

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)	
COMPANY’S APPLICATION TO APPROVE)	CASE NO. IPC-E-16-04
SECOND AMENDMENT TO ITS FIRM)	
ENERGY SALES AGREEMENT WITH NEW)	
ENERGY ONE, LLC)	ORDER NO. 33489
)	

On March 17, 2016, Idaho Power Company filed an Application asking the Commission to approve the Second Amendment to its Firm Energy Sales Agreement (FESA) with New Energy One, LLC. The FESA is a contract under the Public Utility Regulatory Policies Act (PURPA). This Amendment changes the Net Energy Amount notification process, similar to the process that the Commission recently approved for Idaho Power involving at least eight other Energy Sales Agreements. Idaho Power asks that the Commission approve its Application upon Staff’s review and without further process. Application at 4.

BACKGROUND

The Commission approved Idaho Power’s FESA with New Energy One in 2010. Order No. 32025. Under the FESA, Idaho Power purchases, and New Energy One sells, energy generated by the Rock Creek Dairy project near Filer, Idaho. Application at 2. Rock Creek Dairy is a qualifying facility (QF) under PURPA. *Id.* at 1. In 2014, the Commission approved a First Amendment to the FESA to change the definition of “Mid-Columbia Market Energy Cost,” consistent with Order No. 33053. Order No. 33184.

PROPOSED AMENDMENT

In the Second Amendment, Idaho Power and New Energy One propose a change in the Net Energy Amount notification process (paragraph 6.2 of the FESA), allowing monthly rather than quarterly updates. Application at 2. Under the Amendment, New Energy One “can submit future revisions of its Monthly Net Energy Amounts 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.* at 3-4. Idaho Power indicates that, with this change, New Energy One “gains more clarity and flexibility in adjusting its estimated energy deliveries and Idaho Power maintains stability with the required year of monthly estimates as well [as] more accurate monthly forecasts, which are useful in the operational integration of QF generation.” *Id.* at 4.

The Commission recently approved at least six Energy Sales Agreements between Idaho Power and other QFs that include the same provision. Order Nos. 33102, 33103, 33104, 33156, 33191, and 33240. In Order No. 33102, the Commission stated, “we find that monthly, as opposed to quarterly, reporting of energy generation estimates is a reasonably negotiated term between the parties and not inconsistent with the Commission’s [earlier] guidance and findings.” Order No. 33102 at 6. In August 2015, the Commission approved two FESA amendments similar to the one proposed here. Order Nos. 33358, 33359.

STAFF RECOMMENDATION

Given the limited scope of the Amendment, Staff recommended that the request be approved without further process.

DISCUSSION AND FINDINGS


Consistent with our prior Orders referenced herein, we find it reasonable to amend Idaho Power’s FESA with New Energy One by shortening the Net Energy Amount notification process to allow monthly rather than quarterly updates. We find that no further process is needed and thus approve the Amendment as proposed.

ORDER

IT IS HEREBY ORDERED that Idaho Power’s Application to approve the Second Amendment to its Firm Energy Sales Agreement with New Energy One, LLC is approved without change or condition.

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 30th
day of March 2016.



PAUL KJELLANDER, PRESIDENT

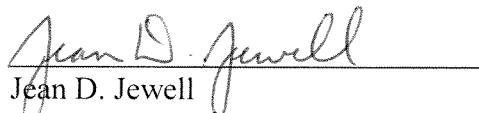


KRISTINE RAPER, COMMISSIONER



ERIC ANDERSON, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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