

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)	<u>DOCKET NO. 07-035-94</u>
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)	
)	
In the Matter of the Application of Rocky)	<u>DOCKET NO. 10-035-126</u>
Mountain Power for Approval of a)	
Significant Energy Resource Decision)	
Resulting from the All Source Request for)	<u>ORDER</u>
Proposals)	
)	

ISSUED: June 14, 2011

By The Commission:

On May 23, 2011, the Division of Public Utilities (“Division”) filed a Request for Review or Rehearing of the Commission’s Report and Order issued April 20, 2011. The request is limited and seeks reconsideration of only that portion of the order which states the Commission “make[s] no findings in this docket related to the Apex project.” Despite the Division’s arguments, our views as to the best forum for considering this issue have not changed. We continue to believe the best course is to examine parties’ evidence and recommendations on the Apex project in the context of a prudence review of PacifiCorp’s (“Company”) resource procurement decisions in a rate setting docket. Moreover, this very examination is already in process in the Company’s current general rate case, Docket No. 11-035-124, and the Division has filed substantial testimony on this topic. Consequently, we deny the request for review or

DOCKET NOS. 07-035-94 AND 10-035-126

-2-

rehearing, with the expectation the Apex project will be examined in the general rate case hearings later this summer.

Recognizing the volume and complexity of the documents under PacifiCorp's control related to the Apex project, the Division requests we require the Company to maintain all records, documents, materials, and other information pertaining to the Apex project until further order of the Commission. We acknowledge the importance of document retention in this matter and note Utah Admin. Code R746-420-6.4.e, and R746-430-2.2.e, specify the Company's document retention duties regarding the Apex project and all other aspects of this proceeding.

DATED at Salt Lake City, Utah, this 14th day of June, 2011.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

D#207342
G#73329 Docket No. 07-035-94
G#73330 Docket No. 10-035-126