Peter J. Richardson (ISB No. 3195)
Richardson Adams, PLLC
515 N. 27th Street
Boise, Idaho 83702
Telephone: (208) 938-7900
Fax: (208) 938-7904
peter@richardsonadams.com

Attorney for Cold Springs Windfarm, LLC; Desert Meadow Windfarm, LLC; Hammett Hill Windfarm, LLC; Mainline Windfarm, LLC; Ryegrass Windfarm, LLC; and Two Ponds Windfarm, LLC

Gregory M. Adams (ISB No. 7454)
Richardson Adams, PLLC
515 N. 27th Street
Boise, Idaho 83702
Telephone: (208) 938-7900
Fax: (208) 938-7904
greg@richardsonadams.com

Attorney for 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

RECEIVED
2013 FEB 28 PM 12:31
IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE

IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF APPLICATION OF IDAHO POWER COMPANY TO UPDATE ITS WIND INTEGRATION RATES AND CHARGES.	IPC-E-13-22 **MOVANTS REQUEST FOR LEAVE TO FILE REPLY AND MOVANTS' REPLY IN SUPPORT OF MOTION TO DISMISS**

I. INTRODUCTION

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 request that the Idaho Public Utilities Commission ("IPUC" or "Commission") accept and consider this Reply to Idaho Power Company's ("Idaho Power" or the "Company") Answer to Movants' Motion to Dismiss. As explained below, Idaho Power has pointed to no credible reason or legal basis why the Commission should consider its request to unilaterally modify the terms in Movants' contractual legally enforceable obligations, and the applicable procedural rules therefore support dismissal at this time. In fact, any action short of that requested by Movants would endorse Idaho Power's ongoing efforts to subject the rates in Movants' fixed-price Firm Energy Sales Agreements ("FESA") to utility-type regulation barred by the Public Utility Regulatory Policies Act of 1978 ("PURPA").

II. REQUEST FOR LEAVE TO REPLY

The applicable rules do not expressly provide for, or prohibit, a reply to an answer to a motion to dismiss. *See* IPUC Rules of Procedure ("RP") 56, 256. However, the Commission has recently accepted a responsive pleading to an answer to a motion to dismiss. *See In re Petition of J.R. Simplot Co. for a Determination of Price Regarding the Purchase and Acquisition of Certain Assets Owned by Idaho Power Co.*, IPUC Case No. IPC-E-13-17, Order No. 32970 at 4 (2013) (discussing Idaho Power's "supplemental" filing made in response to an answer to Idaho Power's motion to dismiss). Movants respectfully request that the Commission accept and consider this Reply made within a week of Idaho Power's Answer because it will clarify the issues before the Commission and not unduly delay a decision. Further, without an opportunity to reply, Movants would be left without the opportunity to address new arguments in Idaho Power's Answer.