

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Pacific Energy & Mining Company	<p style="text-align: center;"><u>DOCKET NO. 18-2602-01</u></p> <p style="text-align: center;"><u>ORDER STAYING DECISION ON PEMC'S</u> <u>REQUEST FOR EXTENSION, AND</u> <u>REQUESTING RESPONSES FROM</u> <u>PARTIES CONCERNING THE JULY 19,</u> <u>2018 HEARING DATE</u></p>
---------------------------------	---

ISSUED: June 22, 2018

On May 11, 2018, the Public Service Commission of Utah (PSC) issued an Amended Scheduling Order in this docket, extending Pacific Energy & Mining Company's (PEMC) response deadline from Thursday, May 10, 2018 to Tuesday, May 15, 2018, per stipulation between PEMC and the Division of Public Utilities (Division).

On May 15, 2018, PEMC filed its response. Ten days later, on May 25, 2018, PEMC filed a Request for Extension of Additional Time (Request for Extension), requesting a 90-day extension. PEMC's Request for Extension stated it had "retained an outside engineering firm to prepare [its response.]" However, PEMC's Request for Extension made no representation whether it had been in contact with the Division or whether the Division had stipulated to PEMC's requested extension. Additionally, it is unclear whether PEMC's Request for Extension was intended to act as a request to extend the July 19, 2018 hearing date, since PEMC had already filed its response on May 15, 2018.

Upon receipt of PEMC's Request for Extension, the Public Service Commission of Utah's (PSC) administrative law judge assigned to this docket contacted PEMC, asking for "[PEMC to] please confirm whether or not counsel for the Division . . . stipulates to [PEMC's]

requested extension.”¹ PEMC did not respond. However, counsel for the Division stated, “[it] had no notice of [PEMC’s] request until today, is not stipulating to the extension, and will be filing a response to [PEMC’s Request for Extension] in due course.”² No further response from the Division has been received to date concerning PEMC’s Request for Extension.

On June 5, 2018, PEMC filed a Request to Deny Agency Action Due to Lack of Jurisdiction and supporting brief (Motion to Dismiss). The Division filed its response to PEMC’s Motion to Dismiss on June 20, 2018; however, PEMC has not yet filed a reply. As noted above, this matter is scheduled for hearing on Thursday, July 19, 2018. Given the short timeframe between now and the hearing date, and given PEMC’s pending Motion to Dismiss and Request for Extension, the PSC requests the parties respond no later than **Thursday, July 5, 2018**, indicating whether they believe this case will be sufficiently briefed and ready for hearing as scheduled on **Thursday, July 19, 2018**. If either or both parties believe the hearing date should be moved, that party shall propose alternative hearing dates when both parties are available. The PSC will take these responses into consideration when deciding whether or not to reschedule the **Thursday, July 19, 2018** hearing date.

¹ Email from Melanie Reif, PSC Presiding Officer, to Tariq Ahmad, PEMC (May 25, 2018; 10:45 AM). Counsel for the Division was “cc’d” in this communication. *See id.*

² Email from Patricia Schmid, Assistant Attorney General, to Melanie Reif, PSC Presiding Officer (May 25, 2018; 11:29 AM).

DOCKET NO. 18-2602-01

- 3 -

DATED at Salt Lake City, Utah, June 22, 2018.

/s/ Melanie A. Reif
Administrative Law Judge

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#303003

CERTIFICATE OF SERVICE

I CERTIFY that on June 22, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Rodney Nugent
Registered Agent – PEMC
17 West Main Street
PO Box 149
Green River, UT 84525

By Electronic-Mail:

Dan Green (Dfgreen1@dslextreme.com)
Tariq Ahmad (taroil@yahoo.com)

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Steven Snarr (stevensnarr@agutah.gov)
Utah Attorney General's Office

Erika Tedder (etedder@utah.gov)
Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant