

IN THE MATTER OF THE APPLICATION)	
OF A PETITION FILED BY AVISTA)	CASE NO. AVU-E-09-04
CORPORATION FOR AN ORDER)	
DETERMINING THE OWNERSHIP OF THE)	NOTICE OF
ENVIRONMENTAL ATTRIBUTES (RECS))	MOTION TO DISMISS
ASSOCIATED WITH [PURPA])	
QUALIFYING FACILITY UPON PURCHASE)	NOTICE OF MOTION FOR
BY A UTILITY OF THE ENERGY)	ORDER DENYING PETITION
PRODUCED BY A QUALIFYING FACILITY)	FOR STAY
)	
)	NOTICE OF SCHEDULING
)	
)	NOTICE OF ORAL ARGUMENT

Company Case No. IPC-E-04-02 (wherein the Commission denied Idaho Power's Petition for a Declaratory Order determining ownership of RECs).

YOU ARE FURTHER NOTIFIED that on May 26, 2009, Sagebrush Energy LLC (Sagebrush) filed a Motion for Order denying Avista's Petition for Stay. Sagebrush contends that Avista's request for stay (i.e., a request for preliminary relief prior to a full hearing on the merits) should be evaluated under the law of preliminary injunctions (IRCP 65e). To be entitled to a preliminary injunction, Sagebrush contends, Avista must prove two things: (1) that Avista is entitled to the relief demanded and there is a substantial likelihood that the Company is likely to prevail; and (2) that Avista will suffer irreparable injury in the absence of an injunction. Sagebrush contends that Avista fails on both counts.

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the filings of record in Case No. AVU-E-09-04 including the Motions of Exergy and Sagebrush. The Commission finds it reasonable to establish the following procedure to develop a record for decision on the limited issues raised in the Motion of Exergy as to subject matter jurisdiction and collateral attack and as to the Motion of Sagebrush as to whether Avista's Petition for Stay should be granted or denied. The scheduling set forth below provides the Company and intervening parties the opportunity to reply in writing to the Motions of Exergy and Sagebrush:

June 9, 2009 (Electronic filing)	Deadline for Avista to file Answers (exhibits and legal briefs) to Motions of Exergy (Motion to Dismiss) and Sagebrush (Motion to Deny Petition for Stay)
June 15, 2009 (Electronic filing)	Deadline for other intervening parties to file comments, exhibits and legal briefs on Motions of Exergy and Sagebrush
June 16, 2009 – Noon (Electronic filing)	Deadline for Exergy and Sagebrush to file Reply to Avista Answers

YOU ARE FURTHER NOTIFIED that all exhibits in Case No. AVU-E-09-04 must comport with the requirements of Rule 231 of the Commission's Rules of Procedure. Reference IDAPA 31.01.01.231.

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YOU ARE FURTHER NOTIFIED that **oral arguments** in Case No. AVU-E-09-04 on the issues raised by Exergy in its Motion to Dismiss and Sagebrush in its Motion for Order Denying Petition for Stay are scheduled to commence at **1:00 P.M., WEDNESDAY, JUNE 17, 2009, AT THE COMMISSION'S HEARING ROOM, 472 WEST WASHINGTON STREET, BOISE, IDAHO.**

YOU ARE FURTHER NOTIFIED that the Motions of Exergy and Sagebrush can be reviewed at the Commission's office in Boise, Idaho during regular business hours. The Motions are also available for public inspection on the Commission's web site at www.puc.idaho.gov by clicking on "File Room" and then "Electric Cases."

YOU ARE FURTHER NOTIFIED that all oral arguments and conferences in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand testimony and argument at oral argument may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0338 (Telephone)
(208) 334-3762 (FAX)
E-Mail: secretary@puc.idaho.gov

DATED at Boise, Idaho this 2nd day of June 2009.

Barbara Barrows
Barbara Barrows
Assistant Commission Secretary

bls/N:AVU-E-09-04_sw2

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