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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Avimor, LLC

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF) **Case No. IPC-E-06-23**
IDAHO POWER COMPANY FOR APPROVAL OF)
AN AGREEMENT BETWEEN AVIMOR, LLC)
AND IDAHO POWER TO PROVIDE ELECTRIC)
TRANSMISSION AND SUBSTATION) **NOTICE OF APPEAL**
FACILITIES TO THE AVIMOR MULTI-USE)
DEVELOPMENT)
_____)

AVIMOR, LLC, an Idaho Limited Liability Company

APPELLANT

v.

THE IDAHO PUBLIC UTILITIES COMMISSION

RESPONDENT

NOTICE OF APPEAL

TO: THE ABOVE NAMED RESPONDENT, THE IDAHO PUBLIC UTILITIES COMMISSION AND ITS ATTORNEY, THE HON. LAWRENCE G. WARDEN, ATTORNEY GENERAL OF THE STATE OF IDAHO, AND JEAN D. JEWELL, SECRETARY OF THE ABOVE NAMED RESPONDENT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named appellant, Avimor, LLC, an Idaho limited liability company, appeals against the above named Respondent to the Idaho Supreme Court from Idaho Public Utilities Commission Order Nos. 30322 and 30396 entered in Case No. IPC-E-06-23 on May 24, 2007 and August 3, 2007, respectively.

2. Appellant has a right to appeal to the Idaho Supreme Court, and the Orders described in paragraph 1 above are appealable orders pursuant to *Idaho Code* § 61-627, Rule 11(e) of the Idaho Appellate Rules, and Rule 341 of the Idaho Public Utilities Commission's Rules of Procedure, IDAPA 31.01.01.341.

3. Appellant's preliminary statement of the issues on appeal which the appellant intends to assert in the appeal is:

In general, Avimor asserts that Final Order Nos. 30322 and 30396 are unreasonable, unlawful, erroneous, unduly discriminatory and not in conformance with the facts of record and/or applicable law. Specifically, Avimor contends:

1) Avimor asserts that Final Order Nos. 30322 and 30396 are unreasonable, unlawful, erroneous, unduly discriminatory and not in conformance with the facts of record and/or applicable law because the Commission's sole reason for not approving the terms of the proposed amended Special Facilities Agreement or original Special Facilities Agreement, that they would place a "great financial burden" and "undue risk" on existing ratepayers, is not supported by substantial and competent evidence in the record..

2) The Commission's findings in Order Nos. 30322 and 30396 discriminate against Avimor to its detriment in violation of *Idaho Code* § 61-315 and also in violation of the Equal Protection Clause of the United States and Idaho Constitutions; and,

3) The Commission's finding that new evidence concerning what the average per customer connection cost provided to Avimor as a result of the filing of Idaho Power Company's new rate case with the Commission, Case No. IPC-E-07-08, was not sufficient to justify increasing the refund amount is unreasonable, unlawful, erroneous, unduly discriminatory as that average cost number is currently before the Commission for its review and has been verifiable for some time.

4. No order has been entered in Case No. IPC-E-06-23 sealing all or any portion of the record.

5. No reporter's transcript is requested.

6. The appellant requests the following documents to be included in the agency's record in addition to those automatically included under Rule 28 of the Idaho Appellate Rules.

1) *Board of Ada County Commissioners, Findings of Fact, Conclusions of Law and Order*, 05-001-PC, pp. 1, 10 & 23-25, submitted under separate cover.

2) *In the Matter of the Application of Idaho Power Company for Authority to Increase its Interim and Base Rates and Charges for Electric Service*, Order No. 29505, Case No. IPC-03-13.

3) *In the Matter of Idaho Power Company's Application to Implement a Demand Side Management Incentive Pilot Program*, Case No. IPC-E-06-32, Order No. 30268.

4) *In the Matter of Idaho Power Company's 2006 Integrated Resource Plan*, Case No. IPC-06-24, Order No. 30281.

5) *In the Matter of the Application of PacifiCorp DBA Utah Power & Light Company for Approval of a New DSM Cost Recovery Mechanism and Enhanced Energy Efficiency Programs for Commercial, Industrial, Agricultural and Residential Customers*, PAC-E-05-10, Order 29952.

6) *In the Matter of the Investigation Concerning Issues Related to Idaho Power Company's Cost of Service*, Case No. IPC-E-06-24, The Parties' Final Report pp. 1-7.

7) *Idaho Power Company's Response to the First Production Request of the Commission Staff*, Case No. IPC-E-06-23.

8) *Idaho Power Company's Responses to Discovery Request of Avimor, LLC*, dated March 16, 2007, submitted under separate cover.

9) Electronic mail between Alden J. Holm, Tim Tatum and Greg Said, dated March 8, 16, 19 and 20, 2007, submitted under separate cover.

7. I certify that:

(a) That no copy of this notice of appeal was served on a reporter as this case was processed by a written proceeding and there are no transcripts;

(b) A copy of this Notice of Appeal has been served on the Commission Secretary for the Idaho Public Utilities Commission;

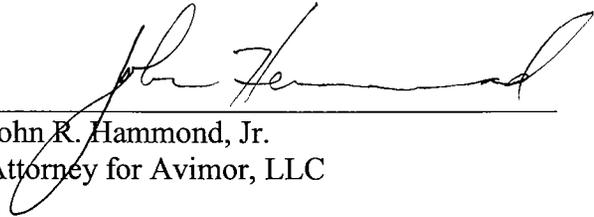
(c) The estimated fee for the preparation of the agency's record on appeal has been paid;

(d) That the appellate filing fee has been paid.

(e) That service has been made upon all parties required to be served pursuant to Rule 20 of the Idaho Appellate Rules and the Attorney General of Idaho pursuant to *Idaho Code* § 67-1401(1).

DATED This 14th day of September, 2007.

FISHER LAW GROUP, LLP



John R. Hammond, Jr.
Attorney for Avimor, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 14th day of September, 2007, I caused to be served the foregoing upon all parties of record in this proceeding as indicated below:

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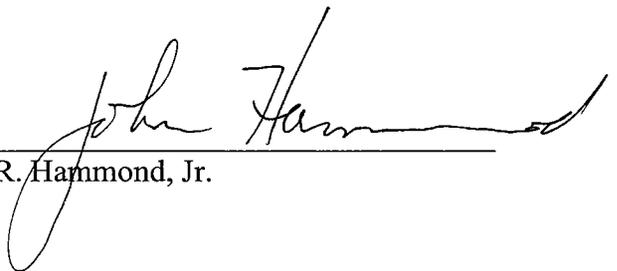
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John R. Hammond, Jr.