

DONALD L. HOWELL, II
 D. NEIL PRICE
 DEPUTY ATTORNEYS GENERAL
 IDAHO PUBLIC UTILITIES COMMISSION
 PO BOX 83720
 BOISE, IDAHO 83720-0074
 (208) 334-0312
 IDAHO BAR NOS. 3366 and 6864

RECEIVED
 2011 SEP 14 PM 4:18
 IDAHO PUBLIC UTILITIES COMMISSION
 SUP-E-11-01

Attorneys for the Respondent
 Idaho Public Utilities Commission

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

PACIFICORP DBA ROCKY MOUNTAIN)	
POWER,)	SUPREME COURT
)	DOCKET NO. 38930-2011
Petitioner-Appellant,)	
)	
vs.)	OBJECTION TO PROPOSED
)	AGENCY'S RECORD ON
IDAHO PUBLIC UTILITIES COMMISSION,)	APPEAL AND REQUEST FOR
)	ADDITION
Respondent,)	
)	NOTICE AND
and)	REQUEST FOR HEARING
)	
MONSANTO COMPANY,)	
)	
Intervenor-Respondent.)	

The Commission Staff, by and through its attorneys of record, Donald L. Howell, II and D. Neil Price, Deputy Attorneys General, pursuant to Idaho Appellate Rules 29(a) and 13(e), respectfully objects to the proposed agency's record on appeal served on the parties on August 17, 2011. Staff also requests that an Order cited by the Commission in its reconsideration Order be placed in the record.

BACKGROUND

On May 27, 2011, PacifiCorp dba Rocky Mountain Power filed its timely Notice of Appeal in the recently completed general rate case, PAC-E-10-07. In its Notice of Appeal, the

Company identified that the single issue on appeal was the Commission's determination to assign 27% of the cost of the Populus-to-Terminal transmission line to "plant held for future use (PHFU)." Notice of Appeal at ¶ 3. On June 7, 2011, the Company filed an Amended Notice of Appeal reducing the transcript request for all 44 witnesses at the technical hearing to 14 witnesses. Amended Notice of Appeal at ¶ 4. On June 15, 2011, the Company filed its Second Amended Notice of Appeal further refining its transcript request.¹

On June 29, 2011, the Commission Staff filed its request for additional transcript, exhibits and record. On August 17, 2011, the Commission Secretary served the proposed agency record on appeal upon the parties. Pursuant to Appellate Rule 29, parties to the appeal have 28 days from the date of service of the proposed record (or until September 14, 2011) to file objections including corrections, additions or deletions.

OBJECTION TO THE PROPOSED RECORD

Staff objects to portions of the proposed record on appeal served by the Commission Secretary on August 17, 2011. More specifically, Staff objects to the inclusion of voluminous financial exhibits which are irrelevant to the single issue on appeal. Staff maintains 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. See attached letter dated June 16, 2011; Order No. 32224 at 8-13 (proposed Record at 255-60).

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. See attached Exhibit List. These exhibits are voluminous, irrelevant and immaterial to the single issue on appeal. Rather than burden the Court with this material, it should be removed from the record.

In Volume III of the exhibits, Staff asserts 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

¹ Monsanto Company's Petition to Intervene was granted on July 20, 2011.

and irrelevant to the single issue on appeal.² Consequently, Staff recommends that the irrelevant material contained in Exhibit Volumes I and II be deleted. In addition, Staff recommends 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.

REQUEST FOR ADDITION TO THE RECORD

Staff requests that the Commission add one Order to the record on appeal. More specifically, Staff requests that Order No. 29708 (Case No. PAC-E-02-3) 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.

NOTICE AND REQUEST FOR HEARING

When an objection is made to the proposed record on appeal, the Commission determines, after hearing, what is to be included in the agency's record that is sent to the Supreme Court. I.A.R. 29(a-b). "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).

"Any objection made to . . . the agency's record must be accompanied by a notice setting the objection for hearing and shall be heard and determined by the . . . administrative agency from which the appeal is taken." I.A.R. 29(a). Staff respectfully requests that the Commission find there is good cause to schedule a hearing in this matter on less than 14 days' notice **to commence following the scheduled decision meeting at 1:30 p.m. on Monday, September 19, 2011, in the Commission's Hearing Room, 472 West Washington Street, Boise, Idaho.** IDAPA 31.01.01.241. Staff counsel has contacted the parties regarding the

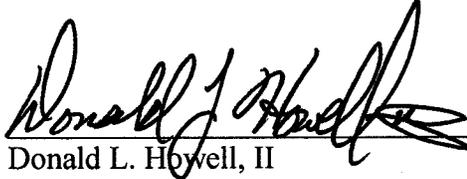
² Staff does not object to including four pages (11.5, 11.5.1, 11.7.1, 11.8.1) of Exhibit 79 (Year End Results of Operation Summary). These four pages all reference the Populus transmission line.

proposed hearing scheduled for September 19, 2011, and believes there will be no objection to scheduling the hearing on less than 14 days' notice.

CONCLUSION

Based upon the reasons set forth above, Staff requests that the Commission delete the irrelevant exhibits from the record on appeal and add Order No. 29708 to the record. Staff has advised the parties of the proposal to schedule the hearing for September 19, 2011.

Respectfully submitted this 14th day of September 2011.



Donald L. Howell, II
D. Neil Price
Deputy Attorneys General

Attorneys for Respondent
Idaho Public Utilities Commission

O:Supreme Court_PAC-E-10-07_38930-2011 Objection_dh



**ROCKY MOUNTAIN
POWER**
A DIVISION OF PACIFICORP

*Mark C. Moench
Senior Vice President and General Counsel
201 S. Main Street, Suite 2400
Salt Lake City, UT 84111
801-220-4459 Office
801-220-4058 Fax
mark.moench@pacificorp.com*

June 16, 2011

Mr. Don Howell
Deputy Attorney General
Idaho Public Utilities Commission
472 W. Washington
Boise, Idaho 83702

Re: Rocky Mountain Power: Case No. PAC-E-10-07 - Scope of Appeal

Dear Don:

It is my understanding that you have expressed some concern as to whether the scope of Rocky Mountain Power's appeal in Case No. PAC-E-10-07 (the "Appeal") is and will remain limited to those issues relating to the Populus-to-Terminal transmission line, or if it will expand to various other matters which arise from the Commission's Order. This letter is provided in response to those concerns, and is intended to confirm that, as previously indicated in our conversations, as well as the express terms of our notice of appeal, Rocky Mountain Power will limit the issues on Appeal, solely to the exclusion of the company's investment in the Populus-to-Terminal transmission line from the rate base for the purpose of setting electric utility rates for Rocky Mountain Power's Idaho customers.

If anyone on our legal team has or does represent to the contrary, please advise. Despite our differing positions at times, we appreciate the strong working relationship that Rocky Mountain Power and the Idaho Public Utilities Commission have enjoyed in the past, and look forward to working with the Commission in the future. Please feel free to contact me if you have any further concerns or questions.

Best Regards,

Mark C. Moench
Senior Vice President & General Counsel
Rocky Mountain Power

cc: Paul Hickey
Rich Hall
Daniel Solander

EXHIBITS LIST and CERTIFICATION

LIST OF EXHIBITS BY PARTIES

Pages

For PacifiCorp dba Rocky Mountain Power:

Exhibit Nos.	<i>VOLUME I</i>	
1.	Steven R McDougal – Revenue Requirement Summary	3
2.	Steven R. McDougal – Revenue Requirement	
2.1	Summary	6
2.2	Results of Operations	37
2.3	Revenue Adjustments	16
2.4	O&M Adjustments	56
2.5	Net Power Cost Adjustments	10
2.6	Depreciation & Amortization Adjustments	10
2.7	Tax Adjustments	17
2.8	Rate Base Adjustments	27
2.9	Rolled-in	39
2.10	Allocation Factors	19
2 B.1	Revenue	7
2 B.2	O&M Expense	19
2 B.3	Depreciation Expense	10
2 B.4	Amortization Expense	3
2 B.5	Taxes Other Than Income	1
2 B.6	Federal Income Taxes	7
2 B.7	Deferred Income Tax Expense & Investment Tax Credit Amortization	6
2 B.8	Plant in Service	19
2 B.9	Capital Lease Plant	1
2 B.10	Plant Held for Future Use	1
2 B.11	Miscellaneous Deferred Debits	2
2 B.12	Blank	0
2 B.13	Materials & Supplies	6
2 B.14	Cash Working Capital	2
2 B.15	Miscellaneous Rate Base	3
2 B.16	Weatherization / Regulatory Assets	15
2 B.17	Depreciation Reserve	14
2 B.18	Amortization Reserve	4
2 B.19	Deferred Income Tax Balance and Investment Tax Credit Balance	8
2 B.20	Customer Advances	1
4.	Steven R. McDougal – LGAR Calculation	1
33.	John R. Cupparo – Gateway Map	1
34.	John R. Cupparo – Populus to Terminal Map (11 X 17 color)	1
35.	John R. Cupparo – DOE Congestion on Western Paths Map	1
36.	John R. Cupparo – FERC Incentive Rate Order	29

VOLUME II

VOLUME III

EXHIBITS

37.	Darrell T. Gerrard – Populus to Terminal Cost Summary	1
38.	Darrell T. Gerrard – Summary of Bidder Evaluations	1
39.	Darrell T. Gerrard – Project Photos	9
65.	Darrell T. Gerrard – Path C Transfer	2
66.	Darrell T. Gerrard – Alternative Cost Options	1
67.	Darrell T. Gerrard – Foundational Project Map	1
78.	Steven R. McDougal – (Year End) Revenue Requirement Summary	1
79.	Steven R. McDougal – (Year End) Results of Operation Summary	121
80.	Steven R. McDougal – (Year End) Updated LGAR Calculation	3

IPUC Final Order No. 30657 in PAC-E-08-03 grants PacifiCorp the Certificate of Public Convenience and Necessity requested for Construction of the Populus-to-Terminal 345 Kv Transmission Line Project	7
--	---

For IPUC Staff

VOLUME IV

133.	Hearing Exhibit – Article re Cost of Transmission for Wind Energy	2
------	---	---

For Monsanto Company:

221.	Dennis E. Peseau – Proposed Energy Gateway	2
222.	Dennis E. Peseau – Proposed Gateway West	1
223.	Dennis E. Peseau – Proposed Gateway South	1
224.	Dennis E. Peseau – Idaho MEHC Acquisition Order No. 29973, pg 6-7	3
225.	Dennis E. Peseau – Comparative Investment per Mile	1
226.	Dennis E. Peseau – Western U.S. Competing Transmission Lines Map	1
227.	Dennis E. Peseau – PacifiCorp Response to Monsanto Data Request 4.5	1
234.	Dennis E. Peseau – Cost of Transmission for Wind Energy, Redacted	2
237.	Hearing Exhibit – Berkshire Hathaway’s Corporate Performance	6
238.	Hearing Exhibit – PacifiCorp Historical Capital Structure	1
239.	Hearing Exhibit – PacifiCorp Advertisement – Energy Gateway	5
240.	Hearing Exhibit – PacifiCorp Advertisement – Energy Gateway West, South	5
241.	Hearing Exhibit – Monsanto Rebuttal Data Request 2.4	1
242.	Hearing Exhibit – Monsanto Billing August 2010	3
243.	Hearing Exhibit – UPL-E-90-1 Taylor Direct Testimony	3
244.	Hearing Exhibit – UPL-E-92-2 Order No. 24220	6
245.	Hearing Exhibit – UPL-E-95-4 App. for Approval of Contract with Monsanto	19
246.	Hearing Exhibit – PAC-E-07-05 Order No. 30482 Approves Stipulation	15
247.	Hearing Exhibit – PAC-E-08-07 Order No. 30783 Accepts Stipulation	17
248.	Hearing Exhibit – PacifiCorp 2008 Integrated Resource Plan and Update	11
249.	Hearing Exhibit – PacifiCorp Response to Data Request 10.1	1
250.	Hearing Exhibit – PacifiCorp Response to IIPA Data Request 8	4
251.	Hearing Exhibit – 2007 Electric Service Agreement between PacifiCorp and Monsanto, Redacted	45
252.	Hearing Exhibit – Operating Reserve System Emergency 2009	21

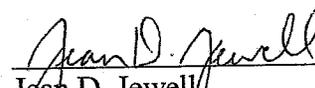
For PacifiCorp Idaho Industrial Customers (PIIC):

601. Donald W. Schoenbeck – Qualifications and Background	2
602. Donald W. Schoenbeck – Rocky Mountain Power Cost of Service by Rate Schedule	2
603. Donald W. Schoenbeck – Response to IIPA Data Request 2	4
604. Donald W. Schoenbeck – Response to IIPA Data Request 8	1
610. Greg R. Meyer – Qualifications and Background	2

Page Counts:

Rocky Mountain Power	549
IPUC	2
Monsanto Company	175
PIIC	11
<hr/>	
Total	737

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
the Idaho Public Utilities Commission this 17th day of August 2011.



Jean D. Jewell
Commission Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 14th DAY OF SEPTEMBER 2011, SERVED THE FOREGOING **OBJECTION TO PROPOSED AGENCY'S RECORD ON APPEAL AND REQUEST FOR ADDITION, NOTICE AND REQUEST FOR HEARING**, IN SUPREME COURT DOCKET NO. 38930-2011, BY E-MAILING A COPY THEREOF TO THE FOLLOWING:

PAUL J HICKEY
HICKEY & EVANS LLP
1800 CAREY AVE., SUITE 700
PO BOX 467
CHEYENNE WY 82003
E-MAIL: phickey@hickeyevans.com

MARK C MENCH
DANIEL E SOLANDER
ROCKY MOUNTAIN POWER
201 S MAIN ST STE 2300
SALT LAKE CITY UT 84111
E-MAIL: mark.moench@pacificorp.com
daniel.solander@pacificorp.com

RICHARD HALL
WALTER SINCLAIR
STOEL RIVES LLP
101 S. CAPITOL BOULEVARD, SUITE 1900
BOISE ID 83702-7705
E-MAIL: rrhall@stoel.com
jwsinclair@stoel.com

RANDALL C. BUDGE
RACINE OLSON NYE BUDGE & BAILEY
PO BOX 1391
201 E. CENTER
POCATELLO ID 83204-1391
E-MAIL: rcb@racinelaw.net



SECRETARY