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May 26, 2023

VIA ELECTRONIC FILING

Jan Noriyuki, Secretary
Idaho Public Utilities Commission
11331 W. Chinden Blvd., Bldg 8,
Suite 201-A (83714)
PO Box 83720
Boise, Idaho 83720-0074

Re: Case No. IPC-E-23-20
In the Matter of Idaho Power Company's Application for a Certificate of Public Convenience and Necessity to Acquire Resources to be Online in Both 2024 and 2025 and for Approval of an Energy Storage Agreement with Kuna Bess, LLC

Dear Ms. Noriyuki:

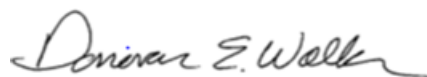
Attached for electronic filing please find Idaho Power Company's Application in the above matter. Also please find the attached Direct Testimony of Timothy E. Tatum, Direct Testimony of Jared L. Ellsworth, and Direct Testimony of Eric Hackett, filed in support of the Application.

Additionally, a protective agreement is also attached. The Direct Testimony of Timothy E. Tatum and the Direct Testimony of Eric Hackett, both contain confidential information within the testimony and exhibits, and will be provided separately via an encrypted email to parties who sign the protective agreement.

Word versions of the testimonies will be sent to your attention at a later day for the convenience of the Reporter.

Please feel free to contact me directly with any questions you might have about this filing.

Very truly yours,



Donovan E. Walker

DEW:cd
Enclosures

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Attorney for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	
COMPANY’S APPLICATION FOR A)	CASE NO. IPC-E-23-20
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO ACQUIRE)	APPLICATION
RESOURCES TO BE ONLINE IN BOTH)	
2024 AND 2025 AND FOR APPROVAL OF)	
AN ENERGY STORAGE AGREEMENT)	
WITH KUNA BESS LLC.)	

Idaho Power Company (“Idaho Power” or “Company”), in accordance with *Idaho Code* §§ 61-501, 61-502, 61-503, 61-508, 61-526; as well as RP 52, 112, and 201 hereby respectfully makes application to the Idaho Public Utilities Commission (“Commission” or “IPUC”) for an order: (1) granting the Company a Certificate of Public Convenience and Necessity (“CPCN” or “Certificate”) to acquire a total of 101 megawatts (“MW”) of new dispatchable energy storage necessary to meet the identified capacity deficiencies in both 2024 and 2025, (2) approving the 20-year Energy Storage Agreement (“ESA”) between Kuna BESS LLC (“Kuna BESS”) and Idaho Power for 150 MW of dispatchable energy storage capacity, and (3) acknowledging the lease accounting necessary to facilitate the

transaction and that the resulting expenses associated with the ESA are prudently incurred for ratemaking purposes. Approval of this request is necessary to position the Company to meet its obligation to provide safe, reliable service to its customers.

Accompanying this Application are three sets of testimony. The Direct Testimony of Timothy Tatum begins with an overview of the regulatory and operational considerations that guided the Company's time-limited resource procurement actions presented in this case including the proposed 101 MW of Idaho Power-owned battery storage facilities for which the Company is requesting a CPCN. It will detail how Idaho Power has met the requirements of *Idaho Code* § 61-526 to obtain a CPCN and present why the Company's request is in the public interest. In addition, it will discuss the 150 MW ESA selected in combination with the Idaho Power-owned battery storage, as the least-cost/least risk resource mix needed to meet the 2025 capacity deficiency, and the accounting associated with such agreement. The Direct Testimony of Jared L. Ellsworth presents the load and resource balance that identifies Idaho Power's newly identified 2024 capacity deficit and the 2025 capacity deficit. Mr. Ellsworth describes the evaluation of potential solutions for meeting the capacity deficiency and identifies additional near-term peak capacity needs which led to the solicitation through a Request for Proposals ("RFP") seeking to acquire energy and capacity necessary to address identified near-term peak capacity needs. The Direct Testimony of Eric Hackett provides an overview of the procurement process used to evaluate the various resources that competed to provide a capacity resource to help meet Idaho Power's peak electric energy needs, and the resulting least-cost, least-risk capacity resources selected through the fair and competitive RFP process.

I. CORPORATE STATUS

1. Idaho Power is a corporation incorporated under the laws of the state of Idaho. Idaho Power is engaged in the business of generating, purchasing, transmitting, and distributing electric energy and providing retail electric service in the states of Idaho and Oregon. Idaho Power's principal offices are situated in Boise, Idaho, and its address is 1221 West Idaho Street, Boise, Idaho 83702. Copies of Idaho Power's Articles of Incorporation and Certificates of Convenience and Necessity are on file with the Commission. *Idaho Code* § 61-528.

II. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

2. Idaho Power has an obligation to provide adequate, efficient, just, and reasonable service on a nondiscriminatory basis to all those that request it within its certificated service territory. *Idaho Code* §§ 61-302, 61-315, 61-507. The Commission must assure that the rates Idaho Power charges its customers and that the rules and regulations by which it provides service are just, reasonable, nondiscriminatory, and non-preferential. *Idaho Code* §§ 61-501, 61-502, 61-503, 61-507, 61-508. The Company must acquire additional dispatchable resources to meet the identified capacity deficits on its system in order to comply with its continuing obligation to serve customers, and thus is requesting an order from the Commission affirming that the public convenience and necessity requires the same. The proposed acquisition represents a cost-effective means of providing adequate and reliable service to the customers in Idaho Power's certificated service territory. The Commission has the express authority to order a utility to build new structures, or to upgrade and/or improve existing plant and structures, in order to secure adequate service or facilities.

Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that additions, extensions, repairs or improvements to or changes in the

existing plant, scales, equipment, apparatus, facilities or other physical property of any public utility . . . ought reasonably to be made, or that a new structure or structures should be erected, to promote the security or convenience of its employees or the public, or in any other way to secure adequate service or facilities, the commission shall make and serve an order directing such additions, extensions, repairs, improvements, or changes be made or such structure or structures be erected in the manner and within the time specified in said order.

Idaho Code § 61-508.

3. A CPCN or Certificate represents the exercise by the Commission of foundational authority and principles that are necessary in Idaho's system of permitting regulated, vertically integrated, public utilities to exist and to provide necessary services to the public. Certificates have been utilized in various ways from the time that Idaho's statutory system of public utility regulation was enacted by the Legislature in 1913, *Idaho Code* § 61-101, *et seq.*, to the present time. After nearly 100 years of legislative enactments, Commission orders, and Idaho Supreme Court reviews, the Certificate remains the embodiment of the Commission's fundamental power and authority to, at the most basic level, authorize and direct a public utility to serve in the public interest. See *Idaho Power & Light Co. v. Blomquist et al.*, 26 Idaho 222, 141 P.1083 (1914); *Idaho Op. Atty. Gen. No. 87-2*, 1987 WL 247587 (Idaho A.G.).

4. In the broadest sense, a Certificate allows a company that meets the definition of a "public utility" pursuant to *Idaho Code* § 61-129 to exclusively provide its service to the public in a specified geographic region, its service territory. It is a codified part of the "regulatory compact" whereby the utility takes on the exclusive obligation/right to serve all those requesting service within its service territory and, correspondingly, submits itself to the rate and service quality regulation of the Commission. In a more literal sense, a Certificate from the Commission is required for the construction or

extension of a line, plant, or system by any street, railroad, gas, electrical, telephone, or water corporation. *Idaho Code* § 61-526. § 61-526 also provides that “if public convenience and necessity does not require or will require such construction or extension [of a line, plant, or system] the commission . . . may, after hearing, make such order and prescribe such terms and conditions for the locating or type of line, plant or system affected as to it may seem just and reasonable” A CPCN is required for the utility to construct a new generation resource or plant but is not required to increase the capacity of existing generating facilities. *Id.*

III. RESOURCE NEED

5. Idaho Power has been generally resource-sufficient since the addition of the Langley Gulch natural-gas fired power plant almost a decade ago until recently. The load and resource balance from the Second Amended 2019 IRP did not show a capacity deficiency occurring until the summer of 2028. However, as described more completely in the direct testimony of Mr. Ellsworth several converging factors, including limited third-party transmission capacity, load growth, and a decline in the peak serving effectiveness of certain supply-side and demand-side resources have caused Idaho Power to rapidly move to a near-term capacity deficiency starting in 2023. These dynamic circumstances led the Company to immediately file a request for a CPCN to acquire resources to be online in 2023¹, as well as a CPCN to acquire resources to be online in 2024², and Idaho Power expects to acquire additional resources each year thereafter through (at least) 2027. See, OPUC Case No. UM 2255, *In the Matter of Idaho Power Company, Application for Approval of 2026 All-Source Request for Proposals to Meet 2026 Capacity Resource Need*.

¹ Case No. IPC-E-22-13

² Case No. IPC-E-23-05

6. Under Idaho law, Idaho Power has an obligation to provide adequate, efficient, just, and reasonable service on a nondiscriminatory basis to all those that request it within its service area. Idaho Power has experienced and expects sustained load growth, thereby requiring the addition of new resources. To meet its obligation to reliably serve customer load and fill capacity deficiencies identified in 2024 and 2025, the Company conducted a competitive solicitation through an RFP seeking to acquire energy and capacity to help meet Idaho Power's previously identified capacity needs of 85 MW to be online by June of 2024 and an incremental 115 MW in 2025. The procurement process resulted in the acquisition of least-cost, least-risk resources necessary to fill the identified capacity deficiencies.

7. The Company performed a qualitative and quantitative evaluation of the project proposals submitted through the RFP process, resulting in the selection of a 150 MW energy storage project, consisting of a 20-year ESA for a 150 MW battery storage facility and 77 MW of Idaho Power-owned battery storage to meet the 2025 capacity deficiency, as well as an additional 24 MW of Idaho Power-owned battery storage for the newly identified 2024 capacity need. Idaho Power requests, pursuant to *Idaho Code* §§ 61-508 and 61-526, that the Commission find it to be in the public convenience and necessity that Idaho Power acquire 101 MW of battery storage resources to be online in 2024 and 2025. The proposed acquisition, as described herein, is necessary and required in order to continue to provide reliable and adequate electric service to Idaho Power's customers starting in the summer of 2024 and into the future.

IV. RESOURCE DESCRIPTION

8. As previously referenced, the Company conducted an RFP seeking to acquire energy and capacity to help meet Idaho Power's previously identified capacity needs of 85 MW in 2024 and an incremental 115 MW in 2025. The competitive RFP

process resulted in a least-cost, least-risk selection of two projects to meet the 2025 capacity deficiency: a 150 MW energy storage project, consisting of a 20-year ESA for a 150 MW battery storage facility and 77 MW of Idaho Power-owned battery storage at the Happy Valley station. In addition, the fluid load and resource balance identified an additional need for capacity in 2024, requiring the additional 24 MW of Idaho Power-owned battery storage at the Hemingway substation.

Kuna BESS ESA

9. The 150 MW battery storage facility consists of a 20-year ESA for a 150 MW battery storage facility located in Kuna, Idaho. On April 26, 2023, Idaho Power and Kuna BESS entered into an ESA, whereby the battery storage facility will supply 150 MWs of capacity on Idaho Power's system for the period of 20 years from a commercial operation date of June 1, 2025. An executed copy of the ESA is attached as Confidential Exhibit No. 6 to Mr. Hackett's Direct Testimony. The ESA is a slightly different kind of agreement than those the Company has previously presented to the Commission. The ESA acts as a type of lease through which Kuna BESS will develop, design, construct, own, and operate the battery storage system and, in accordance with the terms of the agreement, Idaho Power will supply the charging energy for the system and has the exclusive right to dispatch and use the charging and discharging energy in exchange for a monthly payment. The ESA contains fixed, monthly capacity pricing, with no annual escalation, throughout the term of the agreement. The Contract Price is set forth in Article I of the ESA. The terms of the ESA, including pricing, security, and other terms of service, are generally consistent with industry standard terms included in other Commission-approved procurements and energy sales agreements of the Company.

10. The ESA provides for a Scheduled Commercial Operation Date of June 1, 2025, just prior to Idaho Power's currently projected capacity deficit in July 2025. The

ESA provides for a Guaranteed Commercial Operation Date, which is 180 days after the Scheduled Commercial Operation Date under Section 3.6. Article VIII of the ESA contains provisions requiring the Seller to post and maintain Credit Support. Credit Support secures payment of the Termination Payment for an Event of Default by Seller, Delay Damages for Seller's failure to achieve Commercial Operation Date by the Expected Commercial Operation Date, and any other Seller liabilities under the ESA.

11. Section 1.1 of the ESA contains a Guaranteed Round-Trip Efficiency as of the Commercial Operation Date of 85.9 percent which decreases 0.22 percent annually. If the Round-Trip Efficiency is less than the Guaranteed Round-Trip Efficiency, Section 2.3 of the ESA includes a Round-Trip Efficiency Adjustment that reduces the Monthly Capacity Payment. Section 1.1 of the ESA contains a Guaranteed Project Response Time of 4.0 seconds and section 2.4 of the ESA includes a liquidated damage of \$1,000 upon each instance where the Project does not achieve the Guaranteed Project Response Time. In addition, Section 5.2 of the ESA contains a performance requirement in the form of an Availability Guarantee. The Availability Guarantee, detailed in Annex C to the ESA, requires Seller to achieve an Equivalent Availability of at least 97.5 percent during the Summer Availability Period and at least 95.0 percent during the Non-Summer Availability Period. If the project delivers less than the Availability Guarantee during any Measurement Period, Seller must pay Guaranteed Availability Liquidated Damages based on the prorated portion of the difference between the Equivalent Availability and the Guaranteed Availability. In addition, Article V of the ESA contains operational and control provisions including, without limitation, dispatch, charging requirements, communications, automatic generation control, maintenance and maintenance outages.

12. Section 3.1 provides that the ESA only becomes effective upon Commission approval of all of the terms and provisions of the ESA as well as the accounting and

regulatory treatment requested by the Company, and declaration that all payments the Company makes to Seller for purchases of energy will be allowed as prudently incurred expenses for ratemaking purposes; provided that, if Commission approval does not occur on or prior to the date that is six months after filing of the ESA for approval (by November 26, 2023), then the Expected Commercial Operation Date shall be extended on a day-for-day basis after November 26, 2023, until Commission approval is obtained or waiver by Idaho Power. If Commission approval, or the Company's waiver of such condition, has not occurred twelve months after filing the ESA for approval (by May 26, 2024), then the Seller may terminate the ESA and, except with respect to those provisions that expressly survive termination, neither the Company nor Seller shall have any obligations under the ESA. To allow Kuna BESS sufficient lead time for financing, procurement and construction once Commission approval of the ESA is obtained, in order to meet the Scheduled Commercial Operation date of June 1, 2025, the Company requests a Commission order on or before November 26, 2023.

Energy Storage

13. As described in detail in the Direct Testimony of Mr. Ellsworth, the Company's capacity position remains very fluid during the near-term resource decision making phase, driven in part by continued high load growth. At the time the 2022 RFP³ proposals were being evaluated, the 2025 capacity deficiency had increased. To account for the increased 2025 capacity deficiency, Idaho Power also selected the next most cost-effective resource to meet the 2025 capacity deficiency, the Idaho Power benchmark resource, a 77 MW battery storage facility at the Happy Valley station. Further, during

³ The 2022 RFP sought proposals for resources to be online by summer of 2024 and 2025. Case Number IPC-E-23-05, filed on February 21, 2023, seeks approval of a Power Purchase Agreement with Franklin Solar LLC for 100 MW of solar generation as well as a CPCN for 72 MW of dispatchable energy storage to be online in 2024.

preparation of the 2023 IRP, as the load and resource balance was refreshed, it was determined that a capacity shortfall still exists in 2024. Idaho Power can address the 2024 capacity deficiency economically and efficiently by adding 24 MW of battery storage at the Hemingway substation, the site for which 80 MW of battery storage is being installed to meet the 2023 capacity deficiency. The Company intends on executing a Battery Energy Supply Agreement for the 24 MW battery storage with Powin Energy Corporation (“Powin”), similar to previous agreements executed with Powin.

V. RESOURCE PROCUREMENT PROCESS

14. Idaho Power conducted a fair and competitive resource acquisition procurement process that resulted in a least-cost, least-risk procurement of 101 MW of energy storage capable of being operational to meet both the 2024 and 2025 capacity deficiencies. Upon recognizing the urgency of the capacity deficit, the Company assembled an interdisciplinary team to develop and process the RFP for 2024 peak capacity resources (“RFP evaluation team”). Black & Veatch, LLC (“Black & Veatch”) was engaged to assist the RFP evaluation team, providing guidance and support of the RFP process. The RFP evaluation team, in consultation with Black & Veatch, developed detailed criteria and a methodology for evaluating both price and qualitative attributes of a proposed resource including the 57 factors which were identified in Exhibits A and B to the RFP and the Proposal Entry Form during the qualitative evaluation process. Subject matter experts within the RFP evaluation team, as well as independent subject matter experts within Idaho Power, were assigned those specific evaluation factors and criteria related to their knowledge of the factor subject matter.

15. The direct testimony of Mr. Hackett details the evaluation of the respondents’ proposals to the RFP, which included a quantitative and qualitative evaluation with an objective scoring methodology to reasonably evaluate the price and

non-price attributes of each bid, providing evidence of a fair and competitive procurement process. The RFP solicited renewables, such as solar PV, wind or geothermal, energy storage projects, and renewables plus energy storage projects. In addition, the Company identified gas-fired resources that are convertible to hydrogen and demand response resources as eligible products. Idaho Power's Power Supply department submitted one benchmark resource in the RFP.

16. Because the capacity deficit in 2025 had increased, and the most cost-effective bidder selected in the RFP alone was insufficient to meet the increased capacity deficit, Idaho Power selected the next most cost-effective resource as well. The combined two projects, 150 MW energy storage project, consisting of a 20-year ESA for a 150 MW battery storage facility and 77 MW of Idaho Power-owned battery storage would provide the resources necessary to fill the 2025 capacity deficiency, as well as the additional 24 MW of Idaho Power-owned battery storage necessary to fill the 2024 capacity deficiency. The result is the combined 101 MW of battery storage for which the Company seeks the current CPCN issuance and the ESA with Kuna BESS for which Idaho Power seeks approval. Idaho Power believes the procurement process has determined the least-cost, least-risk resources that are capable of being operational to meet both the 2024 and 2025 capacity deficiencies. These projects are necessary and required to timely meet the Company's resource needs and continue to provide reliable and adequate service to Idaho Power's customers starting in the summer of 2024 and into the future.

VI. RATEMAKING TREATMENT FOR ENERGY STORAGE PROJECTS

17. Idaho Power is not requesting binding ratemaking treatment for the 101 MW of battery storage in this case as it did for the Langley Gulch Power Plant CPCN, Case No. IPC-E-09-03. The Company's request in this case is that the Commission find Idaho

Power has met the requirements of Idaho Code § 61-526 and issue an order granting a CPCN to acquire 101 MW of energy storage necessary to meet the identified capacity deficiencies in both 2024 and 2025. The Company will make a future filing to address the cost recovery associated with these projects.

VII. ACCOUNTING TREATMENT OF ENERGY STORAGE AGREEMENT

18. Although similar to a power purchase agreement, the ESA differs such that the Company controls the dispatch of capacity of the battery storage facility. As such, under Generally Accepted Accounting Principles (“GAAP”), any contract that provides the right to control an identified asset over a period of time is considered a capital lease. The Company must record the fixed costs associated with the ESA as a lease liability, with a corresponding right-of-use asset, upon energization. Following establishment of the lease liability and right-of-use asset, the right-of-use asset is amortized on a straight-line basis over the 20-year contract term, resulting in the recording of amortization expense and a corresponding entry to accumulated amortization. Also, interest expense, calculated by applying the incremental borrowing rate to the remaining lease liability, is recorded. The difference between the payment made to Kuna BESS, and the interest expense, is the principal applied to the lease liability, reducing the outstanding lease liability each month. Both the amortization and interest expense associated with the lease liability are comparable to the depreciation on, and return of, a traditional capital investment, respectively.

19. Idaho Power is requesting the Commission acknowledge the lease accounting is necessary to facilitate the transaction and that the expenses associated with the ESA are prudently incurred expenses for ratemaking treatment. The Company will address any regulatory accounting necessary and required under GAAP closer to commencement of operation of the battery storage facility, and in a later proceeding.

VIII. OREGON PROCUREMENT RULES

20. The Commission, in Case No. IPC-E-10-03, initiated a case seeking to establish competitive bidding guidelines for the RFP process. In 2013, the Commission closed Case No. IPC-E-10-03 without establishing Idaho-specific resource procurement guidelines, but rather directing Idaho Power to follow the RFP guidelines applicable to its Oregon service territory. The Oregon RFP guidelines to which the Commission referred were later codified into the administrative rules of the Public Utility Commission of Oregon (“OPUC Resource Procurement Rules”).⁴ The OPUC Resource Procurement Rules impose competitive bidding requirements upon an electric utility for the “acquisition of a resource or a contract for more than an aggregate of 80 MWs and five years in length,” among other requirements. Several converging factors, including limited third-party transmission capacity, load growth, and a decline in the peak serving effectiveness of certain supply-side and demand-side resources caused Idaho Power to rapidly move to a near-term capacity deficiency starting in 2023. Given the timeframe between the identification of the increased capacity deficit and the need to have resources online to meet that deficit, it was apparent that there was insufficient time to reissue the RFP under the OPUC Resource Procurement Rules and ensure adequate resources were available to provide reliable service to customers.

21. There are certain exceptions to the applicability of the OPUC Resource Procurement Rules, including the exception used for executing the Jackpot Solar power purchase contract,⁵ and the exceptions used for energy storage resources necessary to meet the previously identified 2023 and 2024 capacity deficiencies, “There is a time-limited opportunity to acquire a resource of unique value to the electric company’s

⁴ Oregon Administrative Rule (“OAR”) 860-089-0010 et seq.

⁵ Case No. IPC-E-19-14.

customers.”⁶ The rules also contain exceptions for emergencies, OPUC acknowledgement of an alternative acquisition method in the utility’s IRP, and exclusively acquiring transmission assets or rights.⁷ As such, coincident to filing of this Application, Idaho Power is filing an exception request with the OPUC, and is currently compliant with the OPUC resource acquisition process.

IX. FINANCING THE ENERGY STORAGE

22. Idaho Power maintains investment grade credit ratings with Standard & Poor’s Ratings Services and Moody’s Investors Service, with a long-term issuer rating of BBB and Baa1, respectively. The Company maintains ready access to the capital markets and to instruments providing for its liquidity. Idaho Power has a \$300 million revolving credit facility with its banking syndicate, which may be increased to \$450 million under specified conditions, \$253,125,000 of which terminates on December 6, 2026, and \$46,875,000 of which terminates on December 6, 2025. The Company has an option to request up to two one-year extensions of the agreement, subject to certain conditions. Idaho Power also has authority from state regulatory commissions to issue up to \$1.2 billion in aggregate principal amount of debt securities, \$1.15 billion of which remained available as of December 31, 2022. The Company also has access to commercial paper markets, as well as a balance of cash and investments on its balance sheet. Additionally, Idaho Power has access to capital and credit outside of existing mechanisms and instruments, such as through term loans, letter of credit, and other instruments. IDACORP, the parent entity of Idaho Power, also maintains access to the public equity markets. The Company intends to finance the 101 MW of energy storage

⁶ OAR 860-089-0100(3)(b).

⁷ OAR 860-089-0100(3)(a), (c), (d).

with a combination of available cash and operating cash flow, available facilities and borrowing and debt issuances, and potential future equity issuances by IDACORP.

X. COMMUNICATIONS AND SERVICE OF PLEADINGS

23. Communications and service of pleadings with reference to this Application should be sent to the following:

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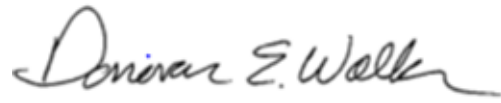
XI. MODIFIED PROCEDURE

24. The Company believes that a hearing is not necessary to consider the issues presented herein, and respectfully requests that this Application be processed under Modified Procedure; i.e., by written submissions rather than by hearing. RP 201, *et seq.* If, however, the Commission determines that a technical hearing is required, the Company stands ready to present its testimony and support the Application in such hearing.

XII. REQUEST FOR RELIEF

Idaho Power respectfully requests that the Commission issue an order (1) granting the Company a CPCN to acquire a total of 101 MW of new dispatchable energy storage necessary to meet the identified capacity deficiencies in both 2024 and 2025, (2) approving the 20-year ESA between Kuna BESS and Idaho Power for 150 MW of dispatchable energy storage capacity, and (3) acknowledging the lease accounting necessary to facilitate the transaction and that the resulting expenses associated with the ESA are prudently incurred for ratemaking purposes.

DATED at Boise, Idaho this 26th day of May 2023.

A handwritten signature in black ink that reads "Donovan E. Walker". The signature is written in a cursive style with a large initial 'D'.

DONOVAN E. WALKER
Attorney for Idaho Power Company

CERTIFICATE OF ATTORNEY

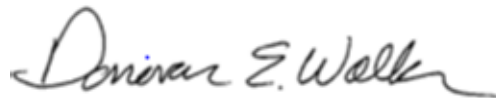
ASSERTION THAT INFORMATION CONTAINED IN AN IDAHO PUBLIC UTILITIES COMMISSION FILING IS PROTECTED FROM PUBLIC INSPECTION

Idaho Power Company's Application for a Certificate of Public Convenience and Necessity to Acquire Resources to be Online in Both 2024 and 2025 and for Approval of an Energy Storage Agreement with Kuna Bess, LLC

Case No. IPC-E-23-20

The undersigned attorney, in accordance with Commission Rules of Procedure 67, believes that the redacted portions of the Direct Testimony of Timothy E. Tatum, and Attachment 1, as well as the redacted portions of the Direct Testimony of Eric Hackett, and Attachment 5 and 6, dated May 26, 2023, contain information that Idaho Power Company and a third party claims is a confidential trade secret and/or public records exempt from disclosure by state or federal law (material nonpublic information under U.S. Securities and Exchange Commission Regulation FD) as described in *Idaho Code* § 74-101, *et seq.*, and/or § 48-801, *et seq.* in that the redacted information contains confidential negotiated terms and conditions, confidential bidder information and competitive bid submissions, as well as confidential financial information about the Company. As such, it is protected from public disclosure and exempt from public inspection, examination, or copying.

DATED this Friday, May 26, 2023.



Donovan Walker
Counsel for Idaho Power Company