

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Application of)
PacifiCorp for Approval of its Proposed) DOCKET NO. 05-035-102
Power Cost Adjustment Mechanism) ORDER SETTING INTERVENTION
) DEADLINE AND GRANTING
) EXTENSION TO RESPOND TO
) MOTION TO DISMISS
)

ISSUED: June 8, 2006

By The Commission:

On May 10, 2006 the Utah Industrial Energy Customers (UIEC) filed a Motion to Dismiss, wherein they argue the Commission has no authority to grant the relief requested by PacifiCorp's application filed here; the creation and use of a power cost adjustment mechanism described in the application. By Order issued May 19, 2006, we set June 9, 2006, as the filing date for responses to the Motion to Dismiss. Subsequently, UIEC has requested that the Commission Revise the procedural schedule relative to the Motion to Dismiss. UIEC suggests that the commission set June 23, 2006, as an intervention deadline, set July 7, 2006, as the filing data for any responses to the Motion to Dismiss, and set July 21, 2006 as the filing date for any replies to the July 7, 2006, responses. The Committee of Consumer Services and the UEA support the proposed schedule. These parties argue that the Commission should allow an adequate opportunity for interested persons to address the complex legal issues which are raised concerning the Commission's authority to create or authorize and PacifiCorp's ability to use a power cost adjustment mechanism, such as requested in the original application. PacifiCorp opposes the requested procedural change. It argues that the original application was filed months ago and the parties have already expended efforts in exploring how such an adjustment mechanism could be structured and used by PacifiCorp.

We conclude that we will change the procedural schedule relating to the Motion to Dismiss and adopt the Schedule suggested by UIEC. We acknowledge PacifiCorp's point concerning the work that has already occurred. However, we conclude that we must also address the independent, legal issues directly raised by the Motion to Dismiss, concerning our authority to authorize the use of a power cost adjustment mechanism or the parameters within such a mechanism could legally operate. We believe these are issues which should be thoroughly addressed and are separable from the considerations of the design of a specific adjustment mechanism.

Wherefore we enter this ORDER, whereby we set:

1. **June 23, 2006**, as the deadline for any interested person to petition to intervene in this docket.
2. **July 7, 2006**, as the filing date for any responses to the May 10, 2006, Motion to Dismiss.
3. **July 21, 2006**, as the filing date for any replies to the July 7, 2006, responses.

DATED at Salt Lake City, Utah, this 8th day of June, 2006.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#49357