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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorney for Respondent-Intervenor Idaho Power Company

IN THE SUPREME COURT OF THE STATE OF IDAHO

GROUSE CREEK WIND PARK, LLC, and	)	
GROUSE CREEK WIND PARK II, LLC,	)	
	)	SUPREME COURT
Petitioners-Appellants,	)	DOCKET NO. 39151-2011
	)	
v.	)	Idaho Public Utilities Commission
	)	Case Nos. IPC-E-10-61 and
IDAHO PUBLIC UTILITIES COMMISSION,	)	IPC-E-10-62
	)	
Respondent-Respondent on Appeal,	)	
	)	
and	)	IDAHO POWER COMPANY'S
	)	RESPONSE TO GROUSE
IDAHO POWER COMPANY,	)	CREEK WIND'S MOTION TO
	)	EXPEDITE ORAL ARGUMENT
Respondent-Intervenor/Respondent on	)	
Appeal.	)	
	)	

COMES NOW, Idaho Power Company ("Idaho Power") and respectfully objects to the Petitioners/Appellants', Grouse Creek Wind Park, LLC, and Grouse Creek Wind Park II, LLC ("Grouse Creek"), motion to expedite the proceedings before this Court. Grouse Creek has failed to state a valid reason for this Court to expedite its proceedings.

The Respondent, Idaho Public Utilities Commission ("Idaho Commission"), filed a response to Grouse Creek's Motion to Expedite on February 4, 2013. Similar to the Idaho Commission, it is Idaho Power's understanding that Grouse Creek is not asking to change the standard briefing schedule in this case as set out in I.A.R. 34(c). Grouse Creek's brief must be filed by March 4, 2013. With no requested change to the briefing schedule, Idaho Power contends that the matter should be scheduled for oral argument in the ordinary course of events, as the Court would with any matter before it.

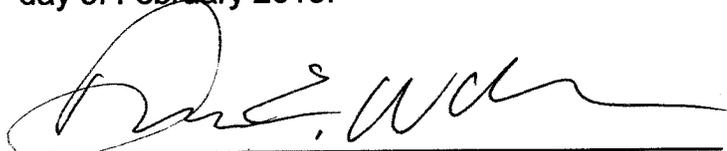
Grouse Creek attempts to bring in before this Court the speculative issues related to the price contained in their disapproved contracts, the potential value and relation of federal production tax credits to that price, and the additional speculation that they will prevail on their appeal with this Court, and renegotiate the required terms of a new contract and get the same approved at the Idaho Commission. As pointed out by the Idaho Commission, this case does not present a legal impediment—and there is no other legal impediment to Grouse Creek making the investments necessary to be considered to have "started construction" for purposes of the tax credits that it seeks. Grouse Creek could have expedited their own schedule by not waiting until the end of the 42 day, Notice of Appeal deadline to file its Amended Notice of Appeal after the Idaho Commission's Order on Remand, or taken any number of other steps earlier in the process to speed the matter along. This lack of expeditiousness on the part of Grouse Creek does not now justify a request or motion for expedited treatment of the appeal.

This Court has authority under I.A.R. 44 to alter, shorten, or eliminate any step or procedure in an appeal upon a finding of extraordinary circumstances. Additionally, this

Court has provisions for the expedited review from a district court order denying a minor's petition for judicial bypass of parental consent. I.A.R. 44.1. Grouse Creek's speculative contentions with regard to the possibility of qualifying for federal production tax credits by starting construction of their two wind generation facilities prior to the end of 2013 does not rise to the same level contemplated by the appellate rules for extraordinary circumstances, nor to the same nature as a determination to bypass parental consent.

For the reasons set forth above, Idaho Power does not believe that Grouse Creek has stated a valid basis for an expedited hearing of this matter. The briefing schedule set out by I.A.R. 34(c) should be maintained, and the Court should schedule oral argument in its ordinary course of business.

Respectfully submitted this 15<sup>th</sup> day of February 2013.



DONOVAN E. WALKER  
Attorney for Idaho Power Company

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 15<sup>th</sup> day of February 2013 I served a true and correct copy of IDAHO POWER COMPANY'S RESPONSE TO GROUSE CREEK WIND'S MOTION TO EXPEDITE ORAL ARGUMENT upon the following named parties by the method indicated below, and addressed to the following:

**Commission Staff**

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