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 IDAHO PUBLIC
 UTILITIES COMMISSION

BEFORE THE
 IDAHO PUBLIC UTILITIES COMMISSION

EXERGY DEVELOPMENT GROUP OF IDAHO, LLC)	CASE NO. IPC-E-07-13
Petitioner,)	MOTION TO COMPEL RETENTION
vs.)	IN IDAHO POWER'S
IDAHO POWER COMPANY,)	INTERCONNECTION QUEUE AND TO
Respondent.)	PROHIBIT IDAHO POWER FROM
)	ASSESSING ILLEGAL
)	INTERCONNECTION STUDY DEPOSITS
)	

COMES NOW, Exergy Development Group of Idaho, LLC ("Exergy,"), by and through its attorneys of record, Richardson & O'Leary, and pursuant to this Commission's Rules of Procedure, Rule 54 IDAPA 31.01.01.054 hereby files this Motion to Compel.

BACKGROUND

On July 22, 2007, Exergy Development Group of Idaho, LLC (Exergy) filed a formal complaint against Idaho Power asserting that (1) Idaho Power has failed to comply with its Commission approved tariffs for the conduct of interconnection studies for QF projects located in its service territory; (2) Idaho Power has arbitrarily assessed interconnection deposits against QF projects being developed by Exergy; (3) Idaho Power has refused to honor interconnection

deposit quotes published on its office web site; (4) Idaho Power has engaged in discriminatory treatment of its QF customers by not consistently adhering to its published schedule of interconnection deposit fees; (5) Idaho Power has failed to provide detailed accounting of the use of interconnection deposits that Exergy has lodged with the company.

Idaho Power filed its answer to Exergy's complaint on August 21, 2007. As explained more fully in the accompanying Brief in Support of Motion to Compel, Idaho Power's answer fails to provide any legal defense against the assertions contained in Exergy's complaint.

MOTION

Exergy respectfully requests this Commission issue its order:

1. Prohibiting Idaho Power from removing any of Exergy's projects that are the subject of its Complaint from its interconnection queue; and
2. Requiring Idaho Power to comply with Schedule 72 by providing Exergy with the costs for interconnecting its QF projects without first requiring a deposit; and
3. That Idaho Power Refund those deposits already posted pending receipt by Exergy of a complete cost breakdown for interconnecting its projects to Idaho Power's electrical system;

ALTERNATIVE MOTION

Should the Commission not grant Exergy's primary motion, in the alternative Exergy respectfully requests this Commission issue its order:

1. Requiring Idaho Power to charge the interconnection deposit fees it had posted on its web site as part of its Interconnection Process;
2. Prohibiting Idaho Power from removing Exergy's projects that are the subject of the current complaint from its interconnection queue; and

3. Requiring Idaho Power to provide a detailed explanation and accounting of how it has spent all deposited monies.

DATED this 12th day of September 2007.

Richardson & O'Leary, LLP

By 

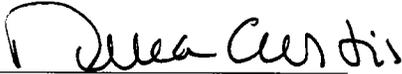
Peter J. Richardson
Industrial Customers of Idaho Power

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12~~th~~ day of September, 2007, a true and correct copy of the within and foregoing MOTION TO COMPEL, was served by personal service to:

Barton Kline
Monica Moen
Idaho Power Company
PO Box 70
Boise, Idaho 83707-0070

Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, Idaho 83702



Nina Curtis
Administrative Assistant