

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	CASE NO. IPC-E-24-28
OF IDAHO POWER COMPANY FOR)	
APPROVAL OF A SECOND AMENDMENT)	ORDER NO. 36340
TO THE ENERGY SALES AGREEMENT)	
FOR THE SALE AND PURCHASE OF)	
ELECTRIC ENERGY FROM THE LOWLINE)	
#2 HYDRO PROJECT)	
)	

On July 1, 2024, Idaho Power Company (“Company”) applied to the Idaho Public Utilities Commission (“Commission”) requesting an order approving the Second Amendment to the Energy Sales Agreement (“ESA”) between the Company and Lower Lowline LLC (“Seller”) for electric energy generated by the Seller’s Lowline #2 Hydro Project (“Facility” or “Project”), which is a Qualifying Facility (“QF”) under the Public Utility Regulatory Policies Act of 1978 (“PURPA”).

The Company represented that on October 13, 2022, the Company and the Seller entered into a replacement ESA for the purchase and sale of energy generated by the Facility. The ESA was subject to a First Amendment that was approved by the Commission on May 1, 2023.

The Company represented that the Company and the Seller desired to enter into the Second Amendment to the ESA, to: (1) modify the evaluation period for the Project’s eligibility for seasonal hydro rates consistent with the change recently authorized by the Commission for another PURPA QF; and (2) revise Article XXIII Modification to add language addressing modifications to the ESA as well as Facility modifications.

The Company also represented that the Second Amendment to the ESA was executed by the parties on June 12, 2024, and is subject to the Commission’s approval.

STAFF COMMENTS

Commission Staff (“Staff”) reviewed the Application. Based on its review, Staff recommended the Commission approve the Second Amendment. Staff believed that the Company’s request to change the evaluation of the qualifying timeframe from June 1 to May 31 (rather than the typical calendar year) was reasonable. Staff also believed that the changes to Article XXIII Modification were reasonable.

Staff recommended 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 should be included in the Company's Power Cost Adjustment, regardless of the compensation paid to the Seller of the modified Facility.

COMMISSION FINDINGS AND DECISION

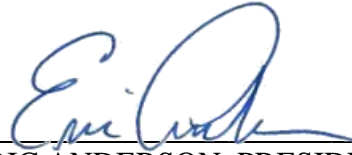
The Commission has jurisdiction over the Company's Application and the issues in this case under Title 61 of the Idaho Code including *Idaho Code* §§ 61-301 through 303. The Commission is empowered to investigate rates, charges, rules, regulations, practices, and contracts of all public utilities and to determine whether they are just, reasonable, preferential, discriminatory, or in violation of any provisions of law, and to fix the same by order. *Idaho Code* §§ 61-501 through 503. Having reviewed the Application, all submitted comments, and the record, the Commission finds it fair, just, and reasonable to approve the Second Amendment to the Energy Sales Agreement between the Company and the Seller for electric energy generated by the Facility.

ORDER

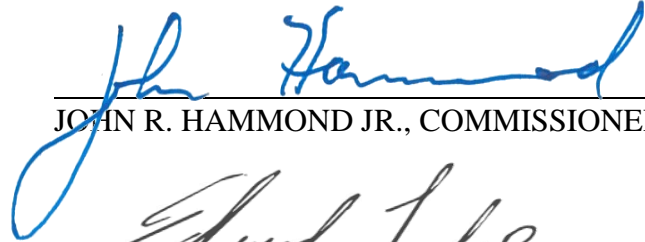
IT IS HEREBY ORDERED that the Company's Application is approved.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date upon this Order regarding 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 8th day of October 2024.



ERIC ANDERSON, PRESIDENT

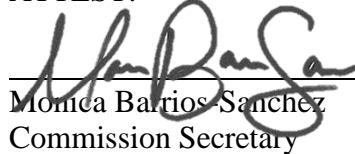


JOHN R. HAMMOND JR., COMMISSIONER



EDWARD LODGE, COMMISSIONER

ATTEST:



Monica Barrios Sanchez
Commission Secretary

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