

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
PACIFICORP DBA ROCKY MOUNTAIN)
POWER FOR A DETERMINATION)
REGARDING A FIRM ENERGY SALES)
AGREEMENT BETWEEN ROCKY)
MOUNTAIN POWER AND CEDAR CREEK)
WIND, LLC (RATTLESNAKE CANYON)
PROJECT (11-01), COYOTE HILL PROJECT)
(11-02), NORTH POINT PROJECT (11-03),)
STEEP RIDGE PROJECT (11-04), AND FIVE)
PINE PROJECT (11-05)).)**

**SUPREME COURT)
DOCKET NO. 39134-2011)**

**IPUC CASE NOS. PAC-E-11-01)
PAC-E-11-02)
PAC-E-11-03)
PAC-E-11-04)
PAC-E-11-05)**

CEDAR CREEK WIND, LLC,

Petitioner/Appellant,

v.

IDAHO PUBLIC UTILITIES COMMISSION,

Respondent, Respondent on Appeal,

and

**PACIFICORP DBA ROCKY MOUNTAIN)
POWER,)**

Respondent.)

ORDER NO. 32386

On October 24, 2011, the Commission and Cedar Creek Wind, LLC filed a Stipulated Motion with the Supreme Court to suspend the appeal and remand this matter back to the Public Utilities Commission.¹ The parties maintained that there was good cause to suspend the appeal, primarily so they could consider a recent Order issued by the Federal Energy Regulatory Commission (FERC). The Motion noted that the temporary remand would allow the PUC to

¹ On October 4, 2011, PacifiCorp dba Rocky Mountain Power (“Rocky Mountain”) filed a Petition to Intervene as a party in this appeal. As of the date of this Order, the Court has not ruled upon Rocky Mountain’s Petition. Nevertheless, Rocky Mountain supports the suspension of the appeal and remand to the Commission.

reconsider its Orders in light of the FERC Order; and (2) provide the parties with an opportunity to settle the appeal.

Idaho Code § 61-624 further provides that the Commission “may at any time, upon notice to the public utility affected, and after opportunity to be heard . . . , rescind, alter or amend any order or decision made by it.” Consistent with the Stipulation Motion discussed above, the Commission on its Motion finds that it is appropriate to grant a further rehearing so that the Commission may reconsider its Order No. 32302 issued July 27, 2011. *Idaho Code* § 61-624; Rule 332; *Consumers’ Company v. Idaho PUC*, 40 Idaho 772, 236 P. 732 (1925); Order No. 29491. Consequently, the Commission finds it is appropriate to issue this scheduling Order.

As indicated in the Stipulated Motion, the parties request that they be permitted an opportunity to engage in settlement negotiations. Given the agreement among the parties, we find it is reasonable and in the public interest to schedule two settlement conferences for the parties. The Commission invites settlement of the entire appeal pursuant to Rule 353.

The parties have already convened their first settlement conference on October 20, 2011, and plan a second conference at 9:00 a.m. on October 27, 2011, in the Commission’s Hearing Room, 472 West Washington Street, Boise, Idaho. Additional settlement conferences may be held. Consistent with procedural Rule 352, Staff is authorized to participate in the settlement negotiations and the settlement negotiations are confidential unless all parties agree to the contrary.

If the parties are unable to reach settlement in this matter, the Commission shall schedule further proceedings to determine whether a “legally enforceable obligation” arose before Rocky Mountain and Cedar Creek executed their Power Purchase Agreements.

ORDER

IT IS HEREBY ORDERED that the parties attend two settlement conferences as set out in the body of this Order. Absent settlement, the Commission will schedule further proceedings.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26th
day of October 2011.



PAUL KJELLANDER, PRESIDENT

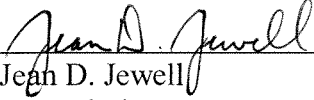


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

b1s/O:PAC-E-11-01_PAC-E-11-02_PAC-E-11-03_PAC-E-11-04_PAC-E-11-05_dh_Remand Schedule