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March 19, 2020

***VIA ELECTRONIC FILING***

Utah Public Service Commission  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84114

Attention: Gary Widerburg  
Commission Administrator

RE: **Docket No. 19-035-42 – In the Matter of the Application of Rocky Mountain Power for Approval of the 2020 Inter-Jurisdictional Allocation Protocol**

In response to the Public Service Commission of Utah's Request for Comments on Hearing issued March 13, 2020, Rocky Mountain Power, a division of PacifiCorp ("Rocky Mountain Power" or the "Company"), hereby respectfully submits its comments on the hearing currently scheduled for March 24, 2020.

Informal inquiries may be directed to Jana Saba at (801) 220-2823.

Sincerely,

A handwritten signature in blue ink that reads "Joelle Steward". The signature is fluid and cursive.

Joelle Steward  
Vice President, Regulation

cc: Service List

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*Attorney for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of Rocky Mountain Power for Approval of the 2020 Inter-Jurisdictional Cost Allocation Agreement	)	DOCKET NO. 19-035-42
	)	ROCKY MOUNTAIN POWER'S
	)	COMMENTS ON HEARING
	)	
	)	
	)	

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On March 13, 2020, the Public Service Commission of Utah (“Commission”) requested comments on whether the hearing scheduled in the above-referenced matter could be cancelled or held telephonically. Rocky Mountain Power (the “Company”) submits its comments in response to the Commission’s request supporting cancellation of the hearing, but is amenable to a telephonic hearing in the alternative.

Utah law does not require the Commission to hold a hearing before approving a settlement agreement. Rather, “[t]he [C]ommission may approve any agreement after considering the interests of the public and other affected persons to use a settlement proposal to resolve a disputed matter.” Utah Code Ann. § 54-7-1(2)(a). The Commission may adopt a settlement proposal if the evidence on the record supports that the settlement “is just and reasonable in result.” Utah Code Ann. § 54-7-1(3)(d). The Commission’s administrative rules provide that the Commission may accept the pre-filed testimony into evidence, and does not specify that this must happen at a hearing, only that it “shall be subject to cross examination.”

Utah Admin. R. 746-1-402(1). Cross-examination could be accomplished through written comments.

Here, the Company's application is supported by the pre-filed testimony of three Company witnesses and additional pre-filed testimony from other parties. This testimony, combined with the fact that no party has intervened to oppose the settlement, provides a sufficient evidentiary basis for the Commission to find that the settlement is "just and reasonable" without holding a telephonic hearing.

The Office of Consumer Services ("OCS") submitted comments supporting either a fully telephonic hearing or cancellation of the hearing. The Company has reached out to Western Resource Advocates, Nucor Steel Utah, Utah Clean Energy, and the Utah Association of Energy Users, which have indicated they would support either option. The Division of Public Utilities has submitted comments indicating that it supports a fully telephonic hearing to give parties and the Commission the opportunity to question witnesses. Although the Company prefers the hearing to be cancelled, with any legal requirements concerning cross examination to be accomplished through written comment, it is also amenable to a telephonic hearing. Given the current public health situation, it would be in the interest of Commission and parties to establish a procedure to satisfy the laws, regulations, and purposes of a hearing without requiring parties to congregate.

DATED this 19<sup>th</sup> day of March, 2020.

Respectfully submitted,

ROCKY MOUNTAIN POWER



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Emily L. Wegener

*Attorney for Rocky Mountain Power*

**CERTIFICATE OF SERVICE**

Docket No. 19-035-42

I hereby certify that on March 19, 2020, a true and correct copy of the foregoing was served by electronic mail to the following:

**Utah Office of Consumer Services**

Cheryl Murray [cmurray@utah.gov](mailto:cmurray@utah.gov)

Michele Beck [mbeck@utah.gov](mailto:mbeck@utah.gov)

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