

DECISION MEMORANDUM

TO: COMMISSIONER KJELLANDER
COMMISSIONER RAPER
COMMISSIONER ANDERSON
COMMISSION SECRETARY
COMMISSION STAFF

FROM: DAPHNE HUANG
DEPUTY ATTORNEY GENERAL

DATE: SEPTEMBER 6, 2016

SUBJECT: IDAHO POWER'S APPLICATION TO APPROVE FIRST AMENDMENT
TO THE ENERGY SALES AGREEMENT WITH BOISE CITY SOLAR,
LLC, CASE NO. IPC-E-16-20

On September 1, 2016, Idaho Power Company filed an Application seeking approval of the First Amendment to its Energy Sales Agreement (ESA) with Boise City Solar, LLC. The ESA falls under the Public Utility Regulatory Policies Act of 1978 (PURPA), and is a contract for the sale and purchase of electric energy generated by the Boise City Solar Project, a PURPA qualifying facility (QF). The Amendment changes the QF's name in the ESA, corrects a typographical error in Article 7.4 of the ESA, and updates Appendix B to the ESA with corrected information. 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 Agreement with Boise City Solar, LLC in 2014. Order No. 33180. In 2015, the parties to the ESA executed an Assignment and Assumption Agreement, whereby Boise City Solar, LLC was assigned and transferred to ID Solar 1, LLC. Application at 2. ID Solar 1, LLC wishes to change the project/QF's name, as set forth in the ESA, from "Boise City Solar, LLC," to "ID Solar 1." *Id.*

The parties have identified a typographical error in the ESA, in which the word "Percentage" was omitted from the second sentence of Article 7.4, which should read "Pricing Adjustment Percentage." *Id.* The parties also agree that the ESA's Appendix B has incorrect and outdated facility description information. *Id.*

PROPOSED AMENDMENT

The proposed Amendment changes the name of the project or QF to “ID Solar 1,” to reflect that ID Solar 1 was assigned, and assumed the ESA, from Boise City Solar. *Id.* at 2-3. In addition, the Amendment corrects the second sentence of Article 7.4 to properly read “Pricing Adjustment Percentage,” where the word “Percentage” was inadvertently omitted. *Id.* at 3. Also, since the ESA was approved, the QF’s physical characteristics, including its “configuration, design, . . . construction of the Facility, [and] its location” were changed. *Id.* The changes include that the facility was constructed as a 40 MWac (megawatts converted to alternating current) single axis tracking system, rather than a 39.989 MWac dual axis tracking system, as described in the original ESA. *Id.* According to the Application, the “modified nameplate capacity of 40 . . . is consistent with the Generator Interconnection Agreement.” *Id.* Further, “the change to a single axis tracking system provides no change to the performance requirements of the ESA.” *Id.*

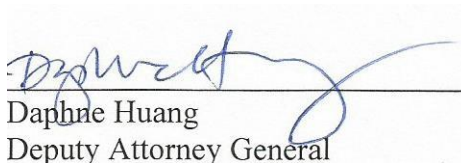
The proposed Amendment deletes the original Appendix B in its entirety, and replaces it with “Replacement Appendix B,” which includes updated and corrected information. *Id.* at 3-4. None of the proposed changes alter the contracting parties’ obligations, nor the terms and conditions of the ESA. *Id.* at 4.

STAFF RECOMMENDATION

Given the limited scope of the Amendment, Staff recommends that the Application be approved without further process.

COMMISSION DECISION

Does the Commission wish to approve the Application without further process?



Daphne Huang
Deputy Attorney General

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