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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Questar
Gas Company to Increase Distribution Non-Gas
Rates and Charges and Make Tariff Modifications.

**IGU’S RESPONSE TO ROGER
BALL’S REQUEST FOR REVIEW
AND CLARIFICATION OF
SCHEDULING ORDER**

Docket No. 07-057-13

The Industrial Gas Users (“IGU”), through counsel, and pursuant to Rule 746-100-11, submit this Response to Roger Ball’s Request for Review and Clarification of Scheduling Order (the “Request”) filed in this Docket on January 28, 2008.

Mr. Ball’s Request asks that the Utah Public Service Commission (“Commission”) clarify the intent of the provision in paragraph 6 entitled Hearings on pages 7 and 8 of the Scheduling Order that states: “Only parties who have been granted intervention *and who have filed written testimony* will be permitted to participate in examination of witnesses at a hearing.” (Emphasis added.)

The Utah Administrative Procedures Act requires that in all formal adjudicative proceedings the Commission “shall afford to all parties the opportunity to present evidence,

argue, respond, conduct cross examination, and submit rebuttal evidence.” Utah Code Ann. § 63-46b-8(1)(d). At the same time, the Commission has discretion to take “appropriate measures to preserve the integrity of the hearing.” *Id.* at § 63-46b-8(2).

The IGU suggest that the Commission’s statutes (Utah Code Ann. §§ 54-7-1, *et seq.*) and regulations (Utah Admin. Code R746-100-1, *et seq.* and in particular, R746-100-10(K)), provide the Commission the discretion to exercise appropriate limitations and controls as may deem necessary during proceedings should a situation arise where there is a need to limit cross-examination. It would be unfortunate for a Scheduling Order to be construed to foreclose a party’s participation in the Commission’s proceedings so as to lead to reversible error.

The IGU request that the Commission’s Scheduling Order be clarified to correct any inadvertent prohibitions against participation.

RESPECTFULLY SUBMITTED this 5th day of February, 2008.

/s/ William J. Evans

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2008, I caused to be e-mailed and/or mailed, first class, postage prepaid, a true and correct copy of the foregoing **IGU'S RESPONSE TO ROGER BALL'S REQUEST FOR REVIEW AND CLARIFICATION OF SCHEDULING ORDER** to:

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