

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IDAHO POWER ) CASE NO. IPC-E-23-13**  
**COMPANY’S PETITION TO MODIFY )**  
**ORDER NO. 34031’S TIMEFRAME FOR A ) NOTICE OF PETITION**  
**PRUDENCE DETERMINATION OF HELLS )**  
**CANYON COMPLEX EXPENDITURES ) NOTICE OF**  
**) MODIFIED PROCEDURE**  
**)**  
**) ORDER NO. 35771**

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On April 21, 2023, Idaho Power Company (“Idaho Power” or “Company”) petitioned to modify Order No. 34031’s timeframe for a prudence determination of the Hells Canyon Complex (“HCC”) expenditures incurred after December 31, 2015 (“Petition”). Petition at 1. The Company represents it informally conferred with the parties<sup>1</sup> who signed (“Signing Parties”) the Settlement Stipulation (“Settlement”) filed in Case No. IPC-E-16-32 about this extension and no party objected. *Id.* at 5.

The Commission now provides this Notice of Application and establishes comment deadlines for interested persons and the Company’s reply.

**PETITION**

The HCC “consists of three hydroelectric projects (dams, reservoirs, and powerhouses) on the segment of the Snake River forming the border between Idaho and Oregon.” *Id.* at 2. HCC has “approximately 1,167 megawatts of nameplate generation capacity.” *Id.* The Company is required to obtain a license from the Federal Energy Regulatory Commission (“FERC”) to operate HCC. *Id.* Idaho Power represents the previous license was to expire on July 31, 2005. *Id.* The Company asserts that it has an application pending with FERC to obtain relicensing of and in the interim has been operating HCC under “annual licenses since July 2005.” *Id.*

In Case No. IPC-E-16-32 the Company sought a prudence review of all HCC relicensing expenses incurred through the end of 2015.

In 2018, the Commission approved the Settlement on HCC relicensing expenses incurred through December 31, 2015. Order No. 34031.

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<sup>1</sup> The Settlement was signed by the Company, Commission Staff and the Irrigation Pumpers Association, Inc.

In 2019, the Company resolved “§ 401 certification issues in dispute” with Idaho and Oregon, and this was required for the final FERC license. Petition at 3-4.

### NOTICE OF PETITION

YOU ARE HEREBY NOTIFIED that this Petition requests a modification of Order No. 34031’s timeframe for a prudence determination of HCC expenditures incurred after December 31, 2015. *Id.* at 1.

YOU ARE FURTHER NOTIFIED that the Company represents it has diligently worked to obtain the final license from the Federal Energy Regulatory Commission (“FERC”), but believes circumstances warrant extending the Order No. 34031 timeframe for a prudence determination of HCC expenditures. *Id.* at 3.

YOU ARE FURTHER NOTIFIED that the Company stated FERC anticipated its “draft supplemental Environmental Impact Statement (“EIS”) will be published in June 2023 and the final supplemental EIS will be issued in December 2023.” *Id.* at 4. The Company represented that the draft EIS and final supplemental EIS are required prior to a final FERC license being issued. *Id.*

YOU ARE FURTHER NOTIFIED that the anticipated draft EIS and final supplemental EIS dates of June 2023 and December 2023, respectively, signal to the Company that it could have a final FERC determination and license sometime in 2024 or 2025. *Id.*

YOU ARE FURTHER NOTIFIED that the Company represented that this anticipated FERC determination, if received, supports modifying timeframe for the prudence determination of HCC expenditures incurred after December 31, 2015. *Id.* The Company stated this extension would promote judicial economy, because the Company would otherwise be required to file two requests for prudence determination of the HCC expenditures in a short period of time—one in 2023, consistent with the timeframe of Order 34031, and then a second request in 2024 or 2025, depending on the anticipated FERC determination. *Id.*

YOU ARE FURTHER NOTIFIED that the Company stated it would request a “prudence review of HCC relicensing expenditures incurred between December 31, 2015 and December 31, 2025, in early 2026” if the HCC license is not received by year-end 2025. *Id.*

YOU ARE FURTHER NOTIFIED that the Petition and Attachments 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 [www.puc.idaho.gov](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 it will review the case through written submissions under the Commission’s Rules of Modified Procedure Rules 201-204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201-204. 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 shall have until May 24, 2023, to file written comments.** Comments must be filed through the Commission’s website or by e-mail unless computer access is unavailable. To comment electronically, please access the Commission’s website at [www.puc.idaho.gov](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, the customer 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 PUC:**

Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074  
[secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

**For Idaho Power Company:**

Lisa Nordstrom  
Megan Goicoechea Allen  
Matthew Larkin  
Courtney Waites  
Idaho Power Company  
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[mlarkin@idahopower.com](mailto:mlarkin@idahopower.com)  
[cwaites@idahopower.com](mailto:cwaites@idahopower.com)  
[dockets@idahopower.com](mailto:dockets@idahopower.com)

YOU ARE FURTHER NOTIFIED that the Company must file any reply comments **by May 31, 2023.**

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**

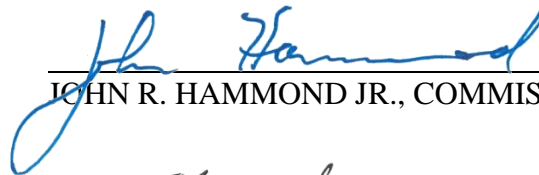
IT IS HEREBY ORDERED that the Company's Application be processed by Modified Procedure. Persons interested in submitting written comments must do so by May 24, 2023. The Company must file any reply comments by May 31, 2023.

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 5<sup>th</sup> day of  
May 2023.



ERIC ANDERSON, PRESIDENT

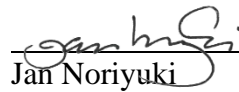


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Jan Noriyuki  
Commission Secretary

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