(text box: 1)BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

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| EARTH POWER RESOURCES, INC.,  Complainant,  vs.   IDAHO POWER COMPANY  Respondent. | )  )  )  )  )  )  )  )  )  ) | CASE NO. IPC-E-96-14  ORDER NO.  26599 |

On July 3, 1996, Earth Power Resources, Inc. (Earth Power) filed a Complaint against Idaho Power Company (Idaho Power) with the Idaho Public Utilities Commission (Commission).  Earth Power contends that it has offered to sell to Idaho Power the output of two 1 MW geothermal PURPA qualifying projects located at Allen Springs and Lee Hot Springs in Churchill County, Nevada, and that Idaho Power has refused to purchase at rates, terms and conditions that Earth Power believes that it is otherwise entitled to.

On July 26, 1996, Idaho Power filed a Motion to Stay proceedings pending resolution of a contract dispute between Idaho Power and Earth Power in an Idaho District Court proceeding.  Idaho Power contends that the District Court action bears on Idaho Power’s obligation to purchase and may be dispositive of proceedings before the Commission.  Reference February 10, 1994 Option Agreement.

On August 1, 1996, Earth Power filed a Motion for Stay pending resolution of PacifiCorp’s Application for Declaratory Ruling in Case No. UPL-E-96-5.  Earth Power requests the right to respond to Idaho Power’s Motion to Stay in the event the declaratory ruling docket is concluded prior to the conclusion of Idaho Power’s suit against Earth Power in District Court.

On August 7, 1996, Idaho Power in a response to Earth Power’s Motion recommends that the Commission stay further proceedings in Case No. IPC-E-96-14 until both the PacifiCorp proceeding and the District Court proceeding have been completed.

Commission Findings

The Commission has reviewed and considered the filings of record in Case No. IPC-E-96-14 and related Case Nos.  UPL-E-96-5 and WWP-E-96-6.

Based upon the established record, we find it reasonable to stay proceedings in Case No. IPC-E-96-14 pending further motion from either Idaho Power or Earth Power.

O R D E R

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED and the Commission does hereby stay further proceedings in Case No. IPC-E-96-14 pending further motion by either Idaho Power Company or Earth Power Resources, Inc.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this                  day of September 1996.

                                                                                                                                      RALPH NELSON, PRESIDENT

                                                                                           MARSHA H. SMITH, COMMISSIONER

DENNIS S. HANSEN, COMMISSIONER

ATTEST:

Myrna J. Walters

Commission Secretary

vld/O:IPC-E-96-14.sw

**COMMENTS AND ANNOTATIONS**

Text Box 1:

**TEXT BOXES**

Office of the Secretary

Service Date

September 5, 1996