

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)
COMPANY'S APPLICATION TO APPROVE) CASE NO. IPC-E-15-11
SECOND AMENDMENT TO ITS POWER)
PURCHASE AGREEMENT WITH HIDDEN) ORDER NO. 33289
HOLLOW ENERGY)

On April 2, 2015, Idaho Power Company filed an Application asking the Commission to approve the Second Amendment to its Power Purchase Agreement (PPA) with Hidden Hollow Energy LLC.¹ Hidden Hollow is a qualifying facility (QF) under the Public Utility Regulatory Policies Act (PURPA). Amended Application at 1. Under the Agreement, Idaho Power purchases, and Hidden Hollow sells, firm energy generated by the Hidden Hollow Landfill Gas Project near Boise, Idaho. Order No. 29928 at 1. The parties' proposed Second Amendment "makes a change to the Net Energy Amount notification process." Amended Application at 1.

BACKGROUND

Idaho Power first entered into a PPA with Hidden Hollow in October 2005. *Id.* at 2. This Commission approved the PPA in December 2005. *Id.*; *see* Order No. 29928. Paragraph 6.2 of the original PPA allows Hidden Hollow to adjust the "Initial Year Monthly Net Energy Amounts" each quarter, or no sooner than "the end of month three and every three months thereafter." *Id.* (*citing* Order No. 29632 at 23). This language caused confusion between the parties as to the frequency with which Hidden Hollow could revise Net Energy Amounts. *Id.*

PROPOSED AMENDMENT

Rather than dispute the language, Idaho Power and Hidden Hollow agreed to amend paragraph 6.2 of the PPA "to allow [Hidden Hollow] to adjust the 'Initial Year Monthly Net Energy Amounts' on a monthly, rather than quarterly, basis." *Id.* at 3. Under the amended provision, Hidden Hollow would be able to "submit future revisions on a monthly basis with a minimum of 30 days notice prior to the beginning of the next month, rather than once every three months." *Id.*

The Commission has recently approved similar changes to six PPAs between Idaho Power and other QFs. *Id.*; *see* Order Nos. 33102, 33103, 33104, 33156, 33191, and 33240. In Order No. 33102, the Commission stated, "we find that monthly, as opposed to quarterly,

¹ Idaho Power filed an Amended Application on April 6, 2015, correcting an error in paragraph 5.

reporting of energy generation estimates is a reasonably negotiated term between the parties and not inconsistent with the Commission's guidance and findings in Order No. 29632."

Idaho Power asked that the Amendment be approved upon Staff's review, without further process.

STAFF RECOMMENDATION

Based upon its review of the Application and our prior Orders, Commission Staff submitted that the proposed Amendment is consistent with previously approved changes and recommended that the proposed Amendment be approved without further process.

DISCUSSION AND FINDINGS

The Idaho Public Utilities Commission has jurisdiction over Idaho Power and the issues raised in this matter pursuant to the authority and power granted to it under Title 61 of the Idaho Code and PURPA. The Commission has authority under PURPA and the implementing regulations of the Federal Energy Regulatory Commission (FERC) to review and approve QF contracts.

Given the limited scope of the Second Amendment and the parties' desire to modify the appropriate reporting period for "Net Energy Amounts" in their existing PPA, we find the proposed Amendment between Idaho Power and Hidden Hollow to be fair and reasonable. Consistent with our past Orders addressing this subject, we also find it reasonable to approve the Second Amendment without further process.

ORDER

IT IS HEREBY ORDERED that Idaho Power's Application to approve the Second Amendment to its Power Purchase Agreement with Hidden Hollow is granted.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 28th
day of April 2015.



PAUL KJELLANDER, PRESIDENT

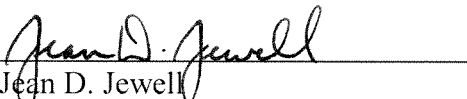


MACK A. REDFORD, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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