

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF IDAHO POWER COMPANY FOR)	CASE NO. IPC-E-13-23
APPROVAL OF A SPECIAL CONTRACT)	
WITH J.R. SIMPLOT COMPANY.)	NOTICE OF APPLICATION
)	
)	NOTICE OF
)	MODIFIED PROCEDURE
)	
)	ORDER NO. 32984

Idaho Power filed an Application with the Commission on December 4, 2013, requesting that the Commission issue an Order approving special contract terms for electric service between Idaho Power and J.R. Simplot Company. Simplot filed an answer on February 5, 2014, disputing Idaho Power's contract language and requesting that the Commission include Simplot's suggested clauses in the contract.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that Idaho Power states, in spring 2013, a Simplot representative contacted Idaho Power requesting that the Company enter into negotiations for a special contract for Simplot's Caldwell plant. In response, Idaho Power drafted a special contract and the parties entered into negotiations regarding the specific terms.

YOU ARE FURTHER NOTIFIED that Idaho Power maintains that the Company and Simplot have reached agreement "as to nearly all of the terms and conditions of the contract, but have reached an impasse on certain provisions regarding limitations on liability." Application at 1.

YOU ARE FURTHER NOTIFIED that Idaho Power requests that the Commission approve terms regarding the bilateral waiver of indirect, special and consequential damages. Application, Attachment 1, Section 11.2. The Company also asks the Commission to approve its proffered terms regarding limitations on direct damages. *Id.*, Section 11.3.

YOU ARE FURTHER NOTIFIED that, should the Commission determine that it is "prudent for the Company to assume the risk for unlimited direct damages and consequential damages associated with Simplot's business, Idaho Power requests an opportunity to re-examine

the terms of the special contract, including, but not limited to, an appropriate cost-of-service, that appropriately reflect this assumption of risk.” Application at 8.

YOU ARE FURTHER NOTIFIED that Simplot argues that Idaho Power’s request for limited and waived liability is a violation of “the well-settled Idaho legal authority prohibiting the inclusion of such language in a utility’s tariff.” Answer at 2. Simplot maintains that Idaho Power’s proffered clauses contradict the Idaho Supreme Court’s rulings that exculpatory clauses used by a public utility are unenforceable.

YOU ARE FURTHER NOTIFIED that Simplot also disputes Idaho Power’s calculation of the rates included in the contract. Simplot states that “the cost of service study used to set Simplot’s rate is vintage 2010 and is out dated [sic].”

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 31.01.01.201-204. 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 in opposition with the Commission **no later than Friday, March 28, 2014**. 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 may be mailed to the Commission and Idaho Power at the addresses reflected below:

Commission Secretary	Lisa D. Nordstrom
Idaho Public Utilities Commission	Idaho Power Company
PO Box 83720	PO Box 70
Boise, ID 83720-0074	Boise, ID 83707-0070
	E-mail: lnordstrom@idahopower.com

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

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. Click the "Case Comment or Question Form" under the "Consumers" tab, 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 address listed above.

YOU ARE FURTHER NOTIFIED that the parties may file reply comments (if necessary) **no later than Friday, April 4, 2014.**

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the deadline, the Commission may consider the matter on its merits and may enter its Order without a formal hearing. If comments or protests are filed within the deadline, the Commission will consider them and in its discretion may set the matter for hearing or may decide the matter and issue its Order based on the written positions before it. IDAPA 31.01.01.204.

YOU ARE FURTHER NOTIFIED that the Application and supporting workpapers have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application is also available on the Commission's web site at www.puc.idaho.gov. Click on the "File Room" tab at the top of the page, scroll down to the type of "Open Electric Cases," and then click on the case number as shown on the front of this document.

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 that the Commission may enter any final order consistent with its authority under Title 61.

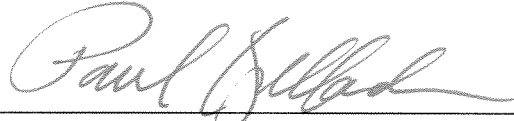
YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000, *et seq.*

ORDER

IT IS HEREBY ORDERED that the Application of Idaho Power for approval of a special contract with J.R. Simplot Company be processed by Modified Procedure. Persons interested in submitting written comments in this matter must do so no later than Friday, March 28, 2014.

IT IS FURTHER ORDERED that the parties file reply comments no later than Friday, April 4, 2014.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 25th day of February 2014.



PAUL KJELLANDER, PRESIDENT

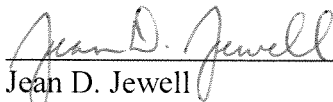


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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