



JON HUNTSMAN Jr.
Governor
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Lieutenant Governor

State of Utah
Department of Commerce
Division of Public Utilities

FRANCINE GIANI
Executive Director

THAD LEVAR
Deputy Director

Phil Powlick
Division of Public Utilities

ACTION REQUEST RESPONSE

To: Public Service Commission of Utah
Ted Boyer, Chair
Ric Campbell, Commissioner
Ron Allen, Commissioner

From: Division of Public Utilities
Phil Powlick, Director
Artie Powell, Energy Section manager
Joni Zenger, Technical Consultant
Sam Liu, Utility Analyst II

Subject: Docket No. 08-035-42, CPCN Populus/Terminal Project

Date: April 29, 2008

RECOMMENDATION – CLOSE ACTION REQUEST AND PROCEED WITH SCHEDULING CONFERENCE

On or about April 25, 2008, Rocky Mountain Power (the “Company”) filed an Application for a Certificate of Public Convenience and Necessity Authorizing Construction of the Populus-to-Terminal 345 kV Transmission Line Project. The Commission issued an Action Request to the Division of Public Utilities (“Division”) on April 28, 2008 regarding this Application.

Utah Code Ann. § 54-4-25 provides the Commission with authority to grant a certificate of public convenience and necessity.

However, Section (4) of the same statute states the following:

- (c) The commission may, after a hearing:
 - (i) issue the certificate as requested;
 - (ii) refuse to issue the certificate; or
 - (iii) issue the certificate for the construction of a portion only of the contemplated line, plant, or system, or extension thereof, or for the partial exercise only of the right or privilege.

The Company's Application claims that the project fulfills the Company's merger commitment No. 34 in Docket No. 05-035-54. The Company further states that there is a need for the transmission line to be built and that it would serve the public interest. Due to the immediacy of the application, the widespread interest that this project will spark, and the fact that the Division has not yet had the opportunity to send out data requests to the Company to verify certain information contained in the filing, the Division requests the Commission to set a Scheduling Conference as soon as possible. We expect several parties to intervene, and this will allow all interested parties the opportunity to ask questions and respond when and as appropriate. Therefore, the Division is requesting that the Action Request in this matter be closed.

Cc: Dave Taylor, Rocky Mountain Power
Lisa Symonds, Rocky Mountain Power
R. Jeff Richards, Rocky Mountain Power
Ted. D. Smith, Stoel River LLP
Michelle Beck, CCS
Gary Dodge, UAE