

Gary A. Dodge, #0897
Hatch, James & Dodge
10 West Broadway, Suite 400
Salt Lake City, UT 84101
Telephone: 801-363-6363
Facsimile: 801-363-6666
Email: gdodge@hjdllaw.com

Attorneys for US Magnesium LLC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Authority to Increase Rates by \$29.3 Million or 1.7 Percent through the Energy Balancing Account	Docket No. 12-035-67
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STIPULATED MOTION TO SEVER SPECIAL CONTRACT ISSUES

Intervenor US Magnesium LLC (“US Mag”) hereby submits this stipulated motion (“Stipulated Motion”) to sever the issue of US Magnesium’s participation in the EBA from the other EBA issues scheduled for hearing in this docket on January 23, 2013. US Mag represents that all of the parties to this docket have indicated that they support or do not oppose this stipulated motion.

The primary issues in this docket revolve around the request of Rocky Mountain Power for recovery of amounts accrued in its Energy Balancing Account (“EBA”). However, in its Report and Order dated November 26, 2012, in Docket 09-035-20, the Commission indicated that parties could raise in their direct testimony in this docket proposals to apply the EBA to special contract customers. In response to this Order, the Office of Consumer Services (“Office”) filed Direct Testimony of Daniel Gimble on

December 13, 2012, proposing that special contract customers be subject to the EBA. US Mag filed rebuttal testimony in response to Mr. Gimble's testimony on January 8, 2013. Also on that date, Charles Peterson of the Division of Public Utilities ("Division") filed rebuttal testimony supporting the Office's proposal and offering a specific proposal for calculating EBA charges for US Mag. However, the Division's testimony was inadvertently not served on counsel for US Mag. Neither US Mag nor its counsel learned of the Division's rebuttal testimony until late in the afternoon of January 16, 2013, one day before surrebuttal testimony was due in this docket, and one week before the hearing.

In an effort to permit meaningful settlement discussions and meaningful investigation and resolution of the issues implicated by the proposals of the Office and the Division, while not delaying Commission resolution of the Primary EBA Issues raised in this docket, the parties have agreed to the following:

1. All issues relating to the proposal of the Office and the Division to apply the EBA to special contract customers ("Special Contract Issues") should be severed, for purposes of the surrebuttal filing deadline and a hearing, from the other issues in this docket ("Primary EBA Issues"). The Primary EBA Issues should proceed to hearing as scheduled on January 23, 2012. Resolution of the Primary EBA Issues should not be affected or delayed by severance of the Special Contract Issues.

2. Legal and factual disputes relating to the Special Contract Issues should promptly be addressed through good faith negotiations and/or Commission order. US Mag and any other parties desiring to respond to testimony filed in this docket on Special Contract Issues shall file surrebuttal testimony by February 1, 2013. The parties will request a final Commission order on the Special Contract Issues by February 28, 2013, such that the rate spread implications of such order, if any, can be implemented at the same time as Commission's order on the Primary EBA Issues. If, for any reason, the Commission is unable to determine the Special Contract Issues in time to include its findings on that issue in its order on the Primary EBA Issues, expected early March 2013, then its order on the Primary EBA Issues should not be delayed.

DATED this 17th day of January, 2013.

/s/ _____
Gary A. Dodge,
Attorney for US Mag

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email this 17th day of January, 2013, on the following:

Mark C. Moench
Yvonne R. Hogle
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, Utah 84111
mark.moench@pacificorp.com
yvonne.hogle@pacificorp.com

Patricia Schmid
Wes Felix
Assistant Attorney General
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111
pschmid@utah.gov
wfelix@utah.com

Paul Proctor
Assistant Attorney General
160 East 300 South, 5th Floor
Salt Lake City, UT 84111
pproctor@utah.gov

F. Robert Reeder
William J. Evans
Vicki M. Baldwin
Parsons Behle & Latimer
One Utah Center, Suite 1800
201 S Main St.
Salt Lake City, UT 84111
BobReeder@pblutah.com
BEvans@pblutah.com
VBaldwin@pblutah.com

/s/ _____