

TARIQ AHMAD  
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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**IN THE MATTER OF PACIFIC ENERGY &  
MINING COMPANY**

**Docket No. 18-2602-01**

**PACIFIC ENERGY & MINING  
COMPANY MOTION TO EXTEND TIME  
TO FILE REPLY BRIEF**

**FACTS**

The division filed its response to PEMC motion to dismiss for lack of jurisdiction on June 20, 2018. Pubic Service Commission had set a hearing for July for July 20, 2018.

PEMC requested postponed of the hearing as Tariq Ahmad (“Ahmad”), had scheduled surgery on July 20, 2018.

Ahmad was not available until for two weeks due to recovery not until week of August 6, 2018.

*(B) on motion made after the time has expired if the party failed to act because of excusable neglect.*

**Utah Rules of Civil Procedure 6(b)(1)(B)**

Under Utah Rule of Civil Procedure 6(b)(1)(B) the court may, for good cause, extend a time frame “on motion made after the time has expired if the party failed to act because of excusable neglect.” Utah. R. Civ. P. 6(b)(1)(B).

A finding of excusable neglect “requires both a demonstration of good faith by [movant] and it must also appear that there was a reasonable basis for not complying with the specified period.” *Four Seasons Secs. Laws Litig. v. Bank of Am.*, 493 F.2d 1288, 1290 (10<sup>th</sup> Cir. 1974) (citing 4 Charles A. Wright & Arthur E. Miller, *Federal Practice and Procedure* § 1165 (1969)). Factors relevant to a finding of excusable neglect include “the danger of prejudice to the [non moving party], the length of the delay and its potential impact on judicial proceedings, the reason for the delay, including whether it was within the reasonable control of the movant, and whether the movant acted in good faith.” *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 395, 123 L.Ed. 2d 74, 113 S. Ct. 1489 (1993). A party’s control over the delay is “the most important single . . . factor. . . in determining whether neglect is excusable.” *City of Chanute v. Williams Nat. Gas Co.*, 31 F.3d 1041, 1046 (10<sup>th</sup> Cir. 1994) (citations omitted).

As shown in counsel for Defendants declaration, counsel has demonstrated a reasonable basis for not complying with the specified period. See Declaration of counsel Exhibit A.

**PREJUDICE TO DIVISION**

Division is not prejudiced by a delay of 40 days in filing of the PEMC Reply.

**CONCLUSION**

For the foregoing reasons, PEMC requests that the court allow the objection to be filed due to excusable neglect.

DATED this 8<sup>th</sup> day of August 2018.



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Tariq Ahmad

President  
Pacific Energy & Mining C.

PROOF OF SERVICE

I certify that I caused a true and correct copy of the foregoing to be served this 8<sup>th</sup> day of August 2018 by email to the following:

Chris Parker, Director Division of Public Utilities  
[chrisparker@utah.gov](mailto:chrisparker@utah.gov)

Al Zadeh, Pipeline Safety Lead  
[azadeh@utah.gov](mailto:azadeh@utah.gov)

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[jjetter@agutah.gov](mailto:jjetter@agutah.gov)

Dated: August 9, 2018



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Tariq Ahmad

## EXHIBIT A

I, Tariq Ahmad, make and execute this Affidavit based on my own personal knowledge:

1. I am over the age of 18 years, and am competent to testify in a court of law.
2. I am the person who has made an appearance in the above subject matter.
3. On June 20, 2018 I had surgery and was unable to work for two weeks.
4. I am still under Doctors care.
5. I am just getting back into the office to work on a part time basis and have noticed that I missed a few documents that had been filed, one of which was the Response by the Division filed during June 20, 2018. I ask the Commission to take into consideration the Reply brief due to my being out of the office with medical issues.

PURSUANT TO Utah Code Ann. 78B-5-705, I declare under the penalty of perjury of the State of Utah that the foregoing is true and correct.

Dated this 8<sup>th</sup> day of August, 2018.

/s/ Tariq Ahmad