

F. ROBERT REEDER (2710)
WILLIAM J. EVANS (5276)
PARSONS BEHLE & LATIMER
201 South Main Street
Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234
Facsimile: (801) 536-6111

GARY A. DODGE (0897)
BRENT O. HATCH (5715)
HATCH, JAMES & DODGE
10 West 300 South, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666

**BEFORE THE
PUBLIC SERVICE COMMISSION OF UTAH**

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| In the Matter of the Application of PACIFICORP for Approval of Its Proposed Electric Rate Service Schedules & Electric Service Regulations | DOCKET NO. 01-035-01 |
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**JOINT MOTION TO CONTINUE HEARING ON PACIFICORP'S EMERGENCY
MOTION FOR INTERIM RATE RELIEF**

The Utah Industrial Energy Consumers ("UIEC"), and the Utah Association of Energy Users Intervention Group ("UAE"), through their respective counsel, and pursuant to the provision at Utah Code Ann. § 54-7-12(3), § 63-46b-3, and R746-100-3(H) of the Utah Administrative Code, hereby jointly move the Commission to vacate the date currently set for hearing on PacifiCorp's Emergency Motion for Interim Rate Relief and to continue said hearing for a minimum of ten days to allow intervenors a reasonable chance to respond to the Emergency Motion. The basis for this Joint Motion to Continue is as follows:

1. On January 12, 2001, at 4:59 p.m., PacifiCorp (or the “Company”) filed an Application for Approval of its Proposed Electric Schedules & Electric Service Regulations, and Emergency Motion for Interim Rate Relief.

2. Late in the afternoon of Monday, January 15, 2001, PacifiCorp served on UIEC’s counsel a Notice of Hearing on the Emergency Motion setting the hearing for Monday January 22, 2001, at 9:30 a.m. Other parties received the Notice the following day or later.

3. Because the Application and the Emergency Motion were filed at the close of business on the Friday before a long weekend, most parties who had requested copies of it, received the Application and Emergency Motion late on Monday, January 15, 2001, or on Tuesday, January 16, 2001.

4. The UAE did not receive the Application until late in the afternoon on Wednesday, January 17, 2001.

5. Absent from the Application was the testimony of Karen Clark that PacifiCorp claims contains confidential information. Ms. Clark’s testimony evidently is essential to the Motion. PacifiCorp’s Motion contends her testimony establishes that “based on the financial harm indicated relied on by the Commission in its Order in Docket No. 99-057-20, immediate interim rate relief in the amount sought by the Company is required to avoid serious financial harm to the Company.” Emergency Motion at ¶ 5.

6. On January 12, 2001, apparently simultaneously with PacifiCorp’s filing of the Application and Emergency Motion, the Commission issued a Generic Protective Order. That Order is more restrictive and disadvantageous to the parties than any Protective Order the Commission ever has issued. The UIEC and the UAE have prepared a Motion for Reconsideration of the Generic Protective Order, but have not filed it based upon representations

from the Company that it would withdraw the Generic Protective Order and move the Commission to adopt a different protective order. While the UIEC and UAE have not filed their motion for reconsideration, they reserve the right to oppose any motion for a protective order that the Company may file upon withdrawal of the current Generic Protective Order.

7. Because of the unreasonable restrictions imposed in the Generic Protective Order, the UIEC and UAE declined to sign it and thus were not given immediate access to Karen Clark's testimony.

8. On January 17, 2001, the UIEC and PacifiCorp reached an agreement under which PacifiCorp provided them with the testimony of Karen Clark. The UIEC and UAE received Ms. Clark's testimony after the close of business on January 17, 2001.

9. The provision at Utah Code Ann. § 54-7-12(2)(b) provides that the Commission must give "reasonable notice" of hearing on a utility's application to increase rates. While the statute does not specify a time period that would be reasonable, the UIEC and UAE submit that in the present case, it is unreasonable to expect the Emergency Motion to go to hearing on the third business day after parties received the Company's testimony in support of the motion.

10. The UIEC and UAE understand that the information contained in the testimony and exhibits supporting the Emergency Motion has been in the Company's possession for quite some time. They further understand that the same information was made available to the Division of Public Utilities (the "DPU"), and possibly to the Committee on Consumer Services ("CCS"), long before the Application was filed. In addition, the DPU evidently has had communications with the Company about the information. The DPU's expert witnesses have performed an analysis of the data, and they are prepared to make recommendations to the Commission on the Company's Emergency Motion.

11. The UIEC, UAE, and the other intervenors and their consultants have not had a similar opportunity to review the Application. The UIEC and UAE have barely been able to obtain, much less review and analyze the testimony in support of the Application. Nor will they have the chance to perform any reasonable review and analysis before Monday, January 22, 2001. The UIEC's consultant is engaged in other matters outside his home state and will have no opportunity to review the testimony in support of PacifiCorp's Emergency Motion before Sunday, January 21, 2001.

12. Consequently if this hearing takes place as scheduled, UIEC and UAE will not have developed any position that they can recommend to the Commission. While the UIEC and UAE recognize the qualifications and expertise of the DPU's experts, the other parties may have views different from the DPU. They should be afforded the same opportunity to access PacifiCorp's data and to develop a meaningful response.

13. Because the data in support of the Emergency Motion evidently was available to the DPU well before the case was filed, there appears to be no reason that the Company could not have filed this case earlier and provided the parties with the same information at the same time it was provided to the Division.

14. In its Emergency Motion, the Company cited "the serious financial situation" as a ground for requesting such extraordinary and immediate relief. Yet at the same time, PacifiCorp itself occasioned significant delay in requesting relief by failing to promptly file its Application, even after the information in support of the Application had been developed and provided to the DPU.

15. In view of PacifiCorp's delay in filing this case, it seems that PacifiCorp itself does not believe that the financial situation will become anymore serious, or that Company will

suffer any greater harm if the Commission postpones hearing the Emergency Motion for ten days or some longer and reasonable period of time so that the parties may review the evidence and develop their positions.

16. If the parties are required to go to a hearing on the merits of PacifiCorp's Emergency Motion on Monday, January 22, 2001, there is a substantial likelihood that they will be prejudiced by the unreasonably short notice. More importantly, the Commission will not have benefit of a well-considered analysis from any party other than the DPU.

For the foregoing reasons, the UIEC and UAE respectfully request that the Commission postpone hearing of PacifiCorp's Emergency Motion for a period of no less than ten (10) days so that all other parties will have the same opportunity to address the evidence that the DPU has had and so that the Commission may be well advised by the parties' participation in this docket.

DATED this ____ day of January, 2001.

F. ROBERT REEDER
WILLIAM J. EVANS
Attorneys for the UIEC

GARY A. DODGE
BRENT O. HATCH
Attorneys for the UAE

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of January, 2001, I caused to be served by facsimile and to be mailed, first class, postage prepaid, a true and correct copy of the foregoing **JOINT MOTION TO CONTINUE HEARING ON PACIFICORP'S EMERGENCY MOTION FOR INTERIM RATE RELIEF** to:

Brent Hatch
Gary Dodge
HATCH JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, UT 84101
Facsimile: 363-6666

Edward A. Hunter
Jon Eriksson
STOEL RIVES LLP
201 South Main Street
Suite 1100
Salt Lake City, Utah 84111

Doug Tingey
Assistant Attorney General
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111
Facsimile: 366-0352

Michael Ginsberg
Assistant Attorney General
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111
Facsimile: 366-0352
