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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>NWR’S RESPONSE TO ROCKY MOUNTAIN POWER’S OBJECTION TO NWR LIMITED PARTNERSHIP’S REQUEST TO SUBMIT FOR DECISION</p>
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Pursuant to Sections R746-1-105 and R746-1-301 of the Utah Administrative Code and Utah Rule of Civil Procedure 7, NWR Limited Partnership (“NWR”) responds to Rocky Mountain Power’s Objection To NWR Limited Partnership’s Request to Submit for Decision (“RMP’s Objection”), filed on May 11, 2026 in this matter.

INTRODUCTION

In RMP’s Objection, Rocky Mountain Power (“RMP”) attempts to convince the Public Service Commission of Utah (“PSC”) that NWR’s Request to Submit for Decision (“NWR’s Request”) is unripe, premature, or for some other reason, should not be considered by the PSC at this time. In reality, it is RMP’s Objection that is improper. There is no rule providing for an

objection to a request to submit. There is no rule or law supporting RMP's arguments relating to a request to submit.

What RMP fails to admit, accept, or acknowledge is the glaring reality, which is that RMP's concerns are caused by RMP's own failure to file any request to submit on any motion in this case. From the beginning, RMP adopted and practiced a strategy of continual delay. RMP filed motions asking the PSC to defer hearing NWR motions, and then failed to file the required request to submit for their motions to be heard by the PSC. Now again, in RMP's Objection, RMP is attempting to prevent NWR from obtaining a timely remedy for wrongs RMP committed against NWR

ARGUMENT

1. NWR'S Request is Ripe.

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'". No other rule governs a request to submit. NWR filed its NWR Motion For Partial Summary Judgment ("NWR's Motion") on February 17, 2026. RMP responded to NWR's Motion on March 26, 2026. The time for briefing expired before NWR filed NWR's Request. Therefore, pursuant to Utah R. Civ. P. 7(g), NWR's Request is ripe.

RMP argues in its Objection that NWR's Request is improper, premature, or not ripe. To support its argument, RMP argues that its own motions filed prior to NWR's Request have not yet been heard. RMP also provides additional argument supporting its Motion to Dismiss, and

supporting its Motion to Defer. What RMP fails to acknowledge is the exact rule (Utah R. Civ. P. 7(g)) governing the issue in RMP'S Objection.

There is no rule or case law requiring a motion filed first, but never submitted to the Court, to be heard before a later filed motion which is submitted to the Court. In fact, Utah R. Civ. P. 7(g) explicitly instructs, "if no party files a request, the motion will not be submitted for decision." If RMP's argument was the rule, the disastrous outcome would be that RMP can forever delay and prevent NWR from gaining relief by filing the first motion, but never submitting it for decision. Obviously, that is nonsense. If RMP wants its motion to be ruled on, it has the obligation to file its request to submit.

The reality is that RMP, either intentionally to delay, or by oversight, failed to submit any of its motions for decision. Now, because NWR is not going to allow RMP delay tactics to continue, RMP is attempting to cover its mistake.

The PSC can decide if a motion is or is not ripe. The PSC will decide the merits and whether a motion should or should not be granted. These questions, or any other motions filed, do not determine whether a request to submit is ripe, proper, or premature. A request to submit is governed solely by Utah R. Civ. P. 7(g). NWR's Request is proper, mature, and ripe.

2. NWR Respectfully Requests that the PSC Strike All RMP Arguments Not Specifically Related to the Law Governing a Request to Submit.

RMP's Objection is specifically filed in response to, and specifically arguing against NWR's Request. Any argument from RMP not related to whether NWR's Request is ripe is improper, and should not be considered by the PSC. These arguments would have been proper in responsive documents relevant to those arguments, but the time for briefing them is now

passed, and supplemental briefing is now allowed.¹ Therefore, NWR moves to strike all argument in RMP's Objection unrelated to NWR's Request.

CONCLUSION

The time for all briefing related to NWR's Motion is expired, and therefore, under Utah R. Civ. P. 7(g), NWR's Request is ripe and is properly before the PSC. RMP's Objection argues against NWR's request to avoid simply admitting that RMP should have filed a request to submit on its motions.

NWR also respectfully requests the PSC to strike all RMP arguments unrelated and/or unresponsive to NWR's request.

DATED May 20, 2026

Lynn M. KINGSTON

/s/ Lynn M. Kingston

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¹ In addition, RMP claims to have attentively responded to NWR's motions (See RMP Objection, p. 6), and so there is no need for RMP to repetitively reargue what was already sufficiently argued.

CERTIFICATE OF SERVICE

I certify that on May 20, 2026 copies of the above were served via e-mail to the following:

Rocky Mountain Power: datarequest@pacificorp.com
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/s/ Lynn M. Kingston