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*Attorneys for Rocky Mountain Power*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE APPLICATION	)	
OF ROCKY MOUNTAIN POWER TO	)	Docket No. 12-035-67
INCREASE RATES BY \$29.3 MILLION	)	
OR 1.7 PERCENT THROUGH THE	)	<b>ROCKY MOUNTAIN POWER'S</b>
ENERGY BALANCING ACCOUNT	)	<b>RESPONSE TO US MAGNESIUM LLC's</b>
	)	<b>LATE PETITION TO INTERVENE</b>
	)	
	)	

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Pursuant to Utah Admin. Code R746-100-4(D), Rocky Mountain Power (“Rocky Mountain Power” or “Company”) hereby responds to US Magnesium LLC’s (US Mag) Late Petition to Intervene in this docket (Petition) filed with the Public Service Commission of Utah (Commission) January 2, 2013.

1. On January 2, 2013, Rocky Mountain Power received a copy of US Mag’s Petition in this proceeding. The Petition was filed with the Commission on the same date. The intervention deadline of December 13, 2012, was established in the Commission’s Scheduling Order issued September 21, 2012. Accordingly, US Mag’s Petition is not timely.

2. US Mag states it did not intervene by the deadline because the issues raised prior to that date had not directly implicated its interests. Petition at ¶ 5. However, the issues that it says were raised in testimony of the Office of Consumer Services (the “Office”) on December 13, 2012, which it now says are the reason it did not intervene in a timely manner, were

reasonably foreseeable. In addition, counsel for US Mag was present at the scheduling conference, albeit he was representing a different party. Therefore, granting US Mag's Petition in this case would render intervention deadlines relatively meaningless.

3. The Commission should deny US Mag's Petition because it has not provided a good reason for missing the intervention deadline. The standard to allow a party to intervene in an untimely manner should be higher than just that the party's interests "may" be impacted.

4. In the alternative, if the Commission grants US Mag's Petition, the Company requests that the intervention be limited to addressing the issues raised by the Office that US Mag references as its excuse for filing its Petition late.

WHEREFORE, Rocky Mountain Power respectfully requests the following:

1. That the Commission deny US Mag's Petition for failure to intervene in a timely manner, and for failure to establish good reasons for failing to intervene in a timely manner.

2. In the alternative, if the Commission grants US Mag's Petition, that the Commission limit the issues that US Mag can address in its testimony to solely those that the Office raised in its testimony that caused US Mag to petition to intervene in an untimely manner.

DATED this 7<sup>th</sup> day of January, 2013.

Respectfully submitted,  
ROCKY MOUNTAIN POWER

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## CERTIFICATE OF SERVICE

I hereby certify that on this 7<sup>th</sup> day of January 2013, a true and correct copy of the foregoing was served by Email on the following:

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