

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
Menlove-Johnson, Inc. against Rocky) DOCKET NO. 11-035-180
Mountain Power for Refund) ORDER DISMISSING COMPLAINT
)

ISSUED: January 25, 2012

By The Commission:

BACKGROUND AND DISCUSSION

On October 6, 2011, Menlove-Johnson, Inc. (“Menlove”) filed a formal complaint against Rocky Mountain Power, a subsidiary of Pacificorp (the “Company”), collectively (the “Parties”). The Company responded to the complaint on November 10, 2011, and on November 30, 2011 a scheduling conference was held, outlining the dates for further proceedings, including a settlement meeting and technical conference. Before the settlement meeting occurred, the Parties notified the Commission they had reached a settlement in this matter and they jointly requested to cancel the settlement meeting.

On January 10, 2012, the administrative law judge for the Commission issued a Notice of Cancellation of Settlement Meeting, and Reservation of Remaining Dates. Subsequent thereto, on January 20, 2012, the Parties filed a notice of withdrawal of complaint, signed by counsel for both parties.

As explained in the Parties’ notice of withdrawal, the Parties dispute the underlying facts giving rise to the complaint; however, “the Parties have reached a mutually agreeable resolution to the dispute and [Menlove] no longer wishes to pursue the formal complaint with the Commission.” Notice of Withdrawal of Complaint, filed January 20, 2012.

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Accordingly, the Parties jointly request dismissal of the complaint with prejudice and without further hearing. See id.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Menlove's complaint is hereby dismissed with prejudice, without a hearing. All dates previously reserved in this matter are hereby vacated.

DATED at Salt Lake City, Utah, this 25th day of January, 2012.

/s/ Melanie A. Reif
Administrative Law Judge

Approved and Confirmed this 25th day of January, 2012, as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#214297

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Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25th day of January, 2012, a true and correct copy of the foregoing was served upon the following as indicated below:

By E-Mail:

Hatch, James & Dodge, P.C.
Attention: Gary A. Dodge (gdodge@hjdllaw.com)
10 West Broadway, Suite 400
Salt Lake City, UT 84101

Rocky Mountain Power
Attention: Barbara Ishimatsu (barbara.ishimatsu@pacificorp.com)
201 S. Main Street, Suite 2300
Salt Lake City, UT 84111

Office of the Attorney General
Patricia Schmid (pschmid@utah.gov)

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant