
PUBLIC UTILITIES - IDAHO

Idaho Power Co. v. New Energy Two, LLC

Supreme Court of Idaho., Boise, April 2014 Term - June 17, 2014 - P.3d - 2014 WL 2726924

Electricity providers, which had entered into agreements with power company for the sale of electricity generated by use of renewable energy, filed motion requesting permissive appeal from Public Utilities Commission's determination that it had jurisdiction to decide whether force majeure clause in agreements excused electricity providers from their contractual obligations to have their power generation facilities constructed and in operation by specified dates in agreements. Permissive appeal was granted.

The Supreme Court of Idaho held that Commission had authority to adjudicate whether or not event of force majeure occurred.

Public Utilities Commission had authority to adjudicate whether event of force majeure occurred that excused electricity providers' performance under energy sales agreements with power company, since parties had agreed to have Commission resolve disputes regarding interpretation of agreements. Provision providing that Commission would resolve parties' disputes included determination of whether electricity providers' claimed force majeure was within scope of energy sales agreements' force majeure clause, and central issue of parties' dispute was determination of whether power company still had obligation under agreements to purchase power from electricity providers.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com