

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER) CASE NO. IPC-E-23-04
COMPANY’S APPLICATION FOR)
APPROVAL OF A SECOND AMENDMENT) NOTICE OF APPLICATION
OF THE ENERGY SALES AGREEMENT)
FOR THE SALE AND PURCHASE OF) NOTICE OF
ELECTRIC ENERGY FROM THE TROUT-) MODIFIED PROCEDURE
CO HYDRO PROJECT)
) ORDER NO. 35715
)

On February 16, 2023, Idaho Power Company (“Company”) filed an Application (“Application”) with the Idaho Public Utilities Commission (“Commission”) requesting approval of the Second Amendment (“Second Amendment”) to its Energy Sales Agreement (“ESA”). The Second Amendment seeks to update the seller’s name in the ESA from “Michael Branchflower” (“Branchflower”) to “Von Alan Industries, LLC” (“Von Alan”). Application at 3. The ESA concerns the Trout-Co Hydro project (“Facility”) located on Billingsley Creek near Hagerman, Idaho. The Facility is a qualifying facility (“QF”) under the Public Utility Regulatory Policies Act of 1978 (“PURPA”). (The Company, Branchflower and Von Alan are referred to collectively as the “Parties”).

The Commission now issues this Notice of Application and Notice of Modified Procedure and sets deadlines for interested persons to comment on the Application and for the Parties to reply.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Company states the Commission approved the ESA entered by the Company and Branchflower in Case No. IPC-E-21-16, Order No. 35239. An amendment (“First Amendment”) to the ESA was approved by the Commission in Case No. IPC-E-21-26, Order No. 35425. The First Amendment amended the ESA “to include the appropriate published cost appendices for pricing generation delivered to Idaho Power as directed by the Commission in Order No. 35239.” Application at 2.

YOU ARE FURTHER NOTIFIED that the Company states that Branchflower sold the Facility to Von Alan, after which the Company, Branchflower, and Von Alan entered a Consent,

Assignment, and Assumption Agreement (“Agreement”) that became effective on January 23, 2023.

YOU ARE FURTHER NOTIFIED the Company states that, pursuant to the Agreement, Von Alan assumed the duties and rights of Branchflower’s obligations under the ESA. The Parties seek a Second Amendment to the ESA so that Von Alan can be listed as the seller of the electric energy generated by the Facility. The Company quotes the desired modification to the ESA in the Application.

YOU ARE FURTHER NOTIFIED the Company believes the Commission can approve the Second Amendment without further process. The Company states that if further process is required, the Company does not think a formal hearing is necessary. The Company requests the Application be processed by Modified Procedure.

YOU ARE FURTHER NOTIFIED that the Application and the Second Amendment, which is attached to the Application, are available for public inspection during regular business hours at the Commission’s office. These documents are also available on the Commission’s website at <http://www.puc.idaho.gov/>. Click on the “ELECTRIC” icon, select “Open Cases,” and click on the case number as shown on the front of this document.

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission’s jurisdiction under Title 61 of the Idaho Code.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission’s Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter, and that it will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Commission’s Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that persons desiring to state a position on this Application may file a written comment explaining why they support or oppose the Application. Persons who would like a hearing must specifically request a hearing in their written comments. **Persons interested in filing written comments must do so within twenty-one (21) days of the service date of this Order.** Comments must be filed through the Commission website or by e-

mail unless computer access is unavailable. To comment electronically, please access the Commission's home page at <http://www.puc.idaho.gov/>. Click the "Case Comment Form" and complete the form using the case number as it appears on the front of this document. To file by e-mail, persons must e-mail the comments to the Commission Secretary and the Company at the e-mail addresses listed below. If computer access is unavailable, then comments may be mailed to the Commission and Company at these addresses:

**For the Idaho Public Utilities
Commission:**

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
secretary@puc.idaho.gov

Street Address for Express Mail:

11331 W. Chinden Blvd.
Building 8, Ste. 201-A
Boise, Idaho 83714

For Idaho Power Company:

Donovan E. Walker
Megan Goicoechea Allen
IPC Dockets
Energy Contracts
1221 W. Idaho Street (83702)
P.O. Box 70
Boise, ID 83707

dwalker@idahopower.com
mgoicoecheaallen@idahopower.com
dockets@idahopower.com
energycontracts@idahopower.com

YOU ARE FURTHER NOTIFIED that the Parties must file any reply comments within twenty-eight (28) days of the service date of this Order.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

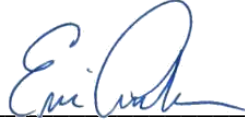
ORDER

IT IS HEREBY ORDERED that the Company's Application be processed by Modified Procedure, Rule 201-204 (IDAPA 31.01.01.201-.204). Persons interested in filing written comments must do so within twenty-one (21) days from the service date of this Order. The Parties must file any reply comments within twenty-eight (28) days of the service date of this Order.

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.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 23rd day of March 2023.



ERIC ANDERSON, PRESIDENT

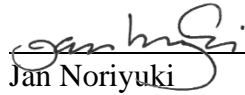


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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