



**Avista Corp.**

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January 24, 2018

Diane Hanian, Secretary  
Idaho Public Utilities Commission  
P O Box 83720  
Boise, ID 83720-0074

RE: CASE NO. AVU-E-18-01

**JOINT PETITION OF AVISTA CORPORATION AND CLARK FORK HYDRO LLC FOR  
APPROVAL OF A POWER PURCHASE AGREEMENT**

Dear Ms. Hanian:

Attached for filing with the Commission is an original and seven copies of an amendment to the Power Purchase Agreement (PPA) between Avista Corporation, doing business as Avista Utilities, and Clark Fork Hydro LLC, filed with the Commission on January 9, 2018. The purpose of the amendment is to extend the contractual deadline of the PPA to February 28, 2018, as discussed with Commission Staff.

If you have any questions regarding the enclosed petition, please contact Michael Andrea at 509-495-2564 or Steve Silkworth at 509-495-8093.

Sincerely,

*Linda Gervais*

Linda Gervais  
Sr. Manager, Regulatory Policy  
Avista Utilities  
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## **AMENDMENT NO. 1**

This AMENDMENT NO. 1 ("Amendment") to the Power Purchase Agreement with a requested effective date of January 1, 2018 ("Agreement"), is entered into by and between Avista Corporation ("Avista") and Clark Fork Hydro LLC ("CFH") on January 16, 2018. Avista and CFH are sometimes referred to individually as a "Party" and collectively as the "Parties."

### **RECITALS**

WHEREAS, the Parties entered into the Agreement, under which Avista is to continue to purchase the output of CFH's Facility pursuant to the terms of the Agreement;

WHEREAS, on January 8, 2018, the Parties filed a Joint Petition ("Petition") for approval of the Agreement with the Idaho Public Utilities Commission ("IPUC" or "Commission");

WHEREAS, it has come to the attention of the Parties that it is unlikely that the Commission will act on the Petition before January 30, 2018; and

WHEREAS, the Parties desire to enter into this Amendment to revise Section 5.3 of the Agreement to allow more time for the Commission to act on the Petition:

NOW THEREFORE, it is agreed as follows:

### **AGREEMENT TO AMEND**

1. Section 5.3 of the Agreement states as follows:

In the event that the IPUC fails to issue a final order approving this Agreement by January 30, 2018, neither Party shall have any further obligations to purchase or sell electric power hereunder, and this Agreement shall terminate on January 30, 2018.

The Parties understand that it is unlikely that the Commission will issue an order regarding the Agreement prior to January 30, 2018. Accordingly, the Parties desire to revise Section 5.3 of the Agreement to allow the Commission more time to act on the Agreement. The Parties therefore agree to amend Section 5.3 by deleting Section 5.3 and replacing Section 5.3 in its entirety with the following:

In the event that the IPUC fails to issue a final order approving this Agreement by February 28, 2018, neither Party shall have any further obligations to purchase or sell electric power hereunder, and this Agreement shall terminate on February 28, 2018.

2. Except as expressly amended by the provisions set forth in this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect following execution of this Amendment and each Party confirms, ratifies and approves the Agreement as amended by this Amendment. All capitalized terms used herein and not otherwise defined shall have the respective meanings given to such terms in the Agreement. For the avoidance of doubt, this Amendment is hereby incorporated in the Agreement and all references to the Agreement shall be deemed to be references to the Agreement as amended by this Amendment.

3. This Amendment may be executed in two (2) or more counterparts, each of which shall be deemed as an original and together shall constitute one and the same document.

**IN WITNESS WHEREOF**, the Parties have caused this Amendment to be executed by their duly authorized representatives as of the date first set forth above.

**CLARK FORK HYDRO LLC**

**AVISTA CORPORATION**

By: 

By: 

Printed Name: JAY E. WHITE

Printed Name: SCOTT MORRIS

Title: MEMBER

Title: CHAIRMAN & CEO