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2013 MAR 25 PM 4: 13

IDAHO PUBLIC  
UTILITIES COMMISSION

March 25, 2013

Ms. Jean Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington  
Boise, ID 83702

Re: GNR-E-11-03 – Filing of Confidential Information Pursuant to Rule 67

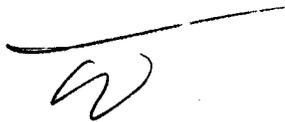
Dear Ms. Jewell:

Accompanying this letter please find enclosed an original and seven copies of our Comments in the above matter containing confidential information pursuant to the Protective Agreement between Avista Corporation, Idaho Power Company, Pacific Corp, Idaho Public Utilities Commission staff, and Intervenors to be filed pursuant to Rule 67 of the IPUC Rules of Procedure. Such information is labeled "Confidential" because the same was provided to us in discovery under that label, pursuant to the Agreement.

Further find enclosed an original and seven copies of our Comments for filing with the confidential information redacted.

Sincerely,

ARKOOSH LAW OFFICES



C. Tom Arkoosh

CTA/emc  
Enclosures  
Cc: Client

ORIGINAL

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UTILITIES COMMISSION

*Attorneys for Twin Falls Canal Company, North Side Canal Company, Big Wood Canal Company and American Falls Reservoir District No. 2*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE  
COMMISSION'S REVIEW OF PURPA  
QF CONTRACT PROVISION  
INCLUDING THE SUBROGATE  
AVOIDED RESOURCE (SAR) AND  
INTEGRATED RESOURCE  
PLANNING (IRP) METHODOLOGIES  
FOR CALCULATING PUBLISHED  
AVOIDED COST RATES.

Case No. GNR-E-11-03

**COMMENTS OF NORTH SIDE CANAL  
COMPANY, TWIN FALLS CANAL  
COMPANY, BIG WOOD CANAL  
COMPANY, AND AMERICAN FALLS  
RESERVOIR DISTRICT NO. 2**

COME NOW Twin Falls Canal Company, North Side Canal Company, Big Wood Canal Company, and American Falls Reservoir District #2 (collectively, "Canal Companies"), by and through their counsel of record, C. Tom Arkoosh of Arkoosh Law Offices, and hereby submit these *Comments*.

These *Comments* are submitted on behalf of the Canal Companies pursuant to Order No. 32737, which provides parties the opportunity to address certain issues under reconsideration by the Commission: the definition of a canal drop hydro project and the appropriate capacity factor to use for canal drop and other hydro projects for deriving avoided cost prices under the SAR

methodology. These comments will only address the appropriate capacity factor to use in deriving canal drop avoided cost prices under the SAR methodology. As will be explained in the following comments, the Commission should use a 100% on-peak capacity factor for deriving avoided cost prices for canal drop projects.<sup>1</sup>

In its post-hearing pleadings, Idaho Power Company (“IPC”) advocated using a canal drop capacity factor of 67.1% based upon “actual data from existing projects.” (See IPC’s Response to Petitions and Cross-Petition for Reconsideration, dated January 15, 2013, page 11.) Based upon the extensive data provided in response to Staff’s Data Request No. 22 and the Canal Companies Requests No. 33 and 34, we now know that IPC’s calculation was flawed for a number of reasons. These reasons are: 1) it was based on an extremely limited subset of canal drop projects, 2) it was based on a limited period of time, 3) it was based on imprecise metered data, 4) it appears no attempt was made to correct the accuracy of the data for the sampled projects even knowing there were substantial inaccuracies, 5) the IPC value is based on the 90% exceedance value of deliveries instead of the expected delivery value, 6) it used the nameplate capacity for each project instead of the project’s dependable on-peak capability.

In response to Staff Request No. 22, IPC provided a listing of all QF projects as of December 31, 2012 (confidential Attachment 1). This attachment lists ■ projects currently operating with ■ designated as being hydro projects. Confidential Attachment 2 provided in response to this same request provides the monthly generation of each project since it began operating. This attachment contains ■ projects of which ■ are identified as being hydro projects. This attachment also indicates for each hydro project a “facility category” identified

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<sup>1</sup> The Canal Companies’ consultant Mr. Schoenbeck received copies of the Staff avoided cost EXCEL spreadsheet model (“Updated Avoided Cost Model Version 2.0.xlsm”) on June 14, 2012 and again on June 22, 2012. In both versions, he noted the on-peak canal drop capacity factor of 100%. This was one of the reasons Mr. Schoenbeck endorsed the use of this model in his rebuttal testimony filed on June 28, 2012 in this proceeding.

as being: canal drop (█ projects), river (█ projects), creek (█ projects), or spring (█ projects). Confidential Attachment 3 to this response provides a listing of projects with available hourly metered data. Attachment 3 also identifies the source of the hourly data. This attachment indicates that only █ projects have hourly data of which █ are canal drop projects. For these █ canal drop projects, hourly data for █ projects is listed as being a "PI" meter while the remaining █ projects data is based on a "MV90" meter. The IPC data response to Staff explains the difference in hourly data source:

..MV90 data is generation information provided hourly by the actual meter located at each project measured in kilowatts ("kW")...PI data is hourly generation information that is accessed through the Idaho Power SCADA system measured in megawatts ("MW") for each project. The MV90 data is measured per kW, whereas the PI data is measured per MW. Therefore, the more accurate MV90 data was used in preparing this information when it was available.

The IPC response to Canal Companies Requests 33 and 34 provides the workpapers used to calculate the on-peak capacity factors indicated on prefiled Exhibit 3, page 18 of 47. An analysis of these workpapers shows the IPC proposed 67.1% on-peak capacity factor was calculated using PI meter data for each of only █ canal drop projects for only █. A cursory review of these spreadsheet workpapers raises serious questions regarding the accuracy of the PI data for these █ projects. In particular, for each sampled project, the spreadsheet contains a check based on the summation of the hourly PI data versus the actual "booked" generation amount for each project. These comparisons show substantial deviations between the two sources as shown by the following illustrative table for one of the █ sampled projects:

Illustration of Data Problems – ██████████ (MWhs)

Year	Summation of Hourly PI Data	IPC Booked Data	Difference (Hourly PI v Booked)
██████	██████	██████	██████
██████	██████	██████	██████
██████	██████	██████	██████
██████	██████	██████	██████

For two of the other sampled projects, the PI data summation is less than the booked amounts by ██████████ for ██████████. As shown by the following table:

Illustration of Data Problems  
██████████ (MWhs)

Year	Summation of IPC Hourly PI Data	IPC Booked Data	Difference (Hourly PI v Booked)
██████	██████	██████	██████
██████	██████	██████	██████
██████	██████	██████	██████
██████	██████	██████	██████
██████	██████	██████	██████

It appears no attempt was made by IPC to correct the PI data for the substantial differences—in most cases under statements--between the two data sources, and yet, this is the very data relied on by IPC to advocate for a 67.1% on-peak capacity factor for canal drop projects.

The Canal Companies believe there are two more shortcomings with the IPC calculation method that should be corrected as well. First, the IPC 67.1% value is based on a 90% exceedance calculation. This means that 90% of the time, the projects will actually be

<sup>2</sup> Based on daily records at this facility, we believe the value should actually be ██████████ MWh. The difference is attributable to a known meter problem at this facility during this time.

providing a larger amount of capacity than is indicated by the 90% value. This is inappropriate. The capacity that is being avoided is the expected on-peak deliveries for the canal drop projects. Even based on IPC's suspect sampled data, the expected on-peak deliveries for the four projects is actually 78% as shown by IPC Exhibit 3, page 18 of 47. Second, the IPC capacity factor calculation is based on the on-peak deliveries and the assumed nameplate capacity of the facility. The use of the nameplate capacity may or may not be the appropriate value for a particular project as the facility may never be able to operate at this level due to other restrictions. This is the exact same reason why nameplate capacity is not used to rate the capability of any utility owned resources. In actuality, the dependable or maximum deliverability during the on-peak hours is the more important or proper metric for establishing the on-peak capacity factor.

The Canal Companies have undertaken the substantial task of analyzing the hourly data of the IPC identified canal drop projects. Of the [REDACTED] canal drop projects with MV90 meters, one of the projects appears to have highly questionable hourly values given the IPC identified nameplate capacity. Of the remaining [REDACTED] projects, [REDACTED] projects have provided a high level of on-peak deliverability based on all the years of hourly data. In fact, allowing for an 8% outage rate for the avoided resource (92% deliverability), [REDACTED] of the projects should be paid 100% of the avoided capacity cost as their deliverability is comparable to, or superior than, the avoided resource and [REDACTED] is within [REDACTED] of this value ([REDACTED] deliverability). This analysis supports the Staff assumption that canal drop projects can and do provide a very high level of capacity during the peak hours. As such, under the current "rolled-in" pricing approach, the Commission should use a 100% on-peak capacity factor for canal drop projects to ensure projects providing this level of high deliveries are paid the full avoided resource value. The only other approach--which would appear to be outside the scope of this reconsideration--would

be to unbundle the SAR avoided cost price into separate demand and energy components. By so doing, each and every canal drop project would be appropriately paid for the capacity need it is displacing based on its actual deliveries.<sup>3</sup>

Federal regulation 18 CFR 292.101(6) provides in pertinent part regarding capacity: *Avoided costs* means the incremental costs to an electric utility of electric ... capacity ... which, but for the purchase from the qualifying facility or qualifying facilities, such utility would ... purchase from another source.

From this, the Commission determined in Order No. 32697, page 21 that:

In calculating a QF's ability to contribute to a utility's need for capacity, we find it reasonable for the utilities to only begin payments for capacity at such time that the utility becomes capacity deficient. If a utility is capacity surplus, then capacity is not being avoided by the purchase of QF power. By including a capacity payment only when the utility becomes capacity deficient, the utilities are paying rates that are a more accurate reflection of true avoided cost for the QF power.

This conclusion, in turn, arose from the pre-filed testimony of staff member C. McHugh:

In the recommended model, capacity payments are specific to the resource used by the QF. If a utility is deficient in capacity, then the recommended model examines whether the utility is deficient in summer only, in winter only, or in both seasons. If the utility is deficient in only one season, then the model bases a resource-specific capacity payment on the ability of that resource to contribute during the deficient season's peak. However, if a utility is deficient in both seasons, then the model bases the resource-specific capacity payment on the ability of that resource to contribute during both seasons' peaks. This is the same methodology suggested by Avista.

To clarify matters, consider canal drop QFs. Canal drops can contribute 100 percent of their capacity during the summer peak and 0 percent of their capacity

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<sup>3</sup> So long as Idaho uses a combined energy/capacity price calculated on a "one size fits all" basis for published rates, great care should be given to pay for all the project capacity actually delivered to avoid a regulatory taking of a QF's capacity by failing to pay for 100% of what is provided. See *Penn. Central Transp. Co. v. City of New York*, 438 U.S. 104, 98 S.Ct. 2646, 57 L.Ed. 2d 631 (1978), as cited in *Boise Tower Associates, LLC v. Hogland*, 147 Idaho 774, 215 P.3d 494 (2009). If a system of statistical quantification of capacity combining a blend of several plants is to be used, this suggests the importance and equity of pegging the amount of capacity payments to the plants delivering the highest percentage of capacity in order to protect those QF's right to be paid the whole avoided cost.

during the winter peak. If a utility is only capacity deficient during the summer, then a canal drop QF receives the full capacity payment. However, if a utility is capacity deficient in only the winter or in both the summer and winter, then the canal drop receives no capacity payment. Allowing capacity payments to differ by resource should encourage development of QFs with characteristics of value to the utilities (such as QFs that provide generation during peak hours).

McHugh, C. (Di) page 9, line 21 to page 10, line 20.

This in turn follows from the pricing constraints found in the federal regulations. Section 292.304 sets the pricing paradigm. Avoided costs must be just and reasonable to the consumer and in the public interest. Section 292.304(b)(2) directs application of the factors in 92.304(2)(e), entitled: *Factors affecting rates for purchases*, directing that “[i]n determining avoided costs, the following factors shall, to the extent practicable, be taken into account:”

Subsection one requires consideration of certain utility data. Of importance here are:

The estimated capacity costs at completion of the planned capacity additions and planned capacity firm purchases, on the basis of dollars per kilowatt, and the associated energy costs of each unit, expressed in cents per kilowatt hour. These costs shall be expressed in terms of individual generating units and of individual planned firm purchases.

Subsection 2 directs the Commission to consider the availability of capacity from a qualifying facility during the system daily and seasonal peak periods, and directs consideration of various factors, such as the ability of the utility to dispatch the QF; expected reliability of the QF; contract terms; ability to coordinate scheduled outages of the QF; usefulness of the capacity during system emergencies; individual and aggregate value of the capacity from the QF on the utility’s system; and change in capacity increments and lead times with addition of capacity from the QF. In short, subsection 2 asks, “how much of the QF capacity can the utility use to avoid the incremental cost of capacity from another source?” In the canal drop hydro case, the answer for Idaho Power is “all of it.”

Thus, for canal drop hydro, which the canal companies contribute to Idaho Power during

the summer peak season, the canal drop hydro projects should be compensated for 100% of “the incremental costs to an electric utility of electric ... capacity ... which, but for the purchase from the qualifying facility or qualifying facilities, such utility would ... purchase from another source.”

Currently, Idaho combines energy and capacity into a combined kilowatt per hour rate for legally enforceable obligations entered from a published rate for certain types of QF's under 10 average megawatts (aMW) in size. For instance, if a canal drop hydro under 10 aMW in size were to enter a 20 year contract this year (2013), the Second Errata to Order No. 32697 provides for 68.14 cents per kilowatt hour for both energy delivered and capacity contributed for that incremental unit. Although it is unclear to this writer what proportion of this discrete unit figure is for energy and what proportion is for capacity, a hypothetical split will work for this example so long as it is understood that the capacity portion is 100% of the incremental cost to the utility for contribution of summer capacity as set out in the Commission's Order and the staff testimony. Arbitrarily, then, allow the split to be 48.14 cents for energy and 20 cents for capacity. A canal drop hydro should then be paid 20 cents for every unit of capacity delivering a unit of energy to the utility.

Idaho Power, in its Petition for Reconsideration, appears to be arguing that they are not avoiding all the capacity made available to their system during the summer because some canal drop hydro plants do not operate at 100% of their named or licensed capacity. In view of the above example, however, where all capacity payments are melded with delivered energy payments, whether a project can supply its full nameplate or licensed capacity should make no difference because the capacity payment calculation is not tied to nameplate, but instead is proofed against the actual energy delivered and the actual capacity in production to deliver that

energy.

Respectfully submitted,

DATED this 25<sup>th</sup> day of March, 2013.

ARKOOSH LAW OFFICES



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C. Tom Arkoosh

*Attorneys for Twin Falls Canal Company, North Side  
Canal Company, Big Wood Canal Company and American  
Falls Reservoir District No. 2*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of March, 2013, I served a true and correct copy of the foregoing upon each of the following individuals by causing the same to be delivered by the method and to the addresses indicated below:

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