Gregory M. Adams (ISB No. 7454) Peter J. Richardson (ISB No. 3195) Richardson Adams, PLLC 515 N. 27<sup>th</sup> Street Boise, Idaho 83702 Telephone: (208) 938-2236 Fax: (208) 938-7904 greg@richardsonadams.com peter@richardsonadams.com RECEIVED 2021 MAY 13 AM 9: 46 IDAHO PUBLIC UTILITIES COMMISSION

Attorneys for Fall River Rural Electric Cooperative, Inc.

## **BEFORE THE**

## IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF ) PACIFICORP FOR APPROVAL OR ) REJECTION OF THE PURCHASE POWER ) AGREEMENT WITH CHESTER DIVERSION ) HYDRO PROJECT )

CASE NO. PAC-E-21-06

FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.'S MOTION FOR EXTENSION OF TIME

Pursuant to the Idaho Public Utilities Commission ("Commission") Rule of Procedure

256 (IDAPA 31.01.01.256), Fall River Rural Electric Cooperative, Inc. ("Fall River") respectfully requests that the due date for reply comments applicable to PacifiCorp and Fall River be extended seven days. Because the due date for reply comments is currently May 18, 2021, Fall River requests that the Commission grant expeditious procedural relief on or before May 18, 2021, which is less than 14 days after the date of this motion.

Fall River is the counterparty to PacifiCorp in the power purchase agreement ("PPA") submitted for approval by the Commission in this proceeding, and Fall River was granted intervenor status in this proceeding. Staff filed comments on May 4, 2021, in which Staff recommended three changes to the PPA.

The Commission's Order No. 34976 established a 14-day period with a due date of May 18, 2021, for filing of reply comments in response to Staff's comments. Fall River intends to file reply comments.

However, despite diligent efforts in this matter, Fall River expects to require an additional week to ensure its comments adequately address the issues raised in Staff's comments and provide a complete record for the Commission's consideration of such issues. One of the issues in particular raised by Staff – the correct vintage of avoided cost rates applicable to the PPA – implicates complicated issues of law and fact related to the negotiations of the PPA. Fall River initially requested the PPA for the Chester Diversion Project in September 2019, and there are numerous communications and materials to review and potentially present in response to the issue raised by Staff regarding the vintage of rates that should apply. Additionally, despite efforts to do so, counsel for Fall River has been unable to yet discuss the matters related to any of Staff's proposed changes to the PPA with PacifiCorp to ascertain its position on Staff's proposals, which may impact the position taken by Fall River. Thus, to adequately address the issues presented by Staff's comments, Fall River respectfully requests an additional week. No party will be prejudiced by the extension, and the interests of justice support such extension.

Consistent with Rule 256.02(b), counsel for Fall River contacted counsel for Staff and PacifiCorp regarding this request for expedited relief. PacifiCorp stated it does not oppose the extension so long as the extension also applies to the due date for PacifiCorp's reply comments. Staff stated it takes no position. The facts set forth above establish good cause for issuing the requested procedural relief on an expedited basis. For the reasons set forth above, Fall River respectfully requests a seven-day extension to the due date for reply comments in this proceeding, which would make reply comments due on May 25, 2021.

DATED: May 13, 2021.

## RICHARDSON ADAMS, PLLC

By <u>/s/ Gregory M. Adams</u> Gregory M. Adams (ISB No. 7454) Richardson Adams, PLLC 515 N. 27<sup>th</sup> Street Boise, Idaho 83702 Telephone: (208) 938-2236 Fax: (208) 938-7904 greg@richardsonadams.com

MOTION FOR EXTENSION OF TIME OF FALL RIVER RURAL ELECTRIC COOPERATIVE, INC. PAC-E-21-06 PAGE 3

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13th day of May, 2021, I delivered true and correct copies of the foregoing Motion for Extension of Time to the following parties via electronic mail:

Jan Noriyuki Commission Secretary Idaho Public Utilities Commission P.O. Box 83720 Boise, ID 83720-0074 jan.noriyuki@puc.idaho.gov

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Dated: May 13, 2021

<u>/s/ Gregory M. Adams</u> Gregory M. Adams (ISB No. 7454)

MOTION FOR EXTENSION OF TIME OF FALL RIVER RURAL ELECTRIC COOPERATIVE, INC. PAC-E-21-06 PAGE 4