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JH

**Jean Jewell**

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**From:** Ed Howell  
**Sent:** Friday, November 25, 2005 9:03 AM  
**To:** Jean Jewell; Ed Howell; Gene Fadness; Tonya Clark  
**Subject:** Comment acknowledgement

WWW Form Submission:

Friday, November 25, 2005  
9:02:43 AM

Case: IPC-E-05-33  
Name: C. Tom Arkoosh, Arkoosh Law Offices  
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Company:

mailing\_list\_yes\_no: yes

Comment\_description: This firm represents Buckeye Ranch across the Snake River from, and near to the proposed wind project. It appears the developer has declined several requests from the Department of Interior of conduct some analysis of the projects effects upon the several state and federal reserves in the area, the public's interest and local flora and fauna. Until these effects are known, no reasonable expectation should arise that the Twin Falls Planning and Zoning Commission will accept the project such that the project can show progress on the facility permitting and licensing path as required by Case No. IPC-E-22, Order No. 29839. Regarding both project financing and planning and zoning permit progress, the application indicates that these items will not be forthcoming until the power purchase agreement is in place. This is a concession that progress along the development path cannot be shown at this time. In Orders No. 29839 and 29872, the "grandfathering" criteria identified to qualify for the agreement was progress along this development path. Failure to show that progress indicates failure to meet the criteria for qualification for "grandfathering."

In its Application for Approval, Idaho Power relies almost exclusively upon the existence of a turbine purchase agreement as the sole criteria for project development because the "supply of wind turbines is extremely tight..." Because Salmon Falls has declined to provide copies of its compliance documents due to its concerns about confidentiality, no indication exists in the record whether these turbines are site specific, or a speculative purchase, or a conditional purchase.

It is respectfully requested that prior to "grandfathering" this project, the Commission make its own investigation and determination, after notice and hearing, whether any progress has been made along the development path, especially concerning siting concerns.

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