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Attorney for the Commission Staff

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF )**  
**PACIFICORP DBA ROCKY MOUNTAIN )**  
**POWER FOR APPROVAL OF THE FIRST )**  
**AMENDMENT TO A POWER PURCHASE )**  
**AGREEMENT WITH ST. ANTHONY HYDRO, )**  
**LLC. )**  
**)**  
**)**

**CASE NO. PAC-E-15-02**

**COMMENTS OF THE**  
**COMMISSION STAFF**

**COMES NOW** the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Daphne Huang, Deputy Attorney General, and in response to the Notice of Application and Notice Modified Procedure issued in Order No. 33236 on February 25, 2015, in Case No. PAC-E-15-02, submits the following comments.

**BACKGROUND**

On February 13, 2015, PacifiCorp dba Rocky Mountain Power (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. St. Anthony Hydro operates the hydroelectric facility (the Facility) in St. Anthony, Idaho, generating electric power with a capacity rating of 700 kilowatts. Application at 2.

The Parties entered into the First Amendment to the PPA on January 13, 2015. In that Amendment, the Parties agree that icing, 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 agree to changes in scheduling power delivery. *Id.*

#### **STAFF ANALYSIS**

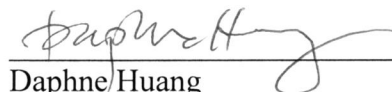
Staff has reviewed the Amendment to the PPA and believes that it is reasonable to add icing as a force majeure event. The Facility is located in an area subject to extreme weather, and icing outages are beyond the control of the Project owner.

The changes in the power delivery schedule were first proposed by Idaho Power and approved by the Commission in the Little Wood River Ranch II Project (see Case No. IPC-E-14-06), and have been applied to all other new hydro projects since then. Given the fact that the St. Anthony project has only been in operation for a few months, Staff recommends applying the same changes in schedule to this project, even though the old schedules in the original Power Purchase Agreement were approved earlier.

#### **RECOMMENDATIONS**

Staff recommends approval of Pacificorp's First Amendment to the Power Purchase Agreement with St. Anthony Hydro as proposed.

Respectfully submitted this 16<sup>th</sup> day of March 2015.

  
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Daphne Huang  
Deputy Attorney General

Technical Staff: Yao Yin

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