

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON

In the Matter of)	UM 2255
)	
IDAHO POWER COMPANY)	NORTHWEST & INTERMOUNTAIN
)	POWER PRODUCERS COALITION'S
Application for Approval of 2026 All-Source)	COMMENTS ON STAFF REPORT
Request for Proposals to Meet 2026 Capacity)	
Resource Need.)	
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The Northwest & Intermountain Power Producers Coalition (“NIPPC”) respectfully submits to the Oregon Public Utility Commission (the “OPUC” or “Commission”) its comments on the Staff’s Report on recommending that the Commission acknowledge Idaho Power Company’s (“Idaho Power”) 2026 Request for Proposals (“RFP”) Final Shortlist. NIPPC appreciates the opportunity to comment on Idaho Power’s Final Shortlist. NIPPC limits its comments to two unique issues with significant policy implications of concern to NIPPC. As explained below, however, NIPPC agrees that if the Commission adopts Staff’s recommendations, these issues will be properly addressed in this proceeding.

First, as Staff’s Report recounts, Idaho Power’s Request for Acknowledgement made the unexpected assertion that it would be appropriate to negotiate contracts with shortlisted projects, and potentially even execute final contracts, *before* the Commission approves the final shortlist. To be clear, NIPPC disagrees with that aspect of Idaho Power’s Request for Acknowledgment and Idaho Power’s novel interpretation of the Commission’s RFP rules. NIPPC agrees with Staff that Idaho Power’s proposal to negotiate agreements prior to shortlist acknowledgement, and the related question of whether the Independent Evaluator (“IE”) should be retained to monitor shortlist negotiations, undercuts the purpose of the Commission’s acknowledgement

process. It appears that the issue has been mooted to a certain extent in this particular case because Idaho Power has stated to Staff that it will not execute contracts prior to the Commission's acknowledgement of the shortlist and that it will involve the IE in ongoing negotiations. However, NIPPC agrees with Staff that future IE engagement agreements should be designed to avoid this problem by requiring the IE to remain engaged and monitor any preliminary contract negotiations that may occur in the time between the utility's development of the proposed final shortlist and the Commission's decision regarding the IE's retention to monitor final shortlist negotiations.

Second, Idaho Power's Request for Acknowledgement made the additional, unexpected suggestion that Idaho Power may attempt to negotiate changes to the bid structure with certain bidders on the shortlist. NIPPC understands this to mean, for example, that Idaho Power would attempt to negotiate a change from a power purchase agreement ("PPA") bid to a build transfer agreement bid, or potentially vice versa. However, NIPPC does not understand such changes in bid structure at the shortlist stage to be the intended practice in an RFP. It is not clear how such a major change in bid structure could be consistent with the requirement and purpose of developing a shortlist based on detailed analysis of the competing bids in the Commission's rules. Such a change in bid structure would materially change the scoring of the bid and call into question whether the bid would have been placed on the shortlist in the first place. As Staff's Report notes, this type of change in bid structure also would call into question whether the utility was driving the bidder to change its structure to achieve a utility's preference for a rate-based generation outcome in the RFP. Thus, NIPPC was initially very concerned with Idaho Power's proposal on this point. It appears that this issue may be moot at this point because Staff's Report states that Idaho Power has indicated it no longer has plans to pursue changes to bid structure.

However, NIPPC supports Staff's recommendation that the IE provide a detailed analysis in its final report of any such changes to bid structure to ensure there is transparency into any such changes.

For the reasons stated above, NIPPC supports Staff's recommendations and conditions on the Idaho Power's proposed Final Shortlist.

Dated: February 8, 2024

/s/ Gregory M. Adams

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