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State of Utah
Department of Commerce
Division of Public Utilities

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ACTION REQUEST RESPONSE

To: Public Service Commission

From: Division of Public Utilities
Chris Parker, Director
Artie Powell, Manager
Charles Peterson, Technical Consultant

Date: August 8, 2012

Re: **Docket No. 11-035-182**, Amendment to Power Purchase Agreement—RMP/US
Magnesium LLC.

RECOMMENDATION (Postpone)

The Division of Public Utilities (Division) recommends that the Commission postpone action on this matter until Rocky Mountain Power re-files a corrected version of this Application.

ISSUE

On July 12, 2012 Rocky Mountain Power (Company) filed a request for approval of an amendment to an August 2009 electric service agreement between itself and U.S. Magnesium, LLC (US Mag). On July 17, 2012, the Commission issued an Action Request to the Division requesting response by August 10, 2012. This memorandum is the Division's response to the Action Request.

DISCUSSION

The Division's review of Application and proposed Amendment revealed several discrepancies and inconsistencies between and with the Application and the proposed Amendment. The Division informally brought these items to the attention of the Company. The Office of Consumer Services also noted inconsistencies and issued a formal data request to the Company. The Company has indicated that it plans to re-file the Application and proposed Amendment correcting the problems that have been brought to its attention, including, among other things, making the filing in a different docket. As of the end of August 7, 2012, the Company has not re-filed its corrected Application and proposed Amendment.

Therefore, the Division recommends that no further action be taken on this matter until the Company re-files. The Division further recommends that after the Company re-files its corrected Application and proposed Amendment that the Commission issue a new action request to the Division giving it 30 days to respond.

CC:

Dave Taylor, Rocky Mountain Power

Michele Beck, Office of Consumer Services