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**DONOVAN E. WALKER**  
Lead Counsel  
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April 21, 2011

**VIA HAND DELIVERY**

Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
P.O. Box 83720  
Boise, Idaho 83720-0074

Re: Case No. IPC-E-10-62  
*IN THE MATTER OF THE APPLICATION OF IDAHO POWER COMPANY  
FOR A DETERMINATION REGARDING A FIRM ENERGY SALES  
AGREEMENT BETWEEN IDAHO POWER AND GROUSE CREEK WIND  
PARK II, LLC*

Dear Ms. Jewell:

Enclosed for filing please find an original and seven (7) copies of Idaho Power Company's Objection to Request for Oral Argument in the above matter.

Very truly yours,

Donovan E. Walker

DEW:csb  
Enclosures

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Attorneys for Idaho Power Company

Street Address for Express Mail:  
1221 West Idaho Street  
Boise, Idaho 83702

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-10-61  
DETERMINATION REGARDING A FIRM )  
ENERGY SALES AGREEMENT ) IDAHO POWER COMPANY'S  
BETWEEN IDAHO POWER AND ) OBJECTION TO REQUEST FOR  
GROUSE CREEK WIND PARK, LLC ) ORAL ARGUMENT  
)

IN THE MATTER OF THE APPLICATION )  
OF IDAHO POWER COMPANY FOR A ) CASE NO. IPC-E-10-62  
DETERMINATION REGARDING A FIRM )  
ENERGY SALES AGREEMENT ) IDAHO POWER COMPANY'S  
BETWEEN IDAHO POWER AND ) OBJECTION TO REQUEST FOR  
GROUSE CREEK WIND PARK II, LLC ) ORAL ARGUMENT  
)

Idaho Power Company ("Idaho Power"), in response to the Motion to Set Time for Oral Argument filed on April 7, 2011, by Grouse Creek Wind Park, LLC, and Grouse Creek Wind Park II, LLC (collectively "Grouse Creek"), hereby respectfully objects to Grouse Creek's Motion. Oral argument is not necessary in these proceedings. Grouse Creek did not request a hearing nor oral argument within the comment deadline. As

described below, Grouse Creek has not alleged a sufficient basis requiring oral argument.

The Commission ordered that these matters be processed pursuant to Idaho Public Utilities Commission ("Commission") Rules of Procedure 201 through 204, the Commission's rules on Modified Procedure. Order No. 32191. Order No. 32191 set forth March 24, 2011, as the deadline for comments and any request for a hearing and March 31, 2011, as the deadline for Idaho Power to file reply comments. Comments were filed by Commission Staff and by Grouse Creek within the comment deadline. Idaho Power filed Reply Comments by the reply comment deadline.

The Commission found preliminarily that the public interest may not require a hearing to consider the issues presented in these matters and that the proceeding may be processed under Modified Procedure; i.e., by written submission rather than by hearing. RP 201. Under Modified Procedure, "Persons desiring a hearing must specifically request a hearing in their written protests or comments." RP 203. "If protests, supports, comments or a reply are filed within the deadlines, the Commission will consider them and may set the matter for hearing or may decide the matter and issue its order on the basis of the written positions before it." RP 204.

Grouse Creek submitted lengthy Comments in these proceedings. It did not, however, request a hearing either in its Comments or subsequently. Instead Grouse Creek, two weeks after the comment deadline, has requested oral argument. The basis of its request for oral argument is the allegation that there are inconsistencies with statements of fact made by Idaho Power in its Reply Comments and the Comments submitted by Grouse Creek and suggests that, "Because the records in these cases are

lengthy and Idaho Power appears to interpret the evidence different than the Grouse Creek QFs, the Grouse Creek QFs submit that it would be beneficial for the Commission to hold oral argument in these cases.”

Resolving disputed factual issues is a legitimate, proper, and necessary function of the Commission that it is well equipped and authorized to do, even for cases processed pursuant the Commission’s rules on Modified Procedure. Oral argument is not the proper vehicle for the submission of factual evidence, and is not necessary in these matters. These cases are being processed under Modified Procedure, and the comment deadline has passed with no requests for a hearing or oral argument. Grouse Creek has made a lengthy submission on behalf of the projects, and Staff and the Company have also filed comments. There is no need for oral argument, certainly not solely to resolve disputed issues of fact in the written record. The Commission should render its decision in these matters based upon the written record pursuant to its rules on Modified Procedure.

DATED at Boise, Idaho, this 21<sup>st</sup> day of April 2011.



DONOVAN E. WALKER  
Attorney for Idaho Power Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 21<sup>st</sup> day of April 2011 I served a true and correct copy of IDAHO POWER COMPANY'S OBJECTION TO REQUEST FOR ORAL ARGUMENT upon the following named parties by the method indicated below, and addressed to the following:

**Commission Staff**

Kristine Sasser  
Deputy Attorney General  
Idaho Public Utilities Commission  
472 West Washington  
P.O. Box 83720  
Boise, Idaho 83720-0074

Hand Delivered  
 U.S. Mail  
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**Grouse Creek Wind Park, LLCs**

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Donovan E. Walker