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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Exergy Development Group of Idaho LLC

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF) IDAHO POWER COMPANY FOR AN ORDER) TEMPORARILY SUSPENDING IDAHO) POWER'S PURPA OBLIGATION TO ENTER) INTO CONTRACTS TO PURCHASE) ENERGY GENERATED BY WIND-) POWERED SMALL POWER PRODUCTION) FACILITIES)	CASE NO. IPC-E-005-22 SUPPLEMENTAL ANSWER OF EXERGY DEVELOPMENT GROUP OF IDAHO LLC
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COMES NOW, Exergy Development Group of Idaho LLC by and through its attorney of record, Peter J. Richardson, and pursuant to Rule 57 of the Rules of Procedure issued by the Idaho Public Utilities Commission ("Commission") and hereby lodges its Supplemental Answer to Idaho Power Company's ("Idaho Power" or the "Company") above captioned Petition. In support hereof Exergy says as follows:

In its Petition, Idaho Power asserts that

Commission authorization of a temporary suspension of the PURPA contact obligation is not without precedent. In Order No. 19348 issued in Case No. U-1500-156, the Commission, on its own motion, imposed a one-year moratorium on purchases from QFs located within the service areas of non-investor-owned utilities that purchase energy supplies from BPA.

SUPPLEMENTAL ANSWER OF EXERGY DEVELOPMENT
GROUP OF IDAHO- 1

That decision offers little support for Idaho Power's position as it was in response to BPA, which had, according to the Commission,

defied and frustrated the congressional intent to encourage connection of cogenerators and small power producers to the nation's electric grid by its refusal to offer to purchase from these producers at its own avoided costs.

Order No. 19348 at p 2.

In that order the Commission was not assisting a utility to avoid its responsibilities to purchase QF power, rather it was trying to require all utilities to do so.

Another very important distinction between Case No. U-1500-156, is that the Commission did not impose such a moratorium without FIRST issuing a notice of its intent and giving interested parties twenty-one days in which to respond.

DATED this 27 day of June 2005.

RICHARDSON & O'LEARY PLLC

By 
Peter J. Richardson
Attorneys for Exergy Development Group
of Idaho, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, June 27, 2005, I caused a true and correct copy of the foregoing **SUPPLEMENTAL ANSWER OF EXERGY DEVELOPMENT GROUP OF IDAHO LLC** to be served by the method indicated below, and addressed to the following:

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
P O Box 83720
Boise ID 83720-0074

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
 Electronic Mail

Barton L. Kline
Idaho Power Company
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Scott Woodbury
Idaho Public Utilities Commission
424 W Washington Street
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Signed: 
Nina M. Curtis