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*Attorneys for Defendant-Intervenor Idaho Power
Company*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

FRANKLIN ENERGY STORAGE ONE,
LLC, FRANKLIN ENERGY STORAGE
TWO, LLC, FRANKLIN ENERGY
STORAGE THREE, LLC, FRANKLIN
ENERGY STORAGE FOUR, LLC,

Plaintiffs,

vs.

PAUL KJELLANDER, KRISTINE RAPER
and ERIC ANDERSON, in their official
capacity as Commissioners of the IDAHO
PUBLIC UTILITIES COMMISSION,

Defendants,

and,

IDAHO POWER COMPANY,

Defendant-Intervenor.

Case No.: 1:18-cv-00236-REB

**DEFENDANT-INTERVENOR'S MOTION
TO DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

COMES NOW Defendant-Intervenor Idaho Power Company (“Idaho Power”), by and through its counsel of record, and hereby respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 12(b)(1), for an order dismissing Plaintiffs’ operative First Amended Complaint on the grounds that this Court lacks subject matter jurisdiction.

This motion is based upon the Memorandum in Support, the Declaration of Donovan E. Walker and the exhibits attached thereto, all of which are filed contemporaneously herewith, as well as upon all other pleadings, papers and records filed herein and such other and further evidence and argument that is made at the time of the hearing on this motion.

DATED this 26th day of October, 2018.

ANDERSEN SCHWARTZMAN
WOODARD BRAILSFORD, PLLC

/s/ Steven B. Andersen
Steven B. Andersen
Attorneys for Defendant-Intervenor Idaho Power Company

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of October, 2018, I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which sent a Notice of Electronic Filing to the following persons:

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/s/ Steven B. Andersen
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