

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

XRG-DP-7, XRG-DP-8, XRG-DP-9,)	
XRG-DP-10, LLCs,)	CASE NO. PAC-E-10-08
)	
COMPLAINANTS,)	
)	NOTICE OF SCHEDULING
v.)	
)	
PACIFICORP DBA ROCKY MOUNTAIN)	ORDER NO. 32600
POWER,)	
)	
RESPONDENT.)	

On June 8, 2012, XRG-DP-7, XRG-DP-8, XRG-DP-9, and XRG-DP-10, LLCs (referred to collectively as “XRG” or “the projects”) filed a Petition for Reconsideration of Commission Order No. 32553 pursuant to Rule 331 of the Commission’s Rules of Procedure. IDAPA 31.01.01.331. On June 18, 2012, PacifiCorp dba Rocky Mountain Power filed its answer to XRG’s Petition. On July 6, 2012, we granted XRG’s request for reconsideration. Order No. 32588.

XRG maintains that the Commission failed to rule on several motions/requests. With regard to XRG’s February 22, 2011, Motion to Complete Discovery, the Commission found that there was adequate information in the record to arrive at its decision. Implicit in that decision was a determination that additional discovery was unnecessary. However, having granted reconsideration, and in the interest of allowing XRG the information that it argues is necessary to support its complaint, we now grant XRG’s narrowed request to complete discovery. *See* XRG LLCs’ Withdrawal of Production Requests filed June 9, 2011. Rocky Mountain Power is directed to respond to Production Request Nos. 24, 25, 26, 27, 31, 32(b), (d), (e), 33(a), 34, 35, 40, 45 and 47.

XRG also claims that the Commission failed to rule on XRG’s request to amend its complaint. XRG’s original complaint was filed with the Commission on July 29, 2010. No amended complaint has ever been received by the Commission. Amendments are permissible pursuant to Rule 66 of the Commission’s Rules of Procedure. However, a mere mention in a footnote of what is otherwise an answer to Rocky Mountain Power’s Motion for Summary Judgment is not sufficient to constitute a motion upon which the Commission can base a ruling.

If XRG seeks to amend its complaint it must do so pursuant to the Commission's Rules of Procedure. *See* IPUC Rules 56 and 66.

Following the deadline for discovery responses, both parties will be given a final opportunity on reconsideration to assert a position regarding the merits of the underlying XRG complaint, i.e., whether and to what extent XRG is entitled to pre-March 16, 2010, published avoided cost rates.

NOTICE OF SCHEDULING

YOU ARE HEREBY NOTIFIED that the following procedural schedule has been set in order to meet the timing requirements of *Idaho Code* § 61-626:

Responses to production requests	August 17, 2012
Simultaneous brief filing	September 7, 2012

YOU ARE FURTHER NOTIFIED that the record in this matter is available for public inspection during regular business hours at the Commission offices. The record is also available on the Commission's web site at www.puc.idaho.gov by clicking on "File Room" and then "Electric Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 61 of the Idaho Code and the Public Utility Regulatory Policies Act of 1978 (PURPA). The Commission has authority under PURPA and the implementing regulations of the Federal Energy Regulatory Commission (FERC) to set avoided costs, to order electric utilities to enter into fixed-term obligations for the purchase of energy from qualified facilities and to implement FERC rules. The Commission may enter any final Order consistent with its authority under Title 61 and PURPA.

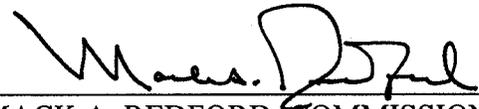
YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000, *et seq.*

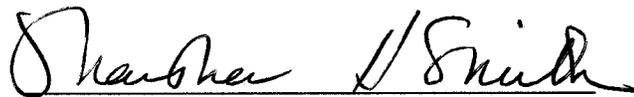
ORDER

IT IS HEREBY ORDERED that the parties adhere to the procedural schedule as set out in the body of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 26th
day of July 2012.


PAUL KJELLANDER, PRESIDENT


MACK A. REDFORD, COMMISSIONER


MARSHA H. SMITH, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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