



2012 APR 25 AM 10:16

IDAHO PUBLIC  
UTILITIES COMMISSION

*Mark C. Moench*  
*Senior Vice President and General*  
*Counsel*  
*201 S. Main Street, Suite 2400*  
*Salt Lake City, UT 84111*  
*801-220-4459 Office*  
*801-220-4058 Fax*  
*mark.moench@pacificorp.com*

April 25, 2012

**VIA OVERNIGHT DELIVERY**

Idaho Public Utilities Commission  
472 West Washington  
Boise, ID 83702-5983

Attention: Jean D. Jewell  
Commission Secretary

Re: PacifiCorp Notice of Affiliate Transaction  
Case No. PAC-E-05-8

Dear Ms. Jewell:

This letter will serve as notice pursuant to Commitment I 17(2), incorporated in the Idaho Public Utilities Commission Order No. 29973 issued February 13, 2006, as supplemented by Order No. 29998 March 14, 2006, in the above-referenced proceeding, approving the acquisition of PacifiCorp by MidAmerican Energy Holdings Company ("MEHC"), of an affiliate interest transaction. Filed concurrently as Attachment A is the Right of Way Easement ("Easement") between PacifiCorp (the "Company"), and BNSF Railway Company ("BNSF"), Tracking No. 12-45042.

PacifiCorp is a wholly-owned indirect subsidiary of MidAmerican Energy Holdings Company ("MEHC"). MEHC is a subsidiary of Berkshire Hathaway, Inc. BNSF is also a subsidiary of Berkshire Hathaway, Inc. Therefore, Berkshire Hathaway, Inc.'s ownership interest in MEHC and BNSF may create an affiliated interest in some PacifiCorp jurisdictions.

PacifiCorp provides retail electric service to BNSF's rail yard located in Klamath Falls, Oregon. BNSF desires to upgrade its service, which will require the installation of a 12 kilovolt overhead distribution line over 145 longitudinal feet of BNSF's property. Without the Easement, the Company's ability to provide adequate, safe and reliable service to its customers would be diminished.

Typically BNSF charges \$3,000 to \$5,000 for agreements of this nature. However, because the Easement is needed so that the Company can provide electric service to BNSF, there will be no charge for the Easement.

Idaho Public Utilities Commission

April 25, 2012

Page 2

Obtaining the Easement is in the public interest because it allows the Company to install and maintain facilities necessary to provide electric service and to meet its obligation to provide safe and reliable electric service. Not having the Easement would mean that PacifiCorp would not be able to meet its obligation to provide electric service. As the property owner, BNSF is the only entity that can provide this Easement to the Company.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Mark C. Moench". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Mark C. Moench  
Senior Vice President and  
General Counsel  
Rocky Mountain Power

Enclosures

Return to: Pacific Power  
1950 Mallard Lane  
Klamath Falls, OR 97601

CC#: 11176 WO#: 05640386

Tracking #12-45042

### **RIGHT OF WAY EASEMENT**

For value received, **BNSF RAILWAY COMPANY, a Delaware corporation** ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way **145** feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchor, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over, across or under the surface of the real property of Grantor in **Klamath County, State of Oregon**, more particularly described as follows and shown on Exhibit 'A' attached hereto and by this reference made a part hereof:

A portion of:

***That property described in deed from John W. Cabler (grantor), to Great Northern Railway Company (grantee), recorded May 8, 1931 in book 95, page 231, Klamath County Deed Records, located within the Southeast one-quarter of the Southeast one-quarter of Section 9, Township 39 South, Range 9 East, Willamette Meridian, in the County of Klamath and State of Oregon.***

Assessor's Map No. 39 09 09D

Together with the right of ingress and egress, for Grantee, its contractors, or agents, to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment, material or vegetation of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

Prior to entering the Premises, Grantee shall and shall cause its contractor to comply with all Grantor's applicable safety rules and regulations.

Grantee shall notify Grantor's Roadmaster, Randy Searer at 1800 Laverne Avenue, Klamath Falls, OR, telephone 541-880-5639 or 541-892-5639, at least ten (10) business days prior to construction of the Electric Supply Line and prior to entering the Premises for any subsequent maintenance thereon.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**BNSF RAILWAY COMPANY**

Jones Lang LaSalle Global Services – RR, Inc., its Attorney in Fact

\_\_\_\_\_  
*Ed Darter, Vice President – National Accounts*

**REPRESENTATIVE ACKNOWLEDGEMENT**

State of \_\_\_\_\_ SS.

County of \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 2\_\_\_\_,

by \_\_\_\_\_, as \_\_\_\_\_,  
Name of Representative Title of Representative

of \_\_\_\_\_  
Name of Entity on behalf of whom this instrument was executed

[Seal]

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

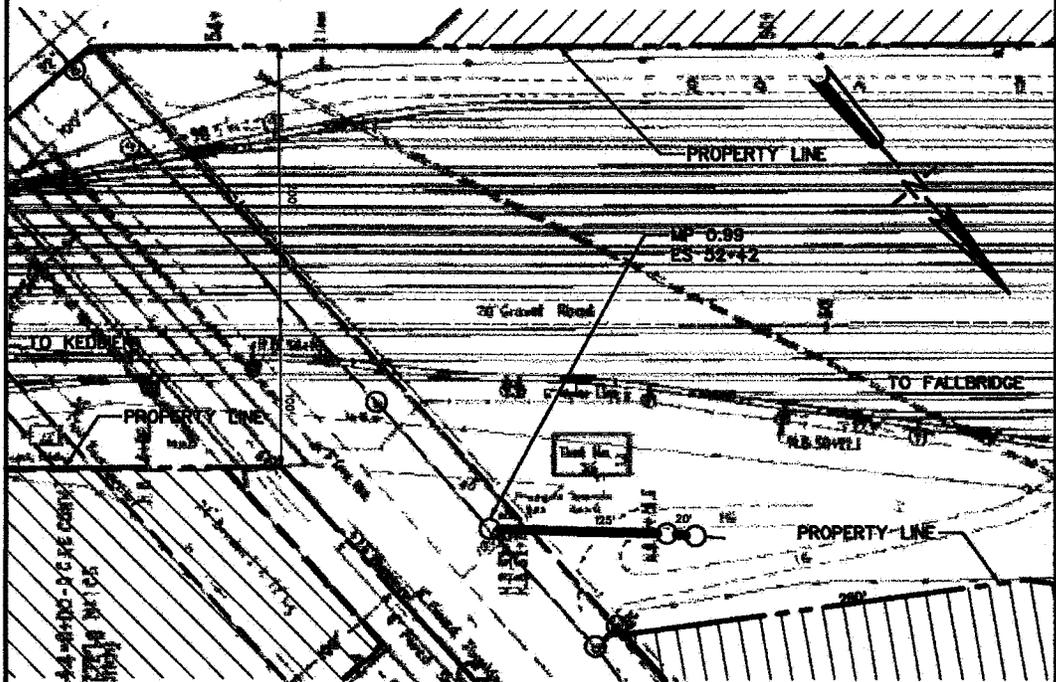
**EXHIBIT "A"**  
 ATTACHED TO CONTRACT BETWEEN  
**BNSF RAILWAY COMPANY**  
 AND  
**PACIFICORP**

SCALE: 1 IN. = 100 FT.  
 NORTHWEST DIV.  
 GATEWAY SUBDIV. L.S. Q055  
 DATE 04/04/2012

SECTION: 09.10  
 TOWNSHIP: 39S  
 RANGE: 09E  
 MERIDIAN: WILLM



MAP REF. S52186



NOTE:  
 TOTAL LENGTH ON BNSF  
 R/W IS 145'.

DESCRIPTION OF WIRES OVER TRACK  
 WIRES LOCATED AS SHOWN BOLD

TYPE	NUMBER	VOLTAGE	DISTANCE ABOVE TOP OF RAIL	CLEARS RAILWAY COMPANY'S WIRES
ELECTRIC	4	12KV	-	-

AT KLAMATH FALLS  
 COUNTY OF KLAMATH

STATE OF OR

JHL

DRAWING NO. 1-54531