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ATTORNEYS AT LAW

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IDAHO PUBLIC
UTILITIES COMMISSION

August 31, 2011

SUP-E-11-02

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington
Boise, ID 83702

Re: PAC-E-11-01 through PAC-E-11-05

Dear Ms. Jewell:

Enclosed please find the original Notice of Appeal for filing with the Idaho Supreme Court. Also enclosed are the following:

1. Our check in the estimated amount of $100 made payable to the Idaho Public Utilities Commission for a copy of the agency's record, and

2. Our check in the amount of $86 made payable to the Idaho Supreme Court for the filing of the Notice of Appeal.

We have mailed a copy of the Notice of Appeal, together with our check in the amount of $370.50, directly to Constance S. Bucy requesting a copy of the Reporter's transcript be delivered directly to you.

Please call should you have any questions.

Sincerely,

Ron Williams

Ronald L. Williams

RLW/jr
Enclosures

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Attorneys for Appellant Cedar Creek Wind, LLC

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF A POWER PURCHASE AGREEMENT BETWEEN RMP AND CEDAR CREEK WIND, LLC (RATTLESNAKE CANYON PROJECT)	**CASE NO. PAC-E-11 -01** **NOTICE OF APPEAL**
IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF A POWER PURCHASE AGREEMENT BETWEEN RMP AND CEDAR CREEK WIND, LLC (COYOTE HILL PROJECT)	**CASE NO. PAC-E-11-02** **NOTICE OF APPEAL**
IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF A POWER PURCHASE AGREEMENT BETWEEN RMP AND CEDAR CREEK WIND, LLC (NORTH POINT PROJECT)	**CASE NO. PAC-E-11-03** **NOTICE OF APPEAL**

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF A POWER PURCHASE AGREEMENT BETWEEN RMP AND CEDAR CREEK WIND, LLC (STEEP RIDGE PROJECT)	)	**CASE NO PAC-E-11-04** **NOTICE OF APPEAL**
IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF A POWER PURCHASE AGREEMENT BETWEEN RMP AND CEDAR CREEK WIND, LLC (FIVE PINE PROJECT)	)	**CASE NO. PAC-E-11-05** **NOTICE OF APPEAL**

TO: RESPONDENTS IDAHO PUBLIC UTILITIES COMMISSION AND DEPUTY ATTORNEY GENERAL FOR THE COMMISSION, KRISTINE SASSER.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Appellant Cedar Creek Wind, LLC ("Appellant"), appeals against the above-named Respondent, Idaho Public Utilities Commission ("Respondent" or "Commission"), to the Idaho Supreme Court from the Commission's Final Order No. 32260 dated June 8, 2011, Errata to Order No. 32260 dated June 14, 2011 and the Commission's Final Order on Reconsideration, Order No. 32304 dated July 27, 2011 ("Orders") in the above numbered cases.

2. Appellant has a right to appeal to the Idaho Supreme Court pursuant to Idaho Code § 61-627. The Orders from which this appeal is taken are appealable final orders under Idaho Code § 61-627 and I.A.R 11(e).

3. The following is a preliminary statement of the issues on appeal which Appellant presently intends to assert in the appeal, subject to modification and development as appropriate:

   a. Whether the Commission violated federal law by holding that the only means to establish a "legally enforceable obligation" under the Public Utility Regulatory Policies Act of 1978 ("PURPA") and the Federal Energy Regulatory Commission's implementing regulations, for the purpose of

establishing the date on which Appellant's right to avoided cost rates under PURPA arose, was through a "fully executed contract."

b. Whether the Commission's resulting failure to (1) find that the Appellants had established, prior to December 14, 2010, a "legally enforceable obligation" under PURPA and (2) therefore approve the power purchase agreements between the Appellant and Rocky Mountain Power was arbitrary, capricious, in excess of the Commission's authority or otherwise in violation of the law.

c. Whether the Commission's Orders denying Appellant's request for grandfathered rates for its five projects deviate, without any explanation, from prior Commission orders implementing PURPA's "legally enforceable obligation" standard, entered in factually-similar circumstances, and establishing so-called " grandfathering" criteria for determining whether such legally enforceable obligation arose prior to contract execution, and are therefore arbitrary, capricious, in excess of the Commission's authority or otherwise in violation of the law.

d. Whether the Commission's Orders establishing, without any prior notice to the Appellant, a new "bright line" rule that the Appellant must have had a fully executed contract in order to be considered eligible for grandfathered rates, terms and conditions, is a violation of Idaho law, is arbitrary and capricious, and is in excess of the Commission's authority.

e. Appellant reserves the right to identify and raise other issues as the basis for this appeal to the extent permitted by law.

4. No portion of the record has been sealed.

5. There is no reporter's transcript in this case for the reason that the five cases were processed pursuant to Modified Procedure pursuant to Commission Rule 201 *et. seq.* However, the appellant requests a partial transcript comprised of the following portions of the reporter's transcript in both electronic and hard copy from IPUC Case No. GNR-E-11-01, as follows:

   a. Direct and rebuttal testimony and cross examination of Bruce Griswold in IPUC Case No. GNR-E-11-01 consisting of transcript pages 268 through 382.

6. Appellant requests preparation of a standard agency record on Appeal pursuant to I.A.R. 28. In addition to the standard agency record Appellant requests that the following documents be included in the agency's record:

Date	**Description**
1/26/11	Affidavit of Dana Zentz and Exhibits thereto, Cases No. PAC-E-11-01 through PAC-E-11 -05.
Various	All Orders and Notices in IPUC Case No. GNR-E-10-04
11/8/2010	Joint Petition of Utilities in IPUC Case No. GNR-E-10-04.
12/23/2010	Rocky Mountain Power Comments in IPUC Case No. GNR-E-10-04.
1/20/2011	Reply Comments of Rocky Mountain Power in IPUC Case No. GNR-E-10-04, dated January 19, 2011.
12/22/2010	Comments of the Commission Staff in IPUC Case No. GNR-E-10-04, dated December 22, 2010.
1/19/2011	Reply Comments of Commission Staff in IPUC Case No. GNR-E-10-04, dated January 19, 2011.
Various	All Orders and Notices in IPUC Case No. GNR-E-11-01.

7. I certify:

   a. That a copy of this notice of appeal has been served on the reporter of whom a transcript has been requested as named below at the address set out below:

      CSB Reporting
      23876 Applewood Way
      Wilder, ID 83676
      csb@heritagewifi.com, 208-890-5198

   b. That the Secretary of the Commission has been paid the estimated fee for preparation of the reporter's transcript.

   c. That the estimated fee for preparation of the Commission's record has been paid;

d. That the appellate filing fee has been paid to the Secretary of the Commission in the amount of eighty six dollars and no cents ($86.00); and

e. That service has been made upon all parties required to be served pursuant to Idaho Appellate Rule 20.

DATED: This 31 day of August, 2011.

WILLIAMS BRADBURY, P.C.

By _____
Ronald L. Williams

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of August, 2011, I caused to be served a true and correct copy of the foregoing document upon the following individuals in the manner indicated below:

Ted Weston **Rocky Mountain Power** 201 South Main, Suite 2300 Salt Lake City, UT 84111 E-Mail: ted.weston@pacificorp.com	☐ Hand Delivery ☐ US Mail (postage prepaid) ☐ Facsimile Transmission ☐ Federal Express ☒ Electronic Transmission
Daniel E. Solander **Rocky Mountain Power** 201 South Main, Suite 2300 Salt Lake City, UT 84111 E-Mail: daniel.solander@pacificorp.com	☐ Hand Delivery ☐ US Mail (postage prepaid) ☐ Facsimile Transmission ☐ Federal Express ☒ Electronic Transmission
Data Request Response Center PacifiCorp 825 NE Multnomah, Suite 2000 Portland, OR 97232 E-Mail: datarequest@pacificorp.com	☐ Hand Delivery ☐ US Mail (postage prepaid) ☐ Facsimile Transmission ☐ Federal Express ☒ Electronic Transmission
Kenneth E. Kaufmann Lovinger Kaufman LLP 825 NE Multnomah, Suite 925 Portland, OR 97232-2150 E-Mail: kaufmann@lklaw.com	☐ Hand Delivery ☐ US Mail (postage prepaid) ☐ Facsimile Transmission ☐ Federal Express ☒ Electronic Transmission
Kristine Sasser **Idaho Public Utilities Commission** 472 W. Washington (zip: 83702) PO Box 83720 Boise, ID 83720-0074 E-Mail: kris.sasser@puc.idaho.gov	☐ Hand Delivery ☐ US Mail (postage prepaid) ☐ Facsimile Transmission ☐ Federal Express ☒ Electronic Transmission
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Michael R. Engleman Dickstein Shapiro LLP 1825 Eye Street, NW Washington, DC 2006-5403 E-Mail: englemanm@dicksteinshapiro.com	☐ Hand Delivery ☐ US Mail (postage prepaid) ☐ Facsimile Transmission ☐ Federal Express ☒ Electronic Transmission
Constance S. Bucy CSB Reporting 23876 Applewood Way Wilder, ID 83676-5137	☐ Hand Delivery ☒ US Mail (postage prepaid) ☐ Facsimile Transmission ☐ Federal Express ☐ Electronic Transmission

Ronald L. Williams