

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IDAHO POWER COMPANY’S)	CASE NO. IPC-E-24-21
APPLICATION FOR APPROVAL OF A)	
FIRST AMENDMENT TO THE ENERGY)	
SALES AGREEMENT FOR THE SALE)	
AND PURCHASE OF ELECTRIC ENERGY)	ORDER NO. 36279
FROM THE SHOSHONE HYDRO)	
PROJECT)	
)	

On May 24, 2024, Idaho Power Company (“Company”) applied for approval of a First Amendment to an existing energy sales agreement (“ESA”) between itself and Shoshone Hydro LP (“Seller”) for energy generated by the Shoshone Hydro Project (“Facility”) (“Application”). The Company requested this matter be processed by Modified Procedure.

On June 25, 2024, the Commission issued a Notice of Application and established public comment and party reply deadlines. Order No. 36239. Commission Staff (“Staff”) filed comments to which the Company did not respond.

With this Order, we approve the proposed First Amendment to the ESA as filed.

THE APPLICATION

The proposed First Amendment would adjust Article 6.2.3 regarding the Net Energy Amount (“NEA”) notification requirements as well as the ESA’s treatment of future modifications to the ESA.

The proposed First Amendment would replace the language in Article 6.2.3 so that the estimated NEA adjustment would change from the current one-month advance notice to the 25th day of the month prior to the month where the NEA is adjusted (unless the 25th falls on a holiday or weekend, then the NEA adjustment would need to be made the last business day before the 25th). The Company stated that the Commission has approved five-day advanced notice revisions to the NEA in previous cases.

The Company’s proposed First Amendment also includes an update to Article XXIII of the ESA in the event the Seller modifies the Facility during the term of the ESA. This modification is consistent with several recent Commission orders.

STAFF COMMENTS

Staff recommended approval of the proposed First Amendment. Staff stated that the First Amendment primarily adjusts the estimated NEA notification requirement from one-month to five days—a change which has been approved in prior Commission orders. Additionally, Staff noted that the First Amendment brings Article XXIII of the ESA (regarding Facility modifications) into compliance with Commission mandates. Consistent with its recommendations in similar ESA amendment cases, Staff recommended that regardless of the actual compensation remitted to the Facility after modification, the Company should only be allowed to recover, through the Power Cost Adjustment, the net power supply expenses reflecting the authorized rate for energy delivered.

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over this matter under *Idaho Code* §§ 61-502 and 61-503. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provision of law, and to fix the same by order. *Idaho Code* §§ 61-502 and 61-503. The Commission also has authority under the Public Utility Regulatory Policies Act of 1978 (“PURPA”) and Federal Energy Regulatory Commission (“FERC”) regulations to set avoided cost rates, to order electric utilities to enter fixed-term obligations for the purchase of energy from qualify facilities, and to implement FERC rules. The Commission may enter any final order consistent with its authority under Title 61 and PURPA.

Having reviewed the record, including the Company’s Application, the First Amendment to the the ESA, and the comments in this case, the Commission finds it fair, just, and reasonable to approve the Company’s request to alter the NEA adjustment notification requirement. We also find that it is fair, just, and reasonable to order that, if the Facility is modified, only the net power supply expense that reflects the proper authorized rate for all energy delivered as of the first operation date of the modified Facility be included in the Company’s Power Cost Adjustment, regardless of the compensation paid to the modified Facility. This treatment is consistent with the Commission direction in Order No. 35705.

ORDER

IT IS HEREBY ORDERED that the Company’s proposed First Amendment to the ESA is approved as filed.

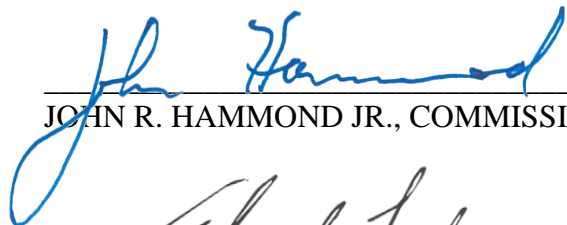
IT IS FURTHER ORDERED that, if the Facility is modified, only the net power supply expense that reflects the proper authorized rate for all energy delivered as of the first operation date of the modified Facility shall be included in the Company’s Power Cost Adjustment.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order about any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *Idaho Code* § 61-626.

DONE by order of the Idaho Public Utilities Commission at Boise, Idaho this 26th day of July 2024.



ERIC ANDERSON, PRESIDENT




JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios-Sanchez
Commission Secretary

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