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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Schwendiman Wind LLC,

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Pacificorp
for the Approval of a Power Purchase Sale
Agreement for the Sale and Purchase of
Electric Energy Between PacifiCorp and
Schwendiman Wind LLC

Case No. PAC-E-05-09

**PETITION FOR RECONSIDERATION
OR, ALTERNATIVELY, PETITION
TO AMEND**

COMES NOW Schwendiman Wind LLC (“Schwendiman”), pursuant to IPUCRP 331—
340, and respectfully Petitions the Commission to reconsider Order No. 29880 for the reasons set
forth below. Alternatively, pursuant to IPUCRP 326, Schwendiman respectfully Petitions the
Commission to Amend Order No. 29880 for the reasons set forth below.

PETITION FOR RECONSIDERATION

Order No. 29880 is unreasonable because it requires Schwendiman to accept a purchase
power agreement containing a clause—the 90-110 performance band—which impairs the
commercial viability of the proposed project. At the time the performance band concept was
adopted in Order No. 29632 it may have been difficult to predict with certainty to financial
consequences for the discounted pricing scheme associated with the performance band. With the
passage of time and the opportunity for more extensive analysis, it has become apparent to
Schwendiman that the discounted pricing scheme severely jeopardizes the commercial viability
of the proposed project.

Schwendiman requests reconsideration by evidentiary hearing on the issue of impairment of commercial viability. Schwendiman would present expert testimony analyzing the financial effect on the proposed project of the discounted pricing scheme under various scenarios and demonstrating that the discounted pricing scheme creates financial risks of an unacceptable magnitude.

Parenthetically, Schwendiman notes the fact that other persons have signed agreements containing a 90-110 clause is not particularly relevant. It is not known whether developers of other projects performed an appropriate financial risk analysis or whether the other projects have some special features that mitigate the risk of the discounted pricing scheme.

MOTION TO AMEND

Alternatively, Schwendiman respectfully Petitions the Commission to amend Order No. 29880 by removing the "Final Order" paragraph and thereby allow the order to remain interlocutory for a period of time.

Subsequent to the issuance of Order No. 29880 Schwendiman has continued discussions with PacifiCorp aimed at developing an agreement acceptable to the parties and the Commission. In this regard, Schwendiman is awaiting receipt from PacifiCorp of alternative pricing proposals, which have been promised by the end of October. Additionally, Schwendiman, through its counsel, has had preliminary discussion with Staff regarding possible alternatives to the discounted pricing scheme. Schwendiman intends to pursue those discussions further. These facts constitute new information within the meaning of IPUCRP 326(b).

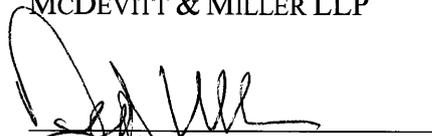
By removing the "Final Order" paragraph from Order No. 29880 the Commission would allow for the possibility that an amended purchase power agreement could be filed in this docket thus avoiding the expense and effort associated with the opening and processing of a new,

separate application. Schwendiman would keep the Commission advised as to the status of discussions so that it can be determined whether an amended agreement will be submitted within a reasonable time or whether this case should be closed.

DATED this 25 day of October, 2005.

Respectfully submitted,

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