

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE PETITION BY )  
PACIFICORP FOR AN ORDER DETER- )  
MINING THAT PACIFICORP IS NOT )  
REQUIRED TO PROVIDE WHEELING )  
SERVICE TO SNAKE RIVER VALLEY )  
ELECTRIC ASSOCIATION. )** **CASE NO. PAC-E-01-6**  
**ORDER NO. 29688**

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This case was initiated by PacifiCorp in 2001 when it filed a petition pursuant to *Idaho Code* § 61-332D. Section 61-332D was enacted in 2001 following litigation between PacifiCorp and Snake River Valley Electric Association (Snake River) regarding PacifiCorp's obligation to wheel electric service to Snake River. Section 61-332D provides that electric suppliers are not required to provide wheeling service "if such service results in retail wheeling and/or a sham wholesale transaction." An electric supplier that declines to furnish wheeling service may petition the Commission "for review of the electric supplier's action in respect to a request for such service." *Idaho Code* § 61-332D(2).

After PacifiCorp filed its Petition with the Commission, litigation between the parties continued in federal court. Accordingly, at the parties' request, this action before the Commission was put on hold. In late 2004 the court case concluded when the United States Supreme Court declined to hear an appeal by Snake River of a Ninth Circuit Court of Appeals decision. Thereafter, PacifiCorp notified the Commission that federal court litigation was concluded and that the period identified by Snake River for its wheeling request terminated in April 2001. PacifiCorp advised that this case is moot and it does not intend to pursue its Petition.

Staff recommended, in light of the lack of interest in the case by the Petitioner, that the Commission dismiss this case and close the file. We find it appropriate in these circumstances to dismiss PacifiCorp's Petition and close the case.

**ORDER**

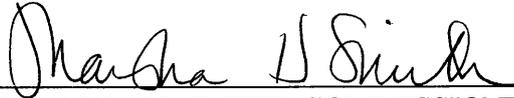
IT IS HEREBY ORDERED that the Petition filed by PacifiCorp regarding its obligation to provide wheeling services to Snake River is dismissed and this case is closed.

THIS IS A FINAL ORDER. Any person interested in this Order may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* § 61-626.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 20<sup>th</sup> day of January 2005.



PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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