

August 22, 2023

VIA ELECTRONIC FILING

Utah Public Service Commission
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Administrator

RE: **Docket No. 23-035-30**
In the Matter of the Application of Rocky Mountain Power for a Deferred Accounting
Order Regarding Wildfire Claims
RMP's Withdrawal without Prejudice

On June 21, 2023, Rocky Mountain Power, a division of PacifiCorp (“Rocky Mountain Power” or the “Company”) filed an application with the Public Service Commission of Utah (“Commission”) requesting a deferred accounting order authorizing the Company to record a regulatory asset associated with the incremental costs associated with third-party wildfire claims for 2020 wildfires in Oregon. The filing of the application followed a verdict in *James v. PacifiCorp*¹, where a jury returned a verdict finding the Company liable to the names plaintiffs for over \$70 million in economic and non-economic damages and over \$18 million in punitive damages. Because there will likely be additional claims associated with the *James* proceeding, which was certified as a class action, and its appeal of the verdict in the *James* proceeding, the Company requested that the Commission delay consideration of the application until the costs and the impact on the Company’s financial stability are more fully known.

Rocky Mountain Power hereby withdraws without prejudice its Application for a Deferred Accounting Order Regarding Wildfire Claims filed on June 21, 2023. The Company’s withdrawal of the application without prejudice allows the appeal process in the *James* proceeding to move forward and allows the Company an opportunity to refile at a later date when the costs and impacts of the *James* proceeding are more fully known.

PacifiCorp discussed its withdrawal of the application without prejudice with counsel for the Utah Division of Public Utilities, Office of Consumer Services, and the Utah Association of Energy Users (collectively, the Parties). The Parties have authorized the Company to state that they do not oppose the Company’s withdrawal of its application without prejudice.

Sincerely,



Carla Scarsella
Deputy General Counsel
PacifiCorp

¹ *James v. PacifiCorp*, No. 20-CV-33885 (Cir. Ct. Multnomah County, Jun. 12, 2023).

CERTIFICATE OF SERVICE

Docket No. 23-035-30

I hereby certify that on August 22, 2023, a true and correct copy of the foregoing was served by electronic mail to the following:

Utah Office of Consumer Services

Michele Beck mbeck@utah.gov
ocs@utah.gov

Division of Public Utilities

dpudatarequest@utah.gov

Assistant Attorney General

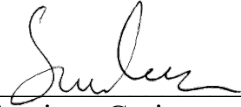
Patricia Schmid pschmid@agutah.gov
Robert Moore rmoore@agutah.gov
Patrick Grecu pgrecu@agutah.gov

Utah Association of Energy Users

Phillip J. Russell prussell@jdrslaw.com
Kevin Higgins khiggins@energystrat.com
Neal Townsend ntownsend@energystrat.com

Rocky Mountain Power

Data Request Response Center datarequest@pacificorp.com
Jana Saba jana.saba@pacificorp.com
utahdockets@pacificorp.com
Carla Scarsella carla.scarsella@pacificorp.com
Ajay Kumar ajay.kumar@pacificorp.com



Santiago Gutierrez
Coordinator, Regulatory Operations