

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Rocky Mountain Power's Application for Alternative Cost Recovery for Major Plant Additions of the Pryor Mountain and TB Flats Wind Projects	<u>DOCKET NO. 21-035-42</u> <u>NOTICE REGARDING MOTION FOR SUMMARY JUDGMENT</u>
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ISSUED: November 15, 2021

On October 26, 2021, the Division of Public Utilities, Office of Consumer Services, and Utah Association of Energy Users jointly filed a Confidential Motion for Summary Judgment ("Motion"). The Public Service Commission (PSC) gives notice it will not act on the Motion prior to the hearing scheduled to begin on Tuesday, November 30, 2021.

The law requires the PSC to act on Rocky Mountain Power's application in this docket only "after a hearing." Utah Code Ann. § 54-7-13.4(4)(a)(ii). The PSC concludes that statutory language authorizes it to deny the Motion without a hearing, but not to grant it. Statutorily imposed time constraints render it impracticable to hold a separate hearing on the Motion prior to the scheduled hearing. *See id.* at § 54-7-13.4(4)(a)(iii). Had the Motion been filed earlier in time, the PSC expects it could have accommodated a separate hearing on the dispositive motion.

Accordingly, we conclude the most appropriate process to comply with the statute and to preserve the integrity of both the Motion and the hearing is to state that we intend to address the legal issues raised in the Motion in the order we will issue following the hearing. This notice does not impact the option for the moving parties to submit a reply to Rocky Mountain Power's opposition to the Motion.

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DATED at Salt Lake City, Utah, November 15, 2021.

/s/ Michael J. Hammer
Presiding Officer

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#321158

CERTIFICATE OF SERVICE

I CERTIFY that on November 15, 2021, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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