

**Avista Corp.**

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Spokane, Washington 99220-3727  
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Toll Free 800-727-9170

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**Corp.**

2005 OCT 31 AM 9:36

IDAHO PUBLIC  
UTILITIES COMMISSION

October 28, 2005

Scott Woodbury  
Idaho Public Utilities Commission  
472 W. Washington St.  
Boise, ID 83720-0074

RE: AVU-E-05-7 / Thompson River Cogen

Avista Corporation hereby submits three copies of its CONFIDENTIAL response to IPUC Staff Data Request Number 1. Additionally, Avista has included copies of its "Certificate and Claim of Confidentiality Relating to Avista's Response to First Production Request of Staff."

Questions regarding this response should be directed to Bob Lafferty (509-495-4460).

Sincerely,

Mike Fink  
Rate Analyst  
Avista Utilities

Enclosures

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2005 OCT 31 AM 9:36  
IDAHO PUBLIC  
UTILITIES COMMISSION

**THOMPSON RIVER CO-GEN, a  
Colorado Company,**

**Complainant,**

**vs.**

**AVISTA CORPORATION, a  
Washington Corporation,**

**Respondent.**

**CERTIFICATE AND CLAIM OF  
CONFIDENTIALITY RELATING TO  
AVISTA'S RESPONSE TO FIRST  
PRODUCTION REQUEST OF STAFF**

1. As a response to Staff Production Request No. 1, Avista Corporation (“Avista” or “Company”) is disclosing pursuant to the Protective Agreement Between Avista Corporation and Idaho Public Utilities Commission Staff executable data input and output files related to AURORA software.

**CERTIFICATE AND CLAIM OF CONFIDENTIALITY- 1**

EPIS, Inc. and embodies substantial creative efforts and confidential information, ideas and expressions. Avista is authorized by the license agreement to operate the AURORA software subject to an obligation to keep such software confidential. Based upon the license agreement, I am of the opinion that the AURORA software is a "Trade Secret" as defined by Idaho Code Sections 9-340D and 48-801 and therefore is protected by law from public disclosure.

3. I am informed that embedded within the data files associated with the AURORA software are forecasted electric load estimates as measured over various duration of time, electric load shapes as measured over various durations of time, the Company's assumptions regarding forecasted fuel for obligations to purchase and sell electricity. I am also informed that such information represents a comprehensive compilation of the Company's competitive position in the electric energy market in western North America and would be extremely useful to competitive buyers and sellers of electric power in western North America. Further, I am informed that the information furnished as a response to Staff Production Request No. 1 includes an AURORA model run, and attached results. Based on this information, I am of the opinion that the compilation in the response to Staff Production Request No. 1 is a "Trade Secret" as defined by Idaho Code Sections 9-340D and 48-801 and, therefore is protected by law from public disclosure.

4. In response to Staff Production Request Nos. 1 Avista is disclosing pursuant to the Protective Agreement Between Avista Corporation and Idaho Public Utilities Commission Staff forward price curve data for the months of January 2007


through December 2026 which is contained on computer diskettes ("Confidential Diskettes") marked with the following:

**STAFF DR. NO. 1(c)  
THE INFORMATION ON THIS DISKETTE  
IS CLASSIFIED  
TRADE SECRET/PROPRIETARY  
AND IS PROTECTED  
UNDER IDAPA 31.01.01.067 AND 31.01.233.**

5. I am advised that contained within the Confidential Diskettes is a forward projection by Avista of future electric power prices for the forward months of January 2007 through December 2026. From such projection, it would be possible to derive Avista's methodology used to derive its projections of future power prices ("forward price curves"). Such would be extremely useful to competitive buyers and sellers of electric power in western North America who also develop their own proprietary forward price curves upon which, in part they base their buying and selling decisions. Based on this information, I am of the opinion that the compilation in the responses is a "Trade Secret" as defined by Idaho Code Sections 9-340D and 48-801 and, therefore is protected by law from public disclosure.

6. The Company herein asserts that the foregoing executable data input and output files related to AURORA software contained on the Confidential Diskettes and the forward price curve information contained on the Confidential Diskettes are proprietary and confidential information and should be protected from public inspection, examination and copying, and should be utilized only in accordance with the terms of the PROTECTIVE AGREEMENT BETWEEN AVISTA CORPORATION AND IDAHO PUBLIC UTILITIES COMMISSION STAFF, entered on or about October 26, 2005.

**RESPECTFULLY SUBMITTED** this 26<sup>th</sup> day of October 26, 2005.

  
\_\_\_\_\_  
**David J. Meyer**  
Vice President, Chief Counsel For  
Regulatory and Governmental Affairs

## CERTIFICATE OF SERVICE

STATE OF WASHINGTON )

: ss.

County of Spokane )

R. BLAIR STRONG, being first duly sworn on oath, deposes and says:

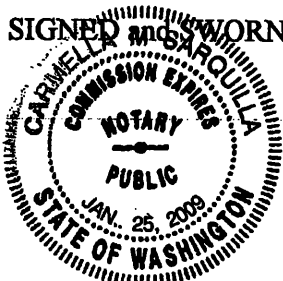
That I am now and at all times herein mentioned was a citizen of the United States and a resident of the State of Washington, , over the age of 18 years, not a party to this action; that on October 24, 2005, I personally caused to have served a copy of CERTIFICATE AND CLAIM OF CONFIDENTIALITY RELATING TO AVISTA'S SUPPLEMENTAL RESPONSE TO STAFF PRODUCTION REQUEST NO. 1 as follows in the above-entitled action:

Jean Jewell Commission Secretary 472 W. Washington Boise, ID 83702-5983 Facsimile: 208-334-3762	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Federal Express
Peter J. Richardson, ISB# 3195 Richardson & O'Leary PLLC 515 N. 27th Street Boise, ID 83702 Facsimile: 208-938-7904	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Federal Express
Mike Uda Doney, Crowley, Blumquist, Payne & Uda Suite 200 Diamond Block Helena, MT 59601	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Overnight Mail
Scott Woodbury 47 West Washington Street PO Box 83720 Boise, Idaho 83720-0074	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input checked="" type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Federal Express

*R. Blair Strong*

R. Blair Strong

SIGNED and SWORN TO before me this 24th day of September, 2005.



*Carmella M. Sarquilla*  
Print Name: CARMELLA M. SARQUILLA  
NOTARY PUBLIC in and for the State of  
Washington, residing in Spokane.  
Commission Expires: 1-25-2009