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 IDAHO PUBLIC
 UTILITIES COMMISSION

Attorneys for Windland Incorporated

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 IDAHO) WINDLAND
POWER' S PURPA OBLIGATION TO ENTER) INCORPORATED'S PETITION
INTO CONTRACTS TO PURCHASE ENERGY) TO TREAT COMMISSION
GENERATED BY WIND- POWERED SMALL) ORDER NO. 29839, IN PART, AS
POWER PRODUCTION FACILITIES) FINAL
 _____)

COMES NOW Windland Incorporated and respectfully requests that the Commission treat Commission Order No. 29839, in part, as a final order so that it may be subject to review by reconsideration and appeal. IDAPA 31.01.01.321.01. Specifically, Windland requests that the Commission treat as final that part of Order No. 29839 which finds certain qualifying wind-generating facilities can obtain contracts to sell power to Idaho Power Company at the published avoided cost rate, set by Order No. 29646, if certain criteria are met ("grandfathering"). Order No. 29839 at pp. 9-10.

Windland believes that the Commission's findings regarding "grandfathering" were intended to be a final decision because of: 1) the substance of the Commission's findings regarding "grandfathering." See Order No. 29839 at pp. 9-10; 2) the lack of further proceedings to determine whether "grandfathering" is appropriate under the law; and 3) the Commission's ordering language that expressly exempts wind-powered QFs who could meet the

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“grandfathering” criteria from the Commission’s decision that the published rate cap for published avoided cost rates for eligible wind projects be reduced from 10 aMW to 100 kW. *Id.* at p. 11.

REQUEST FOR RELIEF

Based on the foregoing, Windland respectfully requests that the Commission designate its findings with regard to “grandfathering” in Order No. 29839 as a final decision using the language provided for under the Commission’s Rules of Procedure 323 so that this issue will be subject to review by reconsideration and appeal.

DATED this 10 day of August, 2005.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of August, 2005, I served the foregoing upon all parties of record in this proceeding as indicated below.

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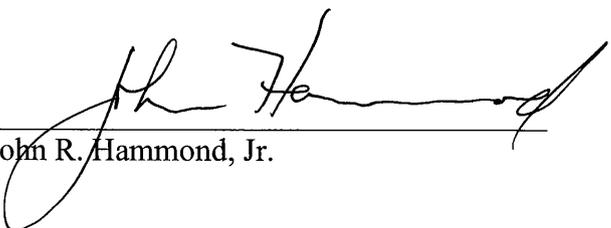
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