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IDAHO PUBLIC
UTILITIES COMMISSIC.

Attorneys Exergy Development Group of Idaho LLC

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF)	CASE NO. IPC-E-05-22
IDAHO POWER COMPANY FOR AN)	
ORDER TEMPORARILY SUSPENDING)	EXERGY DEVELOPMENT
IDAHO POWER'S PURPA OBLIGATION TO)	GROUP OF IDAHO'S
ENTER INTO CONTRACTS TO PURCHASE)	MOTION FOR ORDER
ENERGY GENERATED BY WIND-)	TO CLOSE THIS
POWERED SMALL POWER PRODUCTION)	DOCKET AND
<u>FACILITIES</u>)	REINSTATE THE 10 MW
		THRESHOLD FOR PACIFICORP
		AND AVISTA

COMES NOW Exergy Development Group of Idaho, LLC ("Exergy") by and through its attorneys of record and hereby lodges its motion to close the above captioned docket and reinstate Avista Corporation's (Avista) and PacifiCorp' d.b.a Rocky Mountain Power (PacifiCorp) obligations under PURPA to their pre Order No. 28939 status. In support of this Motion, Exergy says as follows:

I

Background

The Idaho Public Utilities Commission ("Commission") opened this docket in response to a Petition filed by Idaho Power Company ("Idaho Power") requesting a temporary suspension

of the company's obligation under Sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) and various Commission orders, to enter into new contracts to purchase energy generated by qualifying wind-powered small power production facilities (QFs). In response, the Commission issued Order No. 29839 in which it reduced the published rate eligibility cap for wind projects to 100 kW from 10,000 kW. The Commission ruled that:

Based on the record established in this case the Commission finds reason to believe that wind generation presents operational integration costs to a utility different from other PURPA qualified resources. We find that the unique supply characteristics of wind generation and the related integration costs provide a basis for adjustment to the published avoided cost rates . . .

Order No. 29839 p. 8.

The Commission did not completely suspend Idaho Power's obligation to purchase wind power. Rather it made the following findings:

The Commission is presented in this case with a Company proposal to suspend its obligation to purchase and a Staff proposal to reduce the published rate eligibility cap for qualified intermittent wind projects from 10 aMW to 100 kW and to require individual negotiation for larger wind projects. The Commission finds Staff's proposal to be a reasonable approach. In doing so we find that under PURPA standard rates for purchases need be published only for QFs 100 kW and smaller. . . . We find that the published avoided cost rates for other generation types is not being challenged in this case.

Order No. 29839 p. 9.

Although PacifiCorp petitioned to intervene in this Docket on July 15, 2005, the Commission never issued an order granting said petition. In addition, and despite the fact that Avista did not file a petition to intervene, the Commission's secretary issued a Notice of Parties on July 20, 2005 that listed both PacifiCorp and Avista as parties. Although no order was issued granting them party status, both Avista and PacifiCorp filed pleadings in this docket requesting

that their obligations to purchase wind be revised in the same manner as requested by Idaho. In response the Commission made the following finding:

PacifiCorp and Avista in this case have both requested similar procedural and regulatory treatment as pertains to the availability of published rates for wind QFs. On the evidence presented we find that neither PacifiCorp nor Avista are in the situation of having to purchase an amount of QF wind generation as has been offered and presented to Idaho Power. Nevertheless, we find for administrative¹ reasons that it is prudent and expedient to examine this question for all jurisdictional utilities at the same time, we find this request to be reasonable and justified.

Order No. 29839 p. 10.

Finally, the Commission gave the three utilities the following instructions with respect to further proceedings in this docket:

PacifiCorp and Avista are directed to participate in further proceedings before this Commission in this docket. Idaho Power in conjunction with the other two utilities and in consultation with other parties to this case is directed to file a proposed schedule for an initial workshop to identify issues, required studies, and discovery parameters. Also to be filed is a proposal for further procedure and related time lines. Subsequent status reports shall be filed every 60 days thereafter.

Id.

Order No. 29839 was issued in August of 2005. The Idaho Power hosted four workshops in the three following months, the last of which took place in November of 2005. The parties held a settlement conference in January of 2006 the occurrence of which was duly reported to the Commission by Idaho Power on January 31, 2006. None of the utilities that are the object of the above quoted direction have conducted any subsequent workshops and no status reports have been filed by any of the utilities since Idaho Power's January 31, 2006 report

¹ No other references "administrative reasons" are made in the order and consequently it is not possible to address whether such reasons are extant.

Earlier this month Idaho Power filed the results of its wind integration study along with a request that the Commission raise the cap for entitlement to published rates for wind projects up to the 10,000 kW level as well as the elimination of the 90/110% band. Idaho Power's request was filed as a separate docket and not part of this IPC-E-05-22 docket.

II

Avista and PacifiCorp

It appears that the Commission's admonishment that "Idaho Power in conjunction with the other two utilities and consultation with other parties ... is directed to file a proposed schedule for an initial workshop to identify issues, required studies, and discovery parameters" has been ignored or at a minimum abandoned. Furthermore, while it is not clear from the quoted language whether all three utilities were to file simultaneous studies, it is clear that the Commission ordered the three utilities to "examine this question for all jurisdictional utilities at the same time." Indeed, the Commission based its decision, to permit Avista and PacifiCorp to join Idaho Power in reducing the PURPA cap for wind from 10,000 kW to 100 kW, on its finding that it would be administratively easier to conduct a simultaneous investigation of the integration issues.

It is now apparent Idaho Power has gone its own way and that there will be no simultaneous examination of the question for "all jurisdictional utilities at the same time." In the year and a half since successfully claiming "me too," neither Avista nor PacifiCorp have filed even one of the required 60-day progress reports and neither has held any integration workshops as required by Order No. 29839.

III

PRAYER FOR RELIEF

Because Idaho Power has filed its wind integration study under a separate docket and because Avista and PacifiCorp have ignored the mandates imposed upon them in Docket No. IPC-E-05-22 in Order No. 29839 that docket has become superfluous and should now be closed. In addition it appears that Avista and PacifiCorp have succeeded in shutting down the wind PURPA in their service territories since August of 2005 with no serious intent of conducting “an examination of integration issues “in conjunction” with Idaho Power. Therefore Avista and PacifiCorp should be required to offer PURPA QFs their full published avoided costs for all projects, regardless of motive force, up to 10,000 average monthly kW.

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By: 
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February 2007, the enclosed MOTION TO CLOSE DOCKET was sent to the following parties as shown:

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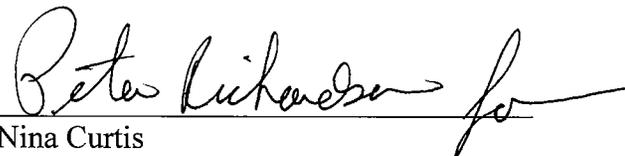
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