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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Approval of Significant Energy Resource Decision Resulting from 2012 Request for Proposals	Docket No. 08-035-95 COMMENTS OF THE UTAH DIVISION OF PUBLIC UTILITIES ON ROCKY MOUNTAIN POWER'S NOTICE OF WITHDRAWAL OF APPLICATION AND REQUEST TO CLOSE DOCKET
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On February 19, 2009, Rocky Mountain Power, a division of PacifiCorp (Rocky Mountain Power or Company), filed a Notice of Withdrawal of Application that also requested that the docket be closed (Notice). The Utah Division of Public Utilities (DPU or Division) respectfully submits that closing the docket at this point would be premature, and requests that the Utah Public Service Commission (Commission) deny Rocky Mountain Power's request to close the docket.

The Notice resulted from the Company's February 11, 2009 decision to terminate its Master Development, Engineering, Procurement, and Construction Agreement with Summit Vineyard, LLC and CH2M Hill E&C, Inc. (Agreement) pursuant to the terms of the Agreement. Notice of this development was filed with the Commission and served

upon the parties February 12, 2009. Under the terms of the Agreement, February 18, 2009 was the effective date for the termination.

A hearing, as scheduled, was held on February 19, 2009 during which the Company discussed the termination and answered, seemingly to the best of its ability with only one witness present, questions. Subsequently on February 19, 2009, the Company filed the Notice. Also that day, the Division and Committee of Consumer Services (Committee) submitted a data request under this docket to the Company. The Division notes that the data request is integral to an examination of the whole RFP process and is not focused merely on a single agreement to build a specific resource. Of course the process involved in selecting, executing, then terminating the Agreement is of interest to the Division but also of interest is the process used to obtain, examine, and evaluate other bids. Certain issues were raised at the hearing, and questions asked of the sole Rocky Mountain Power witness, but notably she could not answer all the questions, and the witness who presumably could have answered the questions was not present. Thus, the Division did not have a meaningful opportunity to explore the reasons for, and the process of, termination and evaluation of the Agreement and other bids in this Docket at the hearing and the sudden termination of the Agreement left questions unanswered. The Division also is awaiting responses to its data requests in this docket.

Therefore, the Division respectfully requests that the Commission not close this Docket at this time.

Respectfully submitted this 26th day of February, 2009.

Respectfully submitted,

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Attorneys for the Division of Public Utilities

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing COMMENTS OF THE UTAH DIVISION OF PUBLIC UTILITIES ON ROCKY MOUNTAIN POWER'S NOTICE OF WITHDRAWAL OF APPLICATION AND REQUEST TO CLOSE DOCKET to be served upon the following by electronic mail to the addresses shown below on February 26, 2009:

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