Office of the Secretary
Service Date
March 23, 2011

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO DISAGGREGATION AND AN APPROPRIATE PUBLISHED AVOIDED COST RATE ELIGIBILITY CAP STRUCTURE FOR PURPA QUALIFYING FACILITIES.	)	**CASE NO. GNR-E-11-01**
	)	**BENCH ORDER**

On March 17, 2011, PacifiCorp dba Rocky Mountain Power filed two Motions. First, the Company requests that the Commission clarify Order No. 32195 that the validity of the IRP Methodology is not relevant to the disaggregation issue that the Commission has scheduled for its May 10, 2011 technical hearing in this case. Second, Rocky Mountain also moves the Commission for a Protective Order "to stay discovery of matters not within the scope of the technical hearing scheduled for May 10, 2011." Rocky Mountain asserts that the questions contained in the Northwest and Intermountain Power Producers Coalition's (NIPPC) First Production Request all seek to elicit information regarding "the IRP Methodology and appear to have no relevance to the questions set forth for hearing in this case." Motion at 3. Given the March 25 deadline for prefiling direct testimony, Rocky Mountain asks the Commission to expedite its consideration of its two Motions. *Id.* at 6.

On March 18, 2011, NIPPC filed an Answer to Rocky Mountain's two Motions requesting that the Commission deny the Motions. Although NIPPC acknowledges that the Commission opened this case "to investigate the perceived disaggregation problems," NIPPC insists that the "adequacy of the IRP Methodology is central to resolving any perceived disaggregation problem. . . ." Answer at 5.

COMMISSION FINDINGS AND DISCUSSION

Given the prefile date for direct testimony of March 25, the Commission took this matter up at its Decision Meeting on March 21, 2011. After reviewing the pleadings of the parties and the remarks of their respective counsel, the Commission grants PacifiCorp's Motions. The purpose of the technical hearing scheduled for May 10 is to take up the issue of disaggregation and we specifically reserve for a subsequent proceeding the challenges about using the IRP Methodology to calculate avoided cost rates. Thus, we find that evidence

regarding the IRP Methodology is beyond the scope of the present case and thus is not relevant to the subject matter of the pending case. I.R.P.C. 26(b)(1). Consequently, we find that it is reasonable for parties to stay answering discovery requests regarding the IRP Methodology.

ORDER

IT IS HEREBY ORDERED that the Motion to Clarify and the Motion to Stay discovery regarding IRP Methodology are granted. Discovery regarding the IRP Methodology is stayed in this case but may be renewed in a subsequent case when the Commission investigates the challenges to the IRP Methodology.

Dated at Boise, Idaho this 23rd day of March 2011.

JIM D. KEMPTON, PRESIDENT

MARSHA H. SMITH, COMMISSIONER

MACK A. REDFORD, COMMISSIONER

ATTEST:

Jean D. Jewell
Commission Secretary

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