

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: MICHAEL DUVAL
DEPUTY ATTORNEY GENERAL

DATE: MARCH 21, 2023

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 ELECTRIC ENERGY FROM THE LOWLINE #2 HYDRO PROJECT; CASE NO. IPC-E-22-28.

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 XXII 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

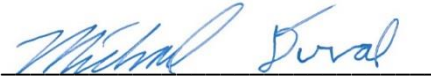
The Company believes it would be useful to work with Staff on formulating a correct and accurate compliance filing. Thus, the Company requests the Commission issue an order extending the deadline for the Company’s compliance filing to March 31, 2023.

STAFF RECOMMENDATION

Staff has no objection to extending the compliance filing until March 31, 2023.

COMMISSION DECISION

Does the Commission wish to issue an order extending the deadline for the Company’s compliance filing to March 31, 2023?



Michael Duval
Deputy Attorney General