

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** MATT HUNTER  
DEPUTY ATTORNEY GENERAL

**DATE:** JULY 30, 2020

**SUBJECT:** IN THE MATTER OF IDAHO POWER COMPANY'S APPLICATION FOR APPROVAL OR REJECTION OF A FIRST AMENDMENT TO THE ENERGY SALES AGREEMENT FOR THE SALE AND PURCHASE OF ELECTRIC ENERGY FROM NORTH GOODING MAIN HYDRO, LLC; CASE NO. IPC-E-20-31

On July 21, 2020, Idaho Power Company filed an Application seeking approval of the First Amendment ("Amendment") to its Energy Sales Agreement ("ESA") with North Gooding Main Hydro, LLC ("Seller"). Application at 1. The ESA falls under the Public Utility Regulatory Policies Act of 1978 ("PURPA") and is a contract for the sale and purchase of electric energy generated by the North Gooding Main Hydro project—a PURPA qualifying facility. *Id.* The Amendment addresses when the Seller must notify Idaho Power to revise future monthly Estimated Net Energy Amounts. *Id.* at 2. Idaho Power asks that the Commission process its Application by Modified Procedure. *Id.* at 3.

### BACKGROUND

The Commission approved Idaho Power's ESA with the Seller in 2015. Order No. 33404. Section 6.2.3 of the ESA addresses when the Seller must notify Idaho Power if it wishes to revise any future monthly Estimated Net Energy Amounts after the Operation Date. Application at 2. The Seller must give Idaho Power at least one month's notice in order to revise a given month's Estimated Net Energy Amount. *See* Case No. IPC-E-15-24, Application, Attachment 1.

### THE AMENDMENT

The Amendment changes when the Seller must notify Idaho Power to revise future monthly Estimated Net Energy Amounts. Application at 2. The Amendment states that "[a]fter the

Operation Date, the Seller must revise any future monthly Estimated Net Energy Amounts by providing written notice no later than 5 PM Mountain Standard time on the 25<sup>th</sup> day of the month that is prior to the month to be revised.” *Id.* If the 25<sup>th</sup> day falls on a weekend or holiday, written notice must be received by the Company no later than the last business day prior to the 25<sup>th</sup> day of the month. *Id.* The Amendment provides the following example: “...if the Seller would like to revise the Estimated Net Energy Amount for October, they would need to submit a revised schedule no later than September 25 or the last business day prior the September 25.” *Id.*

#### **STAFF RECOMMENDATION**

Staff has reviewed the Application and the Amendment and recommends the Application be processed under Modified Procedure with a 21-day comment deadline and a 7-day reply comment deadline.

#### **COMMISSION DECISION**

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure with a 21-day comment deadline and a 7-day reply comment deadline?



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Matt Hunter  
Deputy Attorney General

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