

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE PETITION OF) CASE NO. IPC-E-11-14
IDAHO POWER COMPANY FOR A)
DECLARATORY ORDER REGARDING) NOTICE OF PETITION FOR
PURPA JURISDICTION.) DECLARATORY ORDER
)
) **NOTICE OF**
) **COMMENT DEADLINE**
)
) **ORDER NO. 32332**

On July 8, 2011, Idaho Power Company filed a Petition for Declaratory Order pursuant to Rule 101, IPUC Rules of Procedure. Idaho Power requests that the Commission issue an Order determining that the Commission will exercise jurisdiction over the proposed Public Utility Regulatory Policies Act of 1978 (PURPA) qualifying facility (QF) transactions proposed by Western Desert Energy 1, LLC (Western Desert) and Tumbleweed Energy II, LLC (Tumbleweed). Specifically, Idaho Power asks the Commission to find that a QF located in Idaho Power's service territory in the State of Idaho, interconnecting with Idaho Power's system in the State of Idaho, must contract with Idaho Power pursuant to the Idaho Commission's PURPA rules, rates and regulations.

On July 29, 2011, Western Desert and Tumbleweed (the Projects) filed a "collective" Answer and Motion to Dismiss. The Projects argue that Idaho Power's Petition is fatally flawed because it fails to cite any Order, law or rule upon which it is based. The Projects further maintain that the Commission is prohibited by federal law from regulating QFs and, therefore, does not have authority to restrict its access to markets. The Projects state that granting the Petition would violate the Commerce Clause of the United States Constitution by restricting QFs from access to markets outside of Idaho's borders. The Projects ask that the Commission dismiss Idaho Power's Petition with prejudice.

NOTICE OF COMMENT DEADLINE

YOU ARE HEREBY NOTIFIED that this Notice is issued pursuant to Rule 102 of the Commission's Rules of Procedure requiring that notice of petitions for declaratory rulings be issued to all affected utilities.

NOTICE OF PETITION
NOTICE OF COMMENT DEADLINE
ORDER NO. 32332

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Petition may file a written comment in support or in opposition with the Commission **no later than twenty-one (21) days** from the service date of this Order. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Petition may be mailed to the Commission and the parties at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

Donovan E. Walker
Jason B. Williams
Idaho Power Company
PO Box 70
Boise, ID 83707-0070

E-mail: dwalker@idahopower.com
jwilliams@idahopower.com

Peter J. Richardson
Gregory M. Adams
Richardson & O'Leary, PLLC
515 N. 27th Street
Boise, ID 83702
E-mail: peter@richardsonandoleary.com
greg@richardsonandoleary.com

These comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document. These comments must also be sent to parties at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that after the comment deadline has passed, the Commission will issue an Order regarding Idaho Power's Petition.

YOU ARE FURTHER NOTIFIED that the Petition has been filed with the Commission and is available for public inspection during regular business hours at the Commission offices or on the Commission's website at www.puc.idaho.gov by clicking on "File Room" and then "Electric Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and the Public Utility

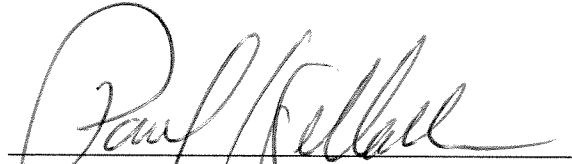
Regulatory Policies Act of 1978 (PURPA). The Commission has authority under PURPA and the implementing regulations of the Federal Energy Regulatory Commission (FERC) to set avoided costs, to order electric utilities to enter into fixed-term obligations for the purchase of energy from qualified facilities and to implement FERC rules.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000, *et seq.*

ORDER

IT IS HEREBY ORDERED that any persons interested in submitting written comments regarding Idaho Power's Petition for Declaratory Order must do so no later than twenty-one (21) days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 18th day of August 2011.



PAUL KJELLANDER, PRESIDENT

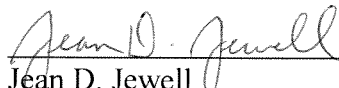


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary