

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Complaint of Rocky)
Mountain Power, a division of PacifiCorp,) DOCKET NO. 07-035-22
against Heber Light & Power Regarding)
Unauthorized Service by Heber Light &)
Power in Areas Certificated to Rocky) REPORT AND ORDER
Mountain Power)

ISSUED: February 25, 2009

By The Commission:

THIS MATTER is before the Public Service Commission (Commission) on Rocky Mountain Power's (RMP) Motion to Continue Testimony Filing Date and Heber Light and Power's (HL&P) Motion to Strike Scheduling Order.

The Commission entered an Amended Scheduling Order December 22, 2008, that set a deadline for RMP's direct testimony of January 22, 2009. Because of discovery disputes between the parties, RMP moved to continue that deadline to a later date, to allow the parties to negotiate their differences. HL&P responded to the Motion, and filed its own Motion to Strike the Scheduling Order, stating that until and unless the parties could settle their dispute, the Scheduling Order needed to be stricken. This because deadlines subsequent to RMP's direct testimony filing date were dependent on that initial filing date and availability of discovery. It argued the parties should be allowed to resolve discovery disputes, complete discovery, and then file testimony based on that discovery. It asks the Commission to strike the Scheduling Order.

ORDER

Given the fact that the parties need to resolve their discovery disputes before attempting to file direct testimony and rebuttal testimony, and before other parties file their testimony, the Commission finds it would be best to strike the December 22, 2008 Scheduling Order, except for the Status and Scheduling Conference set for March 26, 2009. Given the Order striking the Scheduling Order, RMP's Motion is moot. Therefore, the Commission orders as follows:

1. The December 22, 2008 Scheduling Order is stricken, except that the Status and Scheduling Conference set for March 26, 2009 at 9:30 am will remain in place.
2. That status conference will be held in Room 401 of the Heber M. Wells State Office Building, 160 East 300 South, Salt Lake City, Utah. Parties may appear telephonically if so desired. Individuals wishing to participate in a hearing or conference by telephone should contact the Public Service Commission two days in advance by calling (801) 530- 6716 or call toll-free 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Public Service Commission five minutes prior to the hearing or conference to ensure participation.

DATED at Salt Lake City, Utah, this 25th day of February, 2009.

/s/ Ruben H. Arredondo
Administrative Law Judge

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Approved and confirmed this 25th day of February, 2009, as the Report and Order
of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#60795