

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)
InSite Towers Development, LLC against) DOCKET NO. 15-066-01
Dixie-Escalante Rural Electric Association,) SCHEDULING ORDER AND NOTICE OF
Inc.) HEARING
)

ISSUED: April 22, 2015

Pursuant to the Commission's April 16, 2015, Notice of Rescheduled Scheduling Conference, the Administrative Law Judge for the Commission held a scheduling conference in this docket on Monday, April 20, 2015. Gary Sackett appeared on behalf of InSite Towers Development, LLC (InSite), David Crabtree appeared on behalf of Dixie-Escalante Rural Electric Association, Inc. (Dixie) along with LaDel Laub, who joined telephonically, and Justin Jetter appeared on behalf of the Division of Public Utilities and was accompanied by Artie Powell.

At the conference, InSite expressed interest in potentially bifurcating this proceeding in order to facilitate an early resolution of one issue: whether Dixie has an obligation to provide service to InSite. Dixie informed the Commission that InSite has filed an action in the Fifth Judicial District Court, seeking a court order that would require the City of St. George to provide the service InSite argues Dixie is obliged to provide in this docket. Dixie expressed interest in potentially staying this proceeding pending a resolution in District Court.

At this early juncture, Dixie has not filed a responsive pleading and the Commission has not been presented with a copy of the allegations that InSite has raised in District Court. While the Commission appreciates the complexities inherent in InSite's competing claims for service against an entity the Commission regulates (i.e., Dixie), and one that it does not (i.e., the City of

DOCKET NO. 15-066-01

- 2 -

St. George), the questions raised in this docket exclusively concern Dixie's service territory and the reasonableness of its rates and connection fees. Regardless of what may transpire before the District Court, Dixie is a public utility and InSite alleges these issues fall within the Commission's jurisdiction.¹

While there was discussion about bifurcation of this proceeding, there is not yet a sufficient record on which to base a bifurcation decision. A party desiring bifurcation is free to file a motion to which other parties may respond.

Accordingly, the Commission adopts the following scheduling order. The Administrative Law Judge discussed these dates with the parties at the scheduling conference, and both parties concurred they were feasible and convenient.

SCHEDULING ORDER

ITEM	DEADLINE/DATE/TIME/LOCATION
Dixie's Response	Thursday, May 7, 2015
Direct Testimony	Thursday, June 4, 2015
Rebuttal Testimony	Thursday, June 18, 2015
Requests for Intervention	Thursday, June 18, 2015
Pre-Hearing Motions	Thursday, June 18, 2015
Surrebuttal Testimony	Thursday, July 2, 2015
Discovery Cut-Off	Thursday, July 2, 2015
Witness Lists and Exhibits Due	Wednesday, July 15, 2015

¹ InSite alleges that Dixie is a regulated utility pursuant to its Commission issued certificate of public convenience and necessity (CPCN No. 1930). The Commission is vested with the power and jurisdiction to supervise and regulate Dixie as it does every public utility in the state. *See* Utah Code Ann. § 54-4-1. InSite further alleges that Dixie neither sought Commission approval to enter into an agreement that purportedly circumscribes Dixie's service area, and nor did the Commission subsequently authorize an amendment to Dixie's service area. InSite also alleges that Dixie refuses to provide power within its service territory where InSite plans to erect a monopole telecommunications tower unless InSite pays all the associated costs, including transmission, ancillary facilities, and related rights of way.

Hearing	Wednesday, July 22, 2015, at 9:00 a.m., Fourth Floor Hearing Room 451, Heber M. Wells Bldg.
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Discovery turn-around time is 14 calendar days if served on or before June 4, 2015, and 7 days thereafter. Where feasible, parties shall serve discovery requests and responses on applicable parties by electronic mail.

NOTICE OF HEARING

The Commission's Administrative Law Judge will conduct a hearing in this matter on **Wednesday, July 22, 2015, beginning at 9:00 a.m.** The hearing will be held in the **Fourth Floor Hearing Room 451, 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 Public Service 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 Public Service 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.

DOCKET NO. 15-066-01

- 4 -

DATED at Salt Lake City, Utah this 22nd day of April, 2015.

/s/ Melanie A. Reif
Administrative Law Judge

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#265703

CERTIFICATE OF SERVICE

I CERTIFY that on the 22nd day of April, 2015, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Gary G. Sackett (gsackett@joneswaldo.com)
Vincent C. Rampton (vrampton@joneswaldo.com)
Counsel for InSite Towers Development, LLC

David Crabtree (crabtree@deseretpower.com)
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By Hand-Delivery:

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