

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Rocky Mountain Power's Petition for
Declaratory Ruling re Kennecott Utah
Copper LLC's 2015 EBA Recovery Charges

DOCKET NO. 17-035-54
SCHEDULING ORDER AND
NOTICE OF AGREEMENT TO
EXTEND PERIOD FOR
RESOLUTION OF PETITION

ISSUED: October 19, 2017

The Public Service Commission ("PSC") held a scheduling conference in this docket on October 18, 2017. PacifiCorp dba Rocky Mountain Power ("RMP"), the Division of Public Utilities ("DPU") and the Office of Consumer Services ("OCS") participated. Counsel for Kennecott Utah Copper LLC ("Kennecott") was present but careful to note Kennecott is not a party and has not consented to be a party to the docket. After caucusing, the attendees stipulated to a briefing schedule for dispositive motions filed by parties (other than RMP) or by interested non-parties. In the event issues remain to be resolved subsequent to the initial round of dispositive motion practice, the attendees asked the PSC notice a second scheduling conference after an order(s) issues on the motion(s).

The PSC approves and adopts the attendees' proposal, as follows:

SCHEDULE

ITEM	DEADLINE/DATE/TIME/LOCATION
Initial Dispositive Motions from Parties, Other than RMP, and/or Interested Non-Parties Due	Monday, November 20, 2017
Responses to Initial Dispositive Motions Due	Wednesday, December 20, 2017
Replies in Support of Dispositive Motions Due	Monday, January 8, 2018

Second Scheduling Conference	To be determined and noticed by the PSC in the event dispositive motion practice does not resolve the docket.
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NOTICE AND MEMORIALIZATION OF AGREEMENT TO EXTEND TIME FOR RESOLUTION OF REQUEST FOR DECLARATORY RULING

RMP initiated this docket on October 5, 2017 by filing its Request for Agency Action and Petition for Declaratory Ruling ("Request"). Utah Code Ann. § 63G-4-503(7) provides "[u]nless the petitioner and the agency agree in writing to an extension, if an agency has not issued a declaratory order within 60 days after receipt of the petition for a declaratory order, the petition is denied." Therefore, the Request would be denied by operation of statute after December 6, 2017 absent an agreement to extend. The stipulated briefing schedule for dispositive motions outlined above precludes the possibility this docket will be resolved within 60 days.

During the scheduling conference, RMP's counsel, Yvonne Hogle, represented RMP would agree to an extension of the statutory period and asked the PSC to similarly agree. Based on the attendees' stipulated schedule and good cause appearing, the PSC's presiding officer assented. Therefore, the PSC gives notice of and memorializes the agreement to extend the statutory period for resolution of the Request beyond 60 days for so long as is required to complete the dispositive motion practice and any additional process the PSC subsequently determines is necessary.

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DATED at Salt Lake City, Utah, October 19, 2017.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#297475

CERTIFICATE OF SERVICE

I CERTIFY that on October 19, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

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