COMMISSION 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, 61-503. The Commission 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 ESA, and Staff 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 Idaho Power’s Application for Approval of a Second Amendment to the Energy Sales Agreement with American Falls Solar II, LLC, is granted; Section 6.2.2 of the ESA is amended as stated in 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. I.C. § 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 1<sup>st</sup> day of August 2022.



ERIC ANDERSON, PRESIDENT

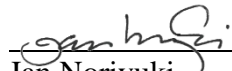


JOHN CHATBURN, COMMISSIONER



JOHN R. HAMMOND JR., COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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