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IDAHO PUBLIC
UTILITIES COMMISSION
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Attorneys for PacifiCorp dba Utah
Power & Light Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

In the Matter of the Application of PacifiCorp,)	CASE NO. PAC-E-01-16
dba Utah Power & Light Company for)	
Approval of Interim Provisions for the Supply)	OBJECTION TO MONSANTO'S
of Electric Service to Monsanto Company.)	CONTRACT SUBMISSION
)	
_____)	

PacifiCorp respectfully submits this Objection to Monsanto's Contract Submission and states as follows:

1. On February 25, 2003, Monsanto filed its Answer to PacifiCorp's Petition for Reconsideration and Clarification of Order No. 29157 ("Answer"). In addition to answering PacifiCorp's petition, Monsanto included a request that the Commission approve Monsanto's proposed electric service agreement which was filed with the Answer.¹ A proposed agreement was certainly not a subject of PacifiCorp's Petition for Reconsideration, and Monsanto's submission of its request for approval of its draft agreement is improper in the context of an

¹ PacifiCorp does not view the Commission's Rules of Practice and Procedure as contemplating the submission of a response to an answer, and accordingly limits this response to Monsanto's request for approval of the draft agreement.

answer to the Petition. For this reason alone, the Commission should strike Monsanto's request.

2. Monsanto's submission of its proposed agreement is also premature in light of the pending Petition for Reconsideration and Clarification in this case. PacifiCorp seeks reconsideration on several issues that are central to the terms under which PacifiCorp will provide electric service to Monsanto. Thus, the complete terms of the agreement for electric service to Monsanto cannot be established until the Commission makes its determination on the Petition for Reconsideration and Clarification.


3. Further, Monsanto's request is premature because it asks the Commission to approve an agreement which has yet to be negotiated. Notwithstanding Monsanto's assertions, the parties are not in a position of deadlock or refusal to negotiate. While Monsanto noted its request to PacifiCorp for comments on Monsanto's February 7, 2003 draft, it failed to also note that PacifiCorp first sent Monsanto a draft contract on January 17, 2003. PacifiCorp did so with the understanding that the agreed-to process would be that Monsanto would provide comments on that draft, recognizing that a number of issues would be outstanding pending final determination by the Commission. Instead of commenting on PacifiCorp's draft as it previously said it would, Monsanto created its own draft. Monsanto also fails to note that when PacifiCorp sent its draft on February 20, it proposed that Monsanto provide comments on February 28, that Monsanto and PacifiCorp meet on March 5 or 6, and asked how Monsanto wished to proceed. The parties are presently working on setting a date for negotiations. In the meantime, PacifiCorp is working on Monsanto's proposed draft and understands that Monsanto is now working on comments regarding PacifiCorp's draft.

4. PacifiCorp does not agree to the terms of the draft electric service agreement submitted by Monsanto, even without regard to the issues regarding which PacifiCorp is seeking reconsideration. Since it would be premature to burden the Commission with the inadequacies of Monsanto's proposed agreement, PacifiCorp will not do so.

WHEREFORE, PacifiCorp requests that the Commission take no action on Monsanto's request for approval of its draft agreement, and allow the parties the opportunity, both before and after the Commission's determination on PacifiCorp's Petition for Reconsideration, to resolve the contract issues.

DATED this the 3rd day of March 2003.

Stoel Rives LLP

By 
James F. Fell
John M. Eriksson
Attorneys for PacifiCorp,
dba Utah Power & Light Company

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March, 2003, I caused to be served, via U.S. Mail, postage prepaid, a true and correct copy of the foregoing Objection to Monsanto's Contract Submission to the following:

James R. Smith
Monsanto Company
P.O. Box 816
Soda Springs, Idaho 83276

Eric L. Olsen
Racine Olson Nye Budge & Bailey
P.O. Box 1391
Pocatello, ID 83204-1391

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey
PO. Box 1391
Pocatello, ID 83204-1391

and that a true and correct copy of the foregoing was served on the following via overnight delivery:

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Scott Woodbury
Deputy Attorney General
Idaho Public Utilities Commission
472 W. Washington Street
Boise, ID 83702-5983

DATED: March 3, 2003

