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Attorneys for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PACIFICORP DBA UTAH POWER &) CASE NO. PAC-E-05-1
LIGHT COMPANY FOR AUTHORITY TO)
INCREASE ITS RATES FOR ELECTRIC)
SERVICE TO ELECTRIC CUSTOMERS IN) COMMISSION STAFF MOTION
THE STATE OF IDAHO.) TO VACATE PREFILE DIRECT
) TESTIMONY DATE**

Pursuant to Commission Rule of Procedure 256.03, Staff for the Public Utilities Commission files this Motion for an Order from the Commission Vacating the Prefile Direct Testimony Date of June 17, 2005 in order for the Parties to continue intensive settlement negotiations.

BACKGROUND

On January 15, 2005, PacifiCorp dba Utah Power & Light Company filed an Application for authority to increase the Company's general rates for electric service by an average of 12.5%. The following parties requested and were granted Intervention: Monsanto Company; Idaho Irrigation Pumpers Association, Inc.; Agrium, Inc.; J.R. Simplot Company; Community Action Partnership Association of Idaho; and Timothy Shurtz. On March 16, 2005, the Commission issued Notices of Scheduling and Hearing. Pursuant to this schedule, the Staff and Intervenor deadline for prefiling testimony and exhibits is June 17, 2005. Rebuttal testimony and exhibits are then due on July 12, 2005, and the technical hearing is scheduled for August 2 – 4, 2005.

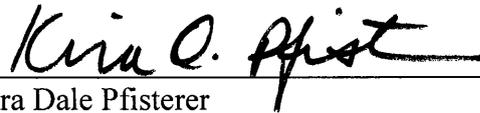
COMMISSION STAFF MOTION
TO VACATE PREFILE DIRECT
TESTIMONY DATE

Following a May 4, 2005 Notice of Staff Intent to Engage in Settlement Discussions (IDAPA 31.01.01.272), representatives of the Parties met on May 16 and engaged in initial discussions to negotiate a possible settlement in this case. The Parties have pursued these discussions in earnest and have come to an agreement in principle. Nonetheless, the Parties are not yet ready to file a Stipulation with the Commission. In order to allow the Parties more time to negotiate a possible Stipulation, Staff now seeks an Order from the Commission vacating the direct testimony prefile date of June 17, 2005.

The facts in support of expeditious relief include those above. Specifically, Staff needs additional time to reach a settlement that, by all indications, appears forthcoming. Attempts were made on Friday, June 10, 2005, to contact a representative of each Party via telephone pursuant to Commission Rule 256.02. In addition, on June 10, 2005, the Motion was sent to each Party via e-mail.

In the event a settlement is reached and the Parties file a Stipulation with the Commission by 5:00 p.m. Monday, June 13, 2005, the Commission Staff requests that the Commission consider what procedures it will follow in its consideration of the proposed settlement. Pursuant to Rule 274 of the Commission's Rules of Procedure, "when a settlement, be it active or passive, is presented to the Commission, the Commission will prescribe procedures appropriate to the nature of the settlement to consider the settlement." The Commission is not bound by settlements, and the proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest or otherwise in accordance with law or regulatory policy. IDAPA 31.01.01.274 and 275.

Respectfully submitted this *10th* day of June 2005.



Kira Dale Pfisterer
Scott Woodbury
Deputy Attorneys General

N:PACE0501_kdp_Motion

COMMISSION STAFF MOTION
TO VACATE PREFILE DIRECT
TESTIMONY DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 10TH DAY OF JUNE 2005, SERVED THE FOREGOING **COMMISSION STAFF TO VACATE PREFILE DIRECT TESTIMONY DATE** IN CASE NO. PAC-E-05-01, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

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