

**BEFORE THE  
PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of Excess PacifiCorp Income Tax Cost Monies Collected in Rates	DOCKET NO. 05-035-98  <b>JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT</b>
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PacifiCorp, MidAmerican Energy Holdings Company (“MEHC”), the Committee of Consumer Services (“Committee”) and the Utah Industrial Energy Consumers (“UIEC”) (sometimes hereinafter jointly referred to as the “Parties”) hereby jointly move the Public Service Commission of Utah (the “Commission”) for approval of the Settlement Agreement dated March 7, 2006 (“Agreement”), a copy of which is attached hereto and which is by this reference incorporated herein. In addition, the Parties request that the Commission issue a notice of hearing in the form attached hereto setting a hearing for April 3, 2006 to consider approval of the Agreement. Finally, the Parties request that the Commission dismiss with prejudice the Committee’s Request for Agency Action filed on October 6, 2005. In support of this Motion, the Parties represent as follows:

1. On October 6, 2005, the Committee filed a Request for Agency Action (“Request”) seeking relief as more fully described in the Request. On November 4, 2005, PacifiCorp filed its Motion to Dismiss and Answer (“Answer”) to the Request, denying the allegations in the Request as more fully described in the Answer.

2. On March 10, 2006, the Commission issued its Notice of Intervention Deadline and Notice of Status Conference, setting March 17, 2006, as the intervention deadline for this docket. As of the expiration of the intervention deadline, petitions to intervene and responsive

pleadings have been filed by the UIEC, Questar Gas Company (“Questar”), the Division of Public Utilities (“Division”) and the Utah School Board Association. While Questar and the Division are not signatories to the Agreement, the Parties represent that neither opposes approval of the Agreement.

3. The Parties anticipate that continued litigation of this case would consume substantial resources and acknowledge that the outcome of the Request is not certain. The acquisition of PacifiCorp by MEHC has afforded the opportunity for the Parties to settle this dispute on a just and reasonable basis and on terms that are, in their view, in the public interest.

4. The Parties submit that the terms of the Agreement are just and reasonable and otherwise in the public interest and that it is in the public interest to dismiss with prejudice the Request. The Parties also submit that it is in the public interest to issue a notice of hearing in the form attached hereto.

5. MEHC will, and the other Parties may, present testimony in support of the Agreement.

WHEREFORE, the Parties respectfully request that the Commission issue its order approving the Agreement and granting the additional relief requested in this motion.

RESPECTFULLY SUBMITTED this \_\_\_\_ day of March 2006.

PACIFICORP

By \_\_\_\_\_  
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Attorneys for PacifiCorp

MIDAMERICAN ENERGY HOLDINGS COMPANY

By \_\_\_\_\_  
Mark Moench  
Senior Vice President

COMMITTEE OF CONSUMERS SERVICES

By \_\_\_\_\_  
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THE UTAH INDUSTRIAL ENERGY CONSUMERS

By \_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that on this \_\_\_\_ day of March, 2006, I caused to be served, via electronic mail, a true and correct copy of the foregoing Motion, Settlement Agreement and Notice of Hearing to the following:

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