



JON HUNTSMAN Jr.
Governor
GARY HERBERT
Lieutenant Governor

State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THAD LEVAR
Deputy Director

Phil Powlick
Division of Public Utilities

ACTION REQUEST RESPONSE

To: Public Service Commission of Utah
Ted Boyer, Chair
Ric Campbell, Commissioner
Ron Allen, Commissioner

From: Division of Public Utilities
Phil Powlick, Director
Artie Powell, Energy Section manager

Subject: Docket No. 07-035-22, Rocky Mountain Power versus Heber
Light & Power

Date: March 3, 2008

RECOMMENDATION – CLOSE ACTION REQUESTS AND PROCEED WITH SCHEDULING CONFERENCE

On or about April 18, 2007, Rocky Mountain Power (“RMP”) filed a complaint with the Public Service Commission (“Commission”) against Heber Light & Power (“HL&P”). On April 18, 2007, the Commission issued an Action Request to the Division of Public Utilities (“Division”) on the Complaint requesting an explanation of issues to be addressed. However, RMP requested that the proceedings be stayed while it worked

with HL&P on resolution of the issues in the case. The stay was granted by the Commission.

Although various measures to resolve the issues were investigated over the course of the year (2007), RMP and HL&P were unable to resolve all the issues in the case and on (or about) February 5, 2008, RMP filed an Amended Complaint in the same matter. The Commission issued a second Action Request to the Division on the same day again seeking an explanation of the issues to be addressed. To date, HL&P has not responded to either the Complaint or the Amended Complaint. On February 25, 2008, the Commission issued an order setting a Scheduling Conference for March 6, 2008 in the matter.

After reviewing the complaints, the Division believes that the best thing to do at this point is to move forward with the Scheduling Conference as planned, thus, allowing all interested parties the opportunity to respond when and as appropriate. Therefore, the Division is requesting that the Action Requests in this matter be closed.

Cc Dave Taylor, Rocky Mountain Power
Mark Moench, Rocky Mountain Power
Michelle Beck, Committee of Consumer Services
Gary Dodge, Hatch. James and Dodge