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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of
ROCKY MOUNTAIN POWER for Approval
of Pole Attachment
Agreement between PacifiCorp
and TCG Utah

DOCKET No. 09-035-52

**MOTION FOR CLARIFICATION
AND RECONSIDERATION**

Rocky Mountain Power, a dba of PacifiCorp, an Oregon Corporation (“Rocky Mountain Power” or the “Company”), hereby requests limited Clarification and Reconsideration pursuant to Utah Code Annotated 54-7-15 (2008) of the Report and Order in this matter dated and issued October 11, 2009. The Order erroneously states the Company filed its Motion for Reconsideration after expiration of the period for filing allowed under Utah Code Ann. 63G-4-301. In fact, the Company filed its Motion within the time allowed. Rocky Mountain Power seeks to correct the facts stated to conform to the facts in the record. The grounds for this Petition are set forth below.

ARGUMENT

The Commission's Report and Order, in the first paragraph, states,

The Company's Motion was submitted on September 14, 2009, pursuant to Utah Code Ann. § 54-7-15. That statute requires a party to apply for review and rehearing "within 30 days of the issuance of the date of the order in accordance with UCA 63G-4-301." The Company filed its Motion after the thirty-day period required by section 54-7-15.

Report and Order dated and issued October 5, 2009 (the "Order"). The Order also makes reference, in footnote 1, to the Company's Petition for Review and Reconsideration in Docket No. 08-035-84, *In re Dee Dillman and Marie Ginman against Rocky Mountain Power* which was filed "after the 30 day period mandated by section 54-7-15."

However, the Company filed its Motion on September 9, 2009, not September 14. This is apparent from the date stamped on the paper copy of the Company's Motion and the date on the certificate of service, attached as Exhibit A. It is also confirmed by the Commission's Electronic Docket Index for this Docket. *See*

<http://www.psc.utah.gov/utilities/electric/elecindx/0903552indx.html> **Error! Hyperlink reference not valid.** (acknowledging that Motion was docketed on September 9, 2009).

Under Utah Code Ann. 63G-4-301, the Company was required to apply for review and rehearing within 30 days of the issuance of the date of the order. That Order was issued August 11, 2009. Thus, by filing on the 29th day following the issuance of the Order, the Company did file its Motion timely.

CONCLUSION

The Company respectfully suggests the first paragraph of the Report be amended to read as follows:

This matter is before us on Rocky Mountain Power's (Company) Motion for Review and Reconsideration (Motion) of our Order issued August 11, 2009 (Order). The Company's Motion was timely submitted on September 9, 2009, pursuant to Utah Code Ann. § 54-7-15.

The remainder of the paragraph as well as footnote 1 should be stricken. In sum, Rocky Mountain Power seeks clarification that its Motion was timely filed and that the facts recited conform to the record in this Docket.

Respectfully submitted,

ROCKY MOUNTAIN POWER

By _____

Barbara Ishimatsu
Attorney for Rocky Mountain Power

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2009, I caused to be emailed a true and correct copy of the foregoing **MOTION OF ROCKY MOUNTAIN POWER FOR REVIEW AND RECONSIDERATION** in Docket No. 09-035-52, to the following:

<p>Paul Proctor Office of Consumer Services Heber M. Wells Bldg., Fifth Floor 160 East 300 South Salt Lake City, UT 84111 pproctor@utah.gov</p>	<p>Cheryl Murray Dan Gimble Michele Beck Office of Consumer Services 160 East 300 South, 2nd Floor Salt Lake City, UT 84111 cmurray@utah.gov dgimble@utah.gov mbeck@utah.gov</p>
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