

## DECISION MEMORANDUM

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

**FROM:** MICHAEL DUVAL  
DEPUTY ATTORNEY GENERAL

**DATE:** NOVEMBER 29, 2022

**SUBJECT:** IN THE MATTER OF IDAHO POWER COMPANY'S APPLICATION FOR APPROVAL OR REJECTION OF AN ENERGY SALES AGREEMENT WITH LOWER LOWLINE LLC, FOR THE SALE AND PURCHASE OF ELECTIC ENERGY FROM THE LOWLINE #2 HYDRO PROJECT; CASE NO. IPC-E-22-28.

On November 9, 2022, Idaho Power Company ("Company") applied for approval or rejection of an energy sales agreement ("ESA") with Lower Lowline LLC ("Seller") for the energy generated by the Lowline #2 Hydro Project ("Facility"). The Facility has a 2,790 kilowatt nameplate capacity and is a qualifying facility ("QF") under the Public Utility Regulatory Policies Act of 1978 ("PURPA"). The Company requests this matter be processed by Modified Procedure with an effective date of April 30, 2023.

### STAFF RECOMMENDATION

Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure establishing a January 4, 2023, public comment deadline and a January 11, 2023, Company and Seller reply deadline.

### COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure establishing a January 4, 2023, public comment deadline and a January 11, 2023, Company and Seller reply deadline?



Michael Duval  
Deputy Attorney General