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April 6, 2021

VIA ELECTRONIC FILING

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Re: Docket No. AR 641
Rulemaking to Review and Amend Division 001 Procedural Rules

Idaho Power Company ("Idaho Power" or "Company") appreciates the opportunity to provide redline comments on the confidential information and discovery rules under review in AR 641, the Division 001 rulemaking.

860-001-0070 Confidential Information:

Idaho Power supports the removal of the printed material requirement and more generalized approach taken in the redlines circulated by the Administrative Hearings Division on March 30, 2021.

Idaho Power has observed a growing tension between business customers' desire to maintain the confidentiality of their usage information to protect their competitive position and stakeholder demands to receive this information in discovery. To properly set customer, stakeholder and utility expectations going forward, Idaho Power believes the Commission should evaluate which protections are required to protect detailed customer information and whether those protections should be formally articulated in the Oregon Administrative Rules.

860-001-0500 Discovery in Contested Proceedings:

Idaho Power offers no comments or redlines on this rule.

860-001-0540 Data Requests:

The increasing size and complexity of data requests, as well as the number of data sets, resulting from the Commission's broadening scope of investigations, filings, and other proceedings have impacted Idaho Power's ability to timely respond under this rule. Data responses are prepared and reviewed by a limited number of Idaho Power personnel.

In addition to the Commission's broader proceedings, Idaho Power generally has several active cases, each with dozens of data requests being processed. Party requests for voluminous raw data are becoming more common. Consequently, the current 14-day response turn-around requirement is increasingly difficult to meet – especially if third-party data is requested or during holiday periods.

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Idaho Power recommends that the 14-day requirement in OAR 860-001-0540(1) be revised to 21 days to better facilitate complete and accurate data responses. In certain time-sensitive matters or for more limited requests, respondents could reasonably accommodate a more expedited time frame on a case-by-case basis.

> (1) A party may submit data requests to any other party, subject to the discovery rules in the ORCP. Data requests are written interrogatories or requests for production of documents. Data requests must be answered within 21~~14~~ days from the date of service unless the requesting and responding parties agree otherwise. Each data request must be answered fully and separately in writing or by production of documents, or objected to in writing.

860-001-0170 Filing Requirements in Contested Case and Declaratory Ruling Proceedings:

Idaho Power supports the removal of the printed material requirement and more generalized approach taken in the redlines circulated by the Administrative Hearings Division on March 30, 2021.

860-022-0019 General Rate Revisions:

OAR 860-022-0019 (2)(a) requires the initial filing of a general rate case revision to contain all the information required by the most recent version of the Standard Data Requests for Energy Rate Cases available on the Commission's website. To provide consistency in how data responses are submitted, accessed, and maintained, Idaho Power recommends sections (2)(a) through (3) of the rules be revised as follows:

> (2) The initial filing of a general rate revision must contain ~~the following:~~
>
> ~~(a) All information required by the most recent version of the Standard Data Requests for Energy Rate Cases, available at http://www.puc.state.or.us. Including tax-related information; and~~
>
> ~~(b) A~~a motion for a general protective order or modified protective order under OAR 860-001-0080, if necessary for the release of information under sections (1)(a) through (g), and (32)~~(a)~~ of this rule.
>
> (3) Responses to the most recent version of the Standard Data Requests for Energy Rate Cases, available at http://www.puc.state.or.us, including tax-related information must be submitted to the shared data response workspace at the time of the initial filing.
>
> (4) Telecommunications utilities partially exempt from regulation under ORS 759.040 must file tariffs as specified in OAR 860-034-0300.

If you have any questions about these Comments, please do not hesitate to contact me at (208) 388-5825 or Regulatory Consultant, Mark Annis at (208) 388-5208.

Very truly yours,

Lisa D. Nordstrom

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LDN:slb