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Boise, Idaho 83702

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2008 AUG 18 AM 1:35

IDAHO PUBLIC
UTILITIES COMMISSION

Chas. F. McDevitt
Dean J. (Joe) Miller

August 18, 2008

Via Hand Delivery

Jean Jewell, Secretary
Idaho Public Utilities Commission
472 W. Washington St.
Boise, Idaho 83720

Re: Case No. AVU-E-08-01

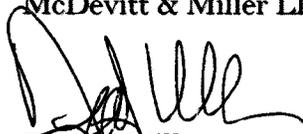
Dear Ms. Jewell:

Enclosed for filing in the above matter please find the original and seven copies of the Petition to Intervene (untimely) of Bennett Forest Industries Inc.

Kindly return a file stamped copy to me.

Very Truly Yours,

McDevitt & Miller LLP



Dean J. Miller

DJM/hh
Enclosures
C: Bennett Forest Industries

Dean J. Miller (ISB No. 1968)
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IDAHO PUBLIC
UTILITIES COMMISSION

Attorney for *Bennett Forest Industries Inc.*

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION
OF AVISTA CORPORATION FOR THE
AUTHORITY TO INCREASE ITS RATES
AND CHARGES FOR ELECTRIC AND
NATURAL GAS SERVICE TO ELECTRIC
AND NATURAL GAS CUSTOMERS IN
THE STATE OF IDAHO.

Case No. AVU-E-08-01

**PETITION TO INTERVENE
(UNTIMELY)**

COMES NOW Bennett Forest Industries Inc., (“Bennett Forest”) pursuant to RP 72—75 and petitions to intervene in the above matter, and in support thereof respectfully shows as follows, to wit:

I.

Bennett Forest Industries Inc., is an Idaho Corporation, authorized to conduct business in the State of Idaho, having its principal place of business at 171 Highway 95 N., Grangeville, Idaho. Bennett Forest is engaged in the business of growing, harvesting and processing trees and forest products.

II.

Bennett Forest is an electric service customer of the Applicant, taking service under Applicant’s Schedule 25—Extra Large General Service—Idaho. On an annual

basis, Bennett Forest consumes approximately 24,645,000 kWh of electrical energy at a cost of over \$1 million. Accordingly, Bennett Forest has a direct and substantial interest in this proceeding.

III.

Bennett Forest will be represented by, and all pleadings, papers, orders and notices should be served upon:

Dean J. Miller
McDEVITT & MILLER LLP
P.O. BOX 2564-83701
Boise, Idaho 83702
joe@mcdevitt-miller.com

And

Scott Atkison, Chief Operating Officer
Bennett Forest Industries Inc.
171 Highway 95 N.
Grangeville, Idaho 83530
scotta@bennettforest.com

IV.

Bennett Forest seeks to intervene in order to participate in the Technical Hearing scheduled for August 28, 2008, and to file Comments by the deadline of September 5, 2008. Bennett Forest will not seek to introduce testimony at the Technical Hearing; rather it may ask clarifying questions on cross examination of witnesses supporting the Settlement Stipulation to aid in preparing Comments by the September 5, 2008 deadline. Pursuant to RP 73, Bennett Forest understands that it is bound by all orders and notices previously entered and Bennett Forest will not seek to alter or modify prior orders and notices. The Commission may include such a provision in its order granting intervention. Granting this Petition will not cause disruption of the existing schedule, nor will it result in prejudice to existing parties or an undue broadening of the issues.

V.

There is good cause for the untimely filing of this Petition for, among others, the following reasons:

1. To Bennett Forest's knowledge, customers taking service under the Applicant's Schedule No. 25 – Extra Large General Service—Idaho were not represented in the discussions and negotiations leading to the filing of the Settlement Stipulation herein. In consequence, Bennett Forest is a member of an under-represented class of customers.

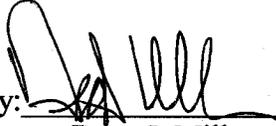
2. Historically, Bennett Forest has not been involved in public utility matters and has not participated in general rate cases filed by Applicant. Consequently, Bennett Forest has been unaware of its rights of participation. Recently, however, Bennett Forest has entered into an Agreement of Merger with Riley Creek Lumber Company Inc (Riley Creek). Riley Creek is another major forest products company in North Idaho. Riley Creek, in contrast, has a policy of active engagement with its numerous electrical suppliers and routinely retains knowledgeable experts to assist in such engagement, consisting of the undersigned and Mr. Larry A. Crowley, Director of the Energy Strategies Institute, Inc.

3. Bennett Forrest is informed that its annual expense for electric service will increase by approximately \$200,000 under the terms of the proposed settlement. As is well known, the forest and lumber industry is currently in a depressed financial condition and the proposed increase in electric service cost is of great material concern to Bennett Forest, which is the largest employer in the vicinity of Grangeville, Idaho.

WHEREFORE, Bennett Forest respectfully requests that this untimely Petition to Intervene be granted, subject to such conditions as the Commission may deem appropriate.

DATED this 18 day of Sept, 2008.

BENNETT FOREST INDUSTRIES INC.

By: 
Dean J. Miller
Attorney for *Bennett Forest Industries Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August, 2008, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

Jean Jewell, Secretary	Hand Delivered	<input checked="" type="checkbox"/>
Idaho Public Utilities Commission	U.S. Mail	<input type="checkbox"/>
472 West Washington Street	Fax	<input type="checkbox"/>
P.O. Box 83720	Fed. Express	<input type="checkbox"/>
Boise, ID 83720-0074	Email	<input type="checkbox"/>
<u>jjewell@puc.state.id.us</u>		

Scott Woodbury	Hand Delivered	<input checked="" type="checkbox"/>
Idaho Public Utilities Commission	U.S. Mail	<input type="checkbox"/>
472 West Washington Street	Fax	<input type="checkbox"/>
P.O. Box 83720	Fed. Express	<input type="checkbox"/>
Boise, ID 83720-0074	Email	<input type="checkbox"/>

Brad M. Purdy, Esq.	Hand Delivered	<input type="checkbox"/>
2019 N. 17 th Street	U.S. Mail	<input checked="" type="checkbox"/>
Boise, ID 83720	Fax	<input type="checkbox"/>
	Fed. Express	<input type="checkbox"/>
	Email	<input type="checkbox"/>

Conley E. Ward	Hand Delivered	<input type="checkbox"/>
Givens Pursley LLP	U.S. Mail	<input checked="" type="checkbox"/>
602 W. Bannock Street	Fax	<input type="checkbox"/>
Boise, ID 83702-2720	Fed. Express	<input type="checkbox"/>
	Email	<input type="checkbox"/>

David J. Meyer, Vice President	Hand Delivered	<input type="checkbox"/>
Kelly Norwood, Vice President	U.S. Mail	<input checked="" type="checkbox"/>
Avisita Utilities	Fax	<input type="checkbox"/>
P.O. Box 3727	Fed. Express	<input type="checkbox"/>
1411 E. Mission Ave	Email	<input checked="" type="checkbox"/>
Spokane, WA 99220-3727		

BY: Leather Arak, legal Asst.
MCDEVITT & MILLER LLP