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IDAHO PUBLIC
UTILITIES COMMISSION

DONOVAN E. WALKER
Lead Counsel
dwalker@idahopower.com

January 24, 2013

VIA HAND DELIVERY

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

Re: Case No. IPC-E-10-19
Grand View Solar One PV, LLC, Firm Energy Sales Agreement – Idaho
Power Company's Motion for Approval of Confidential Settlement Agreement

Dear Ms. Jewell:

Enclosed for filing in the above matter are an original and seven (7) copies of Idaho Power Company's Motion for Approval of Confidential Settlement Agreement.

In addition, the Confidential Settlement Agreement is provided in a sealed envelope labeled **confidential**. Please handle the confidential information in accordance with the Protective Agreement executed in this matter.

Very truly yours,

Donovan E. Walker

DEW:csb
Enclosures

DONOVAN E. WALKER (ISB No. 5921)
Idaho Power Company
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Attorney for Idaho Power Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF AMENDMENTS)
TO THE FIRM ENERGY SALES) CASE NO. IPC-E-10-19
AGREEMENT BETWEEN IDAHO)
POWER COMPANY AND GRAND VIEW) IDAHO POWER COMPANY'S
SOLAR ONE PV, LLC.) MOTION FOR APPROVAL OF
) CONFIDENTIAL SETTLEMENT
) AGREEMENT
)

I. MOTION

Idaho Power Company ("Idaho Power" or "Company") hereby moves the Idaho Public Utilities Commission ("Commission") pursuant to *Idaho Code* § 61-502, RP 56, and RP 274 for an order approving the Confidential Settlement Agreement ("Settlement Agreement") executed between Idaho Power and Grand View Solar One PV, LLC ("Grand View One"). The Settlement Agreement is being submitted as a confidential document in this proceeding and will be provided to those parties that have executed the Protective Agreement for this matter. This Motion is based on the following:

II. BACKGROUND

1. On June 8, 2010, Idaho Power and Grand View One entered into a Firm Energy Sales Agreement ("FESA") pursuant to the Public Utility Regulatory Policies Act

of 1978 ("PURPA"), which provides that Grand View One will construct, maintain, and operate a photovoltaic solar electric generation facility and that Idaho Power will buy electric energy produced by the facility. On September 1, 2010, the Commission approved the FESA. Order No. 32068, Case No. IPC-E-10-19.

2. On April 3, 2012, Idaho Power and Grand View One executed a Letter of Understanding and Agreement that addressed a potential default of the FESA, established a required Operation Date of January 12, 2013, required posting of \$810,000 security by Grand View One, and provided that Idaho Power would terminate the FESA and collect damages of \$810,000 if Grand View One did not achieve the January 12, 2013, Operation Date. The Commission approved this Letter of Understanding and Agreement by Order No. 32593 in Case No. IPC-E-10-19.

3. On January 9, 2013, Grand View One contacted Idaho Power and advised that the Grand View One project would not be on-line by the required Operation Date of January 12, 2013, and requested to voluntarily terminate the FESA prior to the January 12, 2013, date.

4. A voluntary termination of an existing FESA, prior to a default or material breach of the FESA, is not specifically contemplated in the FESA. Various provisions within the FESA are triggered once a project misses its Operation Date or is otherwise in material breach of the agreement. However, the FESA terms and conditions do not specifically address a voluntary termination initiated by the project prior to the Operation Date.

5. On January 11, 2013, Idaho Power and Grand View One executed a Confidential Settlement Agreement, attached hereto, that provides for the immediate

termination of the FESA, the collection of damages, and the disposition of the project's Delay Security held by Idaho Power.

6. The Settlement Agreement contains a provision stating that all terms and conditions of the Settlement Agreement are subject to approval by this Commission and that only after such approval, without material change or modification, has been received shall the Settlement Agreement be valid.

7. The Confidential Settlement Agreement is a fair, equitable, and final resolution to this matter, and is in the public interest. Idaho Power respectfully requests that the Commission grant this Motion and approve the Confidential Settlement Agreement in its entirety, without material change or condition, pursuant to RP 274.

III. REQUEST FOR MODIFIED PROCEDURE

8. Pursuant to RP 201, Idaho Power believes the public interest does not require a hearing to consider the issues presented by this Motion and Idaho Power requests it be processed as expeditiously as possible by Modified Procedure.

IV. REQUESTED RELIEF

NOW, THEREFORE, Idaho Power respectfully requests that the Commission enter its Order (1) directing that consideration of the Confidential Settlement Agreement be conducted by Modified Procedure and (2) approving the Confidential Settlement Agreement without material condition or modification.

Respectfully submitted this 24th day of January 2013.



DONOVAN E. WALKER
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January 2013 I served a true and correct copy of IDAHO POWER COMPANY'S MOTION FOR APPROVAL OF CONFIDENTIAL SETTLEMENT AGREEMENT upon the following named parties by the method indicated below, and addressed to the following:

Commission Staff

Kristine A. Sasser
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 kris.sasser@puc.idaho.gov

Grand View Solar One PV, LLC

Mark Scher, General Manager
Corona Capital Partners
300 Great Oaks Boulevard, Suite 320
Albany, New York 12203

- Hand Delivered
- U.S. Mail
- Overnight Mail
- FAX
- Email mscher@coronacapitalpartners.com


Christa Bearry, Legal Assistant

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-10-19

CONFIDENTIAL SETTLEMENT AGREEMENT

**THE SETTLEMENT
AGREEMENT IS
CONFIDENTIAL
AND WILL BE PROVIDED
TO THOSE PARTIES THAT
HAVE SIGNED THE
PROTECTIVE
AGREEMENT**