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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Approval of its Proposed Energy Cost Adjustment Mechanism	Docket No. 09-035-15 UTAH DIVISION OF PUBLIC UTILITIES RESPONSE TO THE REPLY OF ROCKY MOUNTAIN POWER REGARDING THE UTAH OFFICE OF CONSUMER SERVICES' MOTION TO AMEND AUGUST 4, 2009 SCHEDULING ORDER
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In response to Rocky Mountain Power's (Company) August 19, 2009 response (Response) objecting to proposed schedule changes made by the Utah Office of Consumer Services (Office) and other parties in the above referenced docket, the Division of Public Utilities (Division) hereby files its support of the Office's motion to amend the August 4, 2009 scheduling order in this docket (Motion).¹ The Division believes that the Office's proposed schedule will allow for the efficient administration and resolution of this docket. The arguments set forth

¹ The Division also requests leave to file this one day out of time. The press of other business precluded filing earlier.

by the Company opposing the Office's Motion are not persuasive. Other responses were filed to the Motion, mostly supportive.

The Company's arguments against the Office's revised schedule request are not compelling. In its response, the Company claims that, "While the ECAM may be an important issue, it is not a particularly complex or novel one, particularly the issue being addressed in Phase I – whether an ECAM is necessary and in the public interest." Response at p. 2. To the contrary, the Company's request for an ECAM raises an important and complex issue, particularly since not too far in the past the Company's predecessor had an ECAM-like mechanism, but then argued, successfully, that it was not appropriate. Whether or not an ECAM is in the public interest is, as appropriately recognized by the Commission in setting the issue up for discussion in Phase I, is a critical issue, and one which will require significant study and analysis. Although it is true that there are ECAM-like mechanisms in other states, what is at issue here is whether an ECAM is appropriate for *this* state at this time; appropriate opportunity for consideration of this threshold issue must be allowed for evaluation and analysis by the parties. Concerning the Company's comments regarding workload, the Division notes that there are many complex cases pending before the Commission, and seeks accommodation to allow proper attention to be paid to each case.

The Division believes that the Office's proposed schedule modifications, which importantly do not change the hearing date, balance the need for analysis with the desire to resolve this complex issue.

For the reasons stated above, the Division requests the Commission to reset this schedule expeditiously.

RESPECTFULLY SUBMITTED, this _____ day of September, 2009.

UTAH DIVISION OF PUBLIC UTILITIES

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above UTAH DIVISION OF PUBLIC UTILITIES RESPONSE TO THE REPLY OF ROCKY MOUNTAIN POWER REGARDING THE UTAH OFFICE OF CONSUMER SERVICES' MOTION TO AMEND AUGUST 4, 2009 SCHEDULING ORDER was served upon the following by electronic mail sent on September ____, 2009:

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