

DECISION MEMORANDUM

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

**FROM: MATT HUNTER
DEPUTY ATTORNEY GENERAL**

DATE: NOVEMBER 12, 2020

**SUBJECT: IN THE MATTER OF ROCKY MOUNTAIN POWER'S APPLICATION
FOR APPROVAL OF A POWER PURCHASE AGREEMENT BETWEEN
PACIFICORP AND BIRCH HYDRO COMPANY; CASE NO. PAC-E-20-07**

On June 3, 2020, Rocky Mountain Power ("Company"), a division of PacifiCorp, applied for consideration of a power purchase agreement ("PPA") with Birch Hydro Company for energy generated by a small hydro facility in Clark County, Idaho.

On June 26, 2020, the Commission issued a Notice of Application and Modified Procedure, setting an August 10, 2020 comment deadline and an August 17, 2020 reply comment deadline. Commission Staff filed timely written comments, recommending several amendments to the PPA. The Company filed timely reply comments and accepted all of Staff's recommendations. The Company stated that the "Company and the Seller will work expeditiously to file an updated contract and exhibits incorporating Commission Staff's comments as soon as possible." Company Reply Comments at 3.

After learning from Staff that the Company planned to file an amended PPA soon, the Commission issued an interlocutory order on September 1, 2020. The order directed the Company to file the amended PPA by September 15, 2020. The Commission also granted persons until September 22, 2020 to file written comments on the amended PPA, and set a September 29, 2020 reply comment deadline for the Company. Order No. 34768.

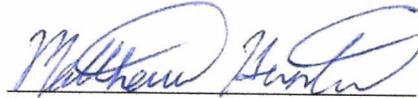
The Company did not file the amended PPA until November 3, 2020. Staff's understanding from conversations with the Company is that amending the PPA took longer than the Company initially expected.

STAFF RECOMMENDATION

Staff recommends the Commission issue an interlocutory order setting a seven-day comment period on the amended PPA and a seven-day reply comment period.

COMMISSION DECISION

Does the Commission wish to set a seven-day comment period on the amended PPA and a seven-day reply comment period?



Matt Hunter
Deputy Attorney General

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