

Gary G. Sackett
 JONES WALDO HOLBROOK & McDONOUGH, PC
 170 So. Main Street, Suite 1500
 Salt Lake City, UT 84101-1644
 Telephone: (801) 534-7336

Gerit Hull, Counsel
 PACIFICORP
 825 NE Multnomah, Suite 1700
 Portland, OR 97232
 Telephone: (503) 813-6559

Charles A. Zdebski
 Allison D. Rule
 TROUTMAN SANDERS LLP
 401 9th Street, N.W., Suite 1000
 Washington, D.C. 20004-2134
 Telephone: (202) 274-2950

Attorneys for PacifiCorp, dba Utah Power

Submitted July 15, 2004

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

COMCAST CABLE COMMUNICATIONS,)	
INC., a Pennsylvania Corporation,)	
)	Docket No. 03-035-28
Claimant,)	
vs.)	
)	MOTION FOR LEAVE TO LATE-FILE
PACIFICORP, dba UTAH POWER, an Oregon)	REBUTTAL TESTIMONY
Corporation,)	OF TOM JACKSON
)	
Respondent.)	

PacifiCorp (dba Utah Power) respectfully moves the Commission for an order permitting it to file prepared rebuttal testimony of Tom Jackson on or before July 22, 2004, in the captioned proceeding and to permit Comcast Cable Communications, Inc. ("Comcast") or the Division of

Public Utilities (“Division”) to file sur-rebuttal testimony in response to Mr. Jackson’s prepared testimony on or before July 30, 2004.

In support of its motion, PacifiCorp states:

1. On July 2, 2004, as a part of its filing of prepared direct testimony, Comcast submitted the Prepared Direct Testimony of Michael T. Harrelson. Mr. Harrelson’s testimony extends to 45 pages and covers a wide variety of subjects.

2. By the Commission’s scheduling order, prepared rebuttal testimony was filed by the parties on July 14, 2004, only seven business days after the direct testimony filing date.

3. Comcast did not identify Mr. Harrelson as an expert witness until very late in the procedural schedule. PacifiCorp deposed Mr. Harrelson as soon as practicable (on June 23, 2004) upon learning of Comcast’s intentions to use Mr. Harrelson. With the impending July 2 and July 14 testimony filing dates (and the intervening July 4 weekend), it was not feasible for PacifiCorp to obtain an outside witness to respond to some of the areas addressed in Mr. Harrelson’s testimony.

4. PacifiCorp had earlier informed Comcast that it reserved its right to name and offer at trial an additional witness to respond to issues and arguments raised by Mr. Harrelson.

5. In response to the issues raised by Mr. Harrelson in his direct testimony, PacifiCorp has retained the consulting services of Tom Jackson, Vice President of Utility Support Systems, Inc. Utility Support Systems, Inc. is an engineering consulting company that provides management and consulting services in the area, among others, of electric-company joint-use operations.

6. Mr. Jackson is a former 30-year employee of Georgia Power, the same company that employed Mr. Harrelson for many years. Mr. Jackson has the background and experience to

address matters raised by Mr. Harrelson—particularly as they relate to Mr. Harrelson’s ties to Georgia Power.

7. To provide a more complete record for the Commission in this case, PacifiCorp seeks the opportunity to late-file rebuttal testimony of Mr. Jackson, limited to the issues addressed by Mr. Harrelson in his direct testimony.

8. It was not possible to meet the original rebuttal-testimony filing date because of the short time in which to locate and interview an appropriate witness to provide rebuttal to the testimony of Mr. Harrelson.

9. PacifiCorp believes that, in the interests of fairness to PacifiCorp and providing the Commission with a more complete record, the Commission should receive Mr. Jackson’s testimony. This can be done without any disruption of the current procedural schedule.

10. PacifiCorp proposes to file Mr. Jackson’s rebuttal testimony on or before July 22, the date currently set for the filing of sur-rebuttal testimony.

11. Comcast (and the Division, if it chooses) would have the opportunity to file sur-rebuttal testimony on or before July 30, 2004, giving it the same amount of time for sur-rebuttal to Mr. Jackson as has been allowed for other sur-rebuttal testimony.

12. The remainder of the schedule, including the initial hearing date of August 17, 2004, would remain intact.

13. If Comcast wishes to take Mr. Jackson’s deposition, PacifiCorp will facilitate that. Mr. Jackson has indicated his general availability this month to be deposed by Comcast if it so chooses.

WHEREFORE, PacifiCorp seeks an order by the Commission permitting PacifiCorp to file written testimony, prepared by Tom Jackson in rebuttal to Michael Harrelson, on or before July

22, 2004, with any sur-rebuttal testimony responsive to Mr. Jackson's testimony to be filed on or before July 30, 2004.

Because of the importance of this matter and the short time before testimony is due to be filed on July 22, PacifiCorp seeks Commission waiver of the five-day period for Comcast to respond, as set forth in Utah Admin. Code § R746-100-3.H. Counsel for Comcast, Jerold Oldroyd, was informally notified by telephone this morning, prior to formal filing with the Commission, of PacifiCorp's intent to seek Commission approval of its request.

Respectfully submitted this 15th day of July 2004.

PACIFICORP

Gary G. Sackett
JONES WALDO HOLBROOK & McDONOUGH, PC

Gerit Hull, Counsel
PACIFICORP

Charles A. Zdebski
Allison D. Rule
TROUTMAN SANDERS LLP

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of July 2004, a true and correct copy of the enclosed was mailed via electronic mail, first-class mail or overnight courier service to:

Jerold G. Oldroyd
Angela W. Adams
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
One Utah Center, Suite 600
201 South Main Street
Salt Lake City, Utah 84111-2221
oldroydj@ballardspahr.com
adamsaw@ballardspahr.com

Michael D. Woods
COMCAST CABLE COMMUNICATIONS, LLC
183 Inverness Drive West, Suite 200
Englewood, Colorado 80112
michael_woods@cable.comcast.com

J. Davidson Thomas
Genevieve D. Sapir
COLE, RAYWID & BRAVERMAN, LLP
1919 Pennsylvania Ave., N.W., 2nd Floor
Washington, D.C. 20006
dthomas@crblaw.com
gsapir@crblaw.com

Patricia E. Schmid
PUBLIC SERVICE COMMISSION
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114
pschmid@utah.gov

Carolyn Christensen