

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF PACIFICORP DBA)	CASE NO. PAC-E-15-11
ROCKY MOUNTAIN POWER'S)	
APPLICATION TO APPROVE ITS POWER)	NOTICE OF APPLICATION
PURCHASE AGREEMENT WITH)	
CONSOLIDATED IRRIGATION COMPANY)	NOTICE OF
)	MODIFIED PROCEDURE
)	
)	ORDER NO. 33387

On September 18, 2015, PacifiCorp dba Rocky Mountain Power (Rocky Mountain) filed an Application asking the Commission to approve its Power Purchase Agreement with Consolidated Irrigation Company (CIC). Under the Agreement, CIC would sell and Rocky Mountain would purchase, electric power generated by CIC's facility – a “qualifying facility” under the Public Utility Regulatory Policies Act (PURPA) – in Preston, Idaho. Rocky Mountain requested that the Commission process the Application under Modified Procedure.

NOTICE OF APPLICATION

YOU ARE HEREBY NOTIFIED that on September 11, 2015, Rocky Mountain entered into its Agreement with CIC pursuant to the terms and conditions of various Commission Orders, and under PURPA. Application at 2-3, *citing* Order Nos. 33305, 30480, Errata to 30480. Under PURPA, electric utilities must purchase electric power from “qualifying facilities” (QFs) at rates approved by 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 Rocky Mountain states that CIC's facility is a hydroelectric QF under PURPA with a capacity rating of 481 kilowatts (kW). Application at 2.

YOU ARE FURTHER NOTIFIED that “[u]nder the terms of the Agreement, [CIC] elected to contract with the Company for a term of approximately 20 years.” *Id.* Rocky Mountain agreed to pay non-levelized, Conforming Energy or Non-Conforming Energy Purchase Prices for the power provided by CIC. *Id.*

YOU ARE FURTHER NOTIFIED that the Agreement 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 and in the public interest, and that all of the costs incurred by [Rocky Mountain] for purchasing capacity and energy from CIC are legitimate expenses.” *Id.* at 3.

YOU ARE FURTHER NOTIFIED that Rocky Mountain anticipates CIC will achieve its commercial operation date before its effective date. *Id.*

YOU ARE FURTHER NOTIFIED that the Application and a copy of the 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 the type of “Open 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 31.01.01.201-204. 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 in opposition with the Commission **within twenty-one (21) days from the date of this Notice and Order**. 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 Application may be mailed to the Commission and Rocky Mountain 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

Bruce Griswold
Director, Short-Term Origination
PacifiCorp
825 N.E. Multnomah, Suite 1800
Portland, OR 97232
E-Mail: bruce.griswold@pacificorp.com

Yvonne R. Hogle, Assistant General Counsel
Ted Weston, Idaho Regulatory Affairs Mgr.
Rocky Mountain Power
1401 West North Temple, Suite 320
Salt Lake City, UT 84116
E-Mail: yvonne.hogle@pacificorp.com
ted.weston@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 seven (7) days from the comment deadline.**

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. The Commission has authority under PURPA and the implementing regulations of the Federal Energy Regulatory Commission (FERC) to set avoided costs, to order electric utilities to enter into fixed-term obligations for the purchase of energy from qualified facilities and to implement FERC rules. 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 this case be processed under Modified Procedure. Interested persons may file written comments no later than 21 days from the date of this Order. The Company may file a reply no later than seven (7) days from the date written comments are due.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this *29th* day of September 2015.



PAUL KJELLANDER, PRESIDENT

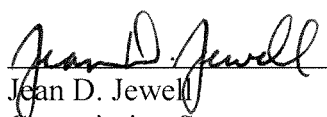


MARSHA SMITH, COMMISSIONER



KRISTINE RAPER, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:PAC-E-15-11_djh