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IDAHO PUBLIC UTILITIES COMMISSION

DONOVAN E. WALKER
Lead Counsel
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August 16, 2011

VIA HAND DELIVERY

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

Re: Case No. IPC-E-08-20
*IDAHO POWER COMPANY, COMPLAINANT, VS. GLENN'S FERRY
COGENERATION PARTNERS, LTD., A COLORADO LIMITED
PARTNERSHIP, RESPONDENT*

Dear Ms. Jewell:

Enclosed for filing please find an original and seven (7) copies of Idaho Power Company's Motion to Dismiss in the above matter.

Very truly yours,

Donovan E. Walker

DEW:csb
Enclosures

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Attorneys for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IDAHO POWER COMPANY,)	
)	CASE NO. IPC-E-08-20
Complainant,)	
)	IDAHO POWER COMPANY'S
vs.)	MOTION TO DISMISS
)	
GLENN'S FERRY COGENERATION)	
PARTNERS, LTD., a Colorado limited)	
partnership,)	
)	
Respondent.)	
)	

Idaho Power Company ("Idaho Power" or "Company"), pursuant to RP 56 and RP 256, hereby moves the Idaho Public Utilities Commission ("Commission") to issue an Order dismissing this matter without prejudice.

In support of this request, Idaho Power states as follows:

On October 16, 2008, Idaho Power filed a Petition for Declaratory Order and Formal Complaint for Breach of Contract against Glenss Ferry Cogeneration Partners, LTD ("Glenss Ferry"). Idaho Power alleges that Glenss Ferry is in breach of its power sales agreement by permanently curtailing its delivery of energy under the agreement, and because of the loss of its steam host, that it has lost its Qualifying Facility ("QF") status. On October 21, 2008, the Commission issued a Summons to Glenss Ferry directing it to respond within 21 days. On November 10, 2008, Glenss Ferry filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction. On November 26, 2008, the Commission issued Order No. 30688 setting forth a briefing schedule for Glenss Ferry's Motion to Dismiss. The parties subsequently filed legal briefs with the Commission and Oral Argument was heard on March 3, 2009. Following Oral Argument, the parties informed the Commission that settlement discussions were ongoing, and a ruling on Glenss Ferry's Motion to Dismiss has, to this date, not been issued.

Glenss Ferry subsequently petitioned the Federal Energy Regulatory Commission ("FERC") on two occasions seeking a waiver of FERC's QF cogeneration facility operating and efficiency standard requirements, and asking that it be recertified as a QF. Idaho Power intervened and opposed such recertification. FERC granted a temporary, one-year waiver for the years 2009 and 2010. Glenss Ferry has not yet asked for re-certification for 2011.

Idaho Power has been informed that the ownership of Glenss Ferry has purportedly changed. Idaho Power's questions regarding the change in ownership remain unresolved. The parties have been unable to reach an agreement resolving the issues in this matter.

NOW THEREFORE, in consideration of the extended period of time that this matter has been idle at the Commission, without conceding any of the substantive and jurisdictional issues therein, Idaho Power hereby respectfully moves the Commission to dismiss this matter without prejudice, whereby the issues may be pursued in a different forum as may be appropriate.

Respectfully submitted at Boise, Idaho, this 16th day of August 2011.

A handwritten signature in black ink, appearing to read "Don E Walker", written over a horizontal line.

DONOVAN E. WALKER
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of August 2011 I served a true and correct copy of IDAHO POWER COMPANY'S MOTION TO DISMISS upon the following named parties by the method indicated below, and addressed to the following:

Commission Staff

Kristine Sasser
Deputy Attorney General
Idaho Public Utilities Commission
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Hand Delivered
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 Overnight Mail
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Glenns Ferry Cogeneration Partners, LTD.

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