

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the Matter of the Application of )  
PacifiCorp, by and through its Rocky )  
Mountain Power Division, for Approval of a )  
Solicitation Process for a Flexible Resource )  
for the 2012-2017 Time Period, and for )  
Approval of a Significant Energy Resource )  
Decision )  
)

DOCKET NO. 07-035-94

ORDER GRANTING MOTION FOR  
SUSPENSION OF REQUEST FOR  
PROPOSALS WITH CONDITIONS

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ISSUED: March , 2009

By the Commission:

On February 26, 2009, Rocky Mountain Power filed a Motion to Suspend 2008 RFP in this docket. The Motion requested that the Commission consider the Motion on an expedited basis to allow the Company to provide notice of suspension to bidders as soon as possible.

Responses to the motion were filed on March 5, 2009, by the Division of Public Utilities, on March 9, 2009, by the Committee of Consumer Services, and on March 10, 2009, by LS Power Associates, L.P. None of the responses objected to the motion, but they recommended that the Commission approve the suspension subject to certain conditions. On March 12, 2009, Rocky Mountain Power filed a reply to the responses, stating that it did not object to the conditions proposed by the Division with certain refinements and clarifications and that it did not object to one of the conditions proposed by the Committee. Rocky Mountain Power also provided clarification on two issues raised by LS Power. Rocky Mountain Power also stated in the reply that it had contacted all persons on the service list in this docket and that no person had stated that it would oppose the motion. Rocky Mountain Power also noted that following the

granting of the motion there would be an opportunity for bidders to ask Rocky Mountain Power questions regarding the process going forward.

Based upon the foregoing, and good cause appearing, the Commission makes and enters the following order.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

1. Rocky Mountain Power's Motion to Suspend 2008 RFP is granted subject to the following conditions:
  - a. Rocky Mountain Power shall promptly issue a notice to bidders of suspension of the All Source Request for Proposals (2008 RFP) in the form attached to its reply.
  - b. Not later than six months after the date of this Order, Rocky Mountain Power shall notify the Commission and the parties that it will: (i) proceed with the 2008 RFP, (ii) request further suspension of the 2008 RFP, or (iii) request cancellation of the 2008 RFP.
  - c. If Rocky Mountain Power determines to proceed with the 2008 RFP, it shall provide notice to remaining bidders of any refinements to the RFP based on then-current information and refresh its benchmarks based on that information. Rocky Mountain Power shall then proceed to review the refreshed or new bids in accordance with the process contemplated by the 2008 RFP as previously approved, or as modified in accordance with the following paragraph, and in accordance with applicable statutes and rules.
  - d. If any proposed refinement to the 2008 RFP is material, Rocky Mountain Power shall obtain Commission approval of the refinement prior to issuing the notice to bidders referenced in the foregoing paragraph.

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e. If the Commission approves a request by Rocky Mountain Power to further suspend the 2008 RFP or to cancel the 2008 RFP either before or after reviewing refreshed or new bids, Rocky Mountain Power shall refund bid fees to bidders withdrawing at that time if the 2008 RFP is further suspended or to all remaining bidders if the 2008 RFP is cancelled. The refund shall be of the bid fee paid by a bidder less a pro rata share of fees incurred by Rocky Mountain Power to the Independent Evaluator during the process.

f. This order does not address Rocky Mountain Power's prudence or reasonableness in determining to suspend the 2008 RFP.

DATED at Salt Lake City, Utah, this \_\_\_\_ day of March, 2009.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary