



**ROCKY MOUNTAIN  
POWER**  
A DIVISION OF PACIFICORP

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2008 SEP 19 AM 10:43

201 South Main, Suite 2300  
Salt Lake City, Utah 84111

September 19, 2008

IDAHO PUBLIC  
UTILITIES COMMISSION

**VIA OVERNIGHT DELIVERY**

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
472 W. Washington  
Boise, ID 83702

Re: Case No. PAC-E-08-07  
In the Matter of the Application of Rocky Mountain Power for Approval of Changes to  
its Electric Service Schedules and a Price Increase of \$5.9 Million, or 4.0 Percent.

Dear Ms. Jewell:

Please find enclosed for filing an original and nine copies of Rocky Mountain Power's Application in the above-referenced matter, along with nine copies of PacifiCorp's direct testimony and exhibits. Also enclosed are a CD containing the Application, summary of testimony, direct testimony and exhibits, a separate CD containing non-confidential workpapers, and a Confidential CD containing confidential workpapers. To the attention of the Court Reporter is a paper copy of all documents along with a CD containing all testimony and exhibits in their original formats.

Exhibit Nos. 1, 3, 8, 9 and confidential Exhibit No. 19 are only available in pdf format.

All formal correspondence and regarding this Application should be addressed to:

Ted Weston  
Rocky Mountain Power  
201 South Main, Suite 2300  
Salt Lake City, Utah 84111  
Telephone: (801) 220-4975  
Fax: (801) 220-2798  
Email: [ted.weston@pacificorp.com](mailto:ted.weston@pacificorp.com)

Daniel Solander  
Rocky Mountain Power  
201 South Main Street, Suite 2300  
Salt Lake City, Utah 84111  
Telephone: (801) 220-4568  
Fax: (801) 220-3299  
Email: [Daniel.solander@pacificorp.com](mailto:Daniel.solander@pacificorp.com)

Communications regarding discovery matters, including data requests issued to Rocky Mountain Power, should be addressed to the following:

By E-mail (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)

By Fax: (503) 813-6060

By regular mail: Data Request Response Center  
PacifiCorp  
825 NE Multnomah St., Suite 2000  
Portland, OR 97232

Informal inquiries may be directed to Ted Weston, Idaho Regulatory Manager at (801) 220-2963.

Very truly yours,

 (J.T.W)

Jeffrey K. Larsen  
Vice President, Regulation

cc: Service List

Enclosures

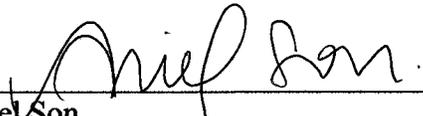
## CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> day of September, 2008, I caused to be served, via overnight delivery, a true and correct copy of Rocky Mountain Power's Application for Approval of Changes to It's Electric Service Schedules and a Price Increase of \$5.9 Million, or 4.0 Percent in PAC-E-08-07 to the following:

Eric L. Olsen  
Racine, Olson, Nye, Budge & Bailey,  
Chartered  
201 E. Center  
P.O. Box 1391  
Pocatello, ID 83204-1391  
E-Mail: [elo@racinelaw.net](mailto:elo@racinelaw.net)

Randall C. Budge  
Racine, Olson, Nye, Budge & Bailey,  
Chartered  
201 E. Center  
P.O. Box 1391  
Pocatello, ID 83204-1391  
E-Mail: [rcb@racinelaw.net](mailto:rcb@racinelaw.net)

Tim Buller  
Agrium, Inc.  
3010 Conda Road  
Soda Springs, ID 83276  
E-Mail: [tbuller@agrium.com](mailto:tbuller@agrium.com)

  
\_\_\_\_\_  
Ariel Son  
Coordinator, Administrative Services

Daniel E. Solander  
Yvonne R. Hogle  
Rocky Mountain Power  
201 South Main Street, Suite 2300  
Salt Lake City, Utah 84111  
Telephone: (801) 220-4014  
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Email: [daniel.solander@pacificorp.com](mailto:daniel.solander@pacificorp.com)  
[yvonne.hogle@pacificorp.com](mailto:yvonne.hogle@pacificorp.com)

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2008 SEP 19 AM 10:44  
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UTILITIES COMMISSION

*Attorney for Rocky Mountain Power*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE</b>	)	
<b>APPLICATION OF ROCKY</b>	)	<b>CASE NO. PAC-E-08-07</b>
<b>MOUNTAIN POWER FOR</b>	)	
<b>APPROVAL OF CHANGES TO ITS</b>	)	<b>APPLICATION OF</b>
<b>ELECTRIC SERVICE SCHEDULES</b>	)	<b>ROCKY MOUNTAIN POWER</b>
<b>AND A PRICE INCREASE OF \$5.9</b>	)	
<b>MILLION, OR 4.0 PERCENT.</b>	)	

Rocky Mountain Power, a division of PacifiCorp ("Rocky Mountain Power" or the "Company") hereby applies to the Commission for approval of proposed changes to the Company's electric service schedules submitted herewith. In support of this Application, Rocky Mountain Power states as follows:

1. Rocky Mountain Power is authorized to do and is doing business in the state of Idaho. The Company provides retail electric service to approximately 69,000 customers in the state of Idaho and is subject to the jurisdiction of the Commission.

2. Communications regarding this Application should be addressed to:

Ted Weston  
201 South Main, Suite 2300  
Salt Lake City, Utah 84111  
Telephone: (801) 220-2963  
Fax: (801) 220-2798  
Email: [ted.weston@pacificorp.com](mailto:ted.weston@pacificorp.com)

and to:

Daniel E. Solander  
201 South Main, Suite 2300  
Salt Lake City, Utah 84111  
Telephone: (801) 220-4014  
Fax: (801) 220-3299  
Email: [daniel.solander@pacificorp.com](mailto:daniel.solander@pacificorp.com)

In addition, the Company respectfully requests that all data requests regarding this matter be addressed to one or more of the following:

By e-mail (**preferred**) [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)

By regular mail  
Data Request Response Center  
PacifiCorp  
825 NE Multnomah, Suite 2000  
Portland, OR 97232

3. Rocky Mountain Power's proposed revised tariff schedules, which are filed with this Application, would result in a net increase of \$5.9 million, or 4.0 percent, in prices for the Company's Idaho retail customers, excluding Monsanto and Agrium tariff contract service. The revised tariff schedules reflect a proposed effective date of October 19, 2008.

4. This proposed increase is based upon normalized results of operations for the test period ending December 31, 2007, with known and measurable changes. These normalized test period results show that the Company is currently earning a normalized return on equity ("ROE") of 6.5 percent in its Idaho jurisdiction. This current ROE is far below the Company's currently authorized return, the returns recently authorized for other Idaho investor-owned utilities, and the 10.75 percent ROE supported by the Company's

testimony filed with this Application. An overall price increase of \$19.4 million would be required to produce the 10.75 percent ROE requested by the Company in this proceeding. As noted the Company is only requesting \$5.9 million in this application, the request is reduced for two reasons. First, the rate mitigation cap as stipulated and approved by the Commission in Case No. PAC-E-02-03 reduces the request by \$3.1 million. Second, pursuant to the stipulation approved in Case No. PAC-E-07-05 the Company is not seeking to increase rates for tariff schedules 400 and 401 in this application. The stipulation calls for tariff rates for these two contracts in Idaho to be adjusted January 1, 2009 and 2010, and the Company agreed to not make further adjustments to rates for those contracts effective prior to January 1, 2011. This further reduces the rate request by \$10.4 million. Without the requested increase in revenues, it will be increasingly difficult for the Company to maintain its utility infrastructure and continue to provide adequate, efficient, just and reasonable service to its Idaho customers.

5. Rocky Mountain Power's direct case consists of the testimony and exhibits of ten witnesses. Below is a brief summary of their testimony.

- (a) A. Richard Walje, president, Rocky Mountain Power, will present an overview of the Company's case, describe the major capital investment the Company is making to serve its customers, the cost control efforts to minimize rate impact on customers, and provide the context for the testimony of the other witnesses.
- (b) Samuel C. Hadaway, FINANCO, Inc., will testify in support of the Company's ROE. He will also describe the unique operational risks that Rocky Mountain Power faces and why the Commission should authorize a ROE that will account for Rocky Mountain Power's higher risks and operating challenges. Dr. Hadaway's analysis suggests a cost of equity for the Company of 10.75 percent.

- (c) Bruce N. Williams, vice president and treasurer, will testify in support of the Company's cost of debt, preferred stock and capital structure.
- (d) Brian S. Dickman, regulatory manager, will testify in support of the Company's results of operations for the test period ending December 31, 2007, and will discuss the normalizing adjustments made to the results. Mr. Dickman will also support the Company's proposed inter-jurisdictional cost allocation.
- (e) Gregory N. Duvall, director, long range planning and net power costs, will testify in support of the Company's net power costs. Mr. Duvall will also describe the Company's production cost model and explain how input data is normalized.
- (f) A. Robert Lasich, president, PacifiCorp Energy, will testify in support of the Company's major new generation resource acquisitions, and will provide investment information on and prudence justification for these items, including the increased generation related overhaul and maintenance expenses for the test period.
- (g) Stefan A. Bird, senior vice president, commercial and trading will testify in support of the proposed Chehalis acquisition, including investment and prudence information.
- (h) Mark E. Tucker, regulatory analyst, will testify in support of the Company's class cost of service study, which was used in developing the proposed allocation of the revenue increase in this filing to the various customer classes.
- (i) Michael Zimmerman, regulatory consultant, pricing and cost of service, will testify in support of the Company's rate spread and rate design proposals.
- (j) Jeffery W. Bumgarner, director of demand-side management, will testify regarding the prudence of demand-side management programs in Idaho.

6. Rocky Mountain Power is notifying its customers of this Application by means of a press release sent to local media organizations, messages on customer bills over the course of a billing cycle, and, in some cases, personal contact with customers or their representatives. In addition, copies of this Application will be made available for review at the Company's local offices in its Idaho service territory.

7. The Company respectfully submits that the Commission's approval of Rocky Mountain Power's Application, including the approval and implementation of the proposed electric service schedules as filed, is in the public interest. In accordance with Commission Rule 121(d), Rocky Mountain Power represents that it stands ready for immediate consideration of this Application.

WHEREFORE, Rocky Mountain Power respectfully requests that the Commission issue a final order approving the Company's proposed electric service schedules effective October 19, 2008.

DATED this 19<sup>th</sup> day of September, 2008.

Respectfully submitted,

By Daniel E. Solander (J.T.W)  
Daniel E. Solander  
Attorney for Rocky Mountain Power

Daniel E. Solander  
Yvonne R. Hogle  
201 South Main Street, Suite 2300  
Salt Lake City, Utah 84111  
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*Attorneys for Rocky Mountain Power*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN POWER FOR APPROVAL )  
OF CHANGES TO ITS ELECTRIC SERVICE )  
SCHEDULES AND A PRICE INCREASE OF \$5.9 ) CASE NO. PAC-E-08-07  
MILLION, OR 4.0 PERCENT )  
)

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**PETITION FOR CONFIDENTIAL TREATMENT  
AND PROTECTIVE ORDER**

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Rocky Mountain Power, pursuant to Idaho Public Utilities Commission Rule of Procedure IDAPA 31.01.01.067 and Rule 26(c) of the Idaho Rules of Civil Procedure, hereby submits its petition for confidential treatment and a protective order to the Idaho Public Utilities Commission ("Commission") requesting the Commission issue a protective order designed to govern the exchange and treatment of information identified by a party as confidential during the course of this above-captioned proceeding. In support of its petition, Rocky Mountain Power states as follows:

1. Rocky Mountain Power anticipates that it will be necessary for the parties to this proceeding to exchange information that may be deemed by a party to be trade secret, commercially sensitive, confidential business information, or information that is otherwise

sensitive in nature such that the disclosure of the information would jeopardize the interests of the party that has been requested to disclose the information, and the unlimited disclosure of which could result in economic or other harm to the disclosing party.

2. In order to facilitate a full and timely review of the application to increase retail electric service rates by the Commission, Rocky Mountain Power requests that the Commission approve, for use in this proceeding, a protective order in the form attached hereto as Exhibit A, to facilitate the exchange of confidential information among the parties under terms and conditions that assure the confidential information will not be improperly used or disclosed.

3. The testimony of Stefan A. Bird and accompanying Exhibit No. 19 filed with the Application together with Exhibit No. 13 associated with the testimony of Brian S. Dickman and Exhibit No. 15 and workpapers associated with the testimony of Gregory N. Duvall contain confidential information and trade secrets relating to the Chehalis gas plant acquisition that would jeopardize the interests of Rocky Mountain Power and could cause economic or other harm if it were disclosed. Accordingly, Rocky Mountain Power requests that the Commission consider those documents Confidential and treat them in accordance with the proposed protective order. While there is presently no pending request for confidential information from any of the parties to this proceeding, it is anticipated that such requests will be made in the near future and, as a result, the company has filed this petition so as not to delay the disclosure or exchange of information when such a request is in fact made.

4. This petition is filed pursuant to Idaho Public Utilities Commission Rule of Procedure IDAPA 31.01.01.067 and Rule 26(c) of the Idaho Rules of Civil Procedure, which authorize the Commission, upon a showing of good cause, to deem confidential information filed with the Commission or in the custody of the Commission or its staff and to issue a protective

order governing the disclosure and treatment of the confidential information.

5. Rocky Mountain Power further submits that it is anticipated that parties to this proceeding will request the disclosure or exchange of certain information that will jeopardize the interests and cause irreparable injury to the company because the information is either protected by contractual obligations or is sensitive to the nature of the company's business. For instance, the company anticipates that parties to this proceeding will request the disclosure of the information relied upon by the company in preparing some of its economic forecasts. The disclosure of this information is presently prohibited by the company's contract with its vendor who supplies the information to the company, and the company is prohibited from disclosing this information unless it obtains pre-approval from the vendor and a sufficient confidentiality agreement or protective order is in place to protect further disclosure of the information. It is also anticipated that parties to this proceeding will request the disclosure of certain forecast pricing data, the disclosure of which would result in an undue advantage to competitors and others who may be interested in forecast pricing, and therefore, for the protection of the company's customers, requires a high level of confidential treatment by the company. As such, Rocky Mountain Power requests that the Commission issue a protective order to govern the treatment of information designated by a party as confidential.

Attached hereto as Exhibit A is a proposed protective order that Rocky Mountain Power requests that the Commission issue. Rocky Mountain Power submits that the attached form of protective order is appropriate for protecting the interests of all parties to this proceeding, and requests that the Commission issue the proposed protective order to govern the treatment of information designated by a party to this proceeding as confidential.

WHEREFORE, Rocky Mountain Power respectfully requests the following:

1. That the Commission approve Rocky Mountain Power's petition.
2. That the Commission issue a protective order in substantially the same form as the proposed protective order attached hereto as Exhibit A.

DATED this 19<sup>th</sup> day of September 2008.

Respectfully submitted,  
ROCKY MOUNTAIN POWER

Daniel E. Solander (J.T.W.)  
Daniel E. Solander  
Yvonne R. Hogle  
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Salt Lake City, Utah 84111  
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[yvonne.hogle@pacificorp.com](mailto:yvonne.hogle@pacificorp.com)

*Attorneys for Rocky Mountain Power*



-BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION-

IN THE MATTER OF THE APPLICATION )  
OF ROCKY MOUNTAIN POWER FOR )  
APPROVAL OF CHANGES TO ITS )  
ELECTRIC SERVICE SCHEDULES AND A )  
PRICE INCREASE OF \$5.9 MILLION, OR )  
4.0 PERCENT )

CASE NO. PAC-E-08-07

PROTECTIVE ORDER

ISSUED: \_\_\_\_\_

By the Commission:

On September 15th, 2008, Rocky Mountain Power submitted a Motion for Protective Order in the above-entitled proceeding. The Commission finds that sufficient grounds exist for entry of a protective order.

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. (A) Confidential Information. All documents, data, information, studies and other materials furnished, or made available pursuant to any interrogatories, or requests for information, subpoenas, depositions, or other modes of discovery that are claimed by the parties to be of a trade secret or confidential nature shall be furnished pursuant to the terms of this Order, and shall be treated by all persons accorded access thereto pursuant to this Order as constituting trade secret, confidential commercial, or otherwise protected information (hereinafter referred to as "Confidential Information"), and shall neither be used nor disclosed except for the purpose of this proceeding, and solely in accordance with this Order. All material claimed to be Confidential Information shall be so marked by the party or its affiliates by stamping the same with the designation, "**CONFIDENTIAL - - SUBJECT TO PROTECTIVE ORDER**" or "**CONFIDENTIAL - - SUBJECT TO PROTECTIVE ORDER**

**IN CASE NO. PAC-E-08-07.”** All copies of documents so marked will be made on yellow paper. Parties filing electronically should file both a confidential and non-confidential version clearly marked as such. For purposes hereof, any notes made pertaining to or as the result of a review of Confidential Information shall also be considered Confidential Information and subject to the terms of this Order.

(B) Use of Confidential Information and Persons Entitled to Review. All Confidential Information made available pursuant to this Order shall be given solely to counsel for the parties (including counsels' paralegals, administrative assistants and clerical staff to the extent necessary for performance of work on this matter), which shall include the Commission and its Staff ("Commission"), and shall not be used nor disclosed except for the purpose of this proceeding; provided, however, that access to any specific Confidential Information may be authorized by counsel, solely for the purpose of this proceeding, to those persons indicated by the parties as being their experts in this matter (including such experts' administrative assistants and clerical staff, and persons employed by the parties, to the extent necessary for performance of work on this matter). However, persons designated as experts shall not include persons employed by the parties who could use the information in their normal job functions to the competitive disadvantage of the party providing the Confidential Information. Any member of the Commission or its Staff may have access to any Confidential Information made available pursuant to this Order and shall be bound by the terms of this Order, except for the requirement of signing a nondisclosure agreement. Further, nothing herein shall prevent disclosure as required by law pursuant to interrogatories, administrative requests for information or documents, subpoena, civil investigative demand or similar process, provided, however, that the

party being required to disclose Confidential Information shall promptly give prior notice by telephone and written notice of such requirement of disclosure by facsimile and overnight mail to the party that provided such Confidential Information, addressed to the attorneys of record for such party, so that the party that provided the Confidential Information may seek an appropriate protective order. The disclosing party will not oppose action by, and will cooperate with the party that provided the Confidential Information to obtain an appropriate protective order or other reliable assurance that confidential treatment will be accorded that Confidential Information.

(C) Nondisclosure Agreement. Prior to giving access to Confidential Information, as contemplated in paragraph 1(B) above, to counsel or any expert designated to testify in this proceeding, counsel for the party seeking review of the Confidential Information shall deliver a copy of this Order to such person and, prior to disclosure such person shall agree in writing to comply with and be bound by this Order. Confidential Information shall not be disclosed to any person who has not signed a Nondisclosure Agreement in the form which is attached hereto and incorporated herein as Appendix A. The Nondisclosure Agreement (Appendix A) shall require the person to whom disclosure is to be made to read a copy of this Protective Order and to certify in writing that he or she has reviewed the same and has consented to be bound by its terms. The agreement shall contain the signatory's full name, permanent address and employer, and the name of the party with whom the signatory is associated. Such agreement shall be delivered to counsel for the providing party prior to the expert gaining access to the Confidential Information.

(D) Additional protective measures. A provider of documents and information may claim that additional protective measures, beyond those required under this Protective

Order, are warranted for certain confidential material, referred to as highly sensitive documents and information. In such case, the provider shall identify such documents and information and shall inform the requester of such documents and information of their claimed highly sensitive nature as soon as possible. The provider of the requested information shall also petition the Commission for an order granting additional protective measures, which the petitioner believes are warranted for the claimed highly sensitive documents and information that is to be produced in response to an information request. The provider shall set forth the particular basis for: the claim, the need for the specific, additional protective measures, and the reasonableness of the requested, additional protection. A party who would otherwise receive the documents and information under the terms of this Protective Order may respond to the petition and oppose or propose alternative protective measures to those requested by the provider of the claimed highly sensitive documents and information. Disputes between the parties shall be resolved pursuant to Commission Order pursuant to Paragraph 2 of this Protective Order.

2. (A) Challenge to Confidentiality or Proposed Additional Protective Measures.

This Order establishes a procedure for the expeditious handling of Confidential Information; it shall not be construed as an agreement, or ruling on the confidentiality of any document.

(B) In the event that the parties hereto are unable to agree that certain documents, data, information, studies, or other matters constitute Confidential Information, are highly sensitive documents and information referred to in paragraph 1(D) above, or agree on the appropriate treatment of highly sensitive documents and information, the party objecting to the classification as Confidential Information or the party claiming highly sensitive documents and information and the need for additional protective measures shall forthwith submit the said

matters to the Commission for its review pursuant to this Order. When the Commission rules on the question of whether any documents, data, information, studies, or other matters submitted to them for review and determination are Confidential Information, are highly sensitive documents and information, or the appropriate additional protection to be afforded for specific highly sensitive documents and information, the Commission will enter an order resolving the issue.

(C) Any party at any time upon ten (10) days prior notice may seek by appropriate pleading, to have documents that have been designated as Confidential Information, or which were accepted into the sealed record in accordance with this Order, removed from the protective requirements of this Order, or from the sealed record and placed in the public record. If the confidential or proprietary nature of this information is challenged, resolution of the issue shall be made by the Commission after proceedings *in camera*, which shall be conducted under circumstances such that only those persons duly authorized hereunder to have access to such confidential matter shall be present. The record of such *in camera* hearings shall be marked **“CONFIDENTIAL - - SUBJECT TO PROTECTIVE ORDER IN CASE NO. PAC-E-08-07.”** It shall be transcribed only upon agreement by the parties, or Order of the Commission, and in that event shall be separately bound, segregated, sealed, and withheld from inspection by any person not bound by the terms of this Order, unless and until released from the restrictions of this Order, either through agreement of the parties, or after notice to the parties and hearing, pursuant to an Order of the Commission. In the event the Commission should rule in response to such a pleading that any information should be removed from the protective requirements of this Order, or from the protection of the sealed record, such Order of the Commission shall not be effective for a period of ten (10) days after entry of the Order.

3. (A) Receipt into Evidence. Provision is hereby made for receipt of evidence in this proceeding under seal. At least ten (10) days prior to the use of or substantive reference to any Confidential Information as evidence, the party intending to use such Confidential Information shall make that intention known to the providing party. The requesting party and the providing party shall make a good faith effort to reach an agreement so that the information can be used in a manner that will not reveal its trade secret, confidential or proprietary nature. If such efforts fail, the providing party shall separately identify, within five (5) business days, which portions, if any, of the documents to be offered or referenced on the record containing Confidential Information shall be placed in the sealed record. Only one (1) copy of documents designated by the providing party to be placed in the sealed record shall be made and only for that purpose. Otherwise, parties shall make only general references to Confidential Information in these proceedings.

(B) Seal. While in the custody of the Commission, these materials shall be marked "**CONFIDENTIAL - - SUBJECT TO PROTECTIVE ORDER IN CASE NO. PAC-E-08-07,**" and due to their nature they shall not be considered as records in the possession of or retained by the Commission within the meaning of the open meetings or public records statutes.

(C) In Camera Hearing. Any Confidential Information that must be orally disclosed to be placed in the sealed record in this proceeding shall be offered in an *in camera* hearing, attended only by persons authorized to have access to the Confidential Information under this Order. Similarly, cross-examination on or substantive reference to Confidential Information, as well as that portion of the record containing references thereto, shall be marked and treated as provided herein.

(D) Appeal. Sealed portions of the record in this proceeding may be forwarded to any court of competent jurisdiction on appeal in accordance with applicable rules and regulations, but under seal as designated herein, for the information and use of the court.

(E) Return. Unless otherwise ordered, Confidential Information, including transcripts of any depositions to which a claim of confidentiality is made, shall remain under seal, shall continue to be subject to the protective requirements of this Order, and shall be returned to counsel for the providing party within 30 days after final settlement, or conclusion of this matter including administrative, or judicial review thereof. Alternatively, a party receiving Confidential Information pursuant to the terms of the Order may certify, within 30 days after final settlement, or conclusion of this matter including administrative, or judicial review thereof, that the Confidential Information has been destroyed. Counsel who are provided access to Confidential Information pursuant to the terms of this Order may retain their notes, work papers or other documents that would be considered the attorneys' work product created with respect to their use and access to Confidential Information in this docket. An expert witness, accorded access to Confidential Information pursuant to this Order, shall provide to counsel for the party on whose behalf the expert was retained or employed, the expert's notes, work papers or other documents pertaining or relating to any Confidential Information. Counsel shall retain these expert's documents with counsel's documents. In order to facilitate their ongoing regulatory responsibility, this paragraph shall not apply to the Commission or its Staff, which may retain Confidential Information obtained under this Order subject to the other terms of this Order. The providing party shall be notified in advance by any state regulatory agency which intends to use, release or disclose any of the retained Confidential Information in any subsequent case.

4. Use in Pleadings. Where reference to Confidential Information in the sealed record is required in pleadings, cross-examinations, briefs, arguments, or motions, it shall be by citation of title, or exhibit number, or by some other nonconfidential description. Any further use of, or substantive references to Confidential Information shall be placed in a separate section of the pleading, or brief and submitted to the Commission under seal. This sealed section shall be served only on counsel of record (one copy each), who have signed a Nondisclosure Agreement. All the protections afforded in this order apply to materials prepared and distributed under this paragraph.

5. (A) Use in Decisions and Orders. The Commission will attempt to refer to Confidential Information in only a general or conclusionary form and will avoid reproduction in any decision of Confidential Information to the greatest possible extent. If it is necessary for a determination in this proceeding to discuss Confidential Information other than in a general or conclusionary form, it shall be placed in a separate section of this Order, or Decision, under seal. This sealed section shall be served only on counsel of record (one copy each) who have signed a Nondisclosure Agreement. Counsel for other parties shall receive the cover sheet to the sealed portion and may review the sealed portion on file with the Commission once they have signed a Nondisclosure Agreement.

6. Segregation of Files. Those parts of any writing, depositions reduced to writing, written examination, interrogatories and answers thereto, or other written references to Confidential Information in the course of discovery, if filed with the Commission, will be sealed by the Commission, segregated in the files of the Commission, and withheld from inspection by any person not bound by the terms of this Order, unless such Confidential Information is released

from the restrictions of this Order, either through agreement of the parties, or after notice to the parties and hearing, pursuant to the Order of the Commission and/or final order of a court having jurisdiction.

7. Preservation of Confidentiality. All persons who may be entitled to receive, or who are afforded access to any Confidential Information by reason of this Order shall neither use, nor disclose the Confidential Information for purposes of business or competition, or any other purpose other than the purposes of preparation for and conduct of this proceeding, and then solely as contemplated herein, and shall take reasonable precautions to keep the Confidential Information secure in accordance with the purposes and intent of this Order.

8. Reservation of Rights. The parties hereto affected by the terms of this Protective Order further retain the right to question, challenge, and object to the admissibility of any and all data, information, studies and other matters furnished under the terms of this Protective Order in response to interrogatories, requests for information, other modes of discovery, or cross-examination on the grounds of relevancy or materiality. This Order shall in no way constitute any waiver of the rights of any party to contest any assertion by a party, or finding by the Commission that any information is a trade secret, confidential, or privileged, and to appeal any assertion or finding.

9. The provisions of this Order are specifically intended to apply to data, or information supplied by or from any party to this proceeding, and any non-party that supplies documents pursuant to process issued by this Commission.

CASE NO. PAC-E-08-07

-10-

DATED at Boise, Idaho this \_\_\_\_ day of \_\_\_\_\_, 2008.

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**APPENDIX A**  
**-- PROTECTIVE ORDER--**  
**CASE NO. PAC-E-08-07**

I have reviewed the Protective Order entered by the Idaho Public Utilities Commission in Case No. PAC-E-08-07 with respect to the review and use of confidential information and agree to comply with the terms and conditions of the protective order.

---

Signature

---

Name (type or print)

---

Residence Address

---

Employer or Firm

---

Business Address

---

Party Represented

---

Date Signed