

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF ROCKY MOUNTAIN)	CASE NO. PAC-E-21-05
POWER’S APPLICATION FOR APPROVAL)	
OR REJECTION OF THE POWER)	
PURCHASE AGREEMENT WITH)	ORDER NO. 35510
COMMERCIAL ENERGY MANAGEMENT,)	
INC.)	
)	

On March 3, 2021, Rocky Mountain Power, a division of PacifiCorp (“Company”) applied to the Commission requesting approval or rejection of a replacement Power Purchase Agreement (“PPA”) with Commercial Energy Management, Inc. (“Seller”) for the purchase of energy and capacity.

On January 25, 2022, the Commission approved the PPA conditioned on the Company and Seller executing and filing a conforming amended PPA with certain Commission required terms. *See* Order No. 35303 at 6.

On February 9, 2022, Seller petitioned the Commission to reconsider Order No. 35303 pursuant to *Idaho Code* § 61-626 (“Petition”). Seller specifically requested the Commission reconsider its approval of the PPA with the 90/110 Provision included in it. *See Petition for Reconsideration* at 1. On February 16, 2022, the Company replied to Seller’s Petition. No cross-petitions were received.

On March 9, 2022, the Commission granted the Seller’s Petition to allow for additional consideration of the issues raised by the Seller’s Petition. *See* Order No. 35343. The Commission also found that the existing record was sufficient for it to fully consider the arguments made by the parties in this case. *See Idaho Code* § 626(a); Order No. 35343 at 2. After such consideration, the Commission stated it would issue a final order on the merits of the Seller’s Petition. *Id.*

On April 25, 2022, the Commission issued a Final Order on Reconsideration denying Seller’s Petition for Reconsideration and ordering the Parties to file a fully executed, amended PPA adding the matters set forth by the Commission in Order No. 35303. *See* Order No. 35384.

On May 18, 2022, the Company filed Amendment No. 1, addressing the two conditions set forth by Order No. 35303.

On July 26, 2022, Staff submitted a Decision Memorandum (“Memorandum”) recommending approval of the Company’s Amendment No. 1. In its Memorandum, Staff stated

that it agreed with Amendment No. 1, as filed. First, by not modifying the definition of Expected Net Output to reflect that the forecast is not updated after contracting, but instead, by deleting the definition of Expected Net Output, because it was not used by the PPA. Second, the Company changed “three months” to “six months” in Section 4.9.2 of the PPA, which complied with Order No. 35303.

COMMISSION DECISION AND FINDINGS

After reviewing Amendment No. 1, we find the modifications are consistent with our directives in Order No. 35303. Accordingly, we accept the Company’s Amendment No. 1 to its PPA, as filed.

ORDER

IT IS HEREBY ORDERED that the Company’s Amendment No. 1 to its PPA with the Seller is approved, as filed.

IT IS FURTHER ORDERED that all payments made by the Company for purchases of energy and capacity under the PPA, as modified by this Order approving Amendment No. 1, are allowed as prudently incurred expenses for ratemaking purposes.

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. Within seven days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

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DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th day of August 2022.



ERIC ANDERSON, PRESIDENT

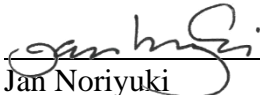


JOHN CHATBURN, COMMISSIONER

//ABSTAIN TO AVOID CONFLICT//

JOHN R. HAMMOND, JR., COMMISSIONER

ATTEST:



Jan Noriyuki
Commission Secretary

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