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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Rocky Mountain Powers Application for  
Approval of the 2020 Energy Balancing  
Account.

Docket No. 20-035-01

MOTION TO AMEND THE SCEDULING  
ORDER AND FOR EXPEDITED  
TREATMENT

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Pursuant to Utah Code § 54-10a-301 and UTAH ADMIN. CODE r. 746-1-101 through 801, the Office of Consumer Services (“OCS”) moves to Amend the Scheduling Order to allow additional time for discovery and another round of testimony to address Rocky Mountain Power’s (“RMP”) new argument and new evidence presented for the first time in their surrebuttal testimony concerning the Second Root Cause Analysis (“SRCA”) regarding the Lake Side 2 outage. The OCS has sent data requests seeking the production of the SRCA but at the time of this filing has not receive the analysis. However, RMP has included the analysis and offered testimony concerning the conclusion of the SRCA in its surrebuttal filed late in the afternoon today.

The SRCA is a central, if not dispositive, piece of evidence in this docket relating to the assignment of replacement power costs due to the Lake Side 2 outage. It is fundamentally unfair, if not a violation of due process, to have the most important piece of evidence regarding

the Lake Side 2 outage in the hands of only one party and to allow only one party analyze and incorporate this evidence into their surrebuttal testimony.

Indeed, it is procedurally improper for RMP to introduce new evidence and argument in surrebuttal. However, rather than seeking to preclude RMP from bring this important information before the Public Service Commission of Utah (“PSC”), the OCS believes the appropriate course to follow would be to vacate the hearing date and allow all parties to analyze this new evidence, request discovery on this new evidence and then submit additional testimony concerning the SRCA. This approach will allow the PSC to rule on the issue of the replacement power cost attributable to the Lake Side 2 outage on a complete record where all parties have an opportunity to confront this important new evidence.

Because the hearing in this docket is set for January 21, 2021, the OCS requests expedited treatment of this Motion. The OCS has attempted to contact RMP to see if they would stipulate to this Motion but has not been able to reach opposing counsel.

Accordingly, the OCS moves the PSC to vacate the hearing date and set a scheduling conference for the parties set a new hearing date and dates for discovery and additional prefiled testimony.

Respectfully submitted January 15, 2021.

/s/ Robert J. Moore  
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