

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

PACIFICORP DBA ROCKY MOUNTAIN POWER,)	SUPREME COURT
)	DOCKET NO. 38930-2011
Petitioner-Appellant,)	
)	
vs.)	IPUC CASE NO. PAC-E-10-07
)	
IDAHO PUBLIC UTILITIES COMMISSION,)	ORDER NO. 32360
)	
Respondent,)	
)	
and)	
)	
MONSANTO COMPANY,)	
)	
Intervenor-Respondent.)	

On May 29, 2011, PacifiCorp dba Rocky Mountain Power (“Rocky Mountain”) filed a timely Notice of Appeal from Order Nos. 32224, 32196, and 32151 in Case No. PAC-E-10-07. On June 7 and 15, 2011, PacifiCorp filed an Amended Notice of Appeal and a Second Amended Notice of Appeal, respectively.

**STAFF’S OBJECTION TO PROPOSED AGENCY’S RECORD
ON APPEAL AND REQUEST FOR ADDITION**

1. Staff’s Request for Deletions to the Record. On September 14, 2011, Commission Staff (“Staff”) filed an Objection to Proposed Agency’s Record on Appeal and Request for Addition. Staff objected to the inclusion of voluminous financial exhibits. Staff maintained that the entirety of Volume I and Volume II, and parts of Volume III of the exhibits (approximately 360 pages in Volumes I & II and 131 pages in Volume III) are not relevant to the issue on appeal – the Commission’s decision to assign 27% of the Populus transmission line to PHFU.

Exhibit Volumes I and II of the proposed record consists of two exhibits: Exhibit 1 (Revenue Requirement Summary) and Exhibit 2 (Revenue Requirement). Exhibit 1 consists of 3 pages and Exhibit 2 is comprised of 30 subparts in 357 pages. According to Staff, these exhibits are voluminous, irrelevant and immaterial to the single issue on appeal.

In Volume III of the exhibits, Staff asserted that Exhibit 78 (Year End Revenue Requirement Summary), Exhibit 80 (Year End Updated LGAR Calculation), and all but 4 pages of the 121 pages of Exhibit 79 (Year End Results of Operation Summary) are also immaterial and irrelevant to the single issue on appeal.¹ Staff recommended that the irrelevant material contained in Exhibit Volumes I and II be deleted. In addition, Staff recommended that Exhibits 2B.19 (Deferred Income Tax Balance), 2B.20 (Customer Advances), 4 (LGAR Calculation), 78, 79 (with the exception of the four pages identified in the footnote), and Exhibit 80 be removed from Volume III. This would allow all the pertinent exhibits to be included in a single volume.

2. Request for Addition to the Record. Staff also requested that the Commission add one Order to the record on appeal. Staff requested that Order No. 29708 (Case No. PAC-E-02-03) be included in the record. The Commission's Order on Reconsideration No. 32224 at 12 (Proposed Record at 259) cites to Order No. 29708. Order No. 29708 approved the multi-jurisdictional allocations currently used by the Commission to allocate facilities, costs, and revenues among PacifiCorp's Method-Protocol six-state jurisdictions.

ROCKY MOUNTAIN'S RESPONSE TO STAFF'S OBJECTION TO PROPOSED AGENCY'S RECORD ON APPEAL AND REQUEST FOR ADDITION

On September 16, 2011, Rocky Mountain filed a Response to the Commission Staff's Objection to Proposed Agency's Record on Appeal and Request for Addition. Rocky Mountain's response did not object to Staff's Motion to make certain additions and deletions to the proposed agency record on appeal, **EXCEPT** for the following:

Volume I:

Exhibit 1 – Steven R. McDougal – Revenue Requirement Summary

Exhibit 2.6 – Depreciation & Amortization Adjustments

Exhibit 2.8 – Rate Base Adjustments

Volume II:

Exhibit 2 B.10 – Plant Held for Future Use

Volume III:

Exhibit 79 (pp. 1.0-2.2) – Steven R. McDougal – (Year End) Results of Operation Summary

¹ Staff did not object to including four pages (11.5, 11.5.1, 11.7.1, 11.8.1) of Exhibit 79 (Year End Results of Operation Summary). These four pages all reference the Populus transmission line.

Rocky Mountain's response urged the Commission to accept its proposed exceptions to Staff's objections because they "directly reference the Populus to Terminal Transmission and/or provide valuable context for the Idaho Supreme Court's review of the Commission's decision." Rocky Mountain's proposed exceptions would comprise a total of 44 pages.

STIPULATION OF THE PARTIES

Subsequently, Rocky Mountain and Staff ("the Parties") conferred and reached an agreement on the final agency record on appeal. On September 19, 2011, the Parties filed a Stipulation and Agreement to Staff's Objection to Proposed Agency's Record on Appeal and Request for Addition memorializing the Parties' agreement. The Parties agreed that the following exhibits shall be included:

Volume I:

Exhibit 1 – Steven R. McDougal – Revenue Requirement Summary

Exhibit 2.6 – Depreciation & Amortization Adjustments

Exhibit 2.8 – Rate Base Adjustments

Volume II:

Exhibit 2 B.10 – Plant Held for Future Use

Volume III:

Exhibit 79 (pp. 1.0-2.2) – Steven R. McDougal – (Year End) Results of Operation Summary

The Parties also agreed to include Order No. 29708 (Case No. PAC-E-02-03), as cited in the Commission's Order on Reconsideration No. 32224. The Parties agreed to exclude the remaining exhibits included in Staff's Motion.

COMMISSION FINDINGS

The Commission has reviewed the Parties' Stipulation and Agreement. "In administrative appeals from the Public Utilities Commission, . . . the administrative agency shall have continued jurisdiction of the matter and the parties . . . including the power to settle the transcript and record on appeal." I.A.R. 13(e). Once settled by the Commission, the agency's record is then filed with the Supreme Court. I.A.R. 29(b).

The Commission finds that the alterations to the record on appeal contained in the Stipulation are fair, just and reasonable. The Commission finds that the proposed revisions will enable the preparation of a more concise and relevant agency record on appeal. Thus, the

agency's record on appeal shall be amended to reflect Staff's objections, minus the exclusions to Staff's objections represented in the Parties' Stipulation, and include Staff's request for addition of Order No. 29708.

ORDER

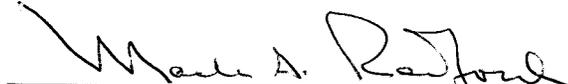
IT IS HEREBY ORDERED that the Record on Appeal shall be revised to reflect the addition and deletions, more particularly described above in the Stipulation and Agreement to Staff's Objection to Proposed Agency's Record on Appeal and Request for Addition, and shall be lodged with the Idaho Supreme Court in accordance with the Idaho Appellate Rules.

IT IS FURTHER ORDERED that the Commission Secretary shall file a copy of this Order amending the agency's record on appeal with the Supreme Court.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 20th day of September 2011.



PAUL KJELLANDER, PRESIDENT

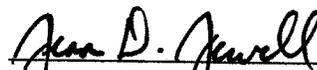


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

O:PAC-E-10-07_Appeal Stipulation_np

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 20th DAY OF SEPTEMBER 2011, SERVED THE FOREGOING **ORDER NO. 32360**, IN SUPREME COURT DOCKET NO. 38930-2011, BY E-MAILING A COPY THEREOF TO THE FOLLOWING:

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