

In the Supreme Court of the State of Idaho

IN THE MATTER OF THE MOTION FOR)
 PERMISSIVE APPEAL.)
)
 _____)
 NEW ENERGY TWO, LLC, an Idaho limited)
 liability company; NEW ENERGY, LLC, an)
 Idaho limited liability company,)
)
 Petitioner,)
)
 v.)
)
 IDAHO PUBLIC UTILITIES COMMISSION,)
)
 Respondent,)
)
 and)
)
 IDAHO POWER COMPANY,)
)
)
 Real Party in Interest.)

ORDER
 Supreme Court Docket No. 40882-2013
 Idaho Public Utilities Commission No.
 IPC-E-12-25/IPC-E-12-26
 Ref. No. 13-220

1. A MOTION FOR PERMISSIVE APPEAL with attachments, was filed by counsel for Petitioners on April 17, 2013, requesting permission to appeal, under Idaho Appellate Rule 12(c), the denial of (1) Order No. 32755 issued by Idaho Public Utilities Commission in Case Nos. IPC-E-12-25 and IPC-E-12-26 (consolidated) denying Petitioner’s Motion to Dismiss on jurisdictional grounds; and (2) Order No. 32780 denying Appellant’s Motion for Permission to Appeal the denial of the petitioner’s Motion to Dismiss in the same proceedings.
2. A PETITION CHALLENGING IDAHO PUBLIC UTILITIES COMMISSION ORDER NOS. 32755 AND 32780, PETITION FOR WRIT OF PROHIBITION, AND REQUEST FOR INJUNCTIVE/STAY RELIEF was filed by counsel for the Petitioners on April 18, 2013.
3. IDAHO POWER COMPANY’S PETITION TO INTERVENE AND OBJECTION/OPPPOSITION TO NEW ENERGY’S MOTION FOR PERMISSIVE APPEAL, PETITION FOR WRIT OF PROHIBITION, AND REQUEST FOR INJUNCTIVE/STAY RELIEF was filed by counsel for Real Party in Interest Idaho Power Company on May 1, 2013.

4. IDAHO PUC'S ANSWER OPPOSING NEW ENERGY'S MOTION FOR PERMISSIVE APPEAL, AND PETITION FOR WRIT OF PROHIBITION AND REQUEST FOR INJUNCTIVE/STAY RELIEF, with attachments, was filed by counsel for Respondent Idaho Public Utilities Commission on May 1, 2013.
5. A RESPONSE OF NEW ENERGY TWO, LLC AND NEW ENERGY THREE, LLC TO IDAHO POWER COMPANY'S PETITION TO INTERVENE AND OBJECTION/OPPOSITION TO NEW ENERGY'S MOTION FOR PERMISSIVE APPEAL, PETITION FOR WRIT OF PROHIBITION, AND REQUEST FOR INJUNCTIVE/STAY RELIEF was filed by counsel for Petitioners on May 15, 2013.

The Court is fully advised; therefore, good cause appearing,

IT HEREBY IS ORDERED that the PETITION FOR WRIT OF PROHIBITION be, and hereby is, DENIED.

IT FURTHER IS ORDERED that Petitioners' MOTION FOR PERMISSIVE APPEAL be, and hereby is, GRANTED and Petitioners are granted leave to appeal by permission from the denial of Order No. 32755 issued by Idaho Public Utilities Commission in Case Nos. IPC-E-12-25 and IPC-E-12-26 (consolidated) denying Petitioner's Motion to Dismiss on jurisdiction grounds and Order No. 32780 denying Appellant's Motion for Permission to Appeal the denial of the petitioner's Motion to Dismiss in the same proceedings.

IT FURTHER ORDERED that counsel for Petitioners shall file a Notice of Appeal with the Idaho Public Utilities Commission within twenty-one (21) days from the date of this Order, which appeal shall proceed as if from a final judgment.

IT FURTHER IS ORDERED that Idaho Power Company shall be the Respondent in this appeal and the Idaho Public Utilities Commission is not a party to the appeal and the caption in this matter shall be AMENDED as follows:

IN THE MATTER OF THE MOTION FOR PERMISSIVE APPEAL.

NEW ENERGY TWO, LLC, an Idaho limited liability company;
NEW ENERGY, LLC, an Idaho limited liability company,

Petitioners,

v.

IDAHO POWER COMPANY

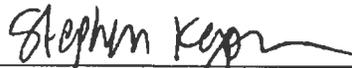
Respondent.

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IT FURTHER IS ORDERED that the Idaho Public Utilities Commission's request for attorney fees be, and hereby is, DENIED.

DATED this 29 day of May, 2013.

By Order of the Supreme Court



Stephen W. Kenyon, Clerk

cc: Counsel of Record
Public Utilities Commission Secretary

