

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 214

In the Matter of

IDAHO POWER COMPANY

2010 Annual Power Cost Update.

RULING

**DISPOSITION: MOTION GRANTED IN PART**

By motion filed March 23, 2010, Idaho Power Company (Idaho Power or the Company) requests that portions of testimony submitted by the Public Utility Commission of Oregon Staff (Staff) be stricken. In the alternative, the Company requests leave to file rebuttal testimony in response to the subject testimony.

Due to the limited time remaining before the April 13, 2010 hearing in this matter, Idaho Power asks that its motion be accorded expedited consideration.

By letter of March 26, 2010, Michael Weirich, attorney for Staff, advised the Commission and all parties that Staff will reply to Idaho Power's motion "no later than the 15 days afforded by the Commission's rules, sooner if possible." In his letter Mr. Weirich states good cause for not having responded sooner.

In view of the procedural circumstances, I will afford Idaho Power the opportunity to file responsive testimony without waiting to receive Staff's response on the merits of the Company's motion. Accordingly, I deny Idaho Power's motion to strike, without prejudice. Staff may respond to the Company's motion orally, at the outset of the hearing on April 13.

Idaho Power states that it cannot fully respond to Staff's testimony without access to the underlying confidential information that is in the record in Docket UE 207 (Pacific Power's 2010 Transition Adjustment Mechanism). Accordingly, Idaho Power asks that it be allowed to examine the necessary confidential material in that docket to be able to formulate its own testimony in this docket.

It is not appropriate to order disclosure of confidential information in this docket of an entity (Pacific Power) that is not a party to this proceeding. Idaho Power can do no more

than make its best efforts to respond to Staff, while Staff remains bound by whatever protective orders may apply in each docket. To the extent that Idaho Power can show the Company's ability to respond to Staff's testimony is impaired, it can argue accordingly.

Idaho Power did not state how much time it might need to file its testimony. For purposes of this ruling, I allow the Company 10 days.

For good cause shown, Idaho Power Company's motion for leave to file rebuttal testimony is granted. The date for filing rate spread testimony is April 5, 2010. Idaho Power Company's motion to strike is denied.

Dated at Salem, Oregon, this 26th day of March, 2010.



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Patrick Power  
Administrative Law Judge