

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PACIFICORP DBA ROCKY MOUNTAIN) CASE NO. PAC-E-15-02
POWER FOR APPROVAL OF THE FIRST)
AMENDMENT TO A POWER PURCHASE)
AGREEMENT WITH ST. ANTHONY) ORDER NO. 33262
HYDRO, LLC)**

On February 13, 2015, PacifiCorp dba Rocky Mountain Power (“Rocky Mountain” or “the Company”) filed an Application asking the Commission to approve the First Amendment to the Power Purchase Agreement (PPA) between the Company and St. Anthony Hydro, LLC (together, the “Parties”). The Commission originally approved the PPA on July 31, 2013. Order No. 32865. Under the original PPA, St. Anthony Hydro is a self-certified QF (QF 517717-000) operating the hydroelectric facility (“the Facility”) in St. Anthony, Idaho, generating electric power with a capacity rating of 700 kilowatts. Application at 2. The agreed Amendment to the PPA adds “icing” as a force majeure event, and provides for changes in the power delivery schedule.

On February 25, 2015, the Commission issued a Notice of Application and Notice of Modified Procedure, setting a deadline of March 16, 2015 for comments, and a deadline of March 23, 2015 for reply comments. Order No. 33236. Only the Commission Staff filed written comments; the Company did not file a reply.

BACKGROUND

PacifiCorp is an Oregon corporation providing electric service to retail customers in Utah, Wyoming, and Idaho through its Rocky Mountain Power division. Application at 1. Rocky Mountain is a public utility in the State of Idaho, subject to the Commission’s jurisdiction. *Idaho Code* §§ 61-119, 61-129. St. Anthony Hydro, LLC is an Idaho limited liability company that owns, operates, and maintains the St. Anthony hydroelectric facility in St. Anthony, Fremont County, Idaho, within Rocky Mountain’s service territory.

THE APPLICATION

The Parties entered into the First Amendment to the PPA on January 13, 2015. In that Amendment, the Parties agreed that icing (or the formation of ice), when within the immediate water source and used as the primary motive for a reduction in energy production, is a

force majeure event. Application at 2. The Parties also agreed to changes in scheduling power delivery. *Id.*

STAFF COMMENTS

Commission Staff reviewed the Amendment to the PPA and believes it is reasonable to add icing as a force majeure event. Staff observed that the Facility is located in an area subject to extreme weather, and that icing outages are beyond the project owner's control. Staff noted that the Parties' power delivery schedule – with the proposed agreed changes – matches the schedule the Commission approved in Idaho Power's Little Wood River Ranch II Project, Case No. IPC-E-14-06. Comments at 2. The same schedule has been applied to all other new hydro projects since then. *Id.* Staff recommended approving the proposed delivery schedule change to this project.

COMMISSION FINDINGS

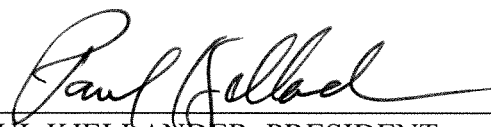
The Commission has reviewed the record in this case, including the Application and comments of Staff. We find it reasonable and appropriate to add icing as a force majeure event and therefore approve that change to the Parties' agreement. As to the agreed changes to the Parties' power delivery schedule, we find they are also reasonable and appropriate. Consistent with our findings in the Little Wood River Ranch II Project and other new hydro projects since then, we approve the Parties' agreed delivery schedule changes here. Accordingly, we approve the Company's First Amendment to the Power Purchase Agreement with St. Anthony Hydro as proposed.

ORDER

IT IS HEREBY ORDERED that Rocky Mountain's Application for approval of the First Amendment to its Power Purchase Agreement with St. Anthony Hydro is approved.

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 3rd
day of April 2015.



PAUL KJELLANDER, PRESIDENT

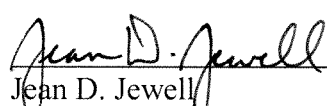


MACK A. REDFORD, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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