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2011 MAY 11 PM 4:31

IDAHO PUBLIC
UTILITIES COMMISSION

11 May 2011

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

RE: PAC-E-10-08

Dear Ms. Jewell:

We are enclosing an original and seven (7) copies of the AFFIDAVITS OF GREGORY ADAMS AND COLLIN RUDEEN IN SUPPORT OF XRG LLCs' ANSWER IN OPPOSITION TO ROCKY MOUNTAIN POWER'S MOTION FOR SUMMARY JUDGEMENT in the above-referenced case.

A copy is also enclosed for your stamping and return to our office.

Sincerely,

Nina M. Curtis
Richardson & O'Leary PLLC

Enc: XRG LLCs' 5-11-11 Filing

Peter J. Richardson
Gregory M. Adams
Richardson & O'Leary, PLLC
515 N. 27th Street
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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Complainants XRG-DP-7, XRG-DP-8, XRG-DP-9, XRG-DP-10, LLCs

BEFORE THE

IDAHO PUBLIC UTILITIES COMMISSION

XRG-DP-7, XRG-DP-8, XRG-DP-9, XRG-DP-10, LLCs,
Complainants,

vs.

PACIFICORP, DBA ROCKY MOUNTAIN
POWER,
Defendant.

Case No. PAC-E-10-08

AFFIDAVIT OF GREGORY ADAMS
IN SUPPORT OF XRG LLCs'
ANSWER IN OPPOSITION TO
ROCKY MOUNTAIN POWER'S
MOTION FOR SUMMARY
JUDGMENT

I, Gregory M. Adams, do declare the following and if called to testify, would and could competently testify thereto:

1. I am over the age of 18, and am associated with the law firm of Richardson and O'Leary, PLLC. In such capacity, I am the legal representative, along with Peter J. Richardson, of Complainant qualifying facilities ("QFs") named XRG-DP-7, LLC, XRG-DP-8, LLC, XRG-DP-9, LLC, and XRG-DP-10, LLC (referred to collectively as "XRG LLCs").

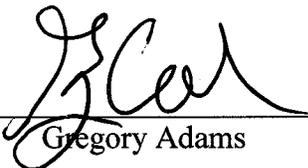
2. I have personal knowledge of the facts set forth in this affidavit based upon my representation of the XRG LLCs in this matter.

3. I have personal knowledge of all of the documents submitted as Exhibit 4 to XRG LLC's ANSWER TO ROCKY MOUNTAIN POWER'S MOTION FOR SUMMARY JUDGMENT. Those documents are true and correct copies of electronic mail correspondences between attorneys representing the XRG LLCs and attorneys representing Rocky Mountain Power in this matter.

4. I have personal knowledge of all of the documents submitted as Exhibit 5 to XRG LLC's ANSWER TO ROCKY MOUNTAIN POWER'S MOTION FOR SUMMARY JUDGMENT. Those documents are true and correct copies a legal brief and testimony filed by PacifiCorp in a complaint proceeding before the Public Utility Commission of Oregon. They are publicly available at the Public Utility Commission of Oregon and online at its website at <http://www.puc.state.or.us/>, under the case number UCB 44.

I declare under penalty of perjury under the laws of the United States and under laws of the state of Idaho that the foregoing is true and correct.

DATED this 11th day of May 2011.

By 

Gregory Adams

STATE OF IDAHO

)

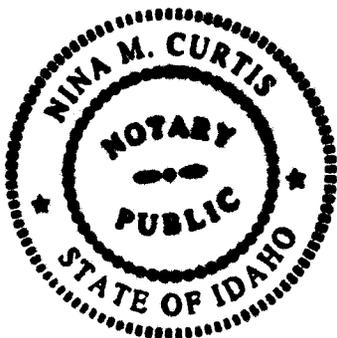
) ss.

COUNTY OF ADA

)

On this 11th day of May 2011, before me, a Notary Public in and for the State of Idaho, personally appeared Gregory Adams, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument and acknowledged it to be his free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Nina M. Curtis

NOTARY PUBLIC for the State of Idaho

Residing at Boise,

Ada Co. Idaho

My Commission expires

3/19/15

Peter J. Richardson
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UTILITIES COMMISSION

Attorneys for Complainants XRG-DP-7, XRG-DP-8, XRG-DP-9, XRG-DP-10, LLCs

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

XRG-DP-7, XRG-DP-8, XRG-DP-9, XRG-DP-10, LLCs,
Complainants,

vs.

PACIFICORP, DBA ROCKY MOUNTAIN
POWER,
Defendant.

Case No. PAC-E-10-08

AFFIDAVIT OF COLLIN RUDEEN IN
SUPPORT OF XRG LLCs' ANSWER
IN OPPOSITION TO ROCKY
MOUNTAIN POWER'S MOTION
FOR SUMMARY JUDGMENT

I, Collin Rudeen, do declare the following and if called to testify, would and could competently testify thereto:

1. I am over the age of 18, and am employed by Exergy Technology Concepts, LLC. In that capacity, I assist Exergy Development Group of Idaho, LLC, which is the company developing the qualifying facilities ("QFs") named XRG-DP-7, LLC, XRG-DP-8, LLC, XRG-DP-9, LLC, and XRG-DP-10, LLC (referred to collectively as "XRG LLCs"), the Complainants

in the above captioned matter.

2. I have directly worked on the development of XRG LLCs, and I have personal knowledge of the proceedings in the above captioned matter.

3. I have personal knowledge of all of the documents submitted as Exhibit 1 to XRG LLC's ANSWER TO ROCKY MOUNTAIN POWER'S MOTION FOR SUMMARY JUDGMENT. Those documents are true and correct copies of excerpts from the XRG LLCs' Responses to Rocky Mountain Power's Production Requests.

4. I have personal knowledge of all of the documents submitted as Exhibit 2 to XRG LLC's ANSWER TO ROCKY MOUNTAIN POWER'S MOTION FOR SUMMARY JUDGMENT. Those documents are true and correct copies of excerpts from the Rocky Mountain Power's Responses to the XRG LLCs' Production Requests.

5. I have personal knowledge of all of the documents submitted as Exhibit 3 to XRG LLC's ANSWER TO ROCKY MOUNTAIN POWER'S MOTION FOR SUMMARY JUDGMENT. Those documents are true and correct copies of correspondences between Rocky Mountain Power and the XRG LLCs. The letter from the XRG LLCs' attorney is redacted only to the extent necessary to prevent disclosure of settlement communications.

I declare under penalty of perjury under the laws of the United States and under laws of the state of Idaho that the foregoing is true and correct.

DATED this 10th day of May 2011.

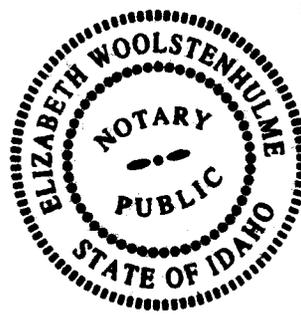
By 

Collin Rudeen

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

On this 10th day of May 2011, before me, a Notary Public in and for the State of Idaho, personally appeared Collin Rudeen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument and acknowledged it to be his free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Elizabeth Woolstenhulme

NOTARY PUBLIC for the State of Idaho

Residing at Boise,

Idaho

My Commission expires

9/13/13

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of May, 2011, a true and correct copy of the within and foregoing **AFFIDAVITS OF GREGORY ADAMS AND COLLIN RUDEEN IN SUPPORT OF XRG LLCs' ANSWER IN OPPOSITION TO ROCKY MOUNTAIN POWER'S MOTION FOR SUMMARY JUDGMENT** was served in the manner shown to:

Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington
Boise, ID 83702
jean.jewell@puc.idaho.gov

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Signed 
Nina M Curtis
Richardson & O'Leary, PLLC