

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE APPLICATION</b>	)	
<b>OF PACIFICORP DBA ROCKY MOUNTAIN</b>	)	<b>CASE NO. PAC-E-10-07</b>
<b>POWER FOR APPROVAL OF CHANGES TO</b>	)	
<b>ITS ELECTRIC SERVICE SCHEDULES</b>	)	<b>ORDER NO. 32220</b>
	)	

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**BACKGROUND**

On May 28, 2010, PacifiCorp dba Rocky Mountain Power ("Rocky Mountain" or "Company") filed an Application for authority to increase the Company's general rates for electric service. On February 28, 2011, the Commission issued final Order No. 32196 setting final rates in this case.

On March 11, 2011, Community Action Partnership Association of Idaho ("CAPAI") submitted a timely Petition for Clarification/Reconsideration of Commission Order No. 32196 pursuant to Commission Rules of Procedure 325 and 331, *et seq.*, IDAPA 31.01.01.325 and 31.01.01.331.

On March 18, 2011, Rocky Mountain submitted a Cross-Petition to CAPAI's Petition for Clarification/Reconsideration pursuant to Commission Rules 325 and 331. On March 23, 2011, CAPAI filed a Reply to Rocky Mountain's Cross-Petition to CAPAI's Petition for Clarification/Reconsideration.

**CAPAI PETITION FOR CLARIFICATION/RECONSIDERATION**

In its Petition for Clarification/Reconsideration, CAPAI argues that the Company has mischaracterized the \$50,000 expense for the Low-Income Conservation Education program as a "one-time" commitment. CAPAI Petition for Clarification/Reconsideration at 1, 14. Instead, CAPAI asserts that the education program found in the Commission-approved settlement agreement in Rocky Mountain's last general rate case (PAC-E-08-07, Order No. 30783) is an ongoing, annual program to be funded by the Company. CAPAI stated that the record in the present case, including Staff testimony offered by Mr. Curtis Thaden, confirms its interpretation of Settlement Order No. 30783 and the annual funding obligation to the low-income conservation programs. *Id.* at 4-5.

CAPAI acknowledged that it has not implemented the conservation education programs in a timely manner but “this fact has been and is being aggressively remedied by CAPAI.” *Id.* at 7. CAPAI requests that the Commission intervene and clarify that the program should be funded on an annual basis so that CAPAI can take on the “challenge of competently administering the program in a manner consistent with the spirit and intent of the 08-7 Stipulation (Settlement Agreement).” *Id.* CAPAI emphasized that annual funding for conservation education is consistent with the funding obligation previously approved by the Commission for Idaho Power and Avista. *Id.* at 10-11.

Rocky Mountain answered CAPAI’s claims by filing a Cross-Petition for Clarification and Reconsideration. Rocky Mountain asks the Commission to “reject CAPAI’s position that the Company committed to ongoing, annual funding of \$50,000 for the Company’s Low-Income Conservation Education program . . . and issue a finding that the funding commitment was for a total of \$50,000.” Rocky Mountain Cross-Petition at 1-2. The Company remarked that “CAPAI had more than adequate notice of Rocky Mountain Power’s position regarding the Conservation Education program in Case No. PAC-E-08-07. . . .” *Id.* at 5. Moreover, CAPAI has been delinquent in developing and deploying the funds already allocated to the conservation program. *Id.* at 2-3.

CAPAI responded to Rocky Mountain’s Cross-Petition and reiterated its argument that the Commission should issue an Order declaring that conservation education programs should be funded by Rocky Mountain on a yearly basis. CAPAI Reply at 5. Addressing Rocky Mountain’s allegation that the agency has failed to implement the conservation education programs in a timely manner, CAPAI noted that “RMP has never made any formal filing with the Commission regarding the alleged failure of CAPAI to properly implement conservation education.” *Id.* at 4.

CAPAI did not request a formal hearing on reconsideration.

### **COMMISSION DECISION**

Pursuant to *Idaho Code* § 61-626 “within twenty-eight days after the filing of a petition for reconsideration the Commission shall determine whether or not it will grant such reconsideration, and make and enter its order accordingly. If reconsideration be granted, said order shall specify how the matter will be reconsidered[.]”

The Commission has determined that resolution of CAPAI's Petition and the Company's Cross-Petition requires us to thoroughly review the record in this matter.<sup>1</sup> Given the complexity of the issues, the Commission needs additional time to review this matter. Based on CAPAI's representation and our own determination, we find that the record in this proceeding is sufficient for the Commission to resolve CAPAI's Petition. Accordingly, the Commission shall grant CAPAI's Petition for Clarification/Reconsideration for the limited purpose of determining whether the \$50,000 for Low-Income Conservation Education programs referenced in the Commission-approved settlement in Case No. PAC-E-08-07 represented an annual award or a "one-time" payment.

### **ORDER**

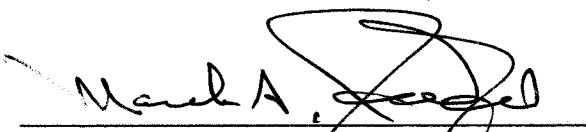
IT IS HEREBY ORDERED that CAPAI's Petition for Clarification/Reconsideration is granted. The Commission will review the record and issue its decision in this matter in compliance with *Idaho Code* § 61-626(2).

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<sup>1</sup> Petitions for Reconsideration and/or Clarification that address other issues in this rate case were also filed by Rocky Mountain Power and Monsanto Company.

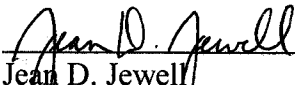
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 7<sup>th</sup>  
day of April 2011.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

O:PAC-E-10-07\_np3\_CAPAI Clarification