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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

**IN THE MATTER OF PACIFIC ENERGY &
MINING COMPANY**

Docket No. 18-2602-01

**UTAH DIVISION OF PUBLIC UTILITIES'
RESPONSE TO PEMC'S MOTION TO
REMOVE COUNSEL FOR DIVISION
REQUEST FOR SANTIONS [SIC]**

On August 17, Pacific Energy & Mining Company (PEMC) filed its "Motion to Remove Counsel for Division Request for Santions [sic] "Motion." On August 20, 2019, Terry H. Spencer, Ph.D. of Spencer & Collier entered an appearance on behalf of PEMC. Pursuant to Public Service Commission of Utah (Commission) rule R746-1-301, the Division of Public Utilities (Division) files this response to the Motion. PEMC's Motion should be denied.

The Division denies the allegations set forth in the Motion. The Division denies any attempt to "influence the independence of the Commission."¹ Upon reading the

¹ Motion at p. 4.

Commission's order, Division counsel composed a message intended only for the Division, but mistakenly and unknowingly hit "reply all," inadvertently sending her message to everyone on the order's distribution list. Upon learning from PEMC that her email had not been sent only to the Division as intended, Division counsel unsuccessfully attempted to recall her email. Division counsel then sent email messages to all explaining her error and requesting that her inadvertently sent email be deleted. The Division would not object if the Commission chose to make the inadvertently sent email and related emails made part of the record in this case. Division counsel made a regrettable error -- not an attempt to influence the Commission. PEMC has not been prejudiced by Division counsel's error.

Regarding scheduling, it is important to note until last week, the Division had not had a response to its July 18th email to PEMC's Mr. Tariq Ahmad and Mr. Dan Green which stated:

Al Zadeh is out of the office this week, so I will check with him next week. Mr. Ahmad, have you had a chance to check your calendar? Also, best wishes for a successful medical procedure.

In response to Mr. Ahmad's inquiry made last week, Division indicated that *at that time* the Division was not amenable to entering into the draft pleading sent by PEMC. Last week, the Division was responding to the multiple pleadings filed by PEMC and checking schedules. Because PEMC is now represented by counsel, the Division will contact PEMC's counsel regarding scheduling.

As shown above, PEMC's motion is without merit and the relief requested should be denied.

DATED this 20th day of August 2018.



Patricia E. Schmid
Attorney for the Utah Division
of Public Utilities

CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the foregoing **UTAH DIVISION OF PUBLIC UTILITIES' RESPONSE TO PEMC'S MOTION TO REMOVE COUNSEL FOR DIVISION REQUEST FOR SANTIONS [SIC]** to be served this 20 day of August 2018 by email and/or USPS mail, postage prepaid, to the following:

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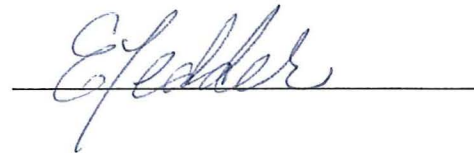
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A handwritten signature in cursive script, appearing to read "J. Jetter", is written over a horizontal line.