

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF IDAHO POWER)
COMPANY’S APPLICATION FOR A) **CASE NO. IPC-E-09-03**
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY FOR THE LANGLEY) **NOTICE OF**
GULCH POWER PLANT) **FURTHER SCHEDULING**
))
) **NOTICE OF PUBLIC HEARING**
))
) **ORDER NO. 30848**
) **(Motion to Stay)**

On March 6, 2009, Idaho Power Company (Idaho Power; Company) filed an Application with the Idaho Public Utilities Commission (Commission) in Case No. IPC-E-09-03 for a Certificate of Public Convenience and Necessity (Certificate) authorizing construction of the Langley Gulch Power Plant (Langley Gulch; Project) and inclusion of the Project in the Company’s rate base. *Idaho Code* §§ 61-526, -528; RP 112; *Idaho Code* § 61-541 (7/1/2009).

Pursuant to Notice issued April 20, 2009, the following scheduling remains:

- June 19, 2009 Staff/Intervenor Direct Testimony – Prefile Deadline
- July 2, 2009 Rebuttal Testimony – Prefile Deadline
- July 31, 2009 Post-Hearing Brief – File Deadline

A technical hearing in Case No. IPC-E-09-03 is scheduled to commence on July 14, 2009.

On May 29, 2009, a Joint Motion to Stay Proceedings in Case No. IPC-E-09-03 for at least 10 months was filed by the Industrial Customers of Idaho Power, Idaho Irrigation Pumpers Association, Snake River Alliance, Idaho Conservation League, and Northwest & Intermountain Power Producers Coalition (collectively Movants).

JOINT MOTION FOR STAY

The Movants contend that significant and unforeseen events have taken place since Idaho Power initially filed its Application. Any single one of these events, they contend, 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 Certificate. They further contend that when taken in

concert, the cumulative effect of the following events makes a stay of this proceeding critical.

The events cited by the Movants are the following:

- Pursuant to a shareholder resolution at a recent meeting of Idaho Power stockholders, Company management has committed to develop a greenhouse gas reduction strategy report by September 30, 2009.
- Pursuant to Idaho Power Petition, the file date for the Company's 2009 Integrated Resource Plan was extended from June 2009 to December 31, 2009. Case No. IPC-E-09-13, Order No. 30815.
- Authorized recovery of project costs under new Idaho legislation (*Idaho Code* § 61-541) makes the Commission's decision in this case one of the most far-reaching in Idaho PUC history.
- A softening of the market for wind turbines should enable the Company to renegotiate contract penalty provisions for delay.
- Idaho Power has already delayed the plant's online date beyond the time necessary to meet the summer load of 2012, i.e., until December 2012.
- The continued unprecedented recession will have direct impact on immediacy of need for new power plants.
- Other regional utilities (e.g., PacifiCorp) are mothballing planned expansions.
- The impacts of recent changes in Idaho Power's demand response programs have yet to be ascertained.

On June 12, 2009, Idaho Power Company filed its Answer to the Joint Motion for Stay. The Company characterizes the points raised within the Motion for Stay as a "collection of speculation, conjecture, and unfounded assumptions." Delay in a decision, the Company contends, puts the viability of the Langley Gulch project at risk. All concerns raised by the Intervenors, the Company states, fall within the umbrella of issues identified by the Commission in its April 20, 2009, Notice of Issue Identification and can be presented to the Commission in testimony and exhibits under the procedural schedule and timeline adopted for hearing and decision in this case. The Company in its Answer continues to maintain that Langley Gulch is a needed resource to provide adequate and reliable electric service to its customers. Its commitment to shareholders to provide a report on its greenhouse reduction strategy, it states, does not affect its greater obligation to provide service. Its decision to defer the filing of its 2009

IRP, it states, does not reflect uncertainty as to the need for Langley Gulch. Even with enhanced DSM program participation, the Company still forecasts substantial demand and energy shortfalls. To stay proceedings and push the decision date beyond September 1, 2009, the Company states, will result in very real monetary consequences placing the Company at risk for cancellation fees and lost deposits totaling \$25.5 million.

COMMISSION FINDINGS

The Commission has reviewed and considered the filings of record in Case No. IPC-E-09-03 including the Joint Motion to Stay Proceedings, the Company's Answer, and the adopted case scheduling. The Motion to Stay Proceedings was an agenda item on the Commission's June 15, 2009, Decision Meeting. Present at that meeting and participating in discussion was Peter Richardson, representing the Movants, and Lisa Nordstrom, representing Idaho Power. Clearly, there is some information that would inform the Commission's decision in this case that will not be available until after the scheduled hearing date and the September 1, 2009, proposed date for the Commission Order; however, we cannot allow that uncertainty to paralyze us. There are very real consequences to the requested stay. What we know must be balanced by what we don't know. For this reason, the Commission finds it reasonable to continue with the established scheduling and to build an informed record for decision. Accordingly, the Commission finds it reasonable to continue with the previously established testimony pre-filing and scheduling. We invite the Movants at their discretion to renew their Motion for Stay as a preliminary matter at the beginning of hearing.

At this time, the Commission finds it reasonable to adopt the following additional scheduling in Case No. IPC-E-09-03.

The Commission will conduct a **public hearing** in Case No. IPC-E-09-03 for the purpose of taking **public comment and testimony** on the first day of technical hearing, **TUESDAY, JULY 14, 2009 COMMENCING AT 7:00 P.M. AT 472 WEST WASHINGTON STREET, BOISE, IDAHO.**

The **deadline for filing written comments** in Case No. IPC-E-09-03 will be **Friday, July 24, 2009**. Written comments concerning this Application should be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

Barton L. Kline
Lisa D. Nordstrom
Idaho Power Company
PO Box 70
Boise, ID 83707-0070

E-mail: bkline@idahopower.com
lnordstrom@idahopower.com

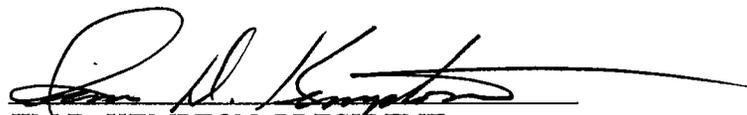
Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click on the "Comments and Questions" icon and complete the comment form using the case number as it appears on the front of this document. These comments must also be sent to Idaho Power at the e-mail addresses listed above.

ORDER

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED that the procedural scheduling previously established in Case No. IPC-E-09-03 remains unchanged and the additional scheduling set forth above is adopted.

IT IS FURTHER ORDERED that the Joint Motion for Stay filed in Case No. IPC-E-09-03 can be renewed by the Movants as a preliminary matter at the time set for technical hearing.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 19th
day of June 2009.


JIM D. KEMPTON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


MACK A. REDFORD, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

bls/O:IPC-E-09-03_sw4