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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In The Matter of the Formal Complaint of
Uranium One Ticaboo Inc., against the
Ticaboo Electric Improvement District

DOCKET NO. 10-2508-01
AMENDED ANSWER TO COMPLAINT

In answer to the Uranium One Ticaboo, Inc.’s (“Uranium One”) formal complaint, the Ticaboo Electric Improvement District (the “District”) responds to the separately numbered paragraphs of the complaint as follows:

1. The District admits the allegations in paragraphs 1, 2, 4, 7, 8, 19, 20, 23, 25, and 34.
2. The District is without sufficient knowledge or information to admit or deny the allegations in paragraphs 5, 9, 10, 11, 12, 13, 17, 21, 22, 24, 28, 29, 30, 31, 32, and 33, and therefore the District denies the same.
3. The District denies the allegations in paragraphs 3, 6, 14, 15, 16, 18, 26, 27, 36, 37, 38, 39, 40, 42, 43, 44, 45, 47, 48, and 49.

AFFIRMATIVE DEFENSES

1. The complaint fails to state a claim for relief against the District.
2. As a political subdivision of the State of Utah, the District and its rates are exempt from the Public Service Commission's oversight and regulation.
3. The Commission lacks subject matter jurisdiction to resolve any dispute between the parties regarding the Memorandum of Understanding ("MOU"). The proper forum, if any, for resolution of any alleged contractual issues between the parties is a Utah court of general jurisdiction, after resolution of the present rate dispute by the Commission.
4. The MOU is unenforceable because of impossibility.
5. Uranium One's claims are barred by the doctrines of unclean hands, estoppel, waiver, and laches.
6. The District properly adopted the New Rate Schedule, as that term is defined in the Complaint, under its emergency powers and the legal procedures associated with those emergency powers. Significantly, the actions of Uranium One forced the District into an emergency situation.

WHEREFORE, the District prays for an Order from the Commission as follows:

- A. Denying Uranium One's complaint entirely and dismissing this action with prejudice;
- B. Affirming the procedures used to adopt the District's rate schedule as presently constituted;

- C. Awarding the District its costs and attorney fees incurred herein; and
- D. Containing such other equitable and just orders and relief as is within the Commission's jurisdiction and authority.

DATED this 16th day of August, 2010.

SMITH HARTVIGSEN, PLLC

J. Craig Smith
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Improvement District*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August, 2010, I caused a true and correct copy of the foregoing **AMENDED ANSWER TO COMPLAINT** to be sent via U.S. Mail, postage prepaid, and email—at all indicated email addresses—to the following:

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