

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF PACIFICORP DBA UTAH POWER &amp;</b>	)	<b>CASE NO. PAC-E-01-16</b>
<b>LIGHT COMPANY FOR APPROVAL OF</b>	)	
<b>INTERIM PROVISIONS FOR THE SUPPLY</b>	)	
<b>OF ELECTRIC SERVICE TO MONSANTO</b>	)	<b>MINUTE ORDER</b>
<b>COMPANY.</b>	)	
	)	

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On December 10, 2001, PacifiCorp dba Utah Power & Light Company (PacifiCorp; Company) filed an Application with the Idaho Public Utilities Commission (Commission) regarding supply of electric service to Monsanto Company (Monsanto). Monsanto's Soda Springs facility produces elemental phosphorous and is PacifiCorp's largest Idaho customer with an electric load of over 200 megawatts. PacifiCorp and Monsanto are engaged in litigation in federal District Court regarding the contract termination date of a Commission-approved 1995 Power Supply Agreement (Agreement). Reference Case No. UPL-E-95-4, Order No. 26282.

The Commission by Order No. 28918 issued December 21, 2001, denied the Company's interim rate request. As reflected in the Commission's Order No. 28918, the procedure and process adopted by the Commission in this case was to establish a permanent rate going forward for Monsanto. A true-up mechanism retroactive to the termination date of the existing Agreement as determined by the federal District Court will be used to adjust the difference between the existing rate and the new rate.

On January 27, 2003, the Commission issued final Order No. 29157 in Case No. PAC-E-01-16 deciding relevant contract and rate issues for a new service agreement. As reflected in the Commission's Order, "the Commission's resolution of issues, while determinative, is not in lieu of a new service agreement which the Commission expects the parties to negotiate, finalize and file for approval."

On February 18, 2003, PacifiCorp filed a Petition for Reconsideration and Clarification of Order No. 29157. On March 14, 2003, the Commission issued Final Order On Reconsideration No. 29206 denying PacifiCorp's Petition for Reconsideration and providing clarification on some limited points. The parties were encouraged to negotiate in good faith and

to submit a signed service agreement conforming with the Commission's Orders for Commission consideration and approval.

On May 13, 2003, an Electric Service Agreement between PacifiCorp and Monsanto was filed with the Commission. The contract parties contend that the Agreement complies with the terms of Commission Order Nos. 29157 and 29206.

### **Commission Findings**

PacifiCorp and Monsanto Company have submitted an Electric Service Agreement effective January 1, 2003 and terminating December 31, 2006, for retail electric service to the Monsanto Soda Springs Plant. The Commission has reviewed the submitted Electric Service Agreement between PacifiCorp and Monsanto and finds that it comports in all material respects with the rates and terms established and defined in the Commission's Orders in Case No. PAC-E-01-16. The Agreement by its terms is subject to the approval of the Commission. The submitted Agreement is effective January 1, 2003 and terminates on December 31, 2006. We find it reasonable to approve the Electric Service Agreement without change or modification.

### **CONCLUSIONS OF LAW**

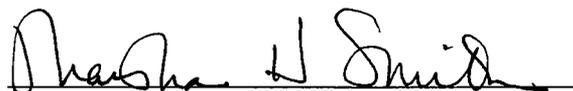
The Idaho Public Utilities Commission has jurisdiction over PacifiCorp dba Utah Power & Light Company, an electric utility, and the issues presented in this case pursuant to Idaho Code, Title 61 and the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

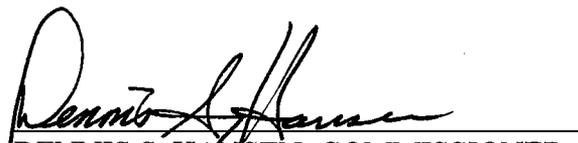
### **MINUTE ORDER**

In consideration of the foregoing and as more particularly described above, IT IS HEREBY ORDERED and the Commission does hereby acknowledge and accept the Electric Service Agreement between PacifiCorp and Monsanto for retail electric service to the Monsanto Soda Springs Plant for an effective date of January 1, 2003. By this Order we acknowledge that the Agreement complies with the terms of Commission Order Nos. 29157 and 29206 in Case No. PAC-E-01-16.

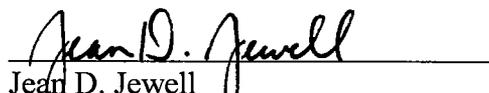
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 23<sup>rd</sup>  
day of May 2003.

  
PAUL KJELLANDER, PRESIDENT

  
MARSHA H. SMITH, COMMISSIONER

  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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