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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of Rocky 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 Regulations

Docket No. 09-035-23

**ROCKY MOUNTAIN POWER'S  
REQUEST FOR EXPEDITED  
SCHEDULE FOR RESPONSES TO  
PETITION FOR IMMEDIATE STAY  
AND FOR RECONSIDERATION OF  
MSP ORDER**

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Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or “Company”), hereby respectfully requests that the Commission set an expedited schedule requiring responses to Rocky Mountain Power’s Petition for Immediate Stay and for Reconsideration of MSP Order (“Petition”) to be filed by November 4, 2009.

In support of this request, the Company states:

1. The Petition requested that the Commission immediately stay its Order issued October 19, 2009 in this docket (“Order”) requiring the Company to file by October 26, 2009 in this docket its 2009 Preliminary Forecast prepared in the Multi-State Process (“MSP”) at the request of the MSP Commissioners Forum and requiring the Division of Public Utilities (“Division”) (and allowing any other party that wished to do so) to file a testimony on interjurisdictional allocation issues by November 12, 2009. The Petition also sought reconsideration and vacation of the Order.

2. As discussed in the Petition, the Order has effectively foreclosed further proceedings by the MSP Standing Committee on the proposal of the Commission, Division and Office of Consumer Services (“Office”) to consider “whether continued use of the revised protocol and rolled-in methods with rate mitigation measures is just and reasonable for PacifiCorp’s Utah jurisdiction.” By introducing the identical issue into this case, the Commission has made it virtually impossible for the MSP Standing Committee to consider the issue with participation by the Commission or its staff without violating the ex parte communication statute and rule. Utah Code Ann. § 54-7-1.5 and Utah Admin. Code R746-100-13. Proceeding in the MSP Standing Committee without the participation of the Commission and its staff is meaningless because the Commission itself raised the issue and Utah is the Company’s largest service territory by number of customers and revenue requirement.

3. Pursuant to the Commission’s request, the MSP Standing Committee had scheduled circulation of an Oregon proposal to address the issue and a concept paper by the Company by October 26, 2009, a discussion on a conference call on October 29, 2009, and additional conferences for November 19 and December 9, 2009. The Order expressly disclaims any intent to “hinder the development of a long term solution to the issue in the MSP.” Given

the Order, however, the Company has informed the chair of the MSP Standing Committee that it cannot proceed with this process until the Commission takes action on the Petition.

4. On October 27, 2009, the Division, apparently recognizing the urgency of the Petition, filed its response to the Petition. The Division “supports addressing the Commission questions through the MSP process in a timely manner.” The grounds for this conclusion are that the Division cannot adequately address the issues raised by the Commission given the schedule in this rate case, the Division believes the issues can be addressed best and most timely initially outside the context of a litigated rate case, and the Division agreed to participate in the MSP to resolve such issues. If the Commission or other parties are dissatisfied with the MSP’s timely consideration or resolution of the issue, the Division notes that the Commission can either consider the issues in the Company’s next general rate case or open a separate docket to consider the issues.

5. The Company was hopeful that the Commission would immediately stay the Order to avoid blocking the process before the MSP Standing Committee and would then expeditiously reconsider and vacate the Order. Based on a conversation with the Commission’s Secretary regarding procedures for addressing the Petition, however, the Company understands that parties have indicated to the Commission that they intend to file comments on the Petition.

6. The Company understands that, absent an order from the Commission, parties would have 15 days to respond to the portion of the Petition seeking a stay under Utah Admin. Code R746-100-4.D and that parties would likewise have 15 days to respond to the portion of the Petition seeking reconsideration of the Order under Utah Code Ann. § 63G-4-301(2)(a) and Utah Admin. Code R746-100-11.F. Given the four-day work week of the Commission and other state agencies, responses to the Petition presumably will not be due until November 9, 2009.

7. Because responses may be filed until the Commission closes its office at 6:00 p.m. on November 9, 2009, the Commission could not likely issue a decision on the Petition prior to November 10, 2009. Even assuming the Commission can issue a decision on the Petition by November 10, 2009, parties will not know until two days before the date they are required to file testimony in this docket on the issues raised in the Order (should they choose to do so) whether the Order is still in effect and consideration by the MSP Standing Committee will be further delayed.

8. The Division has already stated that it cannot reasonably file testimony on the complex issues raised in the Order by November 12, 2009, even assuming the Order remains in effect. Certainly, the Division and other parties in this case, including the Company, cannot do so within two days or less time from the Commission's decision on the Petition. It is not reasonable for parties to attempt to prepare testimony on the issues raised in the Order given the possibility that the Commission may stay and vacate the Order.

9. The issues raised by the Petition are straightforward and limited. The Division was able to respond to the Petition within two business days (five calendar days) of its filing. Any party that wishes to respond to the Petition should be able to reasonably respond by November 4, 2009, thirteen days following the filing of the Petition.

BASED ON THE FOREGOING, Rocky Mountain Power respectfully requests that the Commission require that any response to the Petition be filed by November 4, 2009, and that the Commission thereafter rule on the Petition expeditiously.

DATED: November 2, 2009.

Respectfully submitted,

ROCKY MOUNTAIN POWER

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## CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **ROCKY MOUNTAIN POWER'S REQUEST FOR EXPEDITED SCHEDULE FOR RESPONSES TO PETITION FOR IMMEDIATE STAY AND FOR RECONSIDERATION OF MSP ORDER** to be served upon the following by electronic mail to the addresses shown below on November 2, 2009:

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