## - BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -In the Matter of the Complaint of Rocky ) DOCKET NO. 07-035-22 Mountain Power, a division of PacifiCorp, ) against Heber Light & Power Regarding ) ORDER ON MOTION TO STAY Unauthorized Service by Heber Light & ) Power in Areas Certificated to Rocky AND Mountain Power ) ORDER ON MOTION TO SET **SCHEDULE**

**ISSUED:** June 9, 2009

By The Commission:

This matter is before the Commission on Rocky Mountain Power's (RMP) Motion to Set Schedule and Heber Light & Power's (HL&P) Motion for Stay. The parties' moving and responding papers contain arguments, especially with respect to the ultimate relief each party seeks, which hinge on resolution of issues—including the question of Commission jurisdiction, pending before the Supreme Court. This seems especially evident given the Supreme Court's deferral of RMP's Motion to Dismiss before the Court "until plenary presentation on the *merits*." *Heber Light & Power Co. v. Public Service Comm'n and Rocky Mountain Power*, Case No. 20090053-SC, Order of March 2, 2009.

## **ORDER**

The Commission has reviewed the moving and responding papers for each Motion and GRANTS HL&P's Motion for Stay and DENIES RMP's Motion to Set Schedule.

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Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing within 30 days after issuance of this Order by filing a written request with the Commission. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirement of Sections 63G-4-401 and 63G-4-403 of the Utah Code and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 9<sup>th</sup> day of June, 2009.

/s/ Ruben H. Arredondo Administrative Law Judge

Approved and confirmed this 9<sup>th</sup> day of June, 2009 as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard Commission Secretary G#62078