

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**THE NEW ENERGY COMPANY LLC AND** )  
**WESTERN STATES EQUIPMENT** ) **CASE NO. IPC-E-10-13**  
**COMPANY, INC.,** )  
 )  
**COMPLAINANTS,** )  
 )  
**v.** ) **ORDER NO. 32050**  
 )  
**IDAHO POWER COMPANY,** )  
 )  
**RESPONDENT.** )

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On March 16, 2010, the Commission in Order No. 31025 (Case No. GNR-E-10-01) lowered the published avoided cost rates available to eligible qualifying small power production facilities under the Public Utility Regulatory Policies Act of 1978 (PURPA).

On April 15, 2010, the New Energy Company LLC and Western States Equipment Company, Inc. (Complainants) filed a complaint against Idaho Power Company requesting higher grandfathered rates (Order No. 30744) for its three PURPA qualified anaerobic digester projects, i.e., (1) the Rock Creek Dairy in Filer, Idaho; (2) the Double B Dairy in Wendell, Idaho; and (3) Swager Farms in Buhl, Idaho.

On May 26, 2010, the Complainants in Case No. IPC-E-10-13 filed a Contingent Motion to Dismiss. The contingency was Commission approval of Firm Energy Sales Agreements in Case Nos. IPC-E-10-16 (Rock Creek), IPC-E-10-17 (Swager Farms), and IPC-E-10-18 (Double B).

**COMMISSION FINDINGS**

The Commission has reviewed the filings of record In Case No. IPC-E-10-13 including the Contingent Motion to Dismiss filed by Complainants. We have also reviewed the filings of records in Case Nos. IPC-E-10-16 (Rock Creek), IPC-E-10-17 (Swager Farms), and IPC-E-10-18 (Double B).

On July 1, 2010, the Commission approved the Firm Energy Sales Agreements which form the basis of the Contingent Motion to Dismiss, i.e., Rock Creek – Order No. 32025; Swager Farms – Order No. 32026; and Double B – Order No. 32027.

The Commission finding that the conditions of the Contingent Motion to Dismiss have been satisfied, finds it reasonable to grant the Motion to Dismiss and dismiss the complaint in Case No. IPC-E-10-13.

**CONCLUSIONS OF LAW**

The Idaho Public Utilities Commission has jurisdiction over Idaho Power, an electric utility, and the issues raised in this matter pursuant to the authority and power granted it under Title 61 of the Idaho Code and the Public Utility Regulatory Policies Act of 1978 (PURPA).

The Commission has authority under PURPA and the implementing regulations of the Federal Energy Regulatory Commission (FERC) to set avoided costs, to order electric utilities to enter into fixed-term obligations for the purchase of energy from qualified facilities (QFs) and to implement FERC rules.

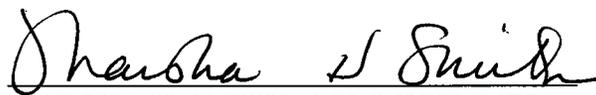
**ORDER**

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED and the Commission does hereby grant the Contingent Motion to Dismiss filed by Complainants and dismisses the complaint in Case No. IPC-E-10-13.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 13<sup>th</sup>  
day of August 2010.

  
JIM D. KEMPTON, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
MACK A. REDFORD, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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