

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF PACIFICORP'S) CASE NO. PAC-E-15-06
APPLICATION TO APPROVE POWER)
PURCHASE AGREEMENT WITH) NOTICE OF APPLICATION
BRIGHAM YOUNG UNIVERSITY - IDAHO)
) NOTICE OF
) MODIFIED PROCEDURE
)
) ORDER NO. 33301

On May 1, 2015, PacifiCorp dba Rocky Mountain Power (the Company) filed an Application asking the Commission to approve its Power Purchase Agreement with Brigham Young University – Idaho (BYU-Idaho). Under the Agreement, BYU-Idaho would sell and the Company would purchase, electric power generated by BYU’s gas/oil fueled generating facility (Facility) in Rexburg, Idaho. The Company requested that the Commission process the Application under Modified Procedure, Rules 202-204 (IDAPA 31.01.01.202-.204).

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that about April 23, 2015, the Company entered into a Power Purchase Agreement (PPA) with BYU-Idaho pursuant to the terms and conditions of various Commission Orders, and under the federal Public Utility Regulatory Policies Act (PURPA). Application at 2, *citing*, Order Nos. 32697, 32737, 32802. Under PURPA, electric utilities must purchase electric power from “qualifying facilities” (QFs) at rates approved by the applicable state regulatory agency – in Idaho, this Commission. 16 U.S.C. § 824a-3; *Idaho Power v. Idaho PUC*, 155 Idaho 780, 789, 316 P.3d 1278, 1287 (2013). The purchase or “avoided cost” rate shall not exceed the “incremental cost” to the utility, defined as the cost of energy which, “but for the purchase from [the QF], such utility would generate or purchase from another source.” 16 U.S.C. § 824a-3(d); 18 C.F.R. § 292.101(6) (defining “avoided cost”).

YOU ARE FURTHER NOTIFIED that the Company states that the BYU-Idaho facility is a co-generation QF under PURPA and has a nameplate rating of 5.6 MW. Application at 1-3.

YOU ARE FURTHER NOTIFIED that “[u]nder the terms of the Agreement, [BYU-Idaho] elected to contract with the Company for a two-year term from the commercial operation

date of the Facility.” *Id.* at 3. The Company will pay non-levelized rates for the power provided by BYU-Idaho. *Id.*

YOU ARE FURTHER NOTIFIED that the PPA provides that it will not become effective “until the Commission has approved it and determined that the prices to be paid for energy and capacity are just and reasonable, in the public interest, and that the costs incurred by [the Company] for purchasing capacity and energy from [BYU-Idaho] are legitimate expenses.” *Id.*

YOU ARE FURTHER NOTIFIED that the PPA includes provisions regarding the curtailment or disconnection of BYU-Idaho’s facility from PacifiCorp’s system. The Company asserts that BYU-Idaho is aware of these provisions and has accepted them. *Id.* at 4.

YOU ARE FURTHER NOTIFIED that the Application and Agreement have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and attachments are also available on the Commission’s web site at www.puc.idaho.gov. Click on the “File Room” tab at the top of the page, scroll down to “Electric Cases,” and then click on the case number as shown on the front of this document.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the date of this Notice. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this case shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington St.
Boise, ID 83702-5918

Ted Weston
Rocky Mountain Power
201 S. Main, Suite 2300
Salt Lake City, UT 84111
E-Mail: ted.weston@pacificorp.com

Yvonne R. Hogle
Assistant General Counsel
201 S. Main, Suite 2300
Salt Lake City, UT 84111
E-Mail: yvonne.hogle@pacificorp.com

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Case Comment or Question Form" under the "Consumers" tab, and complete the form using the case number as it appears on the front of this document. These comments must also be sent to the Company at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that the Company may file reply comments, if necessary, **no later than June 11, 2015**.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

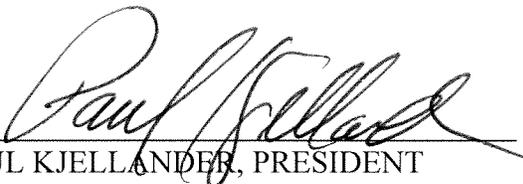
YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code, and specifically *Idaho Code* §§ 61-502 and 61-503. The Commission may enter any final Order consistent with its authority under Title 61 and PURPA.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

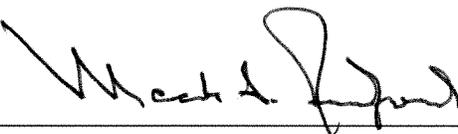
ORDER

IT IS HEREBY ORDERED that the Company's Application be processed under Modified Procedure, Rules 201-204 (IDAPA 31.01.01.201-.204). Persons interested in submitting written comments must do so within 21 days of the date of this Order. The Company may file a reply no later than June 11, 2015.

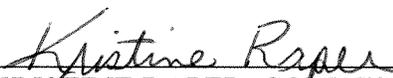
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12th day of May 2015.



PAUL KJELLANDER, PRESIDENT

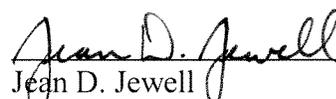


MACK A. REDFORD, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:PAC-E-15-06_djh