

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION )**  
**OF PACIFICORP DBA UTAH POWER & )** **CASE NO. PAC-E-05-11**  
**LIGHT COMPANY FOR APPROVAL OF AN )**  
**ELECTRIC SERVICE AGREEMENT WITH )** **NOTICE OF APPLICATION**  
**NU-WEST INDUSTRIES )**  
) **NOTICE OF**  
) **MODIFIED PROCEDURE**  
)  
) **NOTICE OF**  
) **COMMENT/PROTEST**  
) **DEADLINE**

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YOU ARE HEREBY NOTIFIED that on December 2, 2005, PacifiCorp dba Utah Power & Light Company (PacifiCorp; Company) filed an Application with the Idaho Public Utilities Commission (Commission) requesting approval of an Electric Service Agreement (Agreement) with Nu-West Industries (Nu-West) dated October 31, 2005. The Agreement replaces an Electric Service Agreement (Prior Agreement) dated December 10, 2001, approved by the Commission in Case No. PAC-E-01-17.

Nu-West is engaged in the production of phosphate fertilizer at facilities located in Soda Springs, Idaho. The Prior Agreement governing electric service to Nu-West terminates on December 31, 2005. The submitted Agreement will become effective January 1, 2006, subject to approval by the Commission, and will terminate on December 31, 2010.

In compliance with Commission Order No. 29833 approving the Stipulation in Case No. PAC-E-05-1, the Company on October 26, 2005 submitted Revised Tariff Sheet No. 400.2, reflecting new rates for Nu-West pursuant to the Stipulation. The Company requested an effective date of January 1, 2006.

As reflected in Section 4 of the Agreement, the following monthly charges will apply to Nu-West:

NOTICE OF APPLICATION  
NOTICE OF MODIFIED PROCEDURE  
NOTICE OF COMMENT/PROTEST DEADLINE 1

**MONTHLY CHARGES**

		<u>May-October</u>	<u>November-April</u>
Customer Charge	\$ Per Month	\$282.89	\$282.89
Demand Charge	\$ Per kW-Month	\$ 11.19	\$ 9.03
Energy Charge	\$ Per MWh		
(HLH)	Monday – Friday HE0800-HE2300 MPT	\$ 23.00	\$ 19.22
(LLH)	All other hours and holidays	\$ 17.33	\$ 17.33

The demand and energy charges identified in the Agreement are to be uniformly adjusted semi-annually effective July 1, 2006 and January 1, 2006 and each July 1 and January 1 thereafter, so that they equal the tariff rates. Agreement Section 4.2.

Section 8.1 of the Agreement provides that PacifiCorp may terminate the Agreement if the Order approving the Agreement does not provide for the direct assignment of the revenues and costs from the Agreement to the Idaho jurisdiction for ratemaking purposes.

Section 8.3 of the Agreement provides that the Commission has the authority to modify the rates for service under the Agreement under the same standard that applies to tariff customers generally. Commission authorized tariff rate changes, including surcharges or credits that apply to tariff customers generally, will also apply to service under the Agreement. Accordingly, the Company requests that, except as provided in Section 4.2 of the Agreement, the Order approving the Agreement include an acknowledgement that rates for service to Nu-West are subject to modification by the Commission under the same standard that applies to tariff customers generally.

PacifiCorp requests that its Application be processed under Modified Procedure, i.e., by written submission rather than by hearing.

YOU ARE FURTHER NOTIFIED that the Commission has reviewed the filings of record in Case No. PAC-E-05-11. The Commission has preliminarily determined that the public interest regarding the Company’s Application and the Nu-West Agreement may not require a hearing to consider the issues presented and that issues raised by the Application may be processed under **Modified Procedure**, i.e., by written submission rather than by hearing. Reference Commission’s Rules of Procedure, IDAPA 31.01.01.201-204.

YOU ARE FURTHER NOTIFIED that the **deadline for filing written comments or protests** with respect to PacifiCorp's Application and the use of Modified Procedure in Case No. PAC-E-05-11 is **Friday, December 16, 2005**.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the deadline, the Commission may consider the matter on its merits and may enter its Order without a formal hearing. If comments or protests are filed within the deadline, the Commission will consider them and in its discretion may set the matter for hearing or may decide the matter and issue its Order based on the written positions before it. Reference IDAPA 31.01.01.204.

YOU ARE FURTHER NOTIFIED that written comments concerning Case No. PAC-E-05-11 should be mailed to the Commission and the Company at the addresses reflected below.

Commission Secretary	Bob Lively
Idaho Public Utilities Commission	PacifiCorp
PO Box 83720	201 S. Main, Suite 2300
Boise, ID 83720-0074	Salt Lake City, UT 84140-0023

Street Address for Express Mail:	James M. Van Nostrand
	Stoel Rives LLP
472 W. Washington Street	900 SW Fifth Avenue, Suite 2600
Boise, ID 83702-5983	Portland, OR 97204-1268

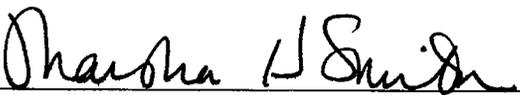
All comments should contain the case caption and case number shown on the first page of this document.

Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at [www.puc.idaho.gov](http://www.puc.idaho.gov). Click the "Comments and Questions" icon, and complete the comment form, using the case number as it appears on the front of this document.

YOU ARE FURTHER NOTIFIED that the Company's Application in Case No. PAC-E-05-11 together with a copy of the Electric Service Agreement between PacifiCorp and Nu-West Industries, Inc. may be viewed during regular business hours at the offices of the Idaho Public Utilities Commission, 472 W. Washington Street, Boise, Idaho and at the Idaho offices of PacifiCorp dba Utah Power & Light Company. In addition, the Application may be viewed by accessing the Commission's home page at [www.puc.idaho.gov](http://www.puc.idaho.gov) by clicking on "File Room" and then "Electric Cases."

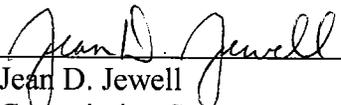
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6<sup>th</sup>  
day of December 2005.

  
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PAUL KJELLANDER, PRESIDENT

  
\_\_\_\_\_  
MARSHA H. SMITH, COMMISSIONER

  
\_\_\_\_\_  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

bls/N:PAC-E-05-11\_sw