

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint and Request for )  
Agency Action by Micron Technology, Inc., )  
against PacifiCorp for Discrimination )

DOCKET NO. 01-035-16  
SCHEDULING ORDER

ISSUED: May 11, 2001

By The Commission:

Upon a Motion for Scheduling Conference filed by Respondent, PacifiCorp, and following Notice issued on May 4, 2001, the Commission held a Scheduling Conference on May 7, 2001, to establish dates for filing briefs and for setting a hearing in this matter.

PacifiCorp argued that the schedule proposed by Micron, in a letter dated April 30, 2001, provided insufficient time to conduct discovery, and to prepare evidence and argument. Petitioner Micron Technology, Inc. (Micron), stated that the contract, under which Micron now receives service from PacifiCorp, is set to expire on June 3, 2001. For that reason, and for the reasons stated in its Cross-Motion for Scheduling Order and for Order Prohibiting Discontinuation of Service, Micron requested the Commission to issue a decision in this docket on or before June 1, 2001.

After hearing the proposed schedules and arguments of the parties, the Commission finds that if a decision is not promptly forthcoming, PacifiCorp's service to Micron may have to be extended and treated on an interim basis following the expiration of their current contract. The Commission finds that avoidance of an interim period is good cause to establish, in this docket, shorter time periods than prescribed by the Utah Administrative Procedures Act and the Commission's statute and rules. Pursuant to the authority granted to the Commission under the provision of Utah Code Ann. § 63-46b-1(9), the Commission finds that the following time periods are reasonable and necessary under the circumstances, and adopt the same.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. The date for Micron to file its initial memorandum shall be May 7, 2001;
2. PacifiCorp will file its responsive memorandum on May 17, 2001;
3. The Division of Public Utilities (Division) and the Committee of Consumer Services (Committee) will file their memoranda responding to both Micron and PacifiCorp's memoranda on May 22, 2001;
4. Micron may reply to the memoranda of PacifiCorp, the Division, and the Committee by filing a memorandum on Friday, May 25, 2001, or by presenting such reply as oral argument at hearing.
5. To the extent the parties may wish to conduct discovery, all discovery requests shall be sent to all parties, and responses to discovery requests shall be served either electronically or by hard copies to arrive seven days after the request is served.
6. A hearing will be held on Friday, May 25, 2001, at 9:00 a.m., in room #427, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah 84111, to take evidence and hear oral argument.
7. In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify Julie Orchard, Commission Secretary, at

160 East 300 South, Salt Lake City, Utah, 84111, (801) 530-6713, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, this 11th day of May, 2001.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary