

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Formal Complaint of)	
)	
WASATCH PLAZA HOLDINGS II, LLC)	<u>DOCKET NO. 04-035-45</u>
)	
Complainant,)	
vs.)	
)	<u>REPORT AND ORDER</u>
UTAH POWER AND LIGHT)	
)	
Respondent.)	

ISSUED: November 12, 2004

SYNOPSIS

Complainant having failed to appear to prosecute this matter, the Commission dismissed the same.

By The Commission:

This matter came on for hearing before the Administrative Law Judge on November 10, 2004, pursuant to a Notice of Hearing issued October 8, 2004. Complainant Wasatch Plaza Holdings II, LLC failed to appear. Attempts to contact Complainant's representative, Paul Wiley, at the telephone number listed on the Complaint Form were unsuccessful. Having delayed the start of the hearing some fifteen minutes while attempting to contact Complainant, the Administrative Law Judge opened the hearing and took appearances from Respondent Utah Power & Light (UP&L) represented by counsel David L. Elmont. Complainant's default was duly entered. Pursuant to Respondent's motion, the Administrative Law Judge determined to recommend dismissal for failure to appear and prosecute the Complaint. Accordingly, the Administrative Law Judge now enters the following recommended

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The complaint of WASATCH PLAZA HOLDINGS II, LLC against UTAH POWER AND LIGHT, be, and the same is hereby, dismissed.

2. If WASATCH PLAZA HOLDINGS II, LLC wishes to proceed further, WASATCH PLAZA HOLDINGS II, LLC may file a written petition for review within 30 days of the date of this Order in accordance with *Utah Code Ann.* §63-46b-12. Failure so to do will preclude judicial review of the grounds not identified for review. *Utah Code Ann.* §54-7-15.

Dated at Salt Lake City, Utah, this 12th day of November, 2004.

Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 12th day of November, 2004, as the Report and Order of the Public Service Commission of Utah.

Ric Campbell, Chairman

Constance B. White, Commissioner

Ted Boyer, Commissioner

Attest:

Julie Orchard
Commission Secretary

G#41333