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Salt Lake City, Utah 84111

January 26, 2011

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IDAHO PUBLIC  
UTILITIES COMMISSION

**Via Hand Delivery**

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

**Re: Case No. PAC-E-10-07 – Rocky Mountain Power’s Response to Monsanto’s Motion for Leave to File Sur-Rebuttal Testimony**

Dear Ms. Jewell:

Please find enclosed an original and seven (7) copies of Rocky Mountain Power’s Response to Monsanto’s Motion for Leave to File Sur-Rebuttal Testimony. Electronic copies are being served on the parties today

Please contact me directly at (801) 220-4014 if you have questions or if I can be of further assistance.

Very Truly,

for  
Daniel E. Solander

cc: Service List

Enclosures

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*Attorneys 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-10-07</b>
<b>MOUNTAIN POWER FOR</b>	)	
<b>APPROVAL OF CHANGES TO ITS</b>	)	
<b>ELECTRIC SERVICE SCHEDULES</b>	)	<b>RESPONSE TO MONSANTO'S</b>
<b>AND A PRICE INCREASE OF \$27.7</b>	)	<b>MOTION FOR LEAVE TO FILE</b>
<b>MILLION, OR APPROXIMATELY</b>	)	<b>SUR-REBUTTAL TESTIMONY</b>
<b>13.7 PERCENT</b>	)	
	)	

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**ROCKY MOUNTAIN POWER'S RESPONSE TO MONSANTO'S MOTION  
TO FILE SUR-REBUTTAL TESTIMONY**

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Rocky Mountain Power hereby submits to the Idaho Public Utilities Commission ("Commission") its response to the Motion for Leave to File Sur-rebuttal Testimony filed by Monsanto Company ("Monsanto") with the Commission on January 24, 2011. In support of its response, Rocky Mountain Power states as follows:

1. On January 24, 2011, one week before the scheduled public hearings on Phase II of Rocky Mountain Power's 2010 general rate case, Monsanto filed a Motion with the Commission requesting an order allowing it to file attached sur-rebuttal testimony from two witnesses, Brian Collins and Kathryn E. Iverson.

2. Monsanto also filed sur-rebuttal testimony in Phase I of this proceeding in December which also was not provided for within the Commission's Scheduling Order or by the Commission's Rules of Procedure.

3. Rocky Mountain Power respectfully suggests that the issue of sur-rebuttal testimony is better addressed within the Commission's Procedural Schedule Order. If addressed in the scheduling order, and either expressly allowed or not allowed, parties concerns regarding whether to file or to object to such testimony can be avoided. Additionally, the imposition of such late requests upon the Commission, and the time attendant to addressing such requests, can also be avoided by considering the issue at the time that the Procedural Schedule Order is entered.

4. Notwithstanding these observations, Rocky Mountain Power does not object to the testimony filed by Monsanto in this proceeding, provided that it is granted the opportunity to rebut the testimony filed by Monsanto on January 24, 2011.

5. Given the short timeframe, and the unavailability of two of its witnesses this week to prepare written sur-surrebuttal, if Monsanto's Motion is granted, Rocky Mountain Power requests leave to file written sur-surrebuttal testimony from Company witness Steven McDougal on January 28, 2011, and further requests leave from the Commission to present live sur-

surrebuttal testimony from Gregory Duvall and Paul Clements at the hearings beginning on February 1, 2011.

6. Rocky Mountain Power believes that allowing it an opportunity to rebut the sur-rebuttal testimony filed by Monsanto on January 24, 2011, is necessary and consistent with appropriate regard for due process as well as this Commission's practice.

WHEREFORE, Rocky Mountain Power respectfully requests the following:

1. Should the Commission grant Monsanto's Motion for Leave to File Sur-rebuttal Testimony, that it also allow Rocky Mountain Power to file written sur-surrebuttal testimony from Steven McDougal on January 28, 2011, and to present live sur-surrebuttal testimony from Gregory Duvall and Paul Clements at the public hearing beginning February 1, 2011.

DATED this 24<sup>st</sup> day of January 2011.

Respectfully submitted,  
ROCKY MOUNTAIN POWER

*Ronald R. Hill*

*for Daniel Solander*

Mark C. Moench  
Paul J. Hickey  
Daniel E. Solander

*Attorneys for Rocky Mountain Power*