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IDAHO PUBLIC UTILITIES COMMISSION

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Tuana Springs Energy, LLC; and High Mesa Energy, LLC

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF APPLICATION OF) IPC-E-13-22
IDAHO POWER COMPANY TO UPDATE ITS)
WIND INTEGRATION RATES AND) **MOTION TO DISMISS**
CHARGES.)

I. INTRODUCTION

Pursuant to Idaho Public Utilities Commission (“IPUC” or “Commission”) Rules of Procedure (“RP”) 56 and 256, and Idaho R. Civ. Pro. 12(c), Cold Springs Windfarm, LLC, Desert Meadow Windfarm, LLC, Hammett Hill Windfarm, LLC, Mainline Windfarm, LLC, Ryegrass Windfarm, LLC, Two Ponds Windfarm, LLC, Cassia Wind Farm LLC, Hot Springs

Windfarm, LLC, Bennett Creek Windfarm, LLC, Cassia Gulch Wind Park LLC, Tuana Springs Energy, LLC, and High Mesa Energy, LLC (collectively “Movants”) hereby move the Commission to dismiss Idaho Power Company’s (“Idaho Power” or the “Company”) Application. Idaho Power’s Application recommends that the Commission modify the rates and terms in existing contractual legally enforceable obligations of qualifying facilities (“QFs”) without the consent of the QFs. However, the Public Utility Regulatory Policies Act of 1978 (“PURPA”) and implementing regulations of the Federal Energy Regulatory Commission (“FERC”) preempt such unilateral modification of existing contractual legally enforceable obligations. Indeed, federal law preempts the entire administrative process of entertaining Idaho Power’s Application because the process itself subjects Movants to a preempted burden.

Therefore, the Commission should dismiss Idaho Power’s Application in its entirety and allow the Company to re-file an Application that does not recommend applying a new wind integration charge to existing contractual legally enforceable obligations. Alternatively, at the bare minimum, the Commission should dismiss and strike from the record the portions of Idaho Power’s Application and testimony that recommend that the Commission alter the rates and terms in existing contractual legally enforceable obligations. Finally, the Commission should instruct Idaho Power that efforts to unilaterally modify existing contractual relationships with QFs are preempted and inconsistent with this Commission’s orders, and will not be entertained in this docket or any future dockets.

II. BACKGROUND

A. Movants’ QF Projects

Movants’ QF projects can be grouped into two different classes based upon upstream