

To: Julie Orchard 08-035-38 Rocky Mountain Power Rate Case

From: Michael Ginsberg

The following are comments by the Division of Public Utilities on the schedule and letter that were sent yesterday by Rocky Mountain Power.

1. The Division thought that a scheduling order would be provided rather than just a listing of the schedule. This is important because it does not describe the scope of Motions that are to be filed on August 18. The Commission should define specifically what the scopes of those Motions are. From the discussion the Motions and Notice relate to the need for a test year hearing, if the 240 days start with the July 17 filing and other dispositive Motions.
2. The January 5, 2009 rebuttal testimony is listed for just Rocky Mountain Power. It probably is not necessary to list whose testimony is covered by the date but if the Commission does other parties besides the company may also wish to file testimony on January 5, 2009. This same comment would apply to the January 21, 2009 testimony.
3. The January 21, 2009 Sur-sur rebuttal testimony, if permitted, should be limited to issues raised in the earlier January 15, 2009 testimony and not permit new theories or evidence not specifically tied to the earlier testimony. It would be helpful if the Order specified the limits to this testimony.
4. In the Company's letter they propose that the Motion be due 30 days after the rate case was filed. We don't believe the August 18<sup>th</sup> date should be changed. In any event counting 30 seems to fall on August 16<sup>th</sup>, which is a weekend so the Motions would still be due on August 18<sup>th</sup>.
5. The Division sees a potential problem with the rate design and rate spread testimony being due December 3<sup>rd</sup> and an unknown date when an order will come out in the currently scheduled cost of service and rate design docket. As a result the DPU does not object to rate design and rate spread being split off of the revenue requirement portion of the case. If that occurs the split should be as minimal as possible. Absent this split it may become impossible to file rate design and cost of service testimony unless there has been adequate time between the Commission order and a compliance filing by the company for all interveners to be able to properly respond on these issues.
6. As a result of this rate case being filed with a current rate case order still outstanding the August 18 Motions will likely deal with when the 240 days begins and the need for the company to have to file with the Commission the effect of the last rate case on the current rate case. The Company schedule that was proposed at the scheduling conference and the proposed schedule developed has no date for a filing by the company after the orders come out to provide parties with the revenue requirement that is proposed as a result of those orders. The company indicated that they might very well make that type of filing in their January 5, 2009 filing of responsive testimony. Regardless of how the Commission rules on when the 240 days begins the DPU believes that a filing in this case quickly after the orders come out in the prior case is needed. This filing should, at a minimum, include a detailed description of how the order affects their revenue requirement and rate design and rate spread proposals with enough specificity on adjustments that are made and changes that are occurring.

