

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. 35767
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”). This Motion was granted on March 25, 2023. *See* Order No. 35722.

On March 31, 2023, the Company filed a compliance filing; an errata to the compliance filing was filed on April 7, 2023.

On April 25, 2023, Staff submitted a decision memorandum which stated the Company had complied with Commission requirements.

COMMISSION DECISION

In Order No. 35705 the Commission approved the proposed ESA provided the Company complied with the requirements of that Order. After reviewing the record in this case, including

Staff's recommendations to the Company, we find the Company has addressed the Commission's concerns described in Order No. 35705. We approve the Company's proposed ESA effective May 1, 2023.

ORDER

IT IS HEREBY ORDERED having complied with Order No. 35705, the Company's ESA is approved as modified.

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 regarding 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. *See Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 1st day of May 2023.



ERIC ANDERSON, PRESIDENT

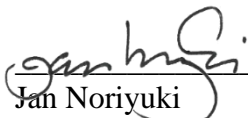


JOHN R. HAMMOND, JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary