

July 29, 2008

Julie Orchard  
Public Service Commission  
Heber Wells Building, 4<sup>th</sup> Floor  
Salt Lake City, Utah 84111

Re: Proposed Schedule in Docket No. 08-35-38

Dear Julie:

Please find attached the proposed order you requested this morning. In regard to the Company's proposed motion deadline date of August 18, 2008, Rocky Mountain Power's position is that all motions should be filed within 30 days of the date the Company filed its application, in accordance with Commission rules, which state, in part: "Responsive pleadings to requests for agency action shall be filed with the Commission and served upon opposing parties within 30 days after service of the request for agency action [...] Motions directed toward initiatory pleadings shall be filed before a responsive pleading is due, otherwise objections shall be raised in responsive pleadings ..." Utah Admin. Code 746-100-4(D). Next, Rocky Mountain Power proposes that the revenue requirement and rate design elements of the case remain consolidated for efficiency sake, particularly given that there is no parallel track rate case as such was the case with Questar during our 2007 rate case. It appears that there is no need to bifurcate the case.

Finally, it is Rocky Mountain Power's position that the order of the presentation of evidence proposed in the scheduling order (in regard to the Company filing sur-surrebuttal testimony) is consistent with the Commission's own rules which state, in part: "Unless the presiding officer orders otherwise, applicants or petitioners ... shall first present their case in chief, followed by other parties, in the order designated by the presiding officer, followed by the proposing party's rebuttal." Utah Admin. Code 746-100-10(J). Rocky Mountain Power is the applicant in this case and the rules clearly contemplate that the applicant or "proposing" party should rebut the other parties' response to the applicant's case in chief, whether as rebuttal or sur-surrebuttal testimony. In addition, as the moving party, the Company bears the burden to demonstrate that its proposed rate increase is reasonable, and bearing that burden consistent with Commission practice and the spirit of the rules of civil procedure, the Commission should be able to respond to other parties' objections or adjustments thereto.

Please feel free to call our office at (801) 220-4050 if you have any questions regarding the proposed schedule.

Best regards,

Yvonne R. Hogle