

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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Pacific Energy & Mining Company

DOCKET NO. 18-2602-01

PROTECTIVE ORDER

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ISSUED: August 20, 2018

On August 10, 2018, Pacific Energy & Mining Company (“PEMC”) filed multiple notices of depositions with the Public Service Commission of Utah (“PSC”) in this docket indicating depositions of personnel employed by the Division of Public Utilities (“DPU”). On August 17, 2018, the DPU filed a Motion for a Protective Order related to those deposition notices.

Utah Admin. Code R746-1-501 governs discovery in PSC dockets. The rule requires parties to “attempt to complete informal discovery through written requests for information and records (data requests).” Utah Admin. Code R746-1-501(1). The rule further provides that “[i]f a party considers informal discovery . . . to be insufficient, the party may move the [PSC] for formal discovery . . .” Utah Admin. Code R746-1-501(2). The rule further indicates the Utah Rules of Civil Procedure that will apply to formal discovery, and outlines some exceptions and modifications.

PEMC has not made a motion indicating that informal discovery is insufficient, or requesting leave to engage in formal discovery. Therefore, consistent with Utah Admin. Code R746-1-501, we order that the DPU is protected from any formal discovery request by PEMC unless or until we have granted a motion to allow PEMC to engage in formal discovery.

Because we have issued this protective order solely under Utah Admin. Code R746-1-501, we do not need to address at this time the other issues raised by the DPU. In the event that

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PEMC files a motion for formal discovery, the DPU may raise those issues in that context. We also inform parties that pursuant to Utah Admin. Code R746-1-501(2)(c), “[d]iscovery requests, regardless of how denominated, discovery responses, and transcripts of depositions shall not be filed with the [PSC].”

ORDER

The DPU is protected from any requirement to comply with a formal discovery request from PEMC unless or until the PSC has granted a motion to allow PEMC to engage in formal discovery.

DATED at Salt Lake City, Utah, August 20, 2018.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#304015

CERTIFICATE OF SERVICE

I CERTIFY that on August 20, 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@dslextrreme.com](mailto:Dfgreen1@dslextrreme.com))  
Tariq Ahmed ([taroil@yahoo.com](mailto:taroil@yahoo.com))

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

Erika Tedder ([etedder@utah.gov](mailto: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

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Administrative Assistant