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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of Rocky Mountain Power for Approval of an Electric Service Agreement between Rocky Mountain Power and Kennecott Utah Copper LLC	<b>DOCKET NO. 09-035-__</b>  <b>PETITION FOR APPROVAL AND PROTECTIVE ORDER</b>
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Pursuant to Utah Code Ann. §§ 54-3-1, 54-4-1, 54-4-4 and 54-7-12, Rocky Mountain Power (“RMP” or the “Company”) hereby petitions the Commission for an Order approving the one year Electric Service Agreement between Rocky Mountain Power and Kennecott Utah Copper LLC (“Kennecott”) dated August 5, 2009, under which the Company will provide continued interruptible electric to Kennecott following termination of the parties’ current contracts on December 31, 2009. Rocky Mountain Power also requests that the Commission enter a protective order to protect confidential information in the contract from disclosure.

1. Rocky Mountain Power is a division of PacifiCorp. PacifiCorp is an Oregon corporation that provides electric service to retail customers through its Rocky Mountain Power division in the states of Utah, Wyoming, and Idaho, and through its Pacific Power division in the states of Oregon, California, and Washington.

2. Rocky Mountain Power is a public utility in the state of Utah and is subject to the Commission's jurisdiction with respect to its prices and terms of electric service to retail customers in Utah. The Company serves approximately 770,000 customers and has approximately 2,400 employees in Utah. Rocky Mountain Power's principal place of business in Utah is 201 South Main Street, Suite 2300, Salt Lake City, Utah 84111.

3. Communications regarding this Application should be addressed to:

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In addition, Rocky Mountain Power requests that all data requests regarding the Application be sent in Microsoft Word or plain text format to the following:

By email (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)

By regular mail: Data Request Response Center  
PacifiCorp  
825 NE Multnomah, Suite 2000  
Portland, Oregon 97232

Informal questions may be directed to Dave Taylor, Utah Regulatory Affairs Manager at (801) 220-2923.

4. The Company currently provides back-up and supplemental electric service to Kennecott through an Electric Service Agreement (“ESA”) dated December 23, 2004. The ESA was approved by the Commission in a Report and Order dated February 6, 2006, in Docket No. 05-035-112. The ESA is scheduled to expire on December 31, 2009.

5. The Company and Kennecott have reached a settlement on a new ESA, and request that the Commission establish a schedule that will facilitate approval of that agreement prior to the expiration of the current contract. The terms of the contract require it to be confidential, so Rocky Mountain Power is filing the contract under seal, and requesting that the Commission enter a protective order in substantially the same form as the attached proposed protective order.

6. Given the length of time required in the past to receive approval of electric service arrangements, Rocky Mountain Power is filing this Petition in order to provide adequate time for discovery, testimony and analysis by all interested parties and the Commission prior to the expiration of the current contracts on December 31, 2009. Rocky Mountain Power respectfully requests that the Commission approve the attached ESA between the Company and Kennecott as establishing just and reasonable rates, terms and conditions for back-up and supplemental electric service to be supplied by RMP to Kennecott on and after January 1, 2010. Rocky Mountain Power is also submitting with this Application the pre-filed direct testimony of Paul H. Clements in support of the Application.

**Requested Relief**

7. Rocky Mountain Power respectfully requests the Commission to promptly enter a protective order to facilitate the exchange of confidential information, and set dates for plenary hearings that will enable the Commission to approve the ESA entered into by and between the Company and Kennecott as establishing long-term rates and conditions for back-up and supplemental service to Kennecott that are just, reasonable and in the public interest.

RESPECTFULLY SUBMITTED this \_\_\_<sup>th</sup> day of August, 2009

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Daniel E. Solander  
Attorney for Rocky Mountain Power

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email this \_\_\_<sup>th</sup> day of August, 2009, on the following:

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