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IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	
Case No. 39576	)	
_____	)	Consolidated Subcase No. 00-92023
IDAHO POWER COMPANY,	)	
Plaintiff,	)	
v.	)	IDAHO POWER COMPANY'S
	)	REQUEST FOR SCHEDULING
STATE OF IDAHO; C.L. "BUTCH" OTTER,	)	CONFERENCE AND STATEMENT
Governor of the State of Idaho; LAWRENCE G.	)	IN SUPPORT THEREOF
WASDEN, Attorney General of the State of	)	
Idaho; IDAHO DEPARTMENT OF WATER	)	
RESOURCES; and DAVID TUTHILL, Director,	)	
Idaho Department of Water Resources,	)	
Defendants.	)	
_____	)	

Idaho Power Company and the State of Idaho have conferred over the past two weeks regarding the appropriate schedule to adopt in order to see this litigation through to completion, but have been unable to reach agreement. Therefore, Idaho Power Company proposes the following schedule for the following reasons, and requests that the Court address the matter at the hearing presently scheduled on September 4, 2008, at 1:30 p.m.

1. This Court issued its Order denying Idaho Power Company's Motion to Strike or in the Alternative Motion in Limine, and granting the State of Idaho's Motion to Compel on August 6, 2008. In that Order the Court stated that it would grant the Company additional time to comply with the discovery requests of the State, but did not at that time specifically address what length of extension would be appropriate. The Court also granted the Participants' Motion to Participate and instructed the Participants to file joint briefing in the remaining proceedings in this action.

2. On August 27, 2008, Idaho Power Company propounded additional discovery requests on the State, and on August 29, 2008, Idaho Power Company propounded its initial discovery requests upon the Participants.

3. The Court's Order denying the Company's Motion to Strike, or in the Alternative Motion in Limine and granting the State's Motion to Compel greatly expanded the scope of discovery in this action, which has required a substantial effort on the part of the Company and counsel for the Company to gather potentially responsive documents to the State's discovery requests. This effort has been ongoing since June, soon after the State's discovery requests were propounded.

4. The initial search of Idaho Power Company's archive indexes reveals that there may be as many as 200 additional boxes of archived materials that will need to be reviewed for

relevance¹, and some smaller number of those documents prepared for production to the State, including a required time for privilege review and preparation of a privilege log. The Company's archives are not indexed in a manner that allows for a targeted search of each potential issue upon which the State requests discovery, but rather requires a broader search based on power plant project name, a temporal search, or in some instances, simply a search of any documents which might be related to a "license," "legal file," an employee name or some such broad concept. Because of the complexity of this case, the persons responsible for reviewing the documents for potential relevance and privilege are the attorneys who have been working on this matter. This process is deeply time consuming, but can be accomplished within this Court's current discovery cut off deadline.² For a more thorough discussion of the Company's continuing efforts to respond to the State's discovery requests, please see the Affidavit of Shelley M. Davis filed concurrently herewith.

5. Idaho Power Company believes that the next round of summary judgment briefing in this case will likely resolve the only outstanding issue to be decided in this action, and therefore believes that more likely than not there will be nothing left in the case to be tried on the Court's current trial schedule. Further, as this Court is the fact finder, any genuine issues of material fact that might preclude summary judgment if a jury were the finder of fact, can be resolved by this Court on Summary Judgment. Therefore, the Company proposes the following

¹ To put this number in context, the Company has produced approximately 20 boxes of production documents to date. Counsel for the Company spent approximately 9 months gathering and preparing those documents for production. Those documents were made available to the State as early as March of this year, however, the State did not request to review the documents until July.

² Counsel for the Company anticipates that a review of archived documents of the law firm Rosholt Robertson Tolman and Tucker will also have to be conducted, but does not at this time have an estimate of the number of production boxes that may be discovered in those files. Based on counsel's review of the production documents that were discovered during the Company's initial preparation of production documents, the time required for privilege review and preparation of a privilege log commensurate with these files is substantial.

schedule to complete discovery in this action and brief the remaining issue left to be decided by this Court.

i) Conclude discovery on **November 10, 2008**. Idaho Power believes that it may be able to prepare the remaining potentially responsive documents for production by this date.

ii) On **December 5, 2008**, the parties file and exchange their initial summary judgment briefs on the remaining issue to be resolved in this action.

iii) On **December 19, 2008**, the parties file and exchange their memoranda in response to the initial briefs.

iv) On **January 9, 2008**, the parties file and exchange their reply memoranda; and

v) On **January 20, 2008**, the Court hears oral argument on the Motions.

6. Idaho Power Company will not have time to conduct the necessary document review and preparation in order to respond to the State's pending discovery requests before the November 10, 2008, discovery cut-off date. While the Company does have a large legal team, the review of potentially relevant documents for production, and the Company's briefing of the summary judgment issues, will necessarily be conducted by the same counsel. It is the Company's assumption that the purpose of conducting this discovery is so that the parties have all of the available facts necessary to support the parties' arguments on summary judgment. It is entirely illogical and inefficient to require the parties to begin briefing the remaining issue in this matter for summary disposition prior to discovery being completed. Requiring the Company to undertake both exercises simultaneously, in addition to implicating the obvious inefficiencies, will likely create further delays, and will definitely prejudice the Company as to resources and preparation.

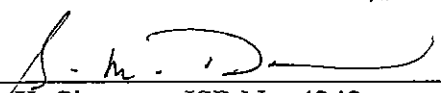
7. The schedule proposed by the Company to resolve this litigation falls within the schedule currently adopted by this Court to resolve this matter at trial. Because it is likely that no trial will be required to resolve this action, because the Company requires additional time to complete its responses, and because it is illogical, inefficient, and prejudicial to require the parties to brief the remaining issue in this case for summary disposition before discovery is completed, the Company urges the Court to adopt the schedule set forth above.

Dated this 2nd day of September, 2008.

IDAHO POWER COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of September 2008, I caused to be served a true and correct copy of the foregoing document entitled **IDAHO POWER COMPANY'S REQUEST FOR SCHEDULING CONFERENCE AND STATEMENT** via the method indicated below, and addressed to each of the following:

Original filed via Facsimile with the Court.

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