

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF IDAHO POWER ) CASE NO. IPC-E-24-09**  
**COMPANY’S APPLICATION FOR )**  
**APPROVAL OR REJECTION OF AN ) NOTICE OF APPLICATION**  
**ENERGY SALES AGREEMENT WITH BP )**  
**HYDRO ASSOCIATES FOR THE SALE AND ) NOTICE OF**  
**PURCHASE OF ELECTRIC ENERGY FROM ) MODIFIED PROCEDURE**  
**THE ROCK CREEK II HYDRO PROJECT )**  
**ORDER NO. 36119**

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On February 29, 2024, Idaho Power Company (“Company”), applied for approval of an Energy Sales Agreement (“ESA”) with BP Hydro Associates (“Seller”) for electric energy generated by the Rock Creek II Hydro Project (“Facility”) and a declaration that all payments for purchases of energy under the proposed ESA be allowed as prudently incurred expenses for ratemaking purposes. Under the proposed ESA, the Company would buy from the Seller electric energy generated by the Facility, which is in Twin Falls County, Idaho. With this Order the Commission issues notice of the Company’s Application and establishes public comment and Party reply deadlines.

**NOTICE OF APPLICATION**

YOU ARE HEREBY NOTIFIED that the Company represents that on February 27, 2024, it formed the proposed ESA with Seller pursuant to the terms and conditions of various Commission Orders and under the Public Utility Regulatory Policies Act of 1978 (PURPA). Under PURPA, electric utilities must purchase electric energy from “qualifying facilities” (QFs) at rates approved by the applicable state regulatory agency—in Idaho, this Commission. 16 U.S.C. § 824a-3; *Idaho Power v. Idaho PUC*, 155 Idaho 780, 789, 316 P.3d 1278, 1287 (2013).

YOU ARE FURTHER NOTIFIED that the Company represents that the Facility is a QF under PURPA with a nameplate rating of 1.9 megawatts. The Facility is currently selling energy to the Company under an agreement executed in 1987 (“1987 Agreement”), which expires on April 2, 2024.

YOU ARE FURTHER NOTIFIED that the Company represents that the proposed ESA provides for the sale of electric energy for a 20-year term at non-levelized, non-seasonal hydro published avoided cost rates established in Order No. 35800, with full capacity payments for the entire term.

YOU ARE FURTHER NOTIFIED that the Company represents that the Seller must provide the Company with data to confirm that, under normal and/or average conditions, the Facility will not exceed 10 average megawatts monthly.

YOU ARE FURTHER NOTIFIED that the Company represents that the Facility's Scheduled First Energy Date and Scheduled Operation Date under the ESA is April 3, 2024.

YOU ARE FURTHER NOTIFIED that under the ESA the Seller is required to provide projected energy delivery estimates five days before the beginning of the following month to comply with the 90/110 firmness requirements consistent with past Commission orders.

YOU ARE FURTHER NOTIFIED that in anticipation of a final Commission order not being issued before the 1987 Agreement expires on April 2, 2024, and the need for an interim agreement during the lapse period, the Company proposes to pay the Seller the Surplus Energy Price as set forth in the ESA during the lapse period. The Surplus Energy Price would be paid from expiration of the 1987 Agreement until a Commission order is issued approving the rates proposed in the Application or other direction from the Commission is issued.

YOU ARE FURTHER NOTIFIED that the Company represents that the proposed ESA will become effective only upon the Commission's approval and finding that all payments the Company makes to Seller for energy purchases will be allowed as prudently incurred expenses for ratemaking purposes.

YOU ARE FURTHER NOTIFIED that the Application 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," then 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 April 18, 2024, 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, persons must e-mail the comments to the Commission Secretary and all parties at the e-mail addresses listed below. Persons submitting a comment by e-mail must provide their name, address, and the Case Number under which they are commenting. Persons submitting a comment by e-mail also acknowledge that submitting a comment in an open case constitutes a public record under *Idaho Code* § 74-101(13), and all information provided by such person is available for public and media inspection.

If computer access is unavailable, then comments may be mailed to the Commission and the Parties at the addresses below. Persons submitting a comment by mail must provide their name, address, and the Case Number under which they are commenting. Persons submitting a comment by mail also acknowledge that submitting a comment in an open case constitutes a public record under *Idaho Code* § 74-101(13), and all information provided by such person is available for public and media inspection.

**For the Idaho PUC:**

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**YOU ARE FURTHER NOTIFIED** that the parties must file any reply comments **by April 25, 2024.**

**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, Rules 201-204. Persons interested in submitting written comments must do so by April 18, 2024. The parties must file any reply comments by April 25, 2024.

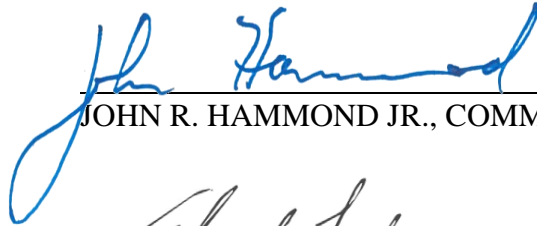
**IT IS FURTHER ORDERED** that parties comply with Order No. 35375, issued April 21, 2022. Generally, all pleadings should be filed with the Commission electronically and will be deemed timely filed when received by the Commission Secretary. *See* Rule 14.02. Service between parties should continue to be accomplished electronically when possible. However, voluminous discovery-related documents may be filed and served on CD-ROM or a USB flash drive.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 25<sup>th</sup> day of March 2024.



ERIC ANDERSON, PRESIDENT



JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez  
Commission Secretary

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