

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| IN THE MATTER OF THE APPLICATION |) | CASE NO. IPC-E-24-30 |
| OF IDAHO POWER COMPANY FOR |) | |
| APPROVAL OF A SECOND AMENDMENT |) | ORDER NO. 36358 |
| TO THE ENERGY SALES AGREEMENT |) | |
| FOR THE SALE AND PURCHASE OF |) | |
| ELECTRIC ENERGY FROM THE |) | |
| SAGEBRUSH HYDRO PROJECT |) | |
| |) | |

On July 1, 2024, Idaho Power Company (“Company”) applied for an order approving the Second Amendment (“Second Amendment”) to the Energy Sales Agreement (“ESA”) with Big Wood Canal Company (“Seller”) (“Application”). The ESA sets the terms for the sale of electric energy generated by the Seller’s Sagebrush Hydro Project (“Facility”), which is a Qualifying Facility (“QF”) under the Public Utility Regulatory Policies Act of 1978 (“PURPA”).

On July 16, 2024, the Commission issued a Notice of Application and Notice of Modified Procedure establishing public comment and party reply deadlines. Order No. 36265. Commission Staff (“Staff”) filed the only comments to which the Company did not respond.

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

THE APPLICATION

The Company represented that on November 22, 2019, the Company and the Seller entered a replacement ESA for the purchase and sale of energy produced by the Facility. The ESA was subject to a First Amendment that was approved by the Commission on March 17, 2021.

The Company represented that the Company and the Seller entered 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 in conformity with the language recently approved by the Commission.

The Company represented that the Second Amendment to the ESA was executed by the parties on June 6, 2024, and is subject to the Commission’s approval.

STAFF COMMENTS

Staff reviewed the Application and based on its review, 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 believed that the existing language in Article XXIII Modification of the ESA already complied with the requirements of Order No. 35705 regarding modifications to the Facility.

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, 302, and 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, 502, and 503. Having reviewed the record, the Commission finds it fair, just, and reasonable to approve the Second Amendment to the ESA 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 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.

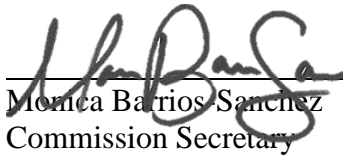
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho, this 15th day of October 2024.


ERIC ANDERSON, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


EDWARD LODGE, COMMISSIONER

ATTEST:


Monica Barrios Sanchez
Commission Secretary

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