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April 3, 2023

VIA ELECTRONIC FILING

Public Utility Commission of Oregon
Filing Center
P.O. Box 1088
201 High Street S.E., Suite 100
Salem, OR 97308-1088

Re: Docket No. PCN 5 – In the Matter of Idaho Power Company’s Petition for Certificate of Public Convenience and Necessity.

Dear Judge Mellgren:

In discovery in this proceeding, Idaho Power Company (“Idaho Power”) has received 122 data requests (“DR”) from Greg Larkin, which were provided in eight separate batches. In several of these DRs, Mr. Larkin included additional material beyond questions posed to the Company—and specifically included argument and narrative responses to Idaho Power’s testimony and discovery responses, attachments which are referred to as exhibits, excerpts of rules and statutes, and affidavits. These additional materials were referenced in some (but not all) of the discovery requests. Additionally, these materials were not provided with Mr. Larkin’s testimony and exhibits that were filed in the record in this proceeding in accordance with the procedural schedule in this case.

Because the next steps in this proceeding are quickly approaching, Idaho Power seeks clarification that the above-referenced materials that were informally provided with Mr. Larkin’s DRs are not filed in the record as testimony and exhibits—and given that the deadlines for Staff and intervenor testimony have passed, the only way for this information to be included in the record is if the documents are offered and admitted through cross-examination. Idaho Power further seeks clarification that documents provided only in discovery and not formally admitted into the record are not considered by the Commission, and thus would not be appropriate to reference in post-hearing briefing.

Idaho Power appreciates Your Honor’s consideration of these issues, and respectfully requests that Your Honor promptly issue a ruling clarifying the discovery materials are not included in the record in this proceeding unless included as an attachment to pre-filed testimony or offered and admitted as a cross-examination exhibit.

Regards,

A handwritten signature in blue ink, appearing to read "Jocelyn Pease", positioned above a horizontal line.

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DOCKET PCN 5 - CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2023 Idaho Power Company's Letter for Clarification of Larkin DRs was served by USPS First Class Mail and Copy Center to said person(s) at his or her last-known address(es) as indicated below:

By: USPS First Class Mail and Copy Center:

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DATED: April 3, 2023

/s/ Suzanne Prinsen

Suzanne Prinsen
Legal Assistant