



IDAHO POWER COMPANY
P.O. BOX 70
BOISE, IDAHO 83707

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IDAHO PUBLIC
UTILITIES COMMISSION

BARTON L. KLINE
Senior Attorney

November 4, 2005

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P. O. Box 83720
Boise, Idaho 83720-0074

Re: Case No. IPC-E-05-34
Idaho Power Company's Response to Magic Wind's
Motion To Determine Exemption Status

Dear Ms. Jewell:

Please find enclosed for filing an original and seven (7) copies of the Company's Response to Magic Wind's Motion to Determine Exemption Status in the above-entitled case.

I would appreciate it if you would return a stamped copy of this transmittal letter for our files in the enclosed self-addressed stamped envelope.

Very truly yours,

Barton L. Kline

BLK:jb
Enclosures

BARTON L. KLINE ISB #1526
MONICA MOEN ISB #5734
Idaho Power Company
P. O. Box 70
Boise, Idaho 83707
Telephone: (208) 388-2682
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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Idaho Power Company

Street Address for Express Mail:

1221 West Idaho Street
Boise, Idaho 83702

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF)	
IDAHO POWER COMPANY FOR AN)	CASE NO. IPC-E-05-34
ORDER TEMPORARILY SUSPENDING)	
IDAHO POWER'S PURPA OBLIGATION)	IDAHO POWER COMPANY'S
TO ENTER INTO CONTRACTS TO)	RESPONSE TO MAGIC WIND'S
PURCHASE ENERGY GENERATED BY)	MOTION TO DETERMINE
WIND- POWERED SMALL POWER)	EXEMPTION STATUS
PRODUCTION FACILITIES)	
_____)	

Idaho Power Company ("Idaho Power" or "Company"), in accordance with RP 057, hereby answers the Motion of Magic Wind LLC ("Magic Wind") in the above-entitled case as follows:

1. Idaho Power admits that the Commission issued Order No. 29839 in Case No. IPC-E-05-22. Order No. 29839 speaks for itself. The balance of the statements in Paragraph No. 1 constitute legal conclusions and arguments, not allegations of fact that can be admitted or denied. As such, Idaho Power denies the same.

2. Idaho Power admits that the Commission issued Order No. 29872 in Case No. IPC-E-05-22. Order No. 29872 speaks for itself. The balance of the statements in Paragraph 2 constitute legal conclusions and arguments, not allegations of fact that can be admitted or denied. As such, Idaho Power denies the same.

3. The Affidavit of Armand Eckert contains a mixture of factual assertions, Mr. Eckert's opinions and legal conclusions. Some of the information described in the Affidavit has been provided to Idaho Power and some of it has not been. For these reasons, Idaho Power is without sufficient information to verify the truth or falsity of the factual allegations contained in the Affidavit of Armand Eckert and, therefore, denies the same.

4. Service of Pleadings – Communications with reference to this case should be sent to the following:

Barton L. Kline
Monica B. Moen
Idaho Power Company
P.O. Box 70
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John R. Gale
Vice President – Regulatory Affairs
Idaho Power Company
P.O. Box 70
Boise, ID 83707
rgale@idahopower.com

5. Requested Relief – Magic Wind has not stated a claim for relief which can be granted and the Motion should be denied by the Commission.

DATED at Boise, Idaho, this 4th day of November, 2005.



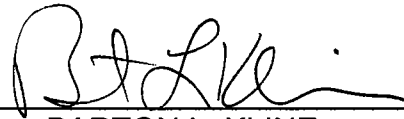
BARTON L. KLINE
MONICA B. MOEN
Attorneys for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November, 2005, I served a true and correct copy of the within and foregoing IDAHO POWER COMPANY'S RESPONSE TO MAGIC WIND'S MOTION TO DETERMINE EXEMPTION STATUS upon the following named parties by the method indicated below, and addressed to the following:

Dean J. Miller
McDevitt & Miller LLP
420 W. Bannock Street
Boise, Idaho 83702

☐ Hand Delivered
☒ U.S. Mail
☐ Overnight Mail
☐ FAX



BARTON L. KLINE