

☪ Roger J Ball ☪

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Julie Orchard
Secretary
Public Service Commission of Utah
Heber M Wells Building, 4th Floor
160 E 300 South
Salt Lake City, Utah 84111

13 February 2006

Dear Julie,

CONSERVATION ENABLING TARIFF – 05-057-T01 – SCHEDULING ORDER

As you are aware from the e-mail sent to you last Monday by Greg Monson of Stoel Rives, attorneys for Questar, I asked Questar to hold off filing their draft of a Second Amended Scheduling Order in this matter until today. My request was simply ignored, without so much as the courtesy of a response, and Greg sent you that draft attached to his e-mail on 6 February.

During the Scheduling Conference on 3 February, Scott Brown of Questar made it clear that he believed the utility had 15 days in which to respond to the Request to Intervene that I filed on 2 February, and the Commission would then have an unspecified length of time to determine my Request. It is rumoured that Questar may formally oppose that Request, and it is possible that others may do so, of course.

It is clear that Questar wishes, through the language of the draft Second Amended Scheduling Order, to postpone its response to the Request for a Stay, etc, that I also filed on 2 February until it has seen whether the Commission will permit my intervention. It seems reasonable to suppose that Questar, and perhaps others, will similarly resist responding to any discovery I might serve upon them until the Commission has determined whether it will permit my intervention.

The draft Second Amended Scheduling Order proposes that the Committee and intervenors should file testimony and legal argument on 31 March, and that discovery responses should be served within 14 days until that date.

In order that I might have the opportunity to serve discovery requests and receive responses on no less than two occasions before having to prepare documents to file by that deadline, I therefore respectfully request that the Commission determine whether or not to permit my intervention no later than Friday, 24 February, and include its commitment to do so in its Second Amended Scheduling Order.

To the extent that the Commission may be unable to commit to make a decision by that specific date, I respectfully request that it nevertheless include a date of its own choosing by which it will make that decision, and extend the dates in the draft schedule accordingly, in the Second Amended Scheduling Order that it issues.

I also respectfully request that the Commission order that all documents, including those already served and those yet to be served, from all parties, including discovery requests and responses, be served on me in the interim in order to avoid duplication and delay later on.

Yours sincerely,

Roger J Ball

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