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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Request of ROCKY MOUNTAIN POWER for Waiver of Solicitation Process and for Approval of Significant Energy Resource Decision

DOCKET NO. 08-035-35

INITIAL COMMENTS AND SUPPORT OF THE UTAH ASSOCIATION OF ENERGY USERS ON ROCKY MOUNTAIN POWER'S WAIVER REQUEST

The Utah Association of Energy Users (UAE) hereby submits its initial comments on the request for waiver of the solicitation process (Waiver Request) filed by Rocky Mountain Power (RMP) in this docket. Based on a limited review of material supplied to date herein, counsel for UAE has not identified any sound basis for objecting to the Waiver Request and, on that basis, UAE supports the Waiver Request.

UAE's support of the Waiver Request is conditioned and predicated upon a number of critical assumptions which UAE has not had ample opportunity to explore or verify, given the limited time available for evaluating the Waiver Request and the fact that virtually everything in this docket is subject to strict confidentiality restrictions. The conditions and assumptions upon which UAE's support is predicated include the following:

1. Neither Rocky Mountain Power nor its contractual counterparty (Counterparty) in the project identified in this docket (Project Blue) has in any way attempted or colluded to evade the general requirements of Utah's Energy Resource Procurement Act, U.C.A. §§ 54-17-101, et seq., or the strong presumption reflected in that Act in favor of a competitive procurement process in connection with the acquisition of any significant energy resource.

2. The Counterparty's failure to bid Project Blue into any RMP RFP was not in any way, directly or indirectly, encouraged, facilitated or procured by any actions or inactions on the part of RMP.

3. The Counterparty's failure to bid Project Blue into any RMP RFP was not due to a failure of any such RFP to reflect availability of any transmission or other assets or resources intended to be used by RMP to utilize or deliver Project Blue's output in or to RMP's control areas or service territories.

4. Granting of the Waiver Request will not adversely affect in any material way the market credibility of RMP's current or future RFPs.

5. There has been no material misrepresentation of, or material failure to disclose, any facts or data by RMP in this docket relevant to Project Blue or the Waiver Request.

6. The Division of Public Utilities (Division), the Committee of Consumer Services (Committee), the Independent Evaluator (IE) and other commenting parties (others) have had a reasonably adequate opportunity, within statutory time restrictions, to evaluate and comment on the Waiver Request.

7. Reasonable conditions proposed or requested by UAE, the Division, the Committee, the IE or others to any Commission Order granting the Wavier Request will be included in such Commission Order.

8. Any future prudence or other Commission review or approval of Project Blue or RMP's recovery of any costs associated with Project Blue will be conditioned upon the substantial accuracy of all of the conditions and assumptions referenced in these initial comments and any Commission Order relating to the Waiver Request.

Respectfully Submitted this 23rd day of April, 2008.

Hatch, James & Dodge

/s/ _____
Gary A. Dodge,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email this 23rd day of April, 2008, to the following:

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