

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF)	CASE NO. IPC-E-11-23
IDAHO POWER COMPANY FOR A)	
DECLARATORY ORDER REGARDING)	
PURPA JURISDICTION.)	ORDER NO. 33376
)	

On November 3, 2011, Idaho Power Company filed a Petition for Declaratory Order requesting that the Commission issue an Order determining jurisdiction over a wheeling PURPA transaction proposed by Kootenai Electric Cooperative, Inc. ("Kootenai"). Prior to the filing of this case, Kootenai had filed and was pursuing a complaint in the Oregon Public Utility Commission regarding the same subject. On November 25, 2011, Kootenai filed an answer and motion to dismiss with this Commission contending that Idaho Power was not entitled to the relief requested. Additionally, during the pendency of the Oregon case, Kootenai filed a Petition for relief with the Federal Energy Regulatory Commission ("FERC").

On June 14, 2013, FERC ruled that Idaho Power was required to purchase Kootenai's output. *See Notice and Order*, 143 FERC 61,232 (2013). FERC denied Idaho Power's request for reconsideration on December 18, 2013, and on January 9, 2014, the Oregon Public Utility Commission entered a final order granting Kootenai Electric's complaint.

Following a protracted period of procedural inactivity, on September 8, 2015, Idaho Power filed the pending Motion to Dismiss without prejudice, pursuant to Rules 56 and 68. The Commission has been informed by Staff Counsel that there is no objection to a dismissal of the complaint by any of the interested parties. The Commission has reviewed Idaho Power's request and the record in this matter, and finds good cause to grant Idaho Power's request.

ORDER

IT IS HEREBY ORDERED that the Petition in this matter be dismissed without prejudice and that the case docket be closed.

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 days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

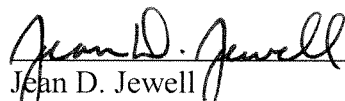
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 15th
day of September 2015.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


KRISTINE RAPER, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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