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State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THAD LEVAR
Deputy Director

PHILIP J. POWLICK
Director, Division of Public Utilities

MEMORANDUM

To: Public Service Commission

From: Division of Public Utilities
Philip Powlick, Director
Artie Powell, Energy Section Manager
Abdinasir Abdulle, Technical Consultant
Charles Peterson, Technical Consultant

Date: April 20, 2009

Ref: Docket No. 09-035-20 – RMP and US Magnesium

RECOMMENDATIONS (Scheduling Conference, Protective Order)

The Division of Public Utilities (Division) recommends that the Commission set a scheduling conference for this docket and respond to US Magnesium's request for a protective order. The Division does not oppose the issuance of a protective order in this matter. The Division will respond to the issues in this matter according to the schedule set in the scheduling conference. Therefore, the Division asks that the action request from the Commission with a due date of June 8, 2009 be closed.

DISCUSSION

The Division contacted representatives of Rocky Mountain Power (RMP) and US Magnesium (USM) following the receipt of USM's filing and the related action request from the Commission. Based upon these contacts, the Division understands that RMP and USM are still in active negotiations and that Division involvement is premature. USM requested a protective order from the Commission as part of its process in the negotiations. Both parties indicated to the Division that they expect to update the Division regarding the progress of the negotiations in

about two months. Based upon these discussions, the Division requests that the Commission respond to USM's request for a protective order and set a scheduling conference in this matter. The Division does not oppose a protective order in this matter. The Division further requests that the Commission close its current action request to the Division since the Division plans to respond pursuant to the results of the scheduling conference.

cc: Paul Clements, Rocky Mountain Power
Dave Taylor, Rocky Mountain Power
Gary A. Dodge, Attorney for US Magnesium
Michele Beck, Committee of Consumer Services
Cheryl Murray, Committee of Consumer Services