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IDAHO PUBLIC
UTILITIES COMMISSION

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IDAHO POWER COMPANY,)	
)	Case No. IPC-E-04-4
Complainant)	
)	RESPONSE BY CITY OF EAGLE TO
vs.)	IDAHO POWER'S MOTION FOR
)	ORDER EITHER STRIKING THE
CITY OF EAGLE, IDAHO,)	REBUTTAL AND SUPPLEMENTAL
)	TESTIMONY FILED BY THE CITY
Respondent.)	OF EAGLE OR GRANTING IDAHO
)	POWER LEAVE TO PRESENT LIVE
)	TESTIMONY AT THE TECHNICAL
)	HEARING ON THIS MATTER
)	

COMES NOW, the City of Eagle and hereby responds to Idaho Power's Motion for an order striking the rebuttal and supplemental testimony filed by the City of Eagle on September 7, 2004. The City respectfully requests that the Commission issue an order granting Idaho Power leave to present live rebuttal testimony at the technical hearing on this matter Thursday, September 9, 2004 at 9:30 AM for the limited purpose to address the information specified in the

RESPONSE BY CITY OF EAGLE TO IDAHO POWER'S MOTION FOR ORDER EITHER STRIKING THE REBUTTAL AND SUPPLEMENTAL TESTIMONY FILED BY THE CITY OF EAGLE OR GRANTING IDAHO POWER LEAVE TO PRESENT LIVE TESTIMONY AT THE TECHNICAL HEARING ON THIS MATTER - 1

rebuttal and supplemental testimony filed by Pike Teinert and Dr. Don Reading. In addition, the City should be allowed to present live rebuttal testimony at the technical hearing to the new information presented in Mr. Sike's rebuttal testimony filed September 7, 2004. The City filed Mr. Teinert and Dr. Don Reading's Rebuttal and Supplemental Testimony in the interest of full disclosure for benefit of the Commission and all parties and to address issues raised in Mr. Randy Lobb's direct testimony that necessitated further discussion addressing the City's position. Mr. Lobb's testimony was filed July 30, 2004, which was twenty-eight days after the City's direct testimony was filed and after the public workshop was held July 8, 2004, in Eagle. Since that time, the parties have been attempting to resolve the matter.

Mr. Sikes' September 7, 2004, rebuttal testimony, references information regarding loads experienced in August 2004, and the Star Area Study finished June 3, 2004, both of which provide new information in this matter. The City should be allowed the opportunity to address such information that was only made available to the City from Idaho Power yesterday, September 7, 2004.

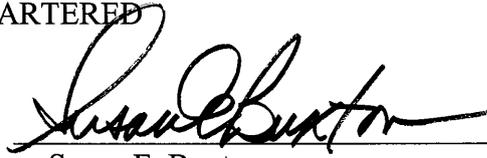
The City does not contest that the Commission's order allows Idaho Power is entitled to the opportunity to open and close the presentation of evidence in this case. Accordingly, the City does not object to allowing Idaho Power the opportunity for the live rebuttal testimony of the testimony filed by the City of Eagle on September 7, 2004, so long as such rebuttal is limited to the topics addressed in the supplemental and rebuttal testimony. Similarly, in the interest of fair play and full disclosure, the City should be granted the opportunity to present live rebuttal

testimony to Mr. Sikes rebuttal testimony filed September 7, 2004.

RESPECTFULLY SUBMITTED this 8th day of September, 2004.

MOORE SMITH BUXTON & TURCKE,
CHARTERED

By:



Susan E. Buxton

Attorney for City of Eagle, Idaho

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 8th DAY OF SEPTEMBER, 2004, SERVED THE FOREGOING RESPONSE TO THE IDAHO POWER'S MOTION FOR ORDER EITHER STRIKING THE REBUTTAL AND SUPPLEMENTAL TESTIMONY FILED BY THE CITY OF EAGLE OR GRANTING IDAHO POWER LEAVE TO PRESENT LIVE TESTIMONY AT THE TECHNICAL HEARING ON THIS MATTER IN CASE NO. IPC-E-04-4, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

Mr. Don Howell
Idaho Public Utilities Commission
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Boise, ID 83720-0074

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