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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Voluntary Request of
Rocky Mountain Power for approval of
Resource Decision and Request for
Accounting Order

Docket No. 14-035-147

Utah Office of Consumer Services Notice to
Submit for Decision on its Motion for Order
Compelling Discovery

The Utah Office of Consumer Services (“Office”) respectfully requests that the Public Service Commission (“Commission”) issue an expedited Order compelling Rocky Mountain Power (“RMP”) or (“Company”) to comply fully with the Office’s First Data Request number 1.10 issued by the Office on December 23, 2014. As set forth more fully below, neither Rocky Mountain Power nor the United Mine Workers of America (“UMWA”) have filed any objection to Motion to Compel Discovery.

1. On December 23, 2014 the Office propounded its First Data Request to Rocky Mountain Power (“Data Request”). Paragraph 1.10 of the Data Request is as follows:

1.10 Please provide a copy of all correspondence to and from UMWA and its representatives during 2014 pertaining to the 1974 Pension Trust, the retiree medical obligations and the union agreement and settlement. This should include correspondence between UMWA (as well as its representatives) and PacifiCorp, Energy West and any affiliated entities.

2. On or about January 9, 2015 the Company’s legal counsel spoke with Ms. Michele Beck the Director of the Office about the status of the Data Request. At that time the Company said that there was a possible problem regarding the release of the correspondence. The parties discussed, among other things, the possibility of narrowing the scope of the Data Request to facilitate the release of the documents.

3. There were three further discussions of the Data Request including informal talks during the week of January 20, 2015 and telephone calls on January 28, 2015 and the first week in February but the issue was not resolved.

4. On February 10, 2015 legal counsel for the Office sent an e-mail to Yvonne Hogle, Company legal counsel, seeking confirmation of the status of the Data Request and seeking an explanation for the basis of the Company’s refusal to comply should that be the Company’s decision. In a subsequent telephone call Ms. Hogle confirmed that the Company would not provide the requested documents to the Office because the requested material was subject to the terms of the Company’s confidentiality agreement with the UMWA which states

that the requested documents cannot be released without UMWA consent and that the UMWA would not provide such consent.

Ms. Hogle further stated that she had discussed with UMWA representatives the contents R746-100-16 and the extensive protections for confidential material provided therein but that despite these assurances the UMWA would not authorize the Company to release the documents.

5. On February 13, 2015 the Office filed its Motion for Order Compelling Discovery which was duly served on Rocky Mountain Power.

6. On March 2, 2015 Rocky Mountain Power filed a Response to this Motion to Compel stating that the Company did not oppose the Motion and was prepared to provide the materials to the Office when the Commission issues an order granting the Motion and ordering Rocky Mountain Power to produce the requested documents.

WHEREFORE, the Office requests that the Commission issue an expedited Order requiring Rocky Mountain Power to fully and completely respond to the data request that is the subject of this Motion.

Dated this 3rd day of March, 2015.

SEAN D. REYES

Rex W. Olsen
Assistant Attorney General
Office of Consumer Services

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2015, a true copy of the foregoing document was sent via email to the following:

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