

MEMORANDUM

TO: FILE

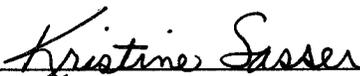
**FROM: KRISTINE SASSER
DEPUTY ATTORNEY GENERAL**

DATE: OCTOBER 21, 2011

**SUBJECT: COMPLAINT OF IDAHO POWER COMPANY v. GLENNS FERRY
COGEN, CASE NO. IPC-E-08-20**

On October 16, 2008, Idaho Power filed a Petition for Declaratory Order and Formal Complaint for Breach of Contract against Glens Ferry Cogeneration Partners, LTD (Glens Ferry Cogen). A summons was issued by the Commission on October 21, 2008, notifying Glens Ferry that it had 21 days to respond to Idaho Power's complaint. On November 10, 2008, Glens Ferry filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction. An oral argument was held on March 3, 2009, on the limited issue of subject matter jurisdiction.

On August 16, 2011, Idaho Power filed a Motion to Dismiss without prejudice. On August 30, 2011, Glens Ferry Cogen filed an objection to Idaho Power's Motion to Dismiss and asked that Idaho Power's complaint be dismissed for lack of subject matter jurisdiction. On October 6, 2011, pursuant to IPUC Rule of Procedure 68, Idaho Power filed a Notice of Withdrawal of Pleading. IDAPA 31.01.01.068. Rule 68 states that "[u]nless otherwise ordered by the Commission, the notice is effective fourteen (14) days after filing." Consequently, this case should now be closed.



Kristine Sasser
Deputy Attorney General

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