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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of)	DOCKET NO. 06-035-21
PacifiCorp for Approval of its Proposed)	
Electric Rate Schedules & Electric)	UTAH COMMITTEE OF
Service Regulations)	CONSUMER SERVICES RESPONSE
)	IN OPPOSITION TO REQUEST OF
)	ROGER BALL TO DENY MOTION
)	AND REJECT STIPULATION

The Utah Committee of Consumer Services hereby opposes, and requests that the Utah Public Service Commission deny Roger Ball's Request to Deny Motion and Reject Stipulation. The Committee fully agrees with PacifiCorp's Response in Opposition filed September 12, 2006. In addition, the Committee contends that the following reasons are equally convincing that Mr. Ball's position has no merit.

I. At the conclusion of the August 28, 2006 hearing, subject only to Mr. Ball's request to cross-examine the Division of Public Utilities' witnesses, the record was closed and the matter taken under advisement. The Commission made no provision for, nor did it order or allow the filing of, new testimony or offers of new evidence, nor did

the Commission request or require oral argument or written memoranda as provided by Utah Administrative Code R746-100-9 (L.). Mr. Ball's September 6, 2006 filing is at odds with any authorized or customary Commission procedure.¹

II. Mr. Ball's Request consists of nothing more than bald assertions that do not suffice to prove any material issue of fact or law. Mr. Ball claims that no objective and comprehensive evidence supports the stipulation. However, at the hearing, Mr. Ball presented no evidence or testimony, other than cross-examination that had no probative value to the facts, analysis, and audits upon which the stipulation is based. Mr. Ball claims that the statement of the public interest in the Stipulation is casual, formulaic, unproven by substantial evidence and ungrounded in principle or analysis. These conclusory allegations are unsupported by Mr. Ball's own analysis and evaluation, or by evidence of a critical (or any) examination by Mr. Ball of testimony, evidence, and data responses or other analysis performed by the other parties.²

DATED this 14th day of September 2006.

/s/ _____

Paul H. Proctor

Assistant Attorney General

¹ The Commission allowed Mr. Ball to request by September 6, 2006, the opportunity to cross examine Division witnesses Peterson and Brill, whose pre-filed testimony Mr. Ball claimed not to have received. Mr. Ball concluded his case by announcing that he would not present any evidence or testimony. Mr. Ball's motion appears to be a planned evasion of due process by submitting testimony after the fact that is not subject to the Commission's questions or the parties' cross examination.

² In the proceeding, Mr. Ball conducted no discovery of his own and did not request to see the results of discovery conducted by others. After the Stipulation was filed, Mr. Ball requested PacifiCorp's data responses. PacifiCorp could not supply the responses because Mr. Ball refused to comply with the Commission's Protective Order.

Utah Committee of Consumer Services

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing UTAH COMMITTEE OF CONSUMER SERVICES RESPONSE IN OPPOSITION TO REQUEST OF ROGER BALL TO DENY MOTION AND REJECT STIPULATION to be served upon the following via Electronic mail at the addresses below on September 14, 2006:

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