

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Rocky Mountain Power for Approval of the Purchase and Transfer Agreement and the Power Supply Agreement with Navajo Tribal Utility Authority (NTUA) and Amendment of Certificate of Public Convenience and Necessity

DOCKET NO. 15-035-84
SCHEDULING ORDER, DIRECTIVE
TO STIPULATE TO DATE FOR
TECHNICAL CONFERENCE AND
NOTICES OF HEARING AND
PUBLIC WITNESS HEARING

ISSUED: January 12, 2016

Pursuant to the Notice of Scheduling Conference issued on December 22, 2015, the Commission held a scheduling conference in this docket on January 6, 2016. Counsel and agents for the Division of Public Utilities (“Division”), the Office of Consumer Services (“Office”) and Rocky Mountain Power (“RMP”) were present. Counsel for the Navajo Tribal Utility Authority (“NTUA”) and Resolute Natural Resources Company, LLC (“Resolute”) were also present and participated, though neither party had yet filed a petition for intervention.

The Division, the Office, RMP and NTUA reached a consensus and were willing to stipulate to a schedule (the “Stipulated Schedule”) for the submission of testimony, intervention and hearing dates with the hearing to commence on May 19, 2016. Counsel for Resolute desired more time and proposed a schedule culminating in a hearing to commence August 10, 2016. Counsel for Resolute asserted the additional time would be necessary to accommodate its witnesses’ schedules and argued it had not yet had an opportunity to review the confidential portions of the agreement and filing.

NTUA’s counsel argued the agreement underlying the Application will facilitate the expansion of electric service to individuals who presently do not enjoy service and that these individuals may, therefore, be harmed by undue delay. For its part, the Division expressed

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concern about its workload and maintained it would be preferable to adjudicate this docket in a timely fashion with a hearing in May 2016. However, neither the Office nor the Division was strongly opposed to additional time. RMP argued the issues presented were not complex and that the Stipulated Schedule will allow parties sufficient time to prepare for hearing. RMP also offered to provide Resolute with the confidential portions of the filing on an expedited basis once Resolute files a petition for intervention and signs a non-disclosure agreement.

Resolute's proposed schedule allows more than four months for the filing of direct testimony (proposed deadline of April 29, 2016) and nearly seven weeks for parties to file surrebuttal testimony (proposed deadline of July 21, 2016) in response to rebuttal testimony (proposed deadline of June 3, 2016). The Commission recognizes that circumstances may arise that justify such a protracted schedule, but evidence has not been presented to the Commission showing such a schedule is required or appropriate here. Additionally, four of the five parties — including two public agencies — participating in the Scheduling Conference believe the Stipulated Schedule allows sufficient time for preparation. Therefore, the Commission will adopt the Stipulated Schedule. The Commission will consider motions to continue deadlines and/or the hearing, but only upon a showing of good cause. In accord with the Stipulated Schedule proposed by most of the parties, the deadlines in this docket shall be as follows:

SCHEDULE

ITEM	DEADLINE/DATE/TIME/LOCATION
Direct Testimony Due	Thursday, April 7, 2016
Deadline to File Petition to Intervene	Thursday, April 21, 2016

Rebuttal Testimony Due	Wednesday, May 4, 2016
Surrebuttal Testimony Due	Monday, May 16, 2016
Hearing	Thursday and Friday, May 19-20, 2016, at 9:00 a.m. (MDT), Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah
Public Witness Hearing	Thursday, May 19, 2016, at 5:00 p.m. (MDT), Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah

DISCOVERY AND FILINGS

Parties shall respond to requests for data or discovery within 14 calendar days of receipt until April 7, 2016. Parties shall respond to such requests within seven calendar days thereafter until May 4, 2016 and shall respond within five days or using their best efforts with respect to any requests received after May 4, 2016. Parties shall serve copies of all filings on other parties by electronic mail at or before the time an electronic copy of the document is filed with the Commission. In the event a document filed with the Commission or produced in response to a discovery request cannot reasonably be transmitted by electronic mail, the party filing the document shall file an electronic copy of the document on CD (or, if an electronic copy is not available, a paper copy) with the Commission by hand delivery and shall serve an electronic copy of the document on CD (or, if an electronic copy is not available, a paper copy) on each applicable party by hand delivery if the party being served is in the same metropolitan area as the serving party, or by overnight courier if the party being served is located in a different metropolitan area from the serving party.

DIRECTIVE TO STIPULATE TO DATE FOR TECHNICAL CONFERENCE

At the Scheduling Conference, the parties agreed a technical conference would be productive and jointly requested the Commission instruct the parties to stipulate to a date for such conference to be held on a business date between February 1, 2016 and February 12, 2016. The parties shall stipulate to a date for the technical conference and file such stipulation with the Commission on or before January 25, 2016. After the Commission receives the stipulation, it will issue a notice of technical conference for the appropriate date and time.

NOTICE OF HEARING

The Commission will conduct a hearing on **Thursday and Friday, May 19-20, 2016, beginning at 9:00 a.m. (MDT) each day of the hearing.** The hearing will be held in the **Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.** All parties must have their witnesses in attendance and prepared to testify.

Individuals wishing to participate in the hearing by telephone must contact the Commission two days in advance by calling (801) 530-6716 or (toll free) 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Commission at the same number listed above five minutes prior to the hearing to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify the Commission at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

NOTICE OF PUBLIC WITNESS HEARING AND INQUIRY AS TO WHETHER THE PARTIES BELIEVE ANOTHER PUBLIC WITNESS HEARING TO BE HELD ON OR NEAR THE AFFECTED SERVICE TERRITORY WOULD BE APPROPRIATE OR BENEFICIAL

The Commission will conduct a Public Witness Hearing in this docket on **Thursday, May 19, 2016, beginning at 5:00 p.m. (MDT), Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.** The Public Witness Hearing is scheduled to run from 5:00 p.m. to 6:00 p.m. Individuals planning to address the Commission at the Public Witness Hearing must be present by 5:30 p.m. (MDT); however, the Public Witness Hearing will continue until all individuals who are present by 5:30 p.m. (MDT) have had a reasonable opportunity to address the Commission.

Additionally, the Commission invites parties to inform the Commission whether they believe it would be beneficial to schedule another public witness hearing on or near the service territory that will be affected in the event the Application is granted. To the extent parties wish to provide input on this issue, the Commission asks parties do so by January 29, 2016. The Commission anticipates any such hearing would be held prior to the hearing on the merits, likely on or about Tuesday, May 17, 2016.

The Commission may limit presentation of testimony or comments that are unduly repetitious at the Public Witness Hearing. The Commission desires to provide an opportunity for all individuals who desire to provide testimony or comment. As such, the Commission may limit the length of testimony or comments. Individuals wishing to provide public witness testimony or comment must appear at the hearing at the appointed time. Individuals may offer comments or sworn testimony but should note that individuals presenting sworn testimony are subject to

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cross-examination. Any individual wishing to present a statement of position to the Commission that is unable to do so during the Public Witness Hearing may file a written statement of position with the Commission at its office, Fourth Floor, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah 84111 in person, by mail, by electronic mail to psc@utah.gov, or by facsimile to 801-530-6796. Please indicate that the statement pertains to Docket No. 15-035-84.

Individuals wishing to participate in the public witness hearing by telephone should contact the Commission two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Commission at the same number listed above five minutes prior to the public witness hearing to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the public witness hearing should notify the Commission at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the public witness hearing.

DATED at Salt Lake City, Utah, January 12, 2016.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#271294

CERTIFICATE OF SERVICE

I CERTIFY that on January 12, 2016, a true and correct copy of the foregoing was served upon the following as indicated below:

By E-Mail:

Data Request Response Center (datarequest@pacificorp.com)
PacifiCorp

Bob Lively (bob.lively@pacificorp.com)
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By Hand-Delivery:

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Administrative Assistant