

Peter J. Richardson ISB # 3195
Gregory Adams ISB # 7454
RICHARDSON & O'LEARY PLLC
515 N. 27th Street
Boise, Idaho 83702
Telephone: (208) 938-7901
Fax: (208) 938-7904
greg@richardsonandoleary.com
peter@richardsonandoleary.com

RECEIVED
2012 MAR 16 AM 8:40
IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for the J. R. Simplot Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)	CASE NO. GNR-E-11-03
COMMISSION'S REVIEW OF PURPA QF)	
CONTRACT PROVISIONS INCLUDING)	J. R. SIMPLOT COMPANY'S
THE SURROGATE AVOIDED)	RESPONSE TO IDAHO POWER'S
RESOURCE (SAR) AND INTEGRATED)	MOTION FOR TEMPORARY STAY
RESOURCE PLANNING (IRP))	OF ITS OBLIGATION TO ENTER
METHODOLOGIES FOR CALCULATING)	INTO NEW POWER PURCHASE
PUBLISHED AVOIDED COST RATES)	AGREEMENTS WITH QUALIFYING
		FACILITIES

COMES NOW, the J. R. Simplot Company ("Simplot") in response to Idaho Power Company's ("Idaho Power") Motion for Temporary Stay of its Obligation to Enter into New Power Purchase Agreements with Qualifying Facilities ("Motion"); Memorandum in Support of Idaho Power Company's Motion ("Memorandum") and Affidavit of Randy C. Allphin in Support of Idaho Power Company's Motion ("Affidavit") and urges the Idaho Public Utilities Commission ("Commission") to deny Idaho Power's Motion in its entirety and to maintain the schedule currently in place for prosecuting this docket.

**SIMPLOT ADOPTS AND ENDORSES THE COMMENTS FILED BY EXERGY
DEVELOPMENT GROUP IN THIS MATTER**

The J. R. Simplot Company has reviewed in detail the comments filed by Exergy Development Group in this matter and urges the Commission to act on Exergy's request that the Commission swiftly deny Idaho Power's Motion in its entirety. In particular, Simplot agrees with Exergy's assertion that the sky is not falling and no undue emergency exists. Idaho Power has simply not demonstrated any operational reason to halt QF development in Idaho. Simplot notes that the Commission has already reduced the availability of published avoided cost rates for wind and solar projects from ten average monthly megawatts to one hundred kilowatts.

The current docket is set for the purpose of evaluating inputs into the IRP methodology for calculating avoided cost rates. This docket should be permitted to run its course as the parties – including Idaho Power all agreed just a few months ago.

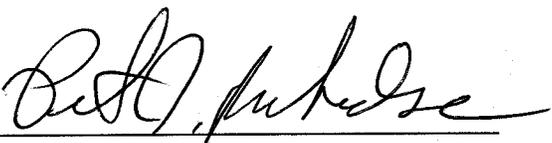
**THE J.R. SIMPLOT COMPANY'S EXISTING QF WOULD BE NEGATIVELY
IMPACTED BY IDAHO POWER'S PROPOSED PURPA MORATORIUM**

Notwithstanding Simplot's objections to the impact of Idaho Power's filing on all QFs, Simplot also takes particular issue with the impact of the Motion on Simplot's Don Plant QF. Simplot's QF at its Don Plant is a cogeneration plant with a nameplate capacity in excess of 10 MW for which Simplot currently sells the output to Idaho Power under a QF power purchase agreement with published rates. The contract is set to expire by its terms in March 2013. *See* Idaho PUC Case No. IPC-E-04-16 (approving the contract). Simplot has not yet secured a contract renewal for its plant, but hopes to do so in the coming months. Idaho Power's requested moratorium would prevent Simplot from completing its negotiations until much closer to the expiration of its existing contract than would be reasonable.

In support of its Motion, Idaho Power appears to assume that the proposed moratorium will not impact existing projects because few or no contracts are expiring in 2012. This overlooks, however, that a moratorium can impact existing projects that will expire shortly after 2012 – such as the QF at the Don Plant. Such projects are (or should be) already included in Idaho Power's load and resource balance, thereby negating many, if not all, of the concerns that Idaho Power expressed for new projects in its filing. Negotiating a QF contract, particularly one using the IRP Methodology, can take many months. Simplot understands this is likely even more true now than in the past because Idaho Power is now engaged in contracting tactics whereby it refuses to disclaim ownership to the QF's environmental attributes. The moratorium would obviously impact existing projects that would otherwise be reasonably attempting to secure a contract renewal for contracts that will expire in 2013, yet Idaho Power has provided no justification to curtail such projects' PURPA rights. The Commission should not overlook the impact on existing contracts, and that Idaho Power has yet again requested relief that far exceeds the scope of the alleged problem.

DATED this 15th day of March, 2012.

RICHARDSON & O'LEARY PLLC

By: 
Peter J. Richardson, ISB #3195
RICHARDSON & O'LEARY, PLLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of March, 2012, a true and correct copy of the within and foregoing RESPONSE OF THE J. R. SIMPLOT COMPANY TO IDAHO POWER'S MOTION TO STAY was served as shown to:

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, Idaho 83702
jean.jewell@puc.idaho.gov

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Donald Howell
Kris Sasser
Idaho Public Utilities Commission
472 West Washington
Boise, Idaho 83702
donald.howell@puc.idaho.gov
krisine.sasser@puc.idaho.gov

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Donovan E. Walker
Lisa D. Nordstrom
Idaho Powe Company
PO Box 70
Boise, ID 83707-0070
dwalker@idahopower.com
lnordstrom@idahopower.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Michael G. Andrea
Avista Corporation
P.O. Box 3727
Spokane, WA 99220
michael.andrea@avistacorp.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Electronic Copies Only:
Ken Kaufmann
Lovinger Kaufmann LLP
825 NE Multnomah Ste 925
Portland, OR 97232
Kaufmann@lklaw.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Daniel Solander
PacifiCorp/dba Rocky Mountain Power
201 S Main St Ste 2300
Salt Lake City, UT 84111
daniel.solander@pacificorp.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Dean J. Miller
McDevitt & Miller, LLP
420 W. Bannock St.
Boise, ID 83702
joe@mcdevitt-miller.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Thomas H. Nelson
Renewable Energy Coalition
PO Box 1211
Welches, OR 97067-1211
nelson@thnelson.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

John R. Lowe
Consultant
Renewable Energy Coalition
12050 SW Tremont St
Portland, OR 97225
jravenesanmarcos@yahoo.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

R. Greg Ferney
Mimura Law Offices PLLC
Interconnect Solar Development, LLC
2176 E Franklin Rd Ste 120
Meridian, ID 83642
greg@mimuralaw.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Bill Piske, Manager
Interconnect Solar Development, LLC
1303 E. Carter
Boise, ID 83706
billpiske@cableone.net

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Ronald L. Williams
Williams Bradbury, PC
1015 W. Hays Street
Boise, ID 83702
ron@williamsbradbury.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Wade Thomas
General Counsel
Dynamis Energy, LLC
776 W. Riverside Dr., Ste 15
Eagle, ID 83616
wthomas@dynamisenergy.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Shelley M. Davis
Barker Rosholt & Simpson LLP
1010 W. Jefferson St (83702)
PO Box 2139
Boise, ID 83701
smd@idahowaters.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Brian Olmstead
General Manager
Twin Falls Canal Company
PO Box 326
Twin Falls, ID 83303
olmstead@tfcanal.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Robert A. Paul
Grand View Solar II
15690 Vista Circle
Desert Hot Springs, CA 92241
robertapaul08@gmail.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

James Carkulis
Exergy Development Group of Idaho, LLC
802 W. Bannock, Ste 1200
Boise, ID 83702
jcarkulis@exergydevelopment.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Arron F. Jepson
Blue Ribbon Energy, LLC
10660 South 540 East
Sandy, UT 84070
arronesq@aol.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

M.J. Humphries
Blue Ribbon Energy, LLC
4515 S. Ammon Rd.
Ammon, ID 83406
blueribbonenergy@gmail.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Ted Diehl
General Manager
North Side Canal Company
921 N. Lincoln St.
Jerome, ID 83338
nscanal@cableone.net

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Bill Brown
Adams County Board of Commissioners
PO Box 48
Council, IT 83612
bdbrown@frontiernet.net

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Ted S. Sorenson, PE
Birch Poer Company
5203 South 11th East
Idaho Falls, ID 83404
ted@tsorenson.net

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Glenn Ikemoto
Margaret Rueger
Idaho Windfarms, LLC
6762 Blair Avenue
Piedmont, CA 94611
glenni@envisionwind.com
margaret@envisionwind.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Megan Walseth Decker
Senior Staf Counsel
Renewable Northwest Project
917 SW Oak Street Ste 303
Portland, OR 97205
megan@rnp.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Benjamin J. Otto
Idaho Conservation League
710 N. Sixth Street (83702)
PO Box 844
Boise, ID 83701
botto@idahoconservation.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Ken Miller
Snake River Alliance
PO Box 1731
Boise, ID 83701
kmiller@snakeriveralliance.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Robert D. Kahn
Executive Director
Northwest & Intermountain Power Producers
Coalition
1117 Minor Ave., Ste 300
Seattle, WA 98101
rkahn@nippc.org

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Don Sturtevant
Energy Director
J.R. Simplot Company
PO Box 27
Boise, ID 83707-0027
don.sturtevant@simplot.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail


Peter J. Richardson