

DECISION MEMORANDUM

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

**FROM: DAYN HARDIE
DEPUTY ATTORNEY GENERAL**

DATE: SEPTEMBER 25, 2020

**SUBJECT: IN THE MATTER OF ROCKY MOUNTAIN POWER'S APPLICATION
FOR APPROVAL OR REJECTION OF A POWER PURCHASE
AGREEMENT BETWEEN PACIFICORP AND FALL RIVER ELECTRIC
COOPERATIVE, INC; CASE NO. PAC-E-20-10**

On June 9, 2020, Rocky Mountain Power (“Company”), a division of PacifiCorp, applied for consideration of a Power Purchase Agreement (“Agreement”) with Fall River Electric Cooperative, Inc. (“Fall River”) for energy generated by the Felt Hydro Facility¹ (“Facility”), a small hydro facility in Teton County, Idaho. The Facility is a qualifying facility under the Public Utility Regulatory Policies Act of 1978 and has a nameplate capacity of 7.45 megawatts.

On July 2, 2020, the Commission issued a Notice of Application and Notice of Modified Procedure establishing an August 17, 2020 comment deadline and August 24, 2020 reply comment deadline. *See* Order No. 34717.

On July 31, 2020, Staff sent its Second Production Request to the Company. Staff received responses to requests 8-11 on August 10, 2020 and requests 12-14 on August 11, 2020. Staff determined it would need additional time to sort out its position on capacity payments described in the Agreement.

On August 17, 2020, Staff filed initial comments and asked the Commission to amend the comment deadline to allow additional time to analyze the data and finalize its position on capacity payments through supplemental comments.

¹ The Felt River Hydro Facility was previously known as CDM Hydro.

At the August 18, 2020 Decision Meeting, Staff asked the Commission to vacate the comment deadlines established in Order No. 34717 and establish new comment deadlines to allow for public comments on October 1, 2020 and reply comments on October 15, 2020.

The Company and Fall River indicated they did not oppose amending the comment deadlines as proposed by Staff.

On August 25, 2020, the Commission issued a Notice of Amended Comment Deadlines establishing an October 1, 2020 public comment deadline and October 15, 2020 reply deadline. *See* Order No. 34760.

On September 22, 2020, pursuant to the Commission's Rules of Procedure 272—IDAPA 31.01.01.272—Staff sent an email to the Commission Secretary and parties of record providing notice that settlement discussions had begun and the parties intended to work towards settlement. The parties plan to submit a stipulation memorializing the agreed upon terms. Staff would like to modify the comment deadlines set in Order No. 34760 to allow time for the public and parties to file comments on the stipulation. The Company and Fall River indicated they do not oppose amending the comment deadlines as proposed by Staff.

STAFF RECOMMENDATION

Staff recommends the Commission vacate the October 1, 2020 public comment deadline and October 15, 2020 reply deadline and establish a new October 22, 2020 public comment deadline allowing opportunities for public comments and for parties to file comments in support of the stipulation.

COMMISSION DECISION

Does the Commission wish to vacate the October 1, 2020 public comment deadline and October 15, 2020 reply deadline and establish a new October 22, 2020 public comment deadline allowing opportunities for public comments and for parties to file comments in support of the stipulation?



Dayn Hardie
Deputy Attorney General