BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

|  |  |  |
| --- | --- | --- |
| IN THE MATTER OF THE APPLICATION OF IDAHO POWER COMPANY FOR AUTHORITY TO AMEND A SPECIAL CONTRACT FOR SERVICE TO MICRON AND CHANGE THE RELATED SCHEDULE 26-MICRON TARIFF. | )  )  )  )  )  )  ) | CASE NO. IPC-E-95-4  ORDER NO.  26076 |

On June 23, 1995, Idaho Power Company (Idaho Power; Company) together with Micron Technology, Inc. (Micron) filed a joint Application and ”Further Extension” Agreement dated June 22, 1995 in previously closed Case No. IPC-E-95-4.  Idaho Power and Micron request further extension of the “Extension of Interim Agreement for Supplying of Power and Energy” approved by the Commission in Final Order No. 25988 on May 2, 1995.

The Company represents that it has been unable to complete contract negotiations with Micron and requests that the underlying Interim Service Agreement (as amended) be further extended from the present expiration date, June 30, 1995, to August 31, 1995.  The parties also request approval of a new service charge, a daily excess demand charge of $0.206 for each kilowatt over 40,000 kilowatts in the event Micron should exceed 40,000 kilowatts any day during the period of the extended Interim Agreement.  The Company requests expedited treatment contending that Commission action on the Application in less than 30 days is in the public interest and that no customers of Idaho Power will be adversely affected.

The Commission notes that Staff has reviewed the Company’s Application, finds it reasonable and recommends approval.  The Commission further notes that Staff requests that the Company be required to submit an amended Schedule 26—Micron tariff to reflect the addition of the excess demand charge.  Staff represents that the Company’s preference is that the excess demand charge be approved as a “special contract” rate without tariff.

COMMISSION FINDINGS

The Commission has reviewed the Company’s Application and considered the recommendation of Staff.  We find the proposed further extension of the underlying Interim Service Agreement to be reasonable.  We further find the negotiated excess demand charge to be fair, just and reasonable.  Reference Idaho Code §§ 61-301, 61-313, 61-503.  We find that it is unreasonable, however, to have a tariff schedule for Micron that does not reflect the entire service agreement for Micron and that does not reference a collateral agreement or “special contract” rate.  We therefore require Idaho Power to submit and amend its Schedule 26—Micron tariff to include the excess demand charge.  We further find that it is reasonable and consistent with the public interest to approve the requested change in rate and service to Micron on less than 30 days’ notice and without further notice or hearing for effective date July 1, 1995.

CONCLUSION OF LAW

The Idaho Public Utilities Commission has jurisdiction over this matter and Idaho Power Company, an electric utility, pursuant to the authority and power granted it under Title 61 of the Idaho Code including but not limited to Idaho Code, Title 61 §§ -301, -307, -313, -501, -503, -622 and -623 and pursuant to the Commission’s Rules of Procedure, IDAPA 31.A.01.01.000 et seq. including but not limited to Rules 013, 121 and 123.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED and the Commission hereby approves the requested amendment and proposed further extension to the underlying Interim Agreement For Supply of Power and Energy between Micron and Idaho Power Company.  Reference Order Nos. 25575 and 25988.

IT IS FURTHER ORDERED and the Commission does hereby direct Idaho Power Company to submit an amended Schedule 26—Micron  tariff that reflects the excess demand charge for an authorized effective date of July 1, 1995.

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                  day of  June 1995.

                                                            RALPH NELSON, PRESIDENT

                 MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O-IPC-E-95-4.sw