

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER	)	CASE NO. IPC-E-26-22
COMPANY’S APPLICATION FOR	)	
APPROVAL OF THE FIRST AMENDMENT	)	
TO THE ENERGY SALES AGREEMENT	)	ORDER NO. 37186
BETWEEN IDAHO POWER AND PICO	)	
ENERGY, LLC	)	
	)	

On July 6, 2026, Idaho Power Company (“Company”) applied to the Idaho Public Utilities Commission (“Commission”) requesting an order approving the First Amendment (“First Amendment”) to the Energy Sales Agreement (“ESA”) between the Company and Pico Energy, LLC (“Pico”) regarding Pico’s cogeneration facility (“Application”). Application at 1. If approved, the First Amendment would modify the ESA to: (1) show the reduction in nameplate capacity at Pico’s cogeneration facility (“Facility”) from 2.276 megawatts (“MW”) to 1.138 MW; (2) update the Facility’s description and capacity amount; and (3) incorporate language approved by the Commission regarding Facility modifications. *Id.* at 2–3. No petitions to intervene were filed.

On August 3, 2026, the Commission issued a Notice of Modified Procedure, establishing written comment deadlines. Order No. 37115. Commission Staff (“Staff”) filed comments to which the Company replied. No other comments were received.

Based on our review of the record, we issue this Final Order approving the First Amendment to the ESA, subject to conditions.

THE APPLICATION

The Company represented that the First Amendment does not change the ESA’s terms and conditions and does not change the parties’ obligations under the ESA. *Id.* at 3. The Company stated the Facility is fueled by natural gas and is interconnected to the Company’s electrical system. *Id.* at 2. The Company explained that it purchases energy produced by the Facility. *Id.* The Company stated that the Facility previously operated with two generators. *Id.* The Company represented that Pico decommissioned one of the two generators at the Facility due to its age, condition, and required maintenance. *Id.* The Company explained that the change in operation to one generator reduced the Facility’s nameplate capacity to 1.138 MW. *Id.* The Company stated it and Pico agreed to the First Amendment so that the ESA would reflect the lower nameplate

capacity of the Facility. *Id.* The Company explained that the First Amendment modified “Article XXII (Modification)” and appendices B-1 and B-4 of the ESA. *Id.*

STAFF COMMENTS

Based on Staff’s review of the ESA and the First Amendment, Staff recommended the Commission approve the First Amendment, subject to the condition that the First Amendment be edited to reflect the correct value and unit of capacity amounts stated in the ESA, and that the edited First Amendment be filed with the Commission through a compliance filing. Staff Comments at 2.

Staff believed that the capacity payments to Pico would not be impacted by the First Amendment. *Id.* Staff noted that the First Amendment did not correctly specify the “value and unity of the capacity amounts” detailed in the ESA. *Id.* at 2–3. Staff created a table to illustrate the typographical errors it identified in the First Amendment. *Id.* at 3. Staff believed the modifications to the ESA proposed in the First Amendment complied with Order No. 35705 issued in Case No. IPC-E-22-28 (Application for ESA with Lower Lowline LLC). *Id.*

COMPANY REPLY

While the Company admitted and agreed that there were typographical errors contained in the First Amendment, the Company stated that it was not necessary nor administratively efficient for it to submit a compliance filing to correct the errors. Company Reply at 2. The Company supported this argument by stating that the ESA, as amended by the First Amendment, was correct and that the language errors in the First Amendment were presentational in nature and thus were not material. *Id.*

COMMISSION FINDINGS AND DECISION

The Commission has jurisdiction over the Application and the issues in this case under Title 61 of the Idaho Code including, *Idaho Code* §§ 61-501, -502, and -503. 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.

The Commission has reviewed the record in this case. Based on our review, we approve the First Amendment because the First Amendment does not change the ESA’s terms and

conditions, does not change the parties' obligations under the ESA, and will not impact the capacity payments to Pico.

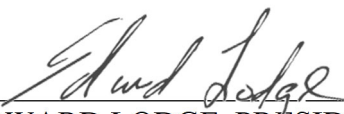
Even though the Commission approves the First Amendment, because the First Amendment does not accurately describe the units and values of the capacity amounts stated in Appendix B-1 and Appendix B-4 of the ESA, and thus does not represent an accurate record, the Commission's approval is subject to the condition that the Company must file as a compliance filing an updated First Amendment that correctly lists the units and values of the capacity amounts stated in the ESA.

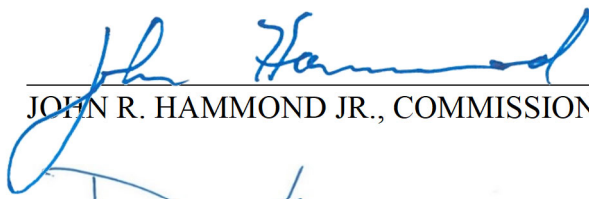
ORDER

IT IS HEREBY ORDERED that the First Amendment is approved, subject to the condition that the Company must file with the Commission as a compliance filing an updated First Amendment that reflects the correct units and values of the capacity amounts stated in Appendix B-1 and Appendix B-4 of the ESA.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within 21 days of the service date of this Order regarding any matter decided in this Order. Within seven 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 28th day of September 2026.


EDWARD LODGE, PRESIDENT


JOHN R. HAMMOND JR., COMMISSIONER


DAYN HARDIE, COMMISSIONER

ATTEST:


Monica Barrios-Sanchez
Commission Secretary

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