

DECISION MEMORANDUM

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

FROM: MICHAEL DUVAL
DEPUTY ATTORNEY GENERAL

DATE: FEBRUARY 13, 2024

SUBJECT: IN THE MATTER OF IDAHO POWER COMPANY’S APPLICATION FOR APPROVAL OF A THIRD AMENDMENT TO AN EXISTING ENERGY SALES AGREEMENT AND REPLACEMENT ENERGY SALES AGREEMENT REGARDING THE BARBER DAM HYDRO PROJECT; CASE NO. IPC-E-24-06.

On January 26, 2024, Idaho Power Company (“Company”) applied for approval of a Third Amendment to an existing energy sales agreement (“1987 ESA”) with Fulcrum, LLC¹ for energy generated by the Barber Dam Hydroelectric Project (“Facility”) as well as the approval of a replacement ESA (“Replacement ESA”) with the Barber Pool Hydro, LLC (“BPH”). The Company asked to amend the 1987 ESA to correct the nameplate ratings² and to update BPH as the seller while concurrently seeking approval of a Replacement ESA. The Facility has a 3.7-megawatt nameplate capacity and is a qualifying facility under the Public Utility Regulatory Policies Act of 1978. The Company requested this matter be processed by Modified Procedure.

STAFF RECOMMENDATION

Staff recommended the Commission issue a Notice of Application and Notice of Modified Procedure establishing a 21-day public comment deadline, with a 7-day party reply comment deadline.

¹ The Company, Fulcrum, and Barber Pool Hydro, LLC entered a Consent, Assignment, and Assumption Agreement on December 23, 2023. Fulcrum is transferring its interest in the Facility to Barber Pool Hydro, LLC which will continue to deliver energy to the Company until the 1987 ESA expires on April 10, 2024.

² The Amendment would correct Paragraph B-1 of the 1987 Agreement which errantly lists the Facility as containing two 2,100 kilowatt generators opposed to the actual nameplate rating of the generators being 1,850 kilowatts.

COMMISSION DECISION

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure establishing a 21-day public comment deadline, with a 7-day party reply comment deadline?



Michael Duval
Deputy Attorney General

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