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Attorney for Western Resource Advocates

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR AUTHORITY TO INCREASE ITS RETAIL ELECTRIC UTILITY SERVICE RATES IN UTAH AND FOR APPROVAL OF ITS PROPOSED ELECTRIC SERVICE SCHEDULES AND ELECTRIC SERVICE REGULATIONS	Docket No. 20-035-04 Motion of Western Resource Advocates to deviate from Utah Admin. Code R746- 1-401 and file an exhibit outside the timeframe established in the Scheduling Order
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In accordance with Utah Admin. Code R746-1-301 and R746-1-109, Western Resource Advocates (“WRA”) moves the Public Service Commission of Utah to deviate from rule R746-1-401 and allow WRA to file an exhibit to WRA Witness Doug Howe’s Phase II Direct Testimony outside of the timeframe established in the Scheduling Order.

In preparing for the hearing in this proceeding, it came to WRA’s attention that an exhibit was inadvertently not included with WRA Witness Doug Howe’s pre-filed Direct Testimony on September 15, 2020. WRA requests that the commission permit the filing of this document outside of the time limits established in the June 9, 2020 Scheduling Order, in order that WRA may move the admittance of this exhibit into evidence at next week’s hearing, consistent with rule R746-1-402.

In this circumstance, Rule R746-1-401 imposes a hardship that outweighs the benefit of the rule. WRA's exhibit, which is marked as WRA Exhibit__ (DJH-2) and accompanies this filing, is a data request response from Rocky Mountain Power that is referenced in the Direct Testimony of WRA Witness Doug Howe at footnote 15. The substance of this data request response is substantially similar to a data request response that has already been filed in this proceeding as an attachment to OCS Witness Ron Nelson's Direct Testimony (*see* OCS Exhibit 5.2D – Responses to Data Requests, page 24). As such, the information contained in the exhibit is not new information and filing the exhibit out of time should not affect any party's substantial rights. WRA seeks to complete its filing for the record in this case.

WRA has consulted counsel for all parties to this proceeding and represents that no party objects to this motion. Because the date of the hearing occurs before the timelines established in rule R746-1-301 conclude, WRA requests expedited treatment for this Motion. Alternatively, WRA requests that the Commission address this motion at the hearing beginning on November 17, 2020.

RESPECTFULLY SUBMITTED this 12th day of November, 2020.

WESTERN RESOURCE ADVOCATES



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