



RECEIVED  
FILED  
2002 JUL -3 AM 8:05  
IDAHO PUBLIC  
UTILITIES COMMISSION

101 S. Capitol Boulevard, Suite 1900  
Boise, Idaho 83702  
main 208.389.9000  
fax 208.389.9040  
www.stoel.com

MARY S. HOBSON  
Direct (208) 387-4277  
mshobson@stoel.com

July 2, 2002

**VIA HAND DELIVERY**

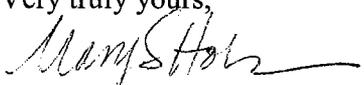
Ms. Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington  
Boise, ID 83702-5983

**RE: Docket No. PAC-E-02-1**

Dear Ms. Jewell:

Enclosed for filing with this Commission is an original and seven copies of **PACIFICORP'S ANSWER TO PETITION FOR RECONSIDERATION OF STANLEY SEARLE** in the above referenced docket.

Thank you for your cooperation in this matter.

Very truly yours,  
  
Mary S. Hobson

:blg  
Enclosures  
cc: Scott Woodbury  
Eric Olsen  
Anthony J. Yankel  
Randall C. Budge  
James R. Smith  
Timothy Shurtz  
Conley E. Ward

Oregon  
Washington  
California  
Utah  
Idaho

RECEIVED  
FILED  
2002 JUL -3 AM 8:05



IDAHO PUBLIC  
UTILITIES COMMISSION

1 James F. Fell  
Erinn Kelley-Siel  
2 STOEL RIVES LLP  
900 S.W. Fifth Avenue, Suite 2600  
3 Portland, Oregon 97204  
Phone: (503) 294-9343  
4 Facsimile: (503) 220-2480

5 Mary S. Hobson  
STOEL RIVES LLP  
6 101 S. Capitol Boulevard, Suite 1900  
Boise, ID 83702-5958  
7 Telephone: (208) 389-4277  
Facsimile: (208) 389-9040

8  
9 Attorneys for PacifiCorp dba Utah Power & Light Company

10 BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

11 In the Matter of the Application of PacifiCorp  
12 dba Utah Power & Light Company for  
13 Approval of Changes to its Electric Service  
14 Schedules

PacifiCorp's Answer to Petition for  
Reconsideration of Stanley Searle

PAC-E-02-1

15  
16 COMES NOW PacifiCorp, dba Utah Power & Light Company ("PacifiCorp" or the  
17 "Company"), by and through its attorneys of record and pursuant to Commission Rules of  
18 Procedure 331 and 332 (IDAPA 31.01.01.321, 332) and Idaho Code § 61-626, and files its  
19 Answer to the Petition for Reconsideration of Stanley Searle, dated June 22, 2002 and  
20 recorded with the Idaho Public Utilities Commission ("Commission") on June 25, 2002.<sup>1</sup>

21 For reasons discussed below, Mr. Searle has failed to sustain his burden as a petitioner  
22 on reconsideration to show that the Commission's Order No. 29034 ("Order") or any issue  
23

24 <sup>1</sup> Mr. Searle's Petition for Reconsideration was sent via U.S. Mail. See Commission  
25 Rule of Procedure 331 (providing that Answers to Petitions for Reconsideration be filed within  
26 seven (7) days after any person has petitioned for reconsideration) and Idaho Rules of Civil  
Procedure, Rule 6(e)(1) (providing that three (3) additional days be added to prescribed period  
for filing when party is served by mail).

1 decided in the Order is “unreasonable, unlawful, erroneous or not in conformity with the law”  
2 (Rule of Procedure 331.01; Idaho Code § 61-626) and, accordingly, the Petition should be  
3 denied.

4 **ARGUMENT**

5 **1. PACIFICORP’S AGREEMENT TO DISCUSS INDIVIDUAL**  
6 **INTERRUPTIBILITY OR LOAD-CONTROL CONTRACTS FOR THE 2002**  
7 **IRRIGATION SEASON WITH NOT MORE THAN 15 LARGE IRRIGATORS IS**  
8 **REASONABLE AND NONDISCRIMINATORY.**

9 In his Petition, Mr. Searle argues that the Company’s agreement in the Stipulation to  
10 discuss individual interruptibility or load control contracts with only 15 large irrigators  
11 amounts to “favoritism” by the Company. Mr. Searle does not provide any evidence or  
12 argument in support of that allegation, except to ask whether “only those with inside interest  
13 [will] have an opportunity [to participate]?”

14 As relevant to Mr. Searle’s question, the Stipulation approved by the Commission in its  
15 Order provides:

16 In response to concerns from the [Idaho Irrigation Pumpers  
17 Association] concerning the loss of Schedule 10, Irrigation  
18 Season Rate C and its associated load control benefits, PacifiCorp  
19 agrees that it is willing to discuss individual interruptibility or  
20 load control contracts for the 2002 irrigation season with not  
21 more than 15 large irrigators [defined as irrigators having an  
22 individual meter registering more than 500 kilowatts during the  
23 last 12 months] on a first come-first served basis upon individual  
24 request of a member of said class of irrigators for such  
25 discussion.

26 That agreement by the Company is intended to be a non-discriminatory approach (first  
27 come-first served) to working with larger irrigation customers on a case-by-base basis  
28 regarding interruptible service for the 2002 irrigation season. PacifiCorp did not limit the  
29 number of large irrigators it would work with in this regard to 15 in order to discriminate  
30 among specific irrigators. Rather, the Company *and the irrigators* agreed that 15 was a  
31 reasonable number given the short duration of time remaining between the time the agreement

1 Even if Rule 102 bill-stuffer notice was required in this case and the Commission is  
2 authorized to impose a civil penalty for violation of that Rule,<sup>3</sup> Mr. Searle's argument fails  
3 because the penalty provisions of the Idaho Code do not require imposition of the maximum  
4 penalty for a Rule violation and because Commission precedent and the circumstances of this  
5 case do not warrant imposition of the maximum penalty. Idaho Code § 61-706 provides that  
6 violation of a Commission rule may result in a civil penalty of "not more than \$2000 for each  
7 and every offense." In other words, the statute contemplates assessment of a civil penalty  
8 amount below the statutory maximum.

9 Finally, for the reasons stated in PacifiCorp's Petition for Reconsideration, any increase  
10 in the amount of the penalty would be excessive, unreasonable, unlawful and unsupported by  
11 the record.

## 12 CONCLUSION

13 For all of the foregoing reasons, the Petition for Reconsideration of Stanley Searle  
14 should be denied.

15 DATED: July 2, 2002.

17 

18 \_\_\_\_\_  
19 James F. Fell  
20 Mary S. Hobson  
21 Erinn Kelley-Siel  
22 Of Attorneys for PacifiCorp dba Utah Power &  
23 Light Company

24 \_\_\_\_\_  
25 <sup>3</sup> For the reasons stated in its Petition for Reconsideration, filed June 28, 2002, the  
26 Company does not agree that Rule 102 applies to this proceeding, neither does it agree that the  
Commission is authorized to impose a civil penalty for a Rule 102 violation.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24 day of July, 2002, a true and correct copy of the foregoing was served on the following via U S Mail:

Scott Woodbury  
Deputy Attorney General  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Conley E. Ward  
Givens Pursley LLP  
277 North 6<sup>th</sup> St., Suite 200  
PO Box 2720  
Boise, ID 83701

Eric Olsen  
Racine, Olson, Nye, Budge & Bailey  
PO Box 1391  
201 E. Center  
Pocatello, ID 83204-1391

Anthony J. Yankel  
29814 Lake Road  
Bay Village, OH 44140

Randall C. Budge  
Racine, Olson, Nye, Budge & Bailey  
PO Box 1391  
201 E. Center  
Pocatello, ID 83204-1391

James R. Smith  
Senior Accounting Specialist  
Monsanto Company  
PO Box 816  
Soda Springs, ID 83276

Timothy Shurtz  
411 South Main  
Firth, ID 83236



---

RECEIVED   
FILED

2002 JUL -3 AM 8: 04

IDAHO PUBLIC  
UTILITIES COMMISSION

1 James F. Fell  
Erinn Kelley-Siel  
2 STOEL RIVES LLP  
900 S.W. Fifth Avenue, Suite 2600  
3 Portland, Oregon 97204  
Phone: (503) 294-9343  
4 Facsimile: (503) 220-2480

5 Mary S. Hobson  
STOEL RIVES LLP  
6 101 S. Capitol Boulevard, Suite 1900  
Boise, ID 83702-5958  
7 Telephone: (208) 389-4277  
Facsimile: (208) 389-9040

8  
9 Attorneys for PacifiCorp dba Utah Power & Light Company

10 BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

11 In the Matter of the Application of PacifiCorp  
12 dba Utah Power & Light Company for  
Approval of Changes to its Electric Service  
13 Schedules

PacifiCorp's Answer to Petition for  
Reconsideration of Timothy Shurtz

PAC-E-02-1

14  
15  
16 COMES NOW PacifiCorp, dba Utah Power & Light Company (“PacifiCorp” or the  
17 “Company”), by and through its attorneys of record and pursuant to Commission Rules of  
18 Procedure 331 and 332 (IDAPA 31.01.01.331, 332) and Idaho Code § 61-626, and files its  
19 Answer to the Petition for Reconsideration of Intervenor Timothy Shurtz (“Petition”), dated  
20 June 23, 2002 and recorded with the Idaho Public Utilities Commission (“Commission”) on  
21 June 26, 2002.<sup>1</sup>

22  
23  
24 <sup>1</sup> Mr. Shurtz’s Petition for Reconsideration was sent via U.S. Mail. See Commission  
25 Rule of Procedure 331 (providing that Answers to Petitions for Reconsideration be filed within  
seven (7) days after any person has petitioned for reconsideration) and Idaho Rules of Civil  
26 Procedure, Rule 6(e)(1) (providing that three (3) additional days be added to prescribed period  
for filing when party is served by mail).

1 For reasons discussed below, Mr. Shurtz has failed to sustain his burden as a petitioner  
2 on reconsideration to show that the Commission's Order No. 29034 ("Order") or any issue  
3 decided in the Order is "unreasonable, unlawful, erroneous or not in conformity with the law"  
4 (Rule of Procedure 331.01; Idaho Code § 61-626) and, accordingly, the Petition should be  
5 denied.

6 **ARGUMENT**

7 **1. THE BPA CREDIT WAS TREATED SEPARATELY AND DID NOT AFFECT**  
8 **THE CALCULATION OF PACIFICORP'S EXCESS POWER COST**  
9 **RECOVERY.**

10 In his Petition Mr. Shurtz claims that the BPA Credit "should be treated as a separate  
11 issue" and "should have no baring [*sic*] on the amount of monies given to Utah Power in this  
12 case."

13 In fact, the BPA Credit was considered separately by the Commission which approved  
14 and implemented the credit in its Interlocutory Order No. 28946, issued January 31, 2002. In  
15 the Order challenged here, the Commission merely reaffirmed Order No. 28946 and noted  
16 expressly that "[t]he BPA credit in its full amount remains intact and is unaffected by our  
17 Order today." Order at 3. Moreover, Mr. Shurtz's implied allegation that the BPA Credit  
18 somehow affected the amount of power cost recovery agreed to by the Parties to the Stipulation  
19 and approved by the Commission in its Order is unsubstantiated. As noted by the  
20 Commission, the BPA Credit qualifying Idaho customers are receiving "is by any measure  
21 extraordinary and far exceeds historic levels." Order at 2. The allocation of the credit which  
22 PacifiCorp proposed and the Commission accepted is just, reasonable and in the public  
23 interest. Determination of the amount of excess power costs PacifiCorp will be allowed to  
24 recover pursuant to the Stipulation approved in the Order was unaffected by the BPA Credit.  
25 Mr. Shurtz has failed to present any basis for his request for reconsidering the Commission's  
26 decision on this issue and his request should be denied.

1 **2. THE “MOST FAVORED NATION” PROVISION RELIED UPON BY**  
2 **MR. SHURTZ DOES NOT APPLY TO THIS PROCEEDING.**

3 In his Petition, Mr. Shurtz claims that the Company’s excess power costs attributable to  
4 the failure of its Hunter 1 generating unit should be taken out of the excess power cost  
5 recovery approved in the Order and handled separately after the issues related thereto have  
6 been decided in PacifiCorp’s other jurisdictions. As a basis for this request, Mr. Shurtz cites  
7 the so-called “most favored nation” provision adopted by the Commission in its order  
8 approving the PacifiCorp/ScottishPower merger, Order No. 29213, issued November 15, 1999  
9 in Case No. PAC-E-99-1 (“Merger Order”).<sup>2</sup> That provision, adopted as Merger Approval  
10 Condition No. 45, provided:

11 Pursuant to Idaho Code § 61,624, the Commission, after notice  
12 and opportunity for hearing, may amend its final order to include  
13 as an additional conditions to the final order any system-wide  
14 benefit that may be ordered by another regulatory commission  
15 with jurisdiction to approve the transaction. Excluded from  
16 “system wide benefits” are commitments or benefits that are  
17 unique to a particular jurisdiction and situations where, through  
18 negotiation in a particular jurisdiction, certain elements of the  
19 package may be enhanced while others are reduced to produce a  
20 total package that accommodates the unique requirements of that  
21 jurisdiction. Merger Order at 16.

22 By its terms, the application of Merger Approval Condition No. 45 is limited to  
23 Commission amendment of its final order *in the merger proceeding*. As the Commission noted  
24 in the Merger Order, the “most favored nation” provision

25 constitute[d] ScottishPower’s commitment that any ‘system  
26 benefits’ agreed to or imposed in other states will apply in Idaho.  
The effect of this is to ensure that PacifiCorp’s Idaho customers

27 \_\_\_\_\_  
28 <sup>2</sup> The Petition refers generally to a “‘Most Favored Nation’ clause in the stipulation,”  
29 but does not specify which “stipulation” to which it refers. Because the Stipulation approved  
30 in the Order at issue here does not contain a “most favored nation” clause, PacifiCorp  
31 assumes, for the sake of argument, that Mr. Shurtz is referring to Merger Approval Condition  
32 No. 45 adopted in the Merger Order.

1 receive at least as favorable treatment as the Company's  
2 customers in other states. Merger Order at 26.<sup>3</sup>

3 Thus, the intent of ScottishPower as expressed in the “most favored nation” provision was to  
4 ensure Idaho customers received certain benefits *resulting from the merger* received by  
5 customers in other states. The provision was not intended to apply outside that proceeding,  
6 and Mr. Shurtz does not provide any evidence to support his contention that it applies to the  
7 Stipulation adopted in this case.

8 Because the “most favored nation” provision in the Merger Order did not apply outside  
9 the merger proceeding, Mr. Shurtz’s request for reconsideration and/or clarification of the  
10 Commission’s Order in this case based on that provision should be rejected.

11 **3. ALTHOUGH NOT BROKEN OUT INTO SPECIFIC COST COMPONENTS THE**  
12 **ORDER CORRECTLY FOUND THAT THE PROPOSED POWER SUPPLY**  
13 **COST SETTLEMENT AMOUNT IS FAIR, JUST AND REASONABLE.**

14 Mr. Shurtz also contends that “one of the problems with the Hunter Costs and the  
15 assessing of excess power costs in general is because these costs and issues were lumped into  
16 one charge to the customers.”

17 It is true, as noted in the Order, that the Stipulation “does not attempt to assign blame  
18 or allocate a specific percentage of sharing for Hunter.” Order at 14. Rather, “[t]he  
19 settlement provides a negotiated recovery figure” (*id.* at 15) which the Commission accepted as  
20 fair, just and reasonable. *Id.* at 16-17. Mr. Shurtz has failed to provide any evidence to  
21 support his position that the Commission’s conclusion in that regard is unreasonable, unlawful  
22 or erroneous. As evinced by the testimony of Commission Staff member Randy Lobb in this  
23 proceeding, the circumstances surrounding the Hunter 1 failure were considered and accounted

---

24 <sup>3</sup> Indeed, the rate moratorium agreed to in the Merger Order, Merger Approval  
25 Condition No. 2 (discussed below) was a benefit of the merger unique to Idaho and, for that  
26 reason, the Idaho Merger Order resulted in terms that were arguably *superior* to those enjoyed  
by customers in PacifiCorp’s other jurisdictions.

1 for in the power cost recovery amount agreed to in the Stipulation. Transcript Volume III,  
2 Lobb Testimony pp. 311-314. In addition to costs related to the Hunter 1 outage, Staff's  
3 analysis of the Company's request for recovery of its excess power costs included an  
4 evaluation of "the normalized power supply costs allocated to the Idaho jurisdiction, the  
5 deferral period accrual amounts, [and] the impact of wholesale power sales contracts." Order  
6 at 16. The Commission's Order also found that the Parties to this proceeding considered  
7 multiple issues related to the Company's excess power costs, including the Company's short-  
8 term power purchase, wholesale power contracts, strategies in serving load, load growth, and  
9 individual assessments of the probability of a party prevailing on a challenge of imprudence.  
10 *Id.* at 16-17. Finally, the Commission also found "with certainty that many of the  
11 disallowances identified by Staff (Hunter 1 outage, wholesale contract costs, load growth and  
12 jurisdictional allocation) are included in the final Settlement figure." *Id.* at 17.

13 In short, the Commission's finding that the settlement amount agreed to in the  
14 Stipulation is reasonable and in the public interest notwithstanding the fact that it does not  
15 contain a specific delineation of costs is reasonable, lawful and supported by substantial  
16 evidence. Mr. Shurtz has failed to demonstrate otherwise and, therefore, his request for  
17 reconsideration of this issue should be denied.

18 **4. THE COMMISSION CORRECTLY INTERPRETED MERGER CONDITION**  
19 **NO. 2 TO ALLOW PACIFICORP TO RECOVER ITS EXCESS POWER COSTS**  
20 **IN RATES EFFECTIVE AFTER JANUARY 1, 2002.**

21 In his Petition, Mr. Shurtz reiterates his objection to PacifiCorp's recovery of its excess  
22 power costs in this proceeding as a violation of PacifiCorp/ScottishPower Merger Condition  
23 No. 2, adopted by the Commission in its Merger Order. According to Mr. Shurtz, the  
24 Commission should have taken into consideration alleged representations made by Company  
25 representatives and, based on those representations, "thrown out" the excess power costs  
26 incurred during the two-year rate moratorium.

1 Merger Condition No. 2 provides: "At a minimum, ScottishPower shall not seek a  
2 general rate increase for its Idaho service territory effective prior to January 1, 2002." Merger  
3 Order at 8. The Commission previously addressed that condition in response to a Petition for  
4 Clarification filed by Mr. Shurtz in this case. Order No. 28998 issued April 12, 2002. In that  
5 order, the Commission found that the condition had been fulfilled as the Company did not seek  
6 any increases in rates to be effective before 2002. Order No. 28998 at 3. Likewise, in Order  
7 No. 29034, the Commission found that recovery in this case did not violate the rate  
8 moratorium and that, "as long as rates did not change or become effective prior to January 1,  
9 2002," the Company could have filed a general rate case in 2001. Order at 13; *see also*  
10 Transcript Volume III, Shurtz Testimony, pp. 376-78 (wherein Commissioner Kjellander  
11 explains that any rate case filing for new rates effective January 1, 2002 would have been  
12 based on costs incurred prior to January 1, 2002, just as this case was based on costs incurred  
13 during that period).

14 Merger Condition No. 2 was a condition imposed upon the Company by the  
15 Commission, not a condition offered by ScottishPower. In this case, the Commission has  
16 correctly interpreted that provision in a manner that is fair and reasonable, both to ratepayers  
17 and to the Company.<sup>4</sup> Nevertheless, Mr. Shurtz challenges that interpretation based on what

18 \_\_\_\_\_  
19 <sup>4</sup> As it found in its Order,

20 In this case, the Commission authorized a deferral accounting  
21 mechanism for extraordinary power costs incurred by PacifiCorp  
22 \* \* \* to acquire adequate resources to meet its service obligation.  
23 As a regulatory body this Commission has a dual obligation, one  
24 to the utility to ensure that the utility is allowed such rates as will  
25 produce sufficient funds to meet necessary maintenance and  
26 operating expenses, and to provide it with an opportunity to earn  
a fair and reasonable rate of return on the value of its property  
devoted to the public service. On the other hand, the  
Commission has an obligation to customers to ensure that the  
service they receive is adequate, safe and reliable and that the  
rates they pay are fair, just and reasonable. Order at 14.

1 he refers to as “misrepresentations” and “misinformation” provided by Company officials.  
2 Mr. Shurtz contends that “had \* \* \* the benefits of this rate moratorium been clarified for the  
3 public there would have been a continued opposition to the merger.”

4 As noted by the Commission in its Order, the record in the merger proceeding contains  
5 no evidence to support Mr. Shurtz’s allegations that any “misrepresentations” occurred or that  
6 “misinformation” was provided to the public. Order at 10. If customers believed  
7 ScottishPower had made promises to them regarding post-merger rates, they should have  
8 raised the issue in the merger proceeding, where PacifiCorp could have corrected any  
9 misunderstanding. By keeping silent, customers did not give PacifiCorp an opportunity to  
10 explain its position or the Commission an opportunity to incorporate different terms in the  
11 Merger Order. Neither were these allegations raised by any party or person in a request for  
12 reconsideration or clarification of the Merger Order. In short, the Commission correctly found  
13 in its Order that it is bound by its previous orders and the evidence of record that those  
14 decisions rested upon. The record in the PacifiCorp/ScottishPower merger proceeding is  
15 closed and the Commission’s intent with respect to Merger Condition No. 2 “was clearly  
16 articulated in the Merger Order.” Order at 11. Mr. Shurtz’s request that the Commission  
17 consider “evidence” outside that record to now effectively modify the Merger Order by giving  
18 it an interpretation contrary to its text must be rejected.

19 **5. THERE IS NO BASIS ON THE RECORD FOR INCREASING THE CIVIL**  
20 **PENALTY IMPOSED BY THE COMMISSION.**

21 In its Order, the Commission imposed a \$1,087,720 civil penalty upon the Company  
22 for its failure to provide bill-stuffer notice to customers as required by Customer Information  
23 Rule 102 (“Rule 102”). IDAPA 31.21.02.102. According to Mr. Shurtz, the Company’s  
24 liability for the alleged violation of Rule 102 should be equal to the harm to customers, that is,  
25 the amount of the cost recovery approved in the Order. Mr. Shurtz states that he “believe[s]

26

1 that many other customers would have been more involved had Utah Power followed  
2 commission rule 102 and notified the customers of their potential liabilities.”

3 There is no evidence to support Mr. Shurtz’s contention. As noted in the Company’s  
4 Petition for Reconsideration (filed with the Commission June 28, 2002), the record in this  
5 proceeding demonstrates that the public was on actual notice of PacifiCorp’s Application; the  
6 attendance of customers and legislative representatives at the workshops and public hearings in  
7 Rigby and Preston would belie any finding to the contrary.<sup>5</sup> The issues regarding the  
8 requested cost recovery were thoroughly explained by the Staff and Company in the workshops  
9 and well aired in the public meetings. By the time the public meetings were concluded, there  
10 was no indication of any issues that could be productively addressed in further proceedings.

11 Because Mr. Shurtz provides no evidence to support his contention that additional  
12 customer notice would have resulted in increased public participation, or that increased public  
13 participation would have provided additional information to the Commission that would  
14 warrant reconsideration of its Order, this ground for reconsideration is without merit.<sup>6</sup>

15 Finally, for the reasons stated in PacifiCorp’s Petition for Reconsideration, any increase  
16 in the amount of the penalty would be excessive, unreasonable, unlawful and unsupported by  
17 the record.

18

19

20

21

---

22 <sup>5</sup> Mr. Shurtz agrees that PacifiCorp complied with the statutory notice requirements  
23 provided by Idaho Code § 61-307 by filing its Application with the Commission and making it  
24 available for public inspection at its offices. He complains, however that field-office access to  
the Application is inadequate as a means of providing notice to customers. That complaint,  
however, is more appropriately directed to the Idaho Legislature.

25 <sup>6</sup> In addition, for the reasons stated in its Petition for Reconsideration, the Company  
26 submits that Rule 102 does not apply to this proceeding and that, therefore, no penalty for an  
alleged violation of that Rule applies.

1 **CONCLUSION**

2 For all of the foregoing reasons, the Petition for Reconsideration of Timothy Shurtz  
3 should be denied.

4 DATED: July 2, 2002.

5  
6 

7 James F. Fell  
8 Mary S. Hobson  
9 Erinn Kelley-Siel  
10 Of Attorneys for PacifiCorp dba Utah Power &  
11 Light Company

## CERTIFICATE OF SERVICE

I hereby certify that on this 24 day of July, 2002, a true and correct copy of the foregoing was served on the following via U S Mail:

Scott Woodbury  
Deputy Attorney General  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

Conley E. Ward  
Givens Pursley LLP  
277 North 6<sup>th</sup> St., Suite 200  
PO Box 2720  
Boise, ID 83701

Eric Olsen  
Racine, Olson, Nye, Budge & Bailey  
PO Box 1391  
201 E. Center  
Pocatello, ID 83204-1391

Anthony J. Yankel  
29814 Lake Road  
Bay Village, OH 44140

Randall C. Budge  
Racine, Olson, Nye, Budge & Bailey  
PO Box 1391  
201 E. Center  
Pocatello, ID 83204-1391

James R. Smith  
Senior Accounting Specialist  
Monsanto Company  
PO Box 816  
Soda Springs, ID 83276

Timothy Shurtz  
411 South Main  
Firth, ID 83236



\_\_\_\_\_