

LAW OFFICES OF

**RACINE OLSON NYE BUDGE & BAILEY
CHARTERED**

101 SOUTH CAPITOL BOULEVARD
SUITE 208
BOISE, IDAHO 83702

TELEPHONE (208) 395-0011
FACSIMILE (208) 433-0167

WWW.RACINELAW.NET

SENDER'S E-MAIL ADDRESS:
ELO@RACINELAW.NET

W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC L. OLSEN
CONRAD J. AIKEN
RICHARD A. HEARN, M.D.
DAVID E. ALEXANDER
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
STEPHEN J. MUHONEN
BRENT L. WHITING
JUSTIN R. ELLIS
JOSHUA D. JOHNSON
JONATHON S. BYINGTON
DAVE BAGLEY
CAROL TIPPI VOLYN
THOMAS J. BUDGE
CANDICE M. MCHUGH
JONATHON M. VOLYN
MARK A. SHAFFER
JASON E. FLAIG
FERRELL S. RYAN

POCATELLO OFFICE
201 EAST CENTER STREET
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204
TELEPHONE: (208) 232-6101
FACSIMILE: (208) 232-6109

IDAHO FALLS OFFICE
477 SHOUP AVENUE
SUITE 203A
IDAHO FALLS, ID 83402
TELEPHONE: (208) 528-6101
FACSIMILE: (208) 528-6109

COEUR D'ALENE OFFICE
250 NORTHWEST
BOULEVARD, SUITE 106A
COEUR D'ALENE, IDAHO 83814
TELEPHONE: (208) 765-6888

ALL OFFICES TOLL FREE
(877) 232-6101

LOUIS F. RACINE (1917-2005)
WILLIAM D. OLSON, OF
COUNSEL

October 12, 2010

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

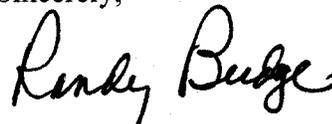
Re: Case No. PAC-E-10-7

Dear Ms. Jewell:

Please find enclosed for filing an original and nine copies of Monsanto's Corrected Motion to Dismiss or Strike Testimony and supporting Brief. Please substitute this for the same prior Motion and Brief filed with my letter dated October 1, 2010, file the same and bring these matters promptly to the attention of the Commission and staff.

These pleadings are identical to the prior filings except that the references to a specific dollar amount of credit value have been deleted as such information is confidential. This confidential information was originally included in the Clements' Supplemental Testimony which was subsequently corrected, making it appropriate to make the same correction in our Motion and Brief.

Sincerely,


RANDALL C. BUDGE

RCB

RCB:rr

Enclosures

c: Service List

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Randall C. Budge, ISB No. 1949
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391; 201 E. Center
Pocatello, Idaho 83204-1391
Telephone: (208) 232-6101
Fax: (208) 232-6109
rbc@racinelaw.net

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Attorneys for Intervenor Monsanto Company

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

MOTION TO DISMISS OR STRIKE TESTIMONY

COMES NOW Intervenor, Monsanto Company ("Monsanto"), through counsel, and based upon Rocky Mountain Power's ("RMP" or "Company") new Supplemental Testimony of Paul H. Clements late filed on September 30, 2010 ("Clements Testimony") regarding the economic valuation of interruptible products offered by Monsanto, hereby moves the Commission for an Order as follows:

1. Dismissing in its entirety the Application of Rocky Mountain Power for Approval of Changes to its Electric Service Schedules and a Price Increase for \$27.7 Million, or Approximately 13.7% filed on May 28, 2010 ("Application") as a defective and insufficient pleading under Rule 65, and in violation of Rule 121, IPUC Rules of Procedure, IDAPA 31.01.01, by failing to set forth the Monsanto interruptible product valuation and the resulting proposed changes in the existing rates and tariffs of Monsanto.

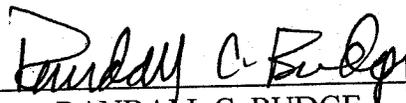
2. Striking the supplemental testimony of Paul H. Clements filed herein on September 30, 2010, late filed more than four months after the May 28th Application was filed

and just two weeks before Staff and Intervenor Direct Testimony is due on October 14, 2010, upon the grounds and for the reason that it effectively amends and changes the rates proposed when the Application was filed by proposing entirely new methodologies and a new substantially reduced value for Monsanto's three curtailment products that is 62% lower than the current value in the existing contract and the May 28th Application. This results in a 54% net increase in Monsanto's overall rate, or more than double what was proposed in the Application by effectively adding another \$11 million to Monsanto's proposed Schedule 400 rates on top of the \$11.7 million increase included in the May 28th Application. The Clements Testimony is in violation of the Scheduling Order, and violates Rule 66 since no Commission approval was first obtained to allow amendments to the Application. The untimely Clements Testimony, which could and should have been filed with the Application, is prejudicial, and adversely affects and disregards the substantial rights of Monsanto and other parties.

This Motion is based upon the record herein, together with Monsanto's Supporting Brief filed herewith. Monsanto is prepared to present oral argument if desired by the Commission.

DATED this 1st day of October, 2010.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
RANDALL C. BUDGE

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on October ^{12th}~~1st~~, 2010, I served a true, correct and complete copy of the foregoing document, to each of the following, via the method so indicated:

Jean D. Jewell, Secretary (original and 7)
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
E-mail: jjewell@puc.state.id.us U.S. Mail

Ted Weston
Rocky Mountain Power
201 South Main, Suite 2300
Salt Lake City, Utah 84111
E-mail: ted.weston@pacificorp.com E-Mail

Paul J. Hickey
Hickey & Evans, LLP
1800 Carey Ave., Ste 700
PO Box 467
Cheyenne, WY 82003
E-mail: phickey@hickeyvans.com E-Mail

Mark C. Moench
Daniel Solander
Rocky Mountain Power
201 S. Main Street, Suite 2300
Salt Lake City, Utah 84111
E-mail: mark.moench@pacificorp.com
daniel.solander@pacificorp.com E-Mail

Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, Oregon 97232
E-mail: datarequest@pacificorp.com E-Mail

Scott Woodbury
Deputy Attorney General
Idaho Public Utilities Commission
P. O. Box 83720
Boise, Idaho 83720-0074 E-Mail

E-mail: scott.woodbury@puc.idaho.gov

Katie Iverson
Brubaker & Associates
17244 W. Cordova Court
Surprise, Arizona 85387
E-mail: kiverson@consultbai.com E-Mail

James R. Smith
Monsanto Company
P. O. Box 816
Soda Springs, Idaho 83276
E-mail: jim.r.smith@monsanto.com E-Mail

Eric L. Olsen
Racine, Olson, Nye, Budge & Bailey
P.O. Box 1391
Pocatello, Idaho 83204-1391
E-mail: elo@racinelaw.net E-Mail

Anthony Yankel
29814 Lake Road
Bay Village, Ohio 44140
E-mail: tony@yankel.net E-Mail

Tim Buller
Jason Harris
Agrium, Inc.
3010 Conda Road
Soda Springs, Idaho 83276
E-mail: tbuller@agrium.com E-mail
jaharris@agrium.com

Benjamin J. Otto
Idaho Conservation League
P. O. Box 844
Boise, Idaho 83702
E-mail: botto@idahoconservation.org E-Mail

Dr. Don Reading
6070 Hill Road
Boise, ID 83703
E-mail: dreading@mindspring.com E-Mail

Melinda J. Davison
Davison Van Cleve, P.C.
333 SW Taylor, Suite 400
Portland, Oregon 97204
E-mail: mjd@dvclaw.com

E-Mail

Ronald L. Williams
Williams Bradbury, P.C.
1015 W. Hays Street
Boise, Idaho 83702
E-mail: ron@williamsbradbury.com

E-Mail

Brad M. Purdy
Attorney at Law
2019 N. 17th Street
Boise, Idaho 83702
E-mail: bmpurdy@hotmail.com

E-Mail



RANDALL C. BUDGE