

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE AMENDMENT )**  
**TO THE FIRM ENERGY SALES )** **CASE NO. IPC-E-13-07**  
**AGREEMENT BETWEEN IDAHO POWER )**  
**COMPANY AND CLARK CANYON )** **NOTICE OF AMENDMENT**  
**HYDRO, LLC FOR THE SALE AND )**  
**PURCHASE OF ELECTRIC ENERGY. )** **NOTICE OF**  
**)** **MODIFIED PROCEDURE**  
**)**  
**)** **ORDER NO. 32791**

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On March 20, 2013, Idaho Power Company filed a Motion to Amend its Firm Energy Sales Agreement (Agreement) with Clark Canyon, LLC (Clark Canyon) dated May 20, 2011. The amendment provides for a revised First Energy and Scheduled Operation Date, a right of first refusal to purchase the project, the payment of delay liquidated damages, and the continued maintenance of delay damage security. Idaho Power requests that its Motion be processed without further procedure or, in the alternative, as expeditiously as possible by Modified Procedure.

**NOTICE OF AMENDMENT**

YOU ARE HEREBY NOTIFIED that on May 20, 2011, Idaho Power and Clark Canyon entered into a Firm Energy Sales Agreement for the sale and purchase of electric energy. On July 19, 2011, the Commission approved the Agreement without change or condition. *See* Order No. 32294.

YOU ARE FURTHER NOTIFIED that the Agreement entered into on May 20, 2011, contains a First Energy Date of November 1, 2012, and a Scheduled Operation Date of March 31, 2013. On or about December 11, 2012, Clark Canyon requested an extension of its First Energy Date to November 30, 2013, and an extension of its Scheduled Operation Date to December 31, 2013.

YOU ARE FURTHER NOTIFIED that the amendment also adds a provision granting Idaho Power a first right of purchase should the facility be sold and provides for payment of liquidated damages and continued maintenance of delay security.

YOU ARE FURTHER NOTIFIED that Idaho Power asserts that the amendment is fair and equitable and in the public interest. The Company maintains that the avoided cost rates contained in the Agreement are substantially similar to the avoided cost rates that the project would receive if it entered into a new contract at today's rates.

YOU ARE FURTHER NOTIFIED that Idaho Power notes that the existing Agreement splits renewable energy credits equally between the Company and the project.

YOU ARE FURTHER NOTIFIED that the amendment states that Clark Canyon will pay \$211,500 in delay liquidated damages and maintain the posting of liquid financial security in the amount of \$211,500 with an expiration no sooner than April 30, 2014.

**NOTICE OF MODIFIED PROCEDURE**

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission **no later than May 3, 2013**. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and Idaho Power at the addresses reflected below:

Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Street Address for Express Mail:  
  
472 W. Washington Street  
Boise, ID 83702-5918

Donovan E, Walker  
Lead Counsel  
Idaho Power Company  
1221 West Idaho Street  
PO Box 70  
Boise, ID 83707-0070  
E-Mail: [dwalker@idahopower.com](mailto:dwalker@idahopower.com)

Randy C. Allphin  
Energy Contract Administrator  
Idaho Power Company  
1221 West Idaho Street  
PO Box 70  
Boise, ID 83707-0070  
E-Mail: [rallphin@idahopower.com](mailto:rallphin@idahopower.com)

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Comments and Questions" icon and complete the comment form using the case number as it appears on the front of this document. These comments must also be sent to Idaho Power at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application and Agreement have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and Agreement are also available on the Commission's web site at [www.puc.idaho.gov](http://www.puc.idaho.gov) by clicking on "File Room" and then "Electric Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and the Public Utility Regulatory Policies Act of 1978 (PURPA). The Commission has authority under PURPA and the implementing regulations of the Federal Energy Regulatory Commission (FERC) to set avoided costs, to order electric utilities to enter into fixed-term obligations for the purchase of energy from qualified facilities and to implement FERC rules.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000, *et seq.*

**ORDER**

IT IS HEREBY ORDERED that this case be processed under Modified Procedure.  
Interested persons and the parties may file written comments no later than May 3, 2013.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 17<sup>th</sup>  
day of April 2013.

  
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PAUL KJELLANDER, PRESIDENT

  
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MACK A. REDFORD, COMMISSIONER

  
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MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

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