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2009 MAY 29 PM 12:30

IDAHO PUBLIC
UTILITIES COMMISSION

29 May 2009

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington
Boise, ID 83702

RE: IPC-E-09-03

Dear Ms. Jewell:

We are enclosing an original and seven (7) copies of the **MOTION TO STAY OF THE INDUSTRIAL CUSTOMERS OF IDAHO POWER, THE IDAHO IRRIGATION PUMPERS ASSOCIATION, INC., THE SNAKE RIVER ALLIANCE, THE IDAHO CONSERVATION LEAGUE, AND THE NORTH-WEST & INTERMOUNTAIN POWER PRODUCERS COALITION** in the above case.

An additional copy is enclosed for you to stamp for our records.

Sincerely,

Nina Curtis
Richardson & O'Leary PLLC

Peter J. Richardson
Attorney for the Industrial Customers of Idaho Power

Eric Olsen
Attorney for the Idaho Irrigation Pumpers Association

Ken Miller
For the Snake River Alliance

Betsy Bridge
Attorney for the Idaho Conservation League

Susan Ackerman
Attorney for Northwest & Intermountain Power Producers Coalition

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)
COMPANY'S APPLICATION FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR THE LANGLEY)
GULCH POWER PLANT)

CASE NO. IPC-E-09-03
JOINT MOTION TO STAY
PROCEEDING BY THE INDUSTRIAL
CUSTOMERS OF IDAHO POWER
THE IDAHO IRRIGATION PUMPERS
ASSOCIATION, THE SNAKE RIVER
ALLIANCE, THE IDAHO
CONSERVATION LEAGUE AND
THE NORTHWEST &
INTERMOUNTAIN POWER
PRODUCERS COALITION

COMES NOW, The Industrial Customers of Idaho Power, the Idaho Irrigation Pumpers Association, the Snake River Alliance, the Idaho Conservation League and the Northwest & Intermountain Power Producers Coalition and pursuant to this Commission's Rules of Procedure, Rule 56 IDAPA 31.01.01.56 hereby moves for an order from this Commission staying proceedings for ten months in the above captioned matter. In support of a Stay of Proceedings your movants say as follows:

I.

BACKGROUND

Idaho Power filed its application for a Certificate of Public Convenience and Necessity on March 9 of this year. The Langley Gulch power plant will be the single largest capital investment made by Idaho Power since the Hells Canyon Complex was constructed fifty years ago. Significant and unforeseen events have taken place since Idaho Power initially filed its Application. Any single one of these events would be sufficient to cause reasonable persons to seek to slow down the Company's forced march to seek Commission action on its request for a CPCN, however, when taken in concert, the cumulative effect of the following events makes a Stay of this proceeding critical.

II

UNPRECEDENTED SHAREHOLDER VOTE

CASTS DOUBT ON IDAHO POWER'S RESOURCE FUTURE

Last week the Idaho Power shareholders, over the objections of management, passed a resolution directing Idaho Power to develop a plan for reducing its emissions of greenhouse gases. Although the resolution was advisory in nature, Idaho Power management agreed to be bound by it and will have its greenhouse gas reduction strategy report prepared by September 30 of this year. Idaho Power's most recent Integrated Resource Plan does not have a greenhouse mitigation strategy. Exactly where the Langley Gulch power plant, a greenhouse intensive emitting facility, will fit in the yet-to-be written plan is unclear. Your movants take no

position on the advisability of the shareholder vote. We note only that it casts a cloud of uncertainty over whether the plant will fit into the plan of reduced greenhouse gasses and ultimately even if Langley Gulch will be built. Granting a CPCN now, before the Company's greenhouse strategy is published, is premature at best and possibly a costly mistake that may well conflict with the Company's announced plans to reduce its greenhouse gas emissions.

III

IDAHO POWER HAS DELAYED PUBLICATION OF

ITS 2009 INTEGRATED RESOURCE PLAN

On April 24, 2009, Idaho Power filed petitions with the Idaho Public Utilities Commission and the Public Utility Commission of Oregon asking for an extension of the due date for the 2009 Integrated Resource Plan from June 2009 until December 2009. The Integrated Resource Plan serves as the roadmap to help guide Idaho Power in making future resource decisions. The reasons given for the delay include the widespread economic turmoil facing the world and specifically its impact on Idaho's economy. Ultimately, this turmoil will have an impact on electric demand and load growth.

Granting a CPCN for the most expensive plant Idaho Power will have built in the last fifty years without a current IRP to instruct prudence questions is clearly an instance of putting the proverbial cart before the horse. The joint parties hereto do not take a joint position on what types of resources Idaho Power should build in the future. They all nevertheless agree that because the economy has shifted so dramatically as to cause Idaho Power to require a delay in the publication of the 2009 IRP, then Commission processing of the CPCN Application should

likewise be delayed. This proposed plant should not be reviewed when the Company itself contends that its own IRP data is out of date and that it will require a substantial effort to correct this shortfall.

IV

NEW IDAHO LEGISLATION MAKES THE COMMISSION'S

DECISION IN THIS CASE ONE OF THE MOST FAR REACHING IN IDAHO PUC

HISTORY

The Idaho Legislature passed SB-1123 after Idaho Power's application was filed which was given emergency status making it effective immediately upon the governor's signature, which was swiftly obtained. The Company has asked that the newly enacted law be applied to the Commission's CPCN order in this docket. If so granted and a CPCN is also granted for Langley Gulch, this Commission will essentially lock in its decision for the life of the plant without permitting future prudence review. The undersigned parties respectfully urge the Commission to proceed with extreme caution in applying its new authority for the first time and its long lasting impact on future generations of ratepayers. Given the above uncertainties regarding the need for the plant, the ability of Idaho Power to satisfy its shareholders concerns about greenhouse gas emissions and the economic uncertainties facing the Company; coupled with the heightened scrutiny that must be applied when considering regulatory preapproval, your undersigned believe that a more deliberative process is necessary than that provided by the current, expedited schedule. As noted, the need for delay in this docket is all the more critical because the Commission's decision will likely be irreversible by future commissions.

V

IDAHO POWER SHOULD HAVE LITTLE PROBLEM

RENEGOTIATING ITS PRE-PAID TURBINE DEAL

The undersigned are cognizant of Idaho Power's commitment to make a September 1, 2009, payment on the turbines it has already ordered from Siemens. Given the soft market for turbines of any type, the undersigned are confident that Idaho Power will most likely be able to negotiate an extension of that payment date, perhaps for a price, but nevertheless the deadline, of Idaho Power's own creation, should not drive this Commission as it considers the ramifications of granting a CPCN (with no future prudence review) in this economic climate.

VI

IDAHO POWER HAS ALREADY DELAYED

THE PLANT'S ON LINE DATE

As initially proposed the Langley Gulch power plant was to come on line in time to meet load in the summer of 2012. Langley Gulch is a base load unit and Idaho Power's energy load/resource balance is most critical during the summer months. In spite of the summer being the Company's most critical load/resource period, Idaho Power has delayed the on line date until December of 2012 which puts the plant on line exactly at a time when Idaho Power does not need additional resources. At worst, the plant will be needed in the summer of 2013. Idaho Power's ability to meet load will not be in jeopardy by a delay in this docket's schedule.

VII

THE CONTINUED UNPRECEDENTED RECESSION WILL

HAVE DIRECT IMPACT ON IMMEDIACY OF NEED FOR NEW POWER PLANTS

The process that led to the filing of Idaho Power's CPCN Application began last fall before the extent of the current recession was known. The stubborn nature and extent of the recession could not have been known at that time. While the undersigned parties appreciate Idaho Power's foresight in considering new resources for robust growth, when that growth disappears, it is appropriate to delay the proceeding to evaluate issuance of a CPCN at least until evidence surfaces that load destruction has ended and that a general recovery has begun.

VIII

OTHER REGIONAL UTILITIES ARE

MOTHBALLING PLANNED EXPANSIONS

In a February 19, 2009, filing with the Oregon Public Utility Commission ("OPUC"), PacifiCorp provided notice that it intended to cancel a proposed acquisition of a significant generating plant due to uncertainty regarding load and economic conditions. The terminated resource was selected in PacifiCorp's 2012 competitive bidding process. In its termination filing, PacifiCorp stated:

Given the dramatic global economic downturn in late 2008 and the resulting reduction of customer loads, reduction in price of commodities and potential reduction of future construction costs, the Company has determined to further explore resource alternatives. To that end, PacifiCorp delivered a formal written termination notice to each of Summit Vineyard, LLC and CH2M HILL E&C, Inc. on February 11, 2009, thereby terminating the Master Development, Engineering, Procurement and Construction Agreement, dated as of November

26, 2008 (the "Agreement"). PacifiCorp filed notice of termination of the Agreement with the Commission on February 12, 2009.

See, <http://edocs.puc.state.or.us/efdocs/HAH/um1208hah94847.pdf> (filed electronically in OPUC Docket No.UM 1208). The OPUC accepted the termination conditioned on a final Independent Evaluator Report and PacifiCorp's responses to Staff data requests.

While not suggesting the Idaho Power should follow the lead of other utilities in the region – when one finds oneself on the edge of such great uncertainty and others are slowing down to assess the best future course of action it may be prudent to slow down as well.

IX

THE IMPACTS OF IDAHO POWER'S DEMAND RESPONSE PROGRAMS

HAVE NOT BEEN ASCERTAINED

In Order No. 30717, the Commission just approved significant changes to the Irrigation Peak Rewards Program. The changes authorized a new dispatchable curtailment program that is expected to increase avoided peak demand from the 35 MW realized during the summer of 2008 to an estimated 144 MW in 2009, 186 MW in 2010 and 232 MW in 2011. *See* Tatum DI, p. 11, ls 3-11 (Case No. IPC-E-09-05). It is believed that these amounts will prove to be conservative in light of the fact that Idaho Power already has more irrigators wanting to participate in the new dispatchable program than it can physically provide the infrastructure for. As these logistical issues are worked out, the amount of avoided peak demand will continue to grow as has been the case with Rocky Mountain Power's dispatchable curtailment program. In addition, programs such as the AC Cool Credit program and the newly authorized Commercial Demand Response

Program administered through EnerNOC will continue to significantly expand Idaho Power's Demand Response Programs.

This is important because these Demand Response Programs minimize the need for Idaho Power to acquire more expensive supply side resources such as Langley Gulch. These Demand Response Programs need to be included in the IRP and their affects quantified in determining when new supply-side resources are necessary. Delaying this proceeding to allow this to happen is a prudent course of action for the Commission to take.

X

PRAYER FOR RELIEF

For all of the foregoing reasons, the undersigned respectfully request the Commission delay the procedural schedule in this docket by at least ten months.

Respectfully submitted this 29th day of May, 2009

Signatures...

INDUSTRIAL CUSTOMERS OF IDAHO POWER



Peter J. Richardson

IDAHO IRRIGATIONS PUMPERS ASSOCIATION, INC.



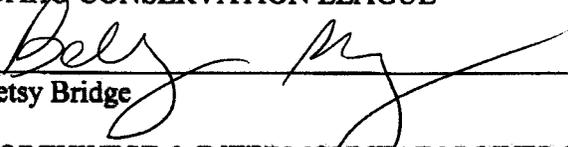
Eric L. Olsen

SNAKE RIVER ALLIANCE



Ken Miller

IDAHO CONSERVATION LEAGUE



Betsy Bridge

NORTHWEST & INTERMOUNTAIN POWER PRODUCERS
COALITION



Susan K. Ackerman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of May, 2009, a true and correct copy of the within and foregoing **MOTION TO STAY OF THE INDUSTRIAL CUSTOMERS OF IDAHO POWER, THE IDAHO IRRIGATION PUMPERS ASSOCIATION, THE SNAKE RIVER ALLIANCE, THE IDAHO CONSERVATION LEAGUE and THE NORTHWEST & INTERMOUNTAIN POWER PRODUCERS COALITION** was served in the manner shown to:

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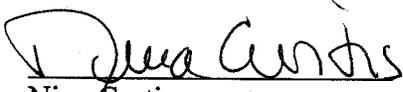
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Administrative Assistant