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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for the Approval of its Proposed Energy Cost Adjustment Mechanism

**THE UIEC'S RESPONSE TO
UTAH OFFICE OF CONSUMER
SERVICE'S MOTION TO AMEND
AUGUST 4, 2009, SCHEDULING
ORDER**

Docket No. 09-035-15

The Intervenors designated as the Utah Industrial Energy Consumers ("UIEC") hereby respond as follows to the Utah Office of Consumer Services' ("OCS") Motion ("Motion") to Amend the August 4, 2009, Scheduling Order.

1. The OCS's Motion suggests that because the hearing dates for this matter originally set for December 16-17, 2009, have been moved, the deadline for parties to file testimony should be amended. The UIEC agree with the OCS' proposal to re-schedule the following deadlines:

Direct Testimony on Phase I issues by parties other than RMP: November 12, 2009.
Rebuttal testimony to testimony filed on 11/12/09: December 10, 2009.

The UIEC support these proposed dates for filing non-Company direct and rebuttal testimony.

2. The UIEC, however, further propose that the Commission extend the date for filing sur-rebuttal testimony to January 12, 2010, rather than January 5, 2010 as the OCS has

proposed, and that the Commission postpone for at least two weeks the hearings on Phase I of the ECAM, which are currently scheduled for January 11-14, 2010.

3. Parties who are also participating in the general rate case have a very full schedule leading up to the holidays. Because Phase II of ECAM has been indefinitely postponed, there does not seem to be reason to try to complete Phase I of the ECAM by mid-January or even by mid-February when the 240-day deadline for deciding the general rate case will run. Extending the dates for testimony and hearing in Phase I, as the UIEC propose here, should, therefore, have no impact on the timing of Phase II.

4. In addition, although the UIEC is concerned that the Company's net power cost data will be stale by the time an ECAM could be implemented, an earlier hearing date for Phase I of the ECAM proceeding will not cure that problem since implementation could not occur until the end of Phase II anyway. Extending the dates for testimony and hearing in Phase I, therefore, would have no impact on whether a decision in Phase II will come too late to be implemented "at the conclusion" of the current general rate case.

5. In sum, extending the schedule in Phase I will not present any disadvantage to any party, but instead would allow the parties to more fully address the issues in the ECAM docket, and would allow the Commission additional time to issue the order.

6. The UIEC recommend, therefore, that the Commission extend the filing deadline for sur-rebuttal testimony until at least January 12, 2010, and postpone the hearing schedule in this docket by at least two weeks, or until convenient for the Commission .

DATED this 18th day of August, 2009.

/s/ William J. Evans
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CERTIFICATE OF SERVICE

(Docket No. 09-035-15)

I hereby certify that on this 18th day of August 2009, I caused to be e-mailed, a true and correct copy of the foregoing **THE UIEC'S RESPONSE TO UTAH OFFICE OF CONSUMER SERVICE'S MOTION TO AMEND AUGUST 4, 2009, SCHEDULING ORDER** to:

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