



State of Utah
Department of Commerce
Division of Public Utilities

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Lieutenant Governor

FERC RATE CASE SETTLEMENT COMMENTS

To: Judge John P. Dring, Intervening Parties
From: Division of Public Utilities
Chris Parker, Director
Artie Powell, Energy Section Manager
Date: December 11, 2012
Re: Docket No. ER11-3643, PacifiCorp Rate Case, Settlement Proposal

The current proposed settlement addresses the main issues raised by the Utah Division of Public Utilities (Division) in settlement discussions. Although some of the terms and conditions in the proposed settlement are not exactly as the Division would have liked, they are generally within acceptable ranges of the Division's preferred outcome. For the reasons stated below, the Division does not object to the proposed settlement.

The stay-out or moratorium provisions in the proposed settlement are somewhat troublesome for the Division given its statutory duties and responsibilities, and obligations to Utah ratepayers. Since similar issues addressed under the moratoriums are likely to be before the Utah Public Service Commission before the specified expiration of the moratoriums, the Division is unable to sign the settlement agreement. The Division believes that signing the agreement may limit the range of positions that the Division could take in a future Utah state proceeding on some of these issues. The Division, however, recognizes that, in the view of other parties, these provisions balance in one way or another other provisions within the

settlement and are important in arriving at an overall or comprehensive agreement. Therefore, the Division does not oppose the settlement as currently proposed.

A handwritten signature in black ink that reads "Artie Powell". The signature is written in a cursive style and is positioned above a horizontal line.

Artie Powell, On Behalf of the Division

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