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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Milford Wind Corridor Phase I, LLC and Milford Wind Corridor Phase II, LLC for Certificates of Convenience and Necessity for the Milford Wind Phase I and II Wind Power Project

RESPONSE TO MOTION OF UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS TO VACATE SCHEDULING ORDER

Docket No. 08-2490-01

The following is a response by the Division of Public Utilities (DPU) in opposition to the Motion by Utah Associated Municipal Power Systems (UAMPS) to vacate the scheduling order.

In support of this response, the DPU states as follows:

1. On July 30, 2008, UAMPS filed a Motion to vacate the schedule established in this docket. The main reason UAMPS requested that the scheduling order be vacated is that Milford Wind requested rehearing and reconsideration of the Commission's Order granting UAMPS' request for Rehearing and Reconsideration, which allowed the merits of the Certificate proceeding to go forward. UAMPS claimed that as a result of Milford's Petition, UAMPS does not have sufficient time to deal with both the Petition for Rehearing and discovery in the Certificate proceeding.

2. The DPU believes that the Request for Rehearing filed by Milford will be decided by the Commission and should not serve as basis for delay of the Certificate itself which is needed under the current Commission ruling. The Application for a Certificate was filed in February. UAMPS filed its Petition to Intervene in March and it quickly was granted by the Commission. Discovery could have been taking place in the past, but in any event, the scheduling order issued in July provided for quick discovery turn around that was sufficient at that time. The fact that a Petition for Rehearing has been filed by Milford should not affect the ability of UAMPS to conduct its discovery as contemplated by the July scheduling order. In fact UAMPS has sent discovery requests to the DPU.

3. This proceeding has been going on for close to six months. The DPU believes that the fact that Milford has requested rehearing is insufficient reason to vacate the scheduling order. The DPU believes that no additional delays are warranted at this time.

Respectfully submitted this _____ day of August, 2008.

Michael Ginsberg
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Attorneys for the Division of Public Utilities

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **RESPONSE TO MOTION OF UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS TO VACATE SCHEDULING ORDER** was transmitted electronically (email) on this the _____ day of August, 2008 to the following:

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