

April 5, 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:

Idaho Power Company (“Idaho Power”) is writing to respond to Greg Larkin’s letter of April 4, 2023, in which he responded to Idaho Power’s letter requesting clarification regarding certain documents attached to his data requests.

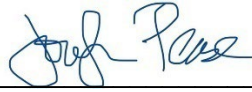
Idaho Power appreciates Mr. Larkin’s explanation that the documents attached to his data requests were provided for context and were not intended to be admitted as testimony into the record. However, Mr. Larkin’s letter indicates that he believes that the schedule affords him an additional opportunity to provide testimony in this case, beyond the opening and rebuttal testimony he has filed. Mr. Larkin also asks whether he may cross-examine a person who has not provided direct testimony in this case. Finally, Mr. Larkin indicates that he plans to admit documents into the record through cross-examination at the hearing. Accordingly, Idaho Power suggests that Your Honor clarify that:

- The schedule in this case allows for intervenors to file opening and rebuttal testimony, and no further opportunities for direct testimony are allowed;
- Only those persons who filed direct testimony may be called for cross-examination at the hearing;
- In order to admit a response to a data request at the hearing, Mr. Larkin will need to be able to lay a foundation for the document’s admission through a cross-examination witness. While that process is routine and may sometimes be waived in the case of a response to a data request produced by the party being cross-examined, it may be more difficult to lay a proper foundation for the admission of a document, in particular if the witness is not familiar with the document or is familiar but disputes the relevance or accuracy of the document.

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Idaho Power believes that the above clarifications will assist Mr. Larkin in preparing for hearing and will minimize any confusion at hearing.

Regards,

A handwritten signature in blue ink, appearing to read "Jocelyn Pease".

Jocelyn Pease
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Attorney for Idaho Power Company

DOCKET PCN 5 - CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2023 Idaho Power Company's Letter to ALJ Mellgren re Response to Greg Larkin 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 5, 2023

/s/ Suzanne Prinsen
Suzanne Prinsen
Legal Assistant