- BEFORE THE PUBLIC SERV	/ICE	COMMISSION OF UTAH -
In the Matter of the Application of Rocky)	DOCKET NO. 08-035-38
Mountain Power for Authority to Increase its)	
Retail Electric Utility Service Rates in Utah)	
and for Approval of its Proposed Electric)	
Service Schedules and Electric Service)	FIFTH SCHEDULING ORDER
Regulations)	
)	

ISSUED: February 24, 2009

By The Commission:

On February 23, 2009, Rocky Mountain Power (RMP) filed a Stipulation Regarding Cost of Capital (Stipulation) executed by RMP, the Division of Public Utilities (Division) and the Committee of Consumer Services (Committee). RMP, the Division and the Committee are the only parties who have addressed costs of capital issues, either through testimony filed in accordance with the procedural orders issued in the case (see, Second Scheduling Order, issued October 30, 2008) or through the Stipulation. The Stipulation resolves cost of capital issues (capital structure and costs for or rates on the debt and equity portions of the capital structure) that are part of this general rate case. By accompanying Motion, RMP requests approval of the Stipulation. Specifically, RMP requests the Commission to: (1) stay the procedural schedule as it relates to Phase I Rate of Return rebuttal and surrebuttal testimony; (2) hold a hearing on the Stipulation at the same time and place as the Rate of Return hearing scheduled for March 12, 2009; and (3) direct any parties that wish to oppose the Stipulation to notify RMP and the other stipulating parties at least 5 days prior to the hearing so the stipulating parties can arrange for technical witnesses to be present at the hearing.

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As all parties who have addressed capital cost issues have joined in the Stipulation, the Commission concludes it may stay the remainder of the procedural schedule for the filing of testimony regarding cost of capital or rate of return issues, only surrebuttal testimony remained to be filed. The Commission will also give notice that it will consider approval of the Stipulation at the March 12, 2009, hearing. Any party intending to support or oppose consideration of the Stipulation should plan to present their argument and evidence thereon at that hearing. Parties opposing the Stipulation will be required to give notice of their opposition to the Stipulation parties and to the Commission no later than March 6, 2009.

Wherefore, based thereon, the Commission issues this Order wherein it is Ordered:

- The portions of the October 30, 2008, Second Scheduling relating to the filing of testimony addressing cost of capital and rate of return issues are stayed.
- Any party who wishes to support or oppose the Stipulation is directed to appear at the hearing scheduled March 12, 2009, pursuant to the contemporaneous Notice of Hearing issued herewith.
- Parties intending to oppose approval of the Stipulation shall give notice of their opposition to the Commission and parties to the Stipulation on or before March 6, 2009.

DATED at Salt Lake City, Utah, this 24th day of February, 2009.

<u>/s/ Julie Orchard</u> Commission Secretary _{G#60944}