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IDAHO PUBLIC  
UTILITIES COMMISSION

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January 18, 2013

**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, and BNSF Railway Company ("BNSF"), Work Order No. 05679950.

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.

The Company provides retail electric service to BNSF's depot located in Yakima, Washington. BNSF is relocating a section of its tracks leading to the depot to accommodate the City of Yakima's street improvement project near the depot. As a result, the Company must relocate a portion of the underground facilities used to serve BNSF at this location, which requires a new easement. 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 easement 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. There is a \$600 application fee that was paid by the City of Yakima.

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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. Additionally, the Easement allows the Company to provide electric service to BNSF.

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

Best Regards,

A handwritten signature in black ink, reading "Mark C. Moench". The signature is written in a cursive, flowing style.

Mark C. Moench  
Senior Vice President and General Counsel  
PacifiCorp

Enclosures

Return to: Pacific Power  
500 N Keys Road  
Yakima, WA 98901

CC#: 11531 WO#: 05679950  
Tracking #:

### **RIGHT OF WAY EASEMENT**

For value received, **BNSF RAILWAY COMPANY, a Delaware corporation** ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a perpetual easement for a right of way **70** feet in length and **10** feet in width, 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 **Yakima** County, State of **Washington**, more particularly described as follows and/or shown on Exhibit A attached hereto and by this reference made a part hereof.

A portion of:

***That property located within the W ½ NW ¼ of Section 19, in T13N, R19E of the Willamette Meridian, Yakima County, Washington, as depicted on Exhibit A.***

Assessor's Parcel No. 191319-23017

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 easement 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.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Agreement. Each party further waives any right to consolidate, or to request the consolidation of, any

action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

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, *Mr. Andrew Vulgas* at *602 W 3<sup>rd</sup> Street, Ellensburg, WA, 98926*, telephone *(206) 625-6880* or cell *(503) 799-4042*, 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. Notwithstanding the foregoing sentence, Grantee may enter the Premises as reasonably necessary to respond to emergencies or outages without providing notice to Grantor.

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 20<sup>th</sup> day of December, 2012.

Carrie Thompson

**Carrie Thompson,**  
**Manager – Land Revenue Management**

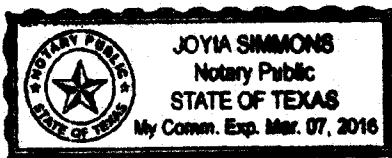
#### REPRESENTATIVE ACKNOWLEDGEMENT

State of TEXAS } SS.  
County of TARRANT

This instrument was acknowledged before me on this 20<sup>th</sup> day of December, 2012

by Carrie Thompson, as Manager - Land Revenue Mgmt.  
Name of Representative Title of Representative

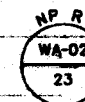
of BNSF Railway Company  
Name of Entity on behalf of whom this instrument was executed



Joyia E. Simmons  
Notary Public  
My commission expires: 3/7/16

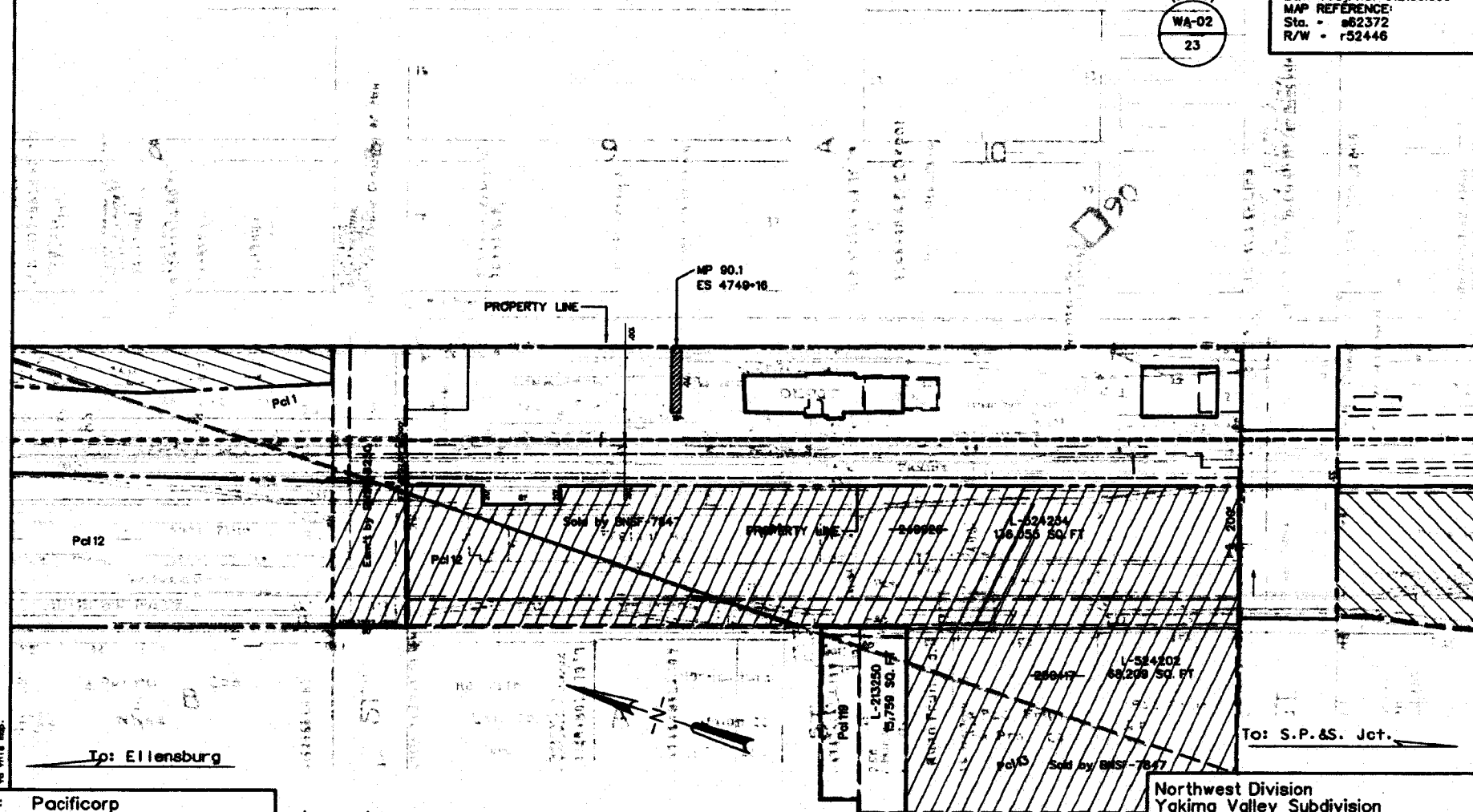
# EXHIBIT "A"

Staubach Tracking Tr:  
B&W Proj. No.: 012196.003  
MAP REFERENCE:  
Sta. - a82372  
R/W - r52446



Scale: 1" = 100' +/-

THIS MAP WAS USED BY B&W RAILWAY COMPANY IN THE ORDINARY COURSE OF BUSINESS, BUT IT IS SUBJECT TO AUDIT AND SHOULD BE USED ONLY WITH THE EXPRESSED UNDERSTANDING THAT THE B&W MADE NO REPRESENTATIONS WHATSOEVER AS TO THE QUALITY, ACCURACY, ERRORS OR OMISSIONS RELATING TO THIS MAP.



To: Pacificorp  
At: Yakima  
Yakima County  
Washington

Legend:  
▨ Easement Area

MEASUREMENTS BASED ON PROVIDED SURVEYS  
(S) MEASUREMENTS TAKEN OFF SURVEY  
(M) MEASUREMENT

Northwest Division  
Yakima Valley Subdivision  
Vol. Sec. 51800 - L.S. 0048-W  
NP RY WA-02, Map 23  
Sec. 19, T13N, R19E WILLM  
December 3, 2012

M.P. 90.10 STK

DRAWING NO. 3-56486