

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
LEGAL
WORKING FILE

FROM: RICK STERLING

DATE: FEBRUARY 8, 2010

RE: REOPENED CASE NO. PAC-E-09-05; REVISED AND RESTATED
POWER PURCHASE AGREEMENT BETWEEN LOWER VALLEY
ENERGY, INC. AND PACIFICORP

On February 5, 2010, PacifiCorp submitted for approval a copy of the *Revised and Restated Power Purchase Agreement Between Lower Valley Energy, Inc. and PacifiCorp*, executed on February 1, 2010. This agreement amends the parties' Power Purchase Agreement dated May 22, 2009, which the Commission approved on July 16, 2009 in Order No. 30864, in Case No. PAC-E-09-05. The purpose of the amendment is to add seller's 597 kW Lower Facility, which was completed in October 2009, to the parties' power purchase agreement.

STAFF ANALYSIS

The *Revised and Restated Power Purchase Agreement* adds a 596 kW hydro facility to the original Agreement, under the same rates, terms and conditions as the original Agreement. Except for the addition of the new facility, there are no other material changes in the Agreement. The revised contract now covers a 940 kW Upper Facility and a 597 kW Lower Facility. Staff recommends approval of the amended Agreement by minute entry, and believes no further notice or procedure is necessary.

COMMISSION DECISION

Staff recommends that the revised and restated agreement between Lower Valley and PacifiCorp be acknowledged and approved by minute entry without further notice or procedure.

Does the Commission agree?


Rick Sterling

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