

1 PURPA PPAs to the effect that Idaho Power makes no claim to REC ownership;” and (3) grant
2 “any other relief that the Commission deems necessary.”

3 LEGAL CLAIM

4 29.¹ The Complaint, while focused on REC ownership, was predicated on the PPA
5 tendered by Idaho Power to Grand View Two on March 10, 2011.

6 30. That the PPA tendered on March 10 and ready for execution was confirmed by
7 Idaho Power’s counsel in a July 10, 2011, email in which Mr. Donovan Walker stated that “To
8 clarify: the parties will sign the last tendered contract, to which you indicated the project was in
9 complete agreement with – except for a change in the project name, and the Environmental
10 Attribute language.”

11 31. The March 10, 2011 PPA was acceptable in all respects to both Idaho Power and
12 Grand View Two, except for language addressing environmental attributes, or RECs.

13 32. Grand View Two did not execute the tendered contract, but instead filed its
14 complaint with the Commission seeking an order requiring Idaho Power to execute the tendered
15 contract with language disclaiming Idaho Power’s ownership of RECs.

16 33. On December 2, 2011, Idaho Power submitted to Grand View Two a new “draft
17 Idaho Power PURPA agreement for your proposed Grandview II.”

18 34. The new draft PURPA agreement contains rate and terms and conditions not in
19 the originally tendered contract.

20 35. The new draft PURPA agreement eliminates seasonality contrary to this
21 Commission’s orders.

22 37. The new draft PURPA agreement contains rates that were not in effect at the time
23 Grand View committed Idaho Power to purchase its QF power and energy

¹ Paragraph numbering continued from Complaint.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of December, 2011, a true and correct copy of the within and foregoing **FIRST AMENDMENT TO FORMAL COMPLAINT BY GRAND VIEW PV SOLAR TWI** was served in the manner shown to:

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington (83702)
PO Box 83720
Boise, ID 83720-0074

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Lisa Nordstrom
Donovan Walker
Idaho Power Company
PO Box 70
Boise, Idaho 83707-0070
lnordstrom@idahopower.com
bkline@idahopower.com

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Kriss Sasser
Deputy Attorney General
Idaho Public Utilities Commission
472 W. Washington
Boise ID 83702
Scott.woodbury@puc.idaho.gov

Hand Delivery
 U.S. Mail, postage pre-paid
 Facsimile
 Electronic Mail

Nina Curtis

Nina Curtis
Administrative Assistant