

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER) CASE NO. IPC-E-22-28
COMPANY’S APPLICATION FOR)
APPROVAL OR REJECTION OF AN)
ENERGY SALES AGREEMENT WITH)
LOWER LOWLINE LLC, FOR THE SALE) ORDER NO. 35722
AND PURCHASE OF ELECTRIC ENERGY)
FROM THE LOWLINE #2 HYDRO)
PROJECT)

On November 9, 2022, Idaho Power Company (“Company”) applied for approval of an energy sales agreement (“ESA”) with Lower Lowline LLC (“Seller”) (collectively the “Parties”) for energy generated by the Lowline #2 Hydro Project (“Facility”). The Facility is a qualifying facility (“QF”) under the Public Utility Regulatory Policies Act of 1978 (“PURPA”).

On December 12, 2022, the Commission issued a Notice of Application and Modified Procedure setting public comment and Company reply deadlines. Commission Staff (“Staff”) filed comments and the Company filed reply comments. No other comments were received.

On March 13, 2023, the Commission ordered the Company to amend the proposed ESA to ensure “that only net power supply expense in the Company’s Power Cost Adjustment reflect the proper authorized rate for all energy delivered as of the first operation date of the Facility. . . .” Order No. 35705 at 4. The Commission ordered the Company to modify Article XXIII of the ESA and file a compliance filing within 15 days of the Order accordingly. *Id.*

On March 17, 2023, the Company filed a “Motion for Extension of Time to Make Compliance Filing” (“Motion”).

COMPANY’S MOTION

The Company explained that some of the provisions in Order No. 35705 “have broader implications beyond this specific case and overlap with issues raised in Staff’s comments, also issued on March 13, 2023, in the case pertaining to the Bypass Hydro Project.” Motion at 2. As the Company further explained, the provisions in this ESA relate to “many of the same issues raised by the Commission’s decision” in Case No. IPC-E-23-02 “and must be evaluated in concert with the Company’s forthcoming compliance filing” in this case. *Id.*

Therefore, the Company believed “it would be useful to work with Staff in an effort to reach alignment on the contract amendments [in both cases] but has not yet been able to arrange

this [meeting].” *Id.* at 3. The Company stated it was seeking, in a parallel motion, Commission authorization to extend the reply comment deadline in Case No. IPC-E-23-02 to March 31, 2023. *Id.*¹

Thus, the Company requested Commission authorization to extend the Company’s compliance filing deadline to March 31, 2023, in this case.

COMMISSION DECISION

For the reasons discussed in the Company’s Motion and on the record at the Decision Meeting, we find extending the Company’s compliance filing deadline in this case to March 31, 2023, to be fair and reasonable.

ORDER

IT IS HEREBY ORDERED that the Company’s Motion is granted. The Company shall have until March 31, 2023, to file the relevant compliance filing in this case.

IT IS FURTHER ORDERED that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

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¹ The Commission granted this Motion at its March 21, 2023, Decision Meeting.

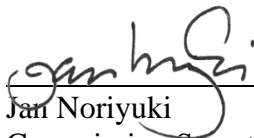
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th day of March 2023.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND, JR., COMMISSIONER


EDWARD LODGE., COMMISSIONER

ATTEST:


Jan Noriyuki
Commission Secretary

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