

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Voluntary Request of)
Rocky Mountain Power for Approval of) DOCKET NO. 14-035-147
Resource Decision and Request for) ORDER GRANTING MOTION TO
Accounting Order) COMPEL DISCOVERY

ISSUED: March 3, 2015

On February 13, 2015, the Office of Consumer Services (“Office”) filed a Motion to Compel Discovery and Request for Order Compelling Discovery (“Motion to Compel”), requesting the Commission issue an order compelling PacifiCorp, doing business as Rocky Mountain Power (“RMP”), to comply fully with the Office’s First Data Request numbered 1.10 (“Data Request”), which the Office represents it served on December 23, 2014. According to the Office, the Data Request provided as follows:

Please provide a copy of all correspondence to and from [the United Mine Workers of America (“UMWA”)] and its representatives during 2014 pertaining to the 1974 Pension Trust, the retiree medical obligations and the union agreement and settlement. This should include correspondence between UMWA (as well as its representatives) and PacifiCorp, Energy West and any affiliated entities.

Motion to Compel at 3.

On March 2, 2015, RMP submitted a Response to the Motion to Compel. RMP explains it has objected to producing information responsive to the Data Request because it is subject to a Confidentiality Agreement with UMWA. RMP represents the Confidentiality Agreement precludes RMP from disclosing the information unless (1) UMWA consents to the disclosure or (2) the Commission (or other appropriate government authority) orders RMP to disclose the information. RMP represents it has attempted to contact UMWA to obtain its consent and that

UMWA has failed to substantively respond. RMP represents it does not oppose the Motion to Compel and that it is prepared to produce the responsive information upon order of the Commission.

ORDER

Having reviewed the Motion to Compel and RMP's Response, the Commission concludes the information the Office seeks is relevant to the issues in this docket and is discoverable. Further, the Commission concludes it has authority to compel the production pursuant to R746-100-8, R-746-440-1(3) and Rule 37 of the Utah Rules of Civil Procedure. Accordingly, RMP is hereby ordered to produce all documents in its possession, custody or control that are responsive to the Data Request as soon as possible but no later than March 10, 2015.

DATED at Salt Lake City, Utah, this 3rd day of March, 2015.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#264039

CERTIFICATE OF SERVICE

I CERTIFY that on the 3rd day of March, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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