

MICHAEL L. GINSBERG (#4516)
Assistant Attorney General
PATRICIA E. SCHMID (#4908)
Assistant Attorney General
MARK L. SHURTLEFF (#4666)
Attorney General of Utah
Counsel for the DIVISION OF PUBLIC UTILITIES
160 E 300 S, 5th Floor
P.O. Box 140857
Salt Lake City, UT 84114-0857
Telephone (801) 366-0380

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

<p>In the Matter of the Application of Rocky Mountain Power for Authority To Increase its Retail Electric Utility Service Rates in Utah and for Approval of Its Proposed Electric Service Regulations, Consisting of a General Rate Increase of Approximately \$161.2 Million Per Year, and for Approval of a New Large Load Surcharge</p>	<p>RESPONSE BY THE DIVISION OF PUBLIC UTILITIES TO THE PETITION FOR CLARIFICATION AND RECONSIDERATION OF THE COMMISSION'S SCHEDULING ORDER FILED BY ROCKY MOUNTAIN POWER (RMP)</p> <p>DOCKET NO. 07-035-93</p>
--	--

1. RMP has requested clarification of the scheduling order on three different issues. The DPU provides these comments on some of the areas that the Company has requested clarification.

2. Phase II and the implementation of new rates- As a result of the Commission's amended scheduling order that moved the rate spread portion of the case to Phase II of the docket the Company is asking the Commission to provide direction to the parties on how Phase I rates should be implemented. The Company is asking this to take place without the settlement discussions suggested by the Commission or without receiving comments or evidence from all the parties. The Company in paragraph 18

makes its suggestion on how Phase I rates should be implemented. The Commission's scheduling order encourages the parties to try and resolve how Phase I rates should be implemented. The DPU comments are that settlement discussions to see if an agreement can be reached on how to implement Phase I rates should take place before the Commission establishes a method to implement Phase I rates. In addition before the Commission implements Phase I rates it should allow all parties an opportunity to provide comments or evidence on how to implement Phase I rates and not just provide Commission guidance without an opportunity for all parties to provide input. It appears that the Company wants the Commission to just provide guidance on how to implement Phase I rates without settlement discussion and without parties providing comments or evidence on how Phase I rates should be implemented.

3. Discovery Parameters - The DPU strongly suggests that the Commission not alter its scheduling Order to restrict the amount of discovery that can be outstanding at any one time. The DPU has numerous in house experts working on this rate case and has hired an outside consulting firm to assist the DPU. A restriction of the amount of discovery that can be outstanding at any one time would unreasonably interfere with the DPU ability to conduct a thorough investigation. The DPU recognizes that there is generally a great deal of discovery that will take place in a general rate case. However, the Commission should not presume that the amount of discovery that is being presented is abusive or taxes the ability of the Company to answer the questions in a timely manner. Instead the Commission should presume that the questions asked by the parties are in good faith and necessary to conduct the rate case investigation. The Commission has provided a timely method to resolve discovery disputes, which could include, if parties

cannot agree on needed additional time to answer certain questions, a remedy for the Company. The Commission should not presume that parties can not work out discovery issues amicability by providing premature restrictions on the parties ability to investigate thoroughly the issues raised in the general rate case. Therefore, the DPU recommends that the Commission not change the discovery requirements in its scheduling order.

RESPECTFULLY SUBMITTED, this _____ day of January, 2008.

Michael L. Ginsberg
Patricia E. Schmid
Attorneys for the Division
of Public Utilities

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing RESPONSE BY THE DIVISION OF PUBLIC UTILITIES TO THE PETITION FOR CLARIFICATION AND RECONSIDERATION OF THE COMMISSION'S SCHEDULING ORDER FILED BY ROCKY MOUNTAIN POWER (RMP) was sent by electronic mail and mailed by U.S. Mail, postage prepaid, to the following on January ____, 2008:

Justin Lee Brown, Utah Bar No. 8685
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, Utah 84111
Telephone No. (801) 220-4050
Facsimile No. (801) 220-3299
justin.brown@pacificorp.com

Gary A. Dodge
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: 801.363.6363
Facsimile: 801.363.6666
Email: gdodge@hjdllaw.com

Daniel Solander, Utah Bar No. 11467
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, Utah 84111
Telephone No. (801) 220-4014
Facsimile No. (801) 220-3299
daniel.solander@pacificorp.com

Kevin Higgins
Neal Townsend
ENERGY STRATEGIES
39 Market Street, Suite 200
Salt Lake City, UT 84101
Telephone: 801.355.4365
Facsimile: 801.521.9142
E-mail: khiggins@energystrat.com
ntownsend@energystrat.com

Roger Swenson
US Magnesium LLC
238 North 2200 West
Salt Lake City, UT 84116
Roger.Swenson@prodigy.net

Lee R. Brown
US Magnesium LLC
238 North 2200 West
Salt Lake City, UT 84116
lbrown@usmagnesium.com

F. Robert Reeder
William J. Evans
Vicki M. Baldwin
PARSONS BEHLE & LATIMER
One Utah Center, Suite 1800
201 S Main St.
Salt Lake City, UT 84111
BobReeder@pblutah.com
BEvans@pblutah.com
VBaldwin@pblutah.com

Roger J Ball
1375 Vintry Lane
Salt Lake City, Utah 84121
(801) 277-1375
ball.roger@gmail.com

ARTHUR F. SANDACK (#2854)
Attorney for Petitioner IBEW Local 57
8 East Broadway, Ste 510
Salt Lake City, Utah 84111
Telephone: (801) 532-7858
asandack@msn.com

F. Robert Reeder
William J. Evans
Vicki M. Baldwin
Parsons Behle &, Latimer
201 South Main Street, Suite 1800
Salt Lake city, utah 84111
bobreeder@parsonsbehle.com
bevans@.parsonsbehle.com
vbaldwin@narsonsbehle.com

Peter J. Mattheis
Eric J. Lacey
BRICKFIELD, BURCHETTE, RITTS & STONE,
P.C.
1025 Thomas Jefferson Street, N.W.
800 West Tower
Washington, D.C. 20007
pjm@bbrslaw.com
elacey@bbrslaw.com

Gerald H. Kinghorn
Jeremy R. Cook
PARSONS KINGHORN HARRIS, P.C.
111 East Broadway, 11th Floor
Salt Lake City, UT 84111
Telephone: (801) 363-4300
Facsimile: (801) 363-4378
ghk@pkhlawyers.com
jrc@pkhlawyers.com

Ronald J. Day
Central Valley Water Reclamation Facility
800 West Central Valley Road
Salt Lake City, UT 84119
dayr@cvwrf.org

Michael L. Kurtz, Esq.
Kurt J. Boehm, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Ph: 513-421-2255 Fax: 513-421-2764
E-mail: mkurtz@bkllawfirm.com
kboehm@bkllawfirm.com

Paul Proctor
Assistant Attorney General
Division of Public Utilities
Heber Wells Building, Suite 500
160 East 300 South
Salt Lake City, UT 84111
pproctorg@utah.gov