

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER) CASE NO. IPC-E-25-19
COMPANY’S APPLICATION FOR)
APPROVAL OF A FIRST AMENDMENT OF) NOTICE OF APPLICATION
THE ENERGY SALES AGREEMENT FOR)
THE SALE AND PURCHASE OF ELECTRIC) NOTICE OF MODIFIED
ENERGY FROM THE BIRCH CREEK) PROCEDURE
HYDRO PROJECT)
ORDER NO. 36583

On April 8, 2025, Idaho Power Company (“Company”) applied to the Idaho Public Utilities Commission (“Commission”) requesting approval of the First Amendment to the Energy Sales Agreement, between the Company and Birch Creek Trout, Inc. (“Birch Creek Trout”), for the sale and purchase of electric energy generated by the Birch Creek Hydro Project (“Facility”).

BACKGROUND

The Company and Birch Creek Trout entered into an Energy Sales Agreement (“ESA”) on July 3, 2019, for the sale and purchase of electric energy generated by the Facility located near Hagerman, Idaho. Application at 2. The ESA was approved by the Commission in Case No. IPC-E-19-23, Order No. 34456, issued on October 4, 2019. *Id.*

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that the Company states that it entered into a Consent, Assignment, and Assumption Agreement, effective as of January 23, 2025 (“Agreement”), with Birch Creek Trout to transfer Birch Creek Trout’s interest in the Facility to Birch Creek Land and Water, LLC (“Birch Creek Land and Water”). *Id.* The Company states that pursuant to the terms of the Agreement, Birch Creek Trout has assigned, and Birch Creek Land and Water has assumed the ESA and the rights and obligations of the Seller. *Id.*

YOU ARE FURTHER NOTIFIED that the Company states that the Amended ESA correctly identifies the Seller as Birch Creek Land and Water, and revises Article XXIII Modification to be in conformity with language previously approved by the Commission. *Id.* at 2-3.

YOU ARE FURTHER NOTIFIED that the Application is available for public inspection during regular business hours at the Commission’s office. The Application is also available on the

Commission's website at www.puc.idaho.gov. Click on the "ELECTRIC" icon, select "Open Cases," and 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, and 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 that it will proceed under Modified Procedure pursuant to the Commission's Rules of Procedure 201-204, 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 the person supports or opposes the Application. Persons who would like a hearing must specifically request a hearing in their written comments and explain why written comments alone are insufficient. **Persons interested in filing written comments, must do so within 21 days of the service date of this Order.** 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 <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 Public Utilities
Commission:**

Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
secretary@puc.idaho.gov

Street Address for Express Mail:

11331 W. Chinden Blvd.
Building 8, Suite 201-A
Boise, ID 83714

For Idaho Power Company:

Donovan E. Walker
Megan Goicoechea Allen
IPC Dockets
Energy Contracts
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, ID 83707
dwalker@idahopower.com
mgoicoecheaallen@idahopower.com
dockets@idahopower.com
energycontracts@idahopower.com

YOU ARE FURTHER NOTIFIED that the Company must file any reply comments **within 28 days of the service date of this Order.**

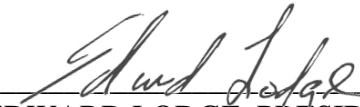
YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its final order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.


ORDER

IT IS HEREBY ORDERED that this Application be processed under Modified Procedure. Persons interested in submitting written comments must do so within 21 days of the service date of this Order. The Company must file any reply comments within 28 days of the service date of this Order.

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.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29th day of April 2025.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

I:\Legal\ELECTRIC\IPC-E-25-19_ESA Birch Creek\orders\Ntc_App_Mod_em.docx