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IDAHO PUBLIC
UTILITIES COMMISSION

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 $27.7 MILLION, OR APPROXIMATELY 13.7 PERCENT	)	**CASE NO. PAC-E-10-07** **RESPONSE TO POST-HEARING BRIEF**

ROCKY MOUNTAIN POWER'S RESPONSE

Rocky Mountain Power hereby submits to the Idaho Public Utilities Commission ("Commission") its response to the post-hearing brief filed by the Community Action Partnership Association ("CAPAI"). In support of its response, Rocky Mountain Power states as follows:

1. On December, 2, 2010, the final day of the public hearings in this case, counsel for CAPAI requested, and received, permission from the Commission to file a post-hearing brief. Chairman Smith emphasized that the brief was to address only legal issues, and limited the brief to ten pages.

2. On December 21, 2010, CAPAI filed its post-hearing brief. The brief is 15 pages long, well in excess of the limit imposed by the Commission, and is clearly not limited to legal issues. More than two pages are devoted to a recitation of procedural issues related to the Low Income Weatherization Program ("LIWA"); fully four pages devoted to summarizing testimony given by Rocky Mountain Power witnesses; and nearly five pages are used to argue that Rocky Mountain Power has not completed a timely evaluation of it LIWA program *after* CAPAI notes that Order No. 30239 states that the evaluation will be completed after March 31, 2009, refuting their own argument. Most importantly, at no point in the brief is there any discussion of a legal issue that must be evaluated by the Commission as part of this general rate proceeding.

3. Rocky Mountain Power does not believe that CAPAI has raised any substantive issues in its brief that were not addressed by the Company at hearing. The testimony of Barb Coughlin clearly described the study the Company has undertaken to evaluate the cost-effectiveness of the LIWA program, and complete a report in 2011. Moreover, as noted above, the Company has not failed to comply with and prior settlement agreement terms or meet any Commission-imposed deadline with respect to the evaluation.

4. CAPAI attempts to raise a convoluted argument regarding burden of proof and that Rocky Mountain Power had the obligation to somehow foresee concerns that CAPAI may have with the existing low income programs and funding and address them in its original

application and testimony. The CAPAI Brief states: "If the Commission finds that as a legal matter Rocky Mountain carried the burden of proof on the LIWA-related issues raised by CAPAI, the Company clearly failed to do so." (CAPAI Brief at 4) Rocky Mountain Power has the burden of proof in this case to support its request for rate relief and for any changes that it is proposing for new or existing tariffs or programs. Clearly, the Company has met its burden of proof regarding any existing programs or tariffs that have already been approved by the Commission, and any party wishing to change or modify them would carry the burden to bring forward new evidence on why changes are required. Rocky Mountain Power did not propose any changes to LIWA and, therefore, did not have any burden to address the existing low income programs or tariffs. The burden of proof to support the "LIWA-related issues raised by CAPAI" would clearly fall to CAPAI, not the Company. In their own brief, CAPAI acknowledges that Rocky Mountain Power does not carry any legal burden in this case to address LIWA issues when they state, "CAPAI respectfully submits that, even though Rocky Mountain had no legal obligation to address LIWA in this case, had the Company ..." (CAPAI Brief at 3). The Company respectfully submits that CAPAI did not meet their burden of proof in this regard and no changes should be made to LIWA at this time.

WHEREFORE, Rocky Mountain Power respectfully requests the following:

1. That the Commission accept Rocky Mountain Power's response to the post-hearing brief filed by CAPAI in this proceeding, and close the record in this phase of Rocky Mountain Power's 2010 general rate case.

DATED this 21st day of December 2010.

Respectfully submitted,
ROCKY MOUNTAIN POWER

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