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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for Ted Sorenson

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION
OF IDAHO POWER COMPANY FOR
APPROVAL OR REJECTION OF AN
ENERGY SALES AGREEMENT WITH BIG
WOOD CANAL COMPANY FOR THE
SALE AND PURCHASE OF ELECTRIC
ENERGY FROM THE SAGEBRUSH
HYDRO PROJECT**

) Case No. IPC-E-19-38
)
) **ANSWER TO STAFF'S**
) **ANSWER TO IDAHO**
) **POWER COMPANY'S**
) **MOTION FOR APPROVAL**
) **OF FIRST AMENDMENT**
) **TO ENERGY SALES**
) **AGREEMENT OR**
) **ALTERNATIVELY FOR**
) **CLARIFICATION AND/OR**
) **RECONSIDERATION**
)
)
)

COMES NOW, Ted Sorenson of Wood Hydro LLC, a real interest herein, by and through counsel of record of Arkoosh Law Offices, provides the following answer to Staff's *Answer to Idaho Power Company's Motion for Approval of First Amendment to Energy Sales Agreement or Alternatively for Clarification and/or Reconsideration* filed on June 25, 2020.

PROCEDURAL HISTORY

On or about December 9, 2019, Idaho Power Company ("Idaho Power") filed an *Application* seeking approval or rejection of an Energy Sales Agreement with Big Wood Canal Company for the sale and purchase of electric energy from the Sagebrush hydro project.

**ANSWER TO STAFF'S ANSWER TO IDAHO POWER COMPANY'S MOTION FOR
APPROVAL OF FIRST AMENDMENT TO ENERGY SALES AGREEMENT OR
ALTERNATIVELY FOR CLARIFICATION AND/OR RECONSIDERATION - 1**

On or about January 10, 2020, the Commission issued its *Notice of Application and Notice of Modified Procedure*. Following, on May 28, 2020, the Commission issued *Order No. 34677* approving the Energy Sales Agreement (“ESA”) contingent upon certain modifications to it being implemented.

On or about July 18, 2020, Idaho Power moved for *Approval of the First Amendment to Energy Sales Agreement in Compliance with Order No. 34677, or, Alternatively, for Clarification and/or Reconsideration*.

Thereafter, Staff filed an *Answer to Idaho Power Company’s Motion for Approval of First Amendment to Energy Sales Agreement or Alternatively for Clarification and/or Reconsideration*. (“Answer”).

The *Answer* seeks the following affirmative relief,

Ensure that it complies with *Order No. 34677*, does not interfere with other required provisions included in the ESA, and complies with previous Commission orders. Staff also wishes to determine whether the rate structure proposed by the First Amendment will make measuring compliance with 90/110 requirements difficult. Staff also desires to determine whether the provisions of the First Amendment will prevent the Seller from receiving immediate capacity payments for generation from the incremental 145 kW of capacity.

Thus, the *Answer* is in fact a cross petition for reconsideration under the Commission’s Rule 331 because it seeks affirmative relief. IDAPA 31.01.01.331. Therefore, this instant pleading is an answer to the Staff’s cross petition.

ANSWER TO CROSS PETITION

The Staff seeks to engage the Commission to determine what it already knows or should know. The Staff seeks to ensure that *Order No. 34677*;

1. Does not interfere with other required provisions in the ESA;

2. Complies with previous Commission orders;
3. Whether the rate structure proposed by the first amendment will make measuring compliance with 90/110 requirements difficult; and
4. Whether the provision of the first amendment will prevent the seller from receiving immediate capacity payments for generation from the incremental 145 kW capacity.

Items one and two are determinations the Staff can make without discovery and on the record either by reading the ESA, or by comparing other PUC orders. Interestingly, no PUC orders have been identified in the Staff's *Answer*.

Items three and four can be determined by a phone call from Staff to technical staff of Idaho Power. Counsel for Idaho Power, has represented to this counsel that he made an inquiry of technical staff prior to drafting the pending amendment to the ESA allowing Idaho Power to insure itself that its metering processes would make *Order No. 34677* functional.

DATED this 29th day of June 2020.

Arkoosh Law Office



C. Tom Arkoosh
Attorney for Ted Sorenson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of June, 2020, I served a true and correct copy of the foregoing document(s) upon the following person(s), in the manner indicated:

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