

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ENDEAVOR POWER PARTNERS, LLC	DOCKET NO. 199 IAC 15.18
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ORDER TERMINATING PRELIMINARY ELIGIBILITY STATUS

(Issued August 27, 2007)

On February 15, 2006, the Utilities Board (Board) granted preliminary eligibility under Iowa Code chapter 476B and 199 IAC 15.18 for a 150 MW wind facility to be owned by Endeavor Power Partners, LLC (Endeavor). The letter granting preliminary eligibility advised Endeavor that it must demonstrate that its facility is operational and producing usable energy within 18 months from the date of the letter (February 15, 2006).

Iowa Code § 476B.5(3) provides that "[a] facility which is not operational within eighteen months after issuance of an approval for the facility by the board shall cease to be a qualified facility." The subsection further provides that if the facility is not operational within 18 months due to the unavailability of equipment, an additional 12 months shall be granted for the facility to become operational.

Subrule 199 15.18(4) implements § 476B.5(3) and provides that within 18 months of the Board approval of preliminary eligibility, the applicant (Endeavor, in this case) must file information demonstrating that the eligible facility is operational and producing usable energy or apply for the 12-month extension. If the applicant does neither of these, the subrule provides that the facility loses its eligibility status.

The 18-month period for the facility to be owned by Endeavor expired on August 16, 2007. Endeavor has not notified the Board that its facility has become operational and producing renewable energy, nor has it requested a 12-month extension. Therefore, the Board finds that pursuant to Iowa Code § 476B.5(3) and 199 IAC 15.18(4), Endeavor has lost its preliminary eligibility for its proposed facility under Iowa Code chapter 476B and 199 IAC 15.18.

Endeavor may reapply to the Board for a new determination. Iowa Code § 476B.5(3). In the event Endeavor reapplies, its place on the waiting list will be determined by the new filing date.

IT IS THEREFORE ORDERED:

Pursuant to Iowa Code § 476B.5(3) and 199 IAC 15.18(4), Endeavor Power Partners, LLC, has lost preliminary eligibility for its proposed facility under Iowa Code Chapter 476B and 199 IAC 15.18.

UTILITIES BOARD

/s/ John R. Norris

/s/ Curtis W. Stamp

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Krista K. Tanner

Dated at Des Moines, Iowa, this 27th day of August, 2007.