

## **DECISION MEMORANDUM**

**TO:       COMMISSIONER KJELLANDER**  
**COMMISSIONER SMITH**  
**COMMISSIONER HANSEN**  
**COMMISSION SECRETARY**  
**COMMISSION STAFF**  
**LEGAL**

**FROM:     SCOTT WOODBURY**

**DATE:     OCTOBER 17, 2003**

**RE:       CASE NO. AVU-E-02-8 (Avista)**  
**COMPLAINT—POTLATCH VIA AVISTA**  
**ADMINISTRATIVE CLOSURE OF DOCKET**

On December 24, 2002, Potlatch Corporation (Potlatch) filed a complaint with the Idaho Public Utilities Commission (Commission) alleging that Avista Corporation dba Avista Utilities has failed and refused, and continues to fail and refuse, to purchase the cogeneration output of Potlatch's qualifying facilities (QFs) at its Lewiston facility. Reference Public Utility Regulatory Policies Act of 1978 (PURPA). Direct testimony supporting the complaint was filed by Potlatch on April 25, 2003.

On August 25, 2003, Avista and Potlatch filed a Petition with the Commission requesting an Order approving a submitted Power Purchase and Sale Agreement between Avista and Potlatch dated July 22, 2003. Direct testimony of Avista supporting the Purchase and Sale Agreement was filed with the Commission on September 26, 2003.

### **COMMISSION DECISION**

Reviewing the filings in Case No. AVU-E-02-8 Staff notes that the underlying complaint and supporting testimony are now moot. The Joint Petition filed by Avista and Potlatch is captioned as follows: In the Matter of the Joint Petition of Avista Corporation and Potlatch Corporation for Approval of Power Purchase and Sale Agreement. Staff recommends that the Commission administratively close the docket in Case No. AVU-E-02-8 and move the Joint Petition filed August 25 and supporting testimony filed September 26 to a new case docket. Also to be transferred is a recently filed Interconnection Agreement which is referenced in the

Power Purchase and Sale Agreement. Staff recommends that a Notice be issued in the new docket and that the matter be initially processed pursuant to Modified Procedure. Does the Commission agree with the administrative recommendations of Staff?

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Scott Woodbury

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