

HIDDEN HOLLOW ENERGY 2 LLC
c/o Fortistar Methane Group LLC
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IDAHO PUBLIC
UTILITIES COMMISSION

June 11, 2012

Idaho Public Utilities Commission
472 W. Washington Street
Boise, Idaho 83702-5918
Attention: Commission Secretary

Re: Firm Energy Sales Agreement – Case No. IPC E-10-44

Dear Sirs and Madames:

We refer to the Firm Energy Sales Agreement between Idaho Power Company (“IPC”) and Hidden Hollow Energy 2 LLC (“Seller”), dated December 8, 2010 (as amended, supplemented or otherwise modified, the “PPA”). Capitalized terms used in this letter without definition have the meanings set forth in the PPA. The PPA was approved by the Idaho Public Utilities Commission (the “Commission”) on February 11, 2011 in Case No. IPC-E-10-44.

Several disputes between Seller and IPC have arisen under the PPA in connection with the occurrence of two separate events of Force Majeure, each of which has prevented Seller from performing under the PPA. These events involve (i) the inability to date of Seller to obtain an air permit from the Idaho Department of Environmental Quality due to actions taken solely by Ada County (the “County”), and (ii) the execution of certain contracts by the County, IPC and Dynamis Energy, LLC, which Seller believes make it impossible for Seller to receive the quantity and quality of fuel necessary to operate its electric generating facility at the Ada County Landfill, as required by the Landfill Gas Franchise Agreement between Seller and the County.

IPC (i) has notified Seller that IPC rejects Seller’s position that events of Force Majeure exist, and (ii) has threatened to terminate the PPA and assess significant monetary delay liquidated damages against Seller.

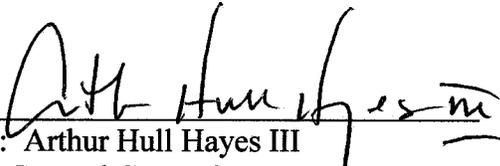
Section 19.1 of the PPA provides that “All disputes related to or arising under this Agreement, including, but not limited to, the interpretation of the terms and conditions of this Agreement, will be submitted to the Commission for resolution”. Thus, pursuant to Section 19.1 of the PPA, Seller hereby submits the aforementioned disputes to the Commission, and respectfully requests the Commission’s resolution of the same.

Under separate cover, Seller will supply the Commission with relevant documentation relating to the disputes described above. Seller also requests from the Commission guidance as to the Commission’s evidentiary requirements, procedures and schedule for resolving the issues outlined above.

If you have any questions regarding the foregoing, please contact either Arthur Hayes, General Counsel of Seller (914-421-4910 and ahayes@fortistar.com), or Stephen Thomas of Moffatt Thomas Barrett Rock & Fields, Chtd. (208-345-2000 or srt@moffatt.com).

Very truly yours,

HIDDEN HOLLOW ENERGY 2 LLC

By: 
Name: Arthur Hull Hayes III
Title: General Counsel

Cc: Idaho Power Company
Stephen Thomas, Esq.