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IDAHO PUBLIC
UTILITIES COMMISSION

November 23, 2010

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

RE: **IPC-E-10-11**

Dear Ms. Jewell:

We are enclosing for filing in the above-referenced docket an original and three (3) copies of the UNOPPOSED CONTINGENT MOTION TO DISMISS.

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

Sincerely,

Gregory M. Adams
Richardson & O'Leary PLLC

encl.

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Attorneys for Complainant AgPower Jerome, LLC

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

AGPOWER JEROME, LLC, Complainant,)	Case No. IPC-E-10-11
vs.)	
IDAHO POWER COMPANY, Defendant.)	UNOPPOSED CONTINGENT MOTION TO DISMISS

AgPower Jerome LLC ("AgPower"), hereby respectfully moves to dismiss its complaint with prejudice in the above-captioned proceeding, contingent upon the Idaho Public Utilities Commission's ("Commission's") approval of the Firm Energy Sales Agreement ("FESA") submitted by Idaho Power Company ("Idaho Power" or the "Company") in Case No. IPC-E-10-26.

A. NATURE OF THE CASE

On April 9, 2010, AgPower filed a Complaint requesting that the Commission direct Idaho Power to execute a power purchase agreement for AgPower's proposed Double A Dairy Digester project containing the published avoided cost prices in effect

prior to issuance of Commission Order No. 31025. On May 6, 2010, Idaho Power filed an Answer to the Complaint. Subsequently, the parties were able to resolve the issues set forth in the Complaint and Answer and on October 13, 2010, entered into a FESA for AgPower's proposed project. On October 21, 2010, Idaho Power submitted an Application in Case No. IPC-E-10-26, requesting Commission approval of the FESA between AgPower and Idaho Power. The Commission issued its Notice of Application in Case No. IPC-E-10-26 on November 16, 2010. By agreement of the parties, AgPower now submits this contingent motion to dismiss its Complaint.

B. REQUESTED RELIEF

Therefore, AgPower hereby moves the Commission to dismiss AgPower's Complaint in this docket with prejudice, contingent upon the Commission's approval of Idaho Power's application in Case No. IPC-E-10-26. AgPower respectfully requests the Commission issue such an order dismissing the Complaint after issuing an order approving Idaho Power's application in Case No. IPC-E-10-26. Counsel for Staff and Idaho Power have reviewed this Motion, and do not oppose it.

Respectfully submitted this ^{23rd} day of November 2010.

RICHARDSON AND O'LEARY PLLC



Peter J. Richardson
Peter J. Richardson
Attorney for AgPower Jerome, LLC
ISB No: 3195

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of November, 2010, a true and correct copy of the within and foregoing UNOPPOSED CONTINGENT MOTION TO DISMISS, was served in the manner shown to:

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
P O Box 83720
Boise, ID 83720-0074
Jean.jewell@puc.idaho.gov

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 U.S. Mail, postage pre-paid
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Attorney for AgPower Jerome, LLC