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IDAHO PUBLIC UTILITIES COMMISSION

**JASON B. WILLIAMS**  
Corporate Counsel  
[jwilliams@idahopower.com](mailto:jwilliams@idahopower.com)

April 19, 2012

**VIA HAND DELIVERY**

Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
Boise, Idaho 83702

Re: Case No. IPC-E-12-02  
*IN THE MATTER OF THE PETITION OF HOKU MATERIALS, INC., FOR REPARATION AND REFORMATION OF ITS AMENDED SPECIAL CONTRACT WITH IDAHO POWER COMPANY*

Dear Ms. Jewell:

Attached please find a Notice of Termination sent to Hoku Materials, Inc., today for its failure to pay under the terms of the Second Amended and Restated Energy Service Agreement approved by the Idaho Public Utilities Commission in Final Order No. 32525.

Very truly yours,



Jason B. Williams

JBW:csb  
Enclosures  
cc: Service List



April 19, 2012

Hoku Materials, Inc.  
Attn: Austin Webb  
One Hoku Way  
Pocatello, ID 83204

Subject: Initial Notice of Termination

Dear Mr. Webb:

Your March Energy Services Agreement invoice D0312002 in the amount of \$934,645.90 was due Wednesday, April 18<sup>th</sup>. As of the morning of April 19<sup>th</sup>, payment has not been received. Per IPUC's Utility Customer Relations Rule 602, failure to pay an undisputed bill is grounds for termination of service. As a result of your past due payment, Hoku's energy service will be terminated on the morning of Thursday, April 26<sup>th</sup> unless payment is received prior to 5 p.m. Mountain Time on Wednesday, April 25<sup>th</sup>.

Pursuant to the Idaho Public Utilities Commission ("Commission's) rules, an informal or formal complaint concerning this termination may be filed with the Commission. Service will not be terminated prior to the resolution of a filed complaint.

In addition, be advised you are currently in breach of the Settlement Stipulation approved by the Commission in Order No. 32486 in Case No. IPC-E-12-02. Specifically, paragraph 7 of the Settlement Stipulation states "Hoku agrees to remain current on all invoices it receives from Idaho Power for the remainder of the Term of the AESA as modified by this Settlement Stipulation." As of today, Hoku is not current on its invoice to Idaho Power and is therefore in breach of the Settlement Stipulation. Idaho Power is currently evaluating its legal rights and remedies related to Hoku's breach of the Settlement Stipulation.

Regards,

Aubrae Sloan  
Finance Team Leader

cc: Dan Minor  
Warren Kline  
Mike Youngblood  
Sam Golay  
Jason Williams  
Dave Joerger  
Idaho Public Utilities Commission

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1221 W. Idaho St. (83702)  
P.O. Box 70  
Boise, ID 83707

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of April 2012 I served a true and correct copy of the within and foregoing LETTER TO JEAN JEWELL DATED APRIL 19, 2012, upon the following named parties by the method indicated below, and addressed to the following:

**Commission Staff**

Donald L. Howell, II  
Deputy Attorney General  
Idaho Public Utilities Commission  
472 West Washington (83702)  
P.O. Box 83720  
Boise, Idaho 83720-0074

Hand Delivered  
 U.S. Mail  
 Overnight Mail  
 FAX  
 Email [Don.Howell@puc.idaho.gov](mailto:Don.Howell@puc.idaho.gov)

**Hoku Materials, Inc.**

Dean J. Miller  
McDEVITT & MILLER LLP  
420 East Bannock (83702)  
P.O. Box 2564  
Boise, Idaho 83701

Hand Delivered  
 U.S. Mail  
 Overnight Mail  
 FAX  
 Email [joe@mcdevitt-miller.com](mailto:joe@mcdevitt-miller.com)  
[heather@mcdevitt-miller.com](mailto:heather@mcdevitt-miller.com)

  
Christa Bearry, Legal Assistant