

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER COMPANY'S PETITION TO DETERMINE PURPA CONTRACT ELIGIBILITY FOR TEN DISAGGREGATED 100 KW SOLAR PROJECTS)))))	CASE NO. IPC-E-15-18 ORDER NO. 33374
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On June 26, 2015, Idaho Power Company filed a Petition requesting the Commission determine the contract-length eligibility for ten solar projects proposed to Idaho Power by Site Based Energy. In its Petition, Idaho Power alleges that Site Based Energy has disaggregated a single solar project into ten 100 kW increments “to gain access to published avoided cost rates” and the standard 20-year contract applicable to projects eligible for published avoided cost rates. Petition at 3. On July 24, 2015, the Commission issued a Notice of Modified Procedure requesting public comments on the Petition be filed no later than August 14, 2015. The Commission notes that the “issue of whether this is a single large project or ten smaller projects will determine which one of two avoided costs methodologies is used to calculate the rate Idaho Power must pay for power, as well as the appropriate length of the PURPA contract(s).” Order No. 33342.

THE OWNERSHIP ISSUE

In its Petition, Idaho Power states that it has “not been provided with any evidence of separate ownership, nor was Idaho Power able to confirm that the proposed entities are registered with the Idaho Secretary of State.” Petition at 4. As part of its Petition, Idaho Power attached the ten applications for the respective projects. The name of each facility is identified as “WRCE 1” through “WRCE 10” and the “Owner/Company Name” of each project is identified as “WRCE 1 LLC” through “WRCE 10 LLC.” John Reuter of Site Based Energy is designated as the “Contact Person” on each of the ten applications.

In response to the Commission’s Notice of Modified Procedure, Site Based Energy commented that

Idaho Power did not and has not requested [evidence of separate ownership] information. In addition, evidence of ownership is not required in Schedule 73 or the application. If Idaho Power had asked, we would have supplied information on ownership and during our meeting [with Idaho Power] we

indicated that each project would have a separate owner listed on the [power purchase agreement] at the time of execution.

SBE Comments at 6.

DISCUSSION

To clarify the issue of ownership, the Commission directs Site Based Energy/John Reuter (designated as the contact person for each of the ten proposed projects), to provide evidence including all documentation to the following questions:


1. Identify each owner or member and their respective percentage of ownership for each of the ten Limited Liability Corporations identified as “WRCE 1 LLC” through “WRCE 10 LLC.” Provide a street and mailing address for each owner/member.
2. Does Site Based Energy have an ownership interest in any of the ten projects? If yes, identify the project and the ownership percentage of each project.
3. Provide evidence that Mr. Reuter and Site Based Energy have been authorized by each LLC to act in their behalf as the “contact person” regarding the Schedule 73 application process.
4. If the ownership of each solar project has not been fully allocated (i.e., to total 100%), identify the project(s) where ownership is not fully subscribed and the unsubscribed percentage of each project where ownership is not fully allocated.
5. Provide copies of the Articles or Certificate of Organization, any amendments, and annual reports for WRCE 1 LLC through WRCE 10.

The Commission Secretary shall serve this Order via electronic mail on Site Based Energy. Site Based Energy is directed to provide the requested information to the questions set out above to the Commission Secretary no later than seven days from the date of this Order.

ORDER

IT IS HEREBY ORDERED that Site Based Energy and John Reuter are ordered to provide responses and evidence in response to the questions set out above to the Commission Secretary no later than seven days from the service date of this Order. *Idaho Code* § 61-503 and Rule 222, IDAPA 31.01.01.222.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 4th
day of September 2015.



PAUL KJELLANDER, PRESIDENT




MARSHA H. SMITH, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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