#### - BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH ------) DOCKET NO. 09-035-23 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 ORDER STAYING ) Service Schedules and Electric Service OCTOBER 19, 2009 ORDER ) Regulations ) )

## ISSUED: November 9, 2009

By The Commission:

In our order issued October 19, 2009 (October 19 Order), we reviewed the approval and use of the terms contained in a stipulation on inter-jurisdictional cost allocation, approved in 2004 in Docket No. 02-035-04, and used in this case to allocate costs included in the application filed in this docket. We noted some issues associated with the allocation method and requested parties to address two points in their rebuttal testimony to be filed in this proceeding. The two points were: 1. Are the continued use of the 2004 Stipulation terms for the development of the Utah revenue requirement in this case in the public interest? And, 2.Whether there are alternatives, such as the use of the Rolled-In method without the revenue requirement adjustments contained in the 2004 Stipulation terms, which would be just and reasonable in this case.

By Petition dated October 22, 2009, Rocky Mountain Power (RMP) requested we stay the October 19 Order, claiming it would be very difficult to adequately address the two points and associated issues relating to inter-jurisdictional allocations, at this stage of the proceeding. RMP feared it could risk extending hearings on RMP's revenue requirement beyond the 240-day-case-completion period referenced in Utah Code 54-7-12; a period RMP stated it is

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not willing to waive. RMP suggested other alternatives by which questions related to interjurisdictional allocation methods could be addressed. Other parties to this docket, the Division of Public Utilities (Division), the Office of Consumer Services, the UIEC and the UAE responded to RMP's Petition for Stay. All of these responding parties agree with RMP that it will be very difficult or impossible for the parties to address inter-jurisdictional allocation issues and complete this rate case within the time period currently set by our scheduling orders. They each express similar views that it would be better to address inter-jurisdictional allocation issues somewhere other than at this time in this rate case.

Based upon the foregoing, we decide to grant RMP's request to stay our October 19, 2009, Order. We agree the parties are significantly constrained, in this docket, to prepare and present an adequate evidentiary record addressing the two questions, and issues associated with inter-jurisdictional allocation methods potentially raised by the two questions. Although constrained by the time remaining in this docket, we intend to have inter-jurisdictional allocation issues addressed and the reasonableness of any allocation established prior to our approval of any future change in RMP's rates.

Wherefore, we enter this ORDER where by we stay the October 19, 2009, Order. Parties need not address the two questions contained in the October 19, 2009, Order in their forthcoming testimony to be filed in this docket.

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# DATED at Salt Lake City, Utah this 9<sup>th</sup> day of November, 2009.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

<u>/s/ Julie Orchard</u> Commission Secretary <sub>G#64289</sub>