

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>TIERRA ENERGY LLC,</b>	)	
	)	<b>CASE NO. IPC-E-05-27</b>
<b>COMPLAINANT,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER NO. 30797</b>
<b>IDAHO POWER COMPANY,</b>	)	
	)	
<b>RESPONDENT.</b>	)	

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On October 6, 2005, Tierra Energy LLC filed a complaint against Idaho Power Company alleging that the Company had refused to execute an Energy Sales Agreement with Tierra pursuant to the Public Utility Regulatory Policies Act of 1978 (PURPA). On November 4, 2005, Idaho Power filed an answer contending that Tierra was not entitled to the relief requested. What ensued was a protracted period of procedural inactivity.

The Commission is informed by Staff Counsel that Tierra Energy has no objection to a dismissal of its complaint. The Commission has reviewed the record in Case No. IPC-E-05-27 and as a matter of administrative housekeeping finds it reasonable to dismiss the complaint without prejudice for lack of diligent prosecution.

**ORDER**

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that the complaint in Case No. IPC-E-05-27 be dismissed without prejudice and that the case docket be closed.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.


DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7<sup>th</sup>  
day of May 2009.

  
JIM D. KEMPTON, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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