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Attorney for NWR Limited Partnership

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

<p>NWR LIMITED PARTNERSHIP,</p> <p>vs.</p> <p>ROCKY MOUNTAIN POWER,</p>	<p>DOCKET NO. 25-035-58</p> <p>REQUEST TO SUBMIT FOR DECISION</p> <p>NWR MOTION FOR PARTIAL SUMMARY JUDGMENT</p>
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Comes now the petitioner, by and through its attorney, LYNN M. KINGSTON, and says the following:

1. NWR Limited Partnership (“NWR”) filed NWR Motion For Partial Summary Judgment (“NWR’s Motion”) on February 17, 2026.
2. In response to NWR’s Motion, on March 6, 2026, Rocky Mountain Power (“RMP”) filed Rocky Mountain Power’s Rule 56(d) Motion to Defer Briefing and Ruling on Motion for Partial Summary Judgment or, in the Alternative, for Additional Time to Respond (“RMP’s Response”).
3. In response to RMP’s Response, on April 10, 2026, NWR filed NWR’s Opposition to Rocky Mountain Power’s Rule 56(d) Motion to Defer Briefing and Ruling on Motion for Partial

Summary Judgment or, in the Alternative, for Additional Time to Respond (“NWR’s Opposition”).

4. RMP did not file a reply to NWR’s Opposition, and the allowed time for a reply has now passed.
5. RMP did not file an opposition to NWR’s Motion and the allowed time for an opposition has now passed.
6. The time for all briefing on NWR’s Motion has now passed.
7. A pending motion (RMP’s Response) to extend a responsive deadline does not extend that deadline.¹
8. “Each material fact set forth in [NWR’s Motion] . . . that is not disputed is deemed admitted. . . .” Utah R. Civ. P. 56(a)(4).
9. “If a party . . . fails to properly address another party’s assertion of fact . . . the court may . . . grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the moving party is entitled to it. . . .”²
10. No Hearing is requested on NWR’s Motion.
11. NWR’s Motion is ripe for review.
12. NWR requests that NWR’s Motion be submitted for decision.

¹ Utah R. Civ. P. 7(g) instructs that “[w]hen briefing is complete or the time for briefing has expired, either party may file a ‘Request to Submit for decision’”.

² Utah R. Civ. P. 56(e). See also *Haycock v. Estate of Ellen S. Haycock* 2000 UT App 347, *1 (holding that dismissing plaintiff’s complaint for failure to timely oppose defendant’s motion was not error); See also *Jones v. Layton/Okland*, 214 P.3d 859 (2009) the Utah Supreme Court affirmed the lower court’s grant of an unopposed motion for summary judgment.

DATED May 5, 2026

Lynn M. KINGSTON

/s/ Lynn M. Kingston

Lynn M. Kingston,
Attorney for NWR Limited Partnership

CERTIFICATE OF SERVICE

I certify that on May 5, 2026 copies of the above were served via e-mail to the following:

Rocky Mountain Power: datarequest@pacificorp.com

Rocky Mountain Power: utahdockets@pacificorp.com

Max Backlund: max.backlund@pacificorp.com

Katherine Smith: katherine.smith@pacificorp.com

/s/ Lynn M. Kingston