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## ACTION REQUEST RESPONSE

To: Public Service Commission

From: Division of Public Utilities  
Chris Parker, Director  
Artie Powell, Manager  
Charles Peterson, Technical Consultant

Date: September 6, 2012

Re: **Docket No. 12-035-94**, Electric Service Agreement between Rocky Mountain Power and Kennecott Utah Copper, LLC

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### **RECOMMENDATION (Hold Scheduling Conference)**

The Division of Public Utilities (Division) recommends that the Commission hold a scheduling conference on this matter as soon as is practical. The Division further recommends that the Commission deny the request to waive the 75 day filing requirement.

### **ISSUE**

On September 4, 2012 Rocky Mountain Power (Company) filed a notice (Notice) with the Commission explaining that it had reached an impasse in its negotiations with Kennecott Utah Copper, LLC (Kennecott) for a new electric service agreement to replace the existing agreement that expires at the end of this year. The Company requests that a scheduling conference be held so that the matter can be expeditiously handled. The Company also requests a waiver of “the 75 day filing requirement with the condition that the Company and Kennecott have until September

13, 2012, to complete negotiations and notify the Commission whether an agreement has been reached.”

On September 5, 2012 the Commission issued an action request to the Division with a response due date of October 5, 2012. This memorandum is the Division’s response to the Commission’s action request.

### **DISCUSSION AND RECOMMENDATIONS**

The Division has reviewed the Notice and believes that it is in the interest of all parties that the Commission hold a scheduling conference in this matter as soon as is practical as the Company has requested. The Division, however, opposes the waiver of the 75 day filing period to provide for an expedited treatment. The Division understands that the 75 day filing requirement was in place specifically to avoid expedited hearing schedules which had started to become the norm in recent years between these two companies.

Therefore, the Division recommends the Commission schedule and hold a scheduling conference in this matter as soon as is practical. The Division also recommends that the Commission deny the waiver of the 75 day period.

CC:

Dave Taylor, Rocky Mountain Power

Michele Beck, Office of Consumer Services