

BLUE RIBBON ENERGY LLC
4515 South Ammon Road
Ammon, Idaho, 83406
208-524-2414

RECEIVED

2010 DEC 22 AM 8:32

IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE JOINT
PETITION OF IDAHO POWER
COMPANY, AVISTA CORPORATION,
AND PACIFICORP DBA ROCKY
POWER TO ADDRESS AVOIDED COST
ISSUES AND TO ADJUST THE
PUBLISHED AVOIDED COST RATE
ELIGIBILITY CAP

Case No. GNR-E-10-04

ORDER NO. 32131

**COMMENTS BY BLUE RIBBON
ENERGY LLC**

Comes Now Blue Ribbon Energy LLC and respectfully submits the below comments regarding the above Joint Petition Order number 32131 and the above referenced Petition pursuant to the Commission's Order.

Blue Ribbon is opposed to lowering the Published Avoided Cost Rate Eligibility Cap as requested in the above referenced Joint Petition for the following reasons:

- 1 It is unnecessary.
- 2 It is a financial ploy by the Utilities to gain an unfair advantage in Wind Development over private developers. Please don't be fooled by this Joint Petition Ploy. The Utilities' attitude supporting the elimination of private developers, by any means possible, especially if they can elicit the help of the Commission, which of course would completely undermine federal law (PURPA ACT), is best exemplified by a recent statement by Bruce Griswold of Pacificorp to Blue Ribbon Energy LLC, wherein he stated, "I wish all you private developers would just go away."
- 3 An analysis of the proposed Strawman initiative of the IPUC Staff and of the avoided cost rate formula or new published avoided cost rates for wind can be accomplished by

the Commission without suspending or setting a new moratorium on Wind Farm Development in the State of Idaho. There is not rational justification supporting the Petition.

4 There are wind farm projects under development at this very time, into which private developers have, and are in the process of, expending huge amounts of time and effort and money, not to mention the collateral damage to other manufacturers and existing and potential employees, jobs, and job losses, which would essentially be effectuated if the aforesaid Petition for a moratorium (which is essentially what is being requested) is granted by this Commission.

5 If the Commission were to consider this requested/petitioned moratorium, cleverly disguised as a petition to temporarily “cap” PURPA eligibility for published avoided cost rates (lowering the cap of eligibility to 100 kilowatts is essentially a moratorium) then it should also Order the Petitioning Utilities to immediately suspend and stop all their own utility wind development projects within and without the State of Idaho, placing them in the same financial jeopardy as they are requesting the IPUC to do to other non-utility wind developers. Placing every wind developer, including the utilities, on hold, would be the only fair approach to leveling the playing field. Of course the Utilities wouldn't want a moratorium on their out-of-state wind farm developments - especially after requesting a ratepayer rate increase to fund such wind developments - but that would be the only fair approach - wouldn't it? - if a moratorium or cap were to be granted by this Commission.

6 The above referenced Joint Petition has been filed to eliminate any private wind development competition from private developers, while the utilities move forward with

their own wind development - which will place the utilities in a position in the future to claim and argue to the Commission, that all their wind power needs and goals are met, or are substantially met, with respect to wind, through their own wind development, which defeats the very purpose of the **National Energy Conservation Policy Act of 1978** (Public Law 95-617) which included the **Public Utility Regulatory Policies Act of 1978**, as well as the **Energy Policy Act of 2005** (Pub Law 109-58) and so forth. The Commission should NEVER allow itself to be seduced into this trap by the Utilities, causing the Commission to essentially contravene the Federal law and its intent and mandates.

7 **PROPOSAL:** What should happen, and Blue Ribbon Energy LLC respectfully submits for the consideration of this Honorable Commission, that the State of Idaho through its Public Utilities Commission should immediately adopt as its own policy, and issue an ORDER mandating, that all wind development in Idaho will follow the PURPA ACT (1978) and the Energy Policy Act (2005) and immediately implement Title 16, Chapter 12, Sub-chapter I, §796(17) of the United States Code - as set forth in the footnote below¹ - and make, by Idaho IPUC definition, all PURPA QF facilities eligible for the Published Avoided Cost Rate as set forth in the present published avoided costs, or better yet what is published in the Strawman Poll, issued recently by the IPUC Staff, up to 80 MWs in

1

(17)(A) "small power production facility" means a facility which is an eligible solar, wind, waste, or geothermal facility, or a facility which —

(i) produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, geothermal resources, or any combination thereof; and

(ii) has a power production capacity which, together with any other facilities located at the same site (as determined

any one site. This would completely solve the current debate initiated by the Utilities by way of their aforesaid Joint Petition ruse. Further, each wind farm, up to 80 MW, should/must be separated from any other wind farm of 20 MW nameplate or more, up to 80 MWs, by not less than one mile (for example the nearest wind turbine of one 80 MW farm is separated by at least one mile from the nearest wind turbine of the next 80 MW wind farm).

- 8 The Joint Petition should be denied ab initio, with costs to all respondents and those submitting comments. The Utilities should have to pay for this kind of non-sense at rate payer expense, and the rate payers should be informed of this kind of nonsense by their Utility Companies, by the IPUC in a public declaration.

Respectfully submitted this 21 day of December, 2010.

Blue Ribbon Energy LLC

By **MJ Humphries and Arron F. Jepson**

Members/Managers

Jean Jewell

From: bonsai@cableone.net
Sent: Monday, December 13, 2010 5:19 AM
To: Jean Jewell; Beverly Barker; Gene Fadness
Subject: PUC Comment Form

A Comment from Barry Schultz Sr follows:

Case Number: *GNR-E-10-04*
Name: Barry Schultz Sr
Address: 6319 Cougar ridge dr
City: Lewiston
State: Idaho
Zip: 83501
Daytime Telephone: 208-743-5357
Contact E-Mail: bonsai@cableone.net
Name of Utility Company: avista
Acknowledge: acknowledge

Please describe your comment briefly:

Hello, I wanted to add my two cents to the mix. Oregon has a energy trust program, and its working great. The state of oregon utility commision is the one who got this started. Hear in the state of Idaho this type of program is a win/win for the consumer. Why not support a programm like this? I know the powers to be in this state will not want or like such a program, So its up to YOU. To get it going! Thank you and Happy Holidays!

The form submitted on <http://www.puc.idaho.gov/forms/ipuc1/ipuc.html>
IP address is 67.60.80.152
