

Ruben Arredondo - RE: In re Bresnan Petition,DocketNo.08-247602,ProposedSchedulingOrder

From: Ruben Arredondo
To: Duncan, William; Ginsberg, Michael; Harris, Alex; _____, Mecham, Stephen F.; Nelson, Thor; Orton, Eric; Proctor, Paul; Schmid, Patricia; Slawson, Kira
Date: 11/17/2008 9:25 AM
Subject: RE: In re Bresnan Petition,DocketNo.08-247602,ProposedSchedulingOrder
CC: Orchard, Julie
Attachments: Ruben Arredondo.vcf

Unless anyone has any objections, the Commission will permit Bresnan to file on the 24th instead of having to file today. So if you do have any objections, let me know this morning if you can.

Kindly,

Ruben H. Arredondo
Administrative Law Judge/Legal Counsel
Public Service Commission of Utah
160 E. 300 S., 4th Floor
Salt Lake City, Utah 84111
Tel: 801-530-6716
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COMMISSION

>>> "Thor Nelson" > 11/17/2008 9:17 AM >>>
Judge Arredondo,

Thank you for this additional information. If it is the Commission's or the parties' preference we can certainly move forward with a filing today as set forth in the Nov. 3 Order. Alternatively, we can defer the filing as I suggested. If the Commission or any party has a preference, please let me know. If we do not hear back from anyone this morning, we will intend to go ahead and file today in accordance with the Nov. 3 Order.

1505503

The purpose of my suggested discussion with you today was to ascertain the Commission's preference, if any, with respect to the procedural schedule. I certainly did not intend to discuss the substance of either UBTA-UBET's various motions, our various responses, or the Commission's deliberations on these substantive issues. My understanding is that R746-100-13(C)(2) excepts communications with respect to "matters of procedure only" from prohibited *ex parte* communications. I apologize if I left you or any of the other parties with a different understanding of my intentions.

Best regards,

Thor Nelson
Holland & Hart

From: Ruben Arredondo [mailto:rarredondo@utah.gov]
Sent: Monday, November 17, 2008 8:08 AM
To: Duncan, William; Ginsberg, Michael; Harris, Alex; _____, Mecham, Stephen F.; Thor Nelson; Orton, Eric; Proctor,Paul; Schmid, Patricia; Slawson,Kira

Cc: Orchard, Julie

Subject: RE: In re Bresnan Petition,DocketNo.08-247602,ProposedSchedulingOrder

Everyone,

I understand that at the scheduling conference the Commission stated it would issue an order on UBTA-UBET's Motion to Dismiss by November 10, 2008. That Order was drafted and pending final approval of the three Commissioners. However, as you are aware, UBTA-UBET filed a letter on November 5, 2008 containing legal argument concerning a rural exemption proceeding. Additionally, Bresnan filed a responsive letter on November 10, 2008. The Commissioners needed time to review those two letters and determine if that information required the Commission to change their pending Order. Given the competing demands on the Commissioner's time, and give the new information submitted by UBTA-UBET and Bresnan, that delayed the date by which an Order could be issued.

Nonetheless, my hope is that the Order will be out early this week, if not today. If needed, we can adjust the scheduling order to accommodate Bresnan's request for additional time, i.e. moving back testimony filing to November 24, 2008.

Having said that, it would be best that Mr. Nelson not come in and talk with me to avoid *ex parte* communications and just await the issuance of the Order.

Sincerely,

Ruben H. Arredondo
Administrative Law Judge/Legal Counsel
Public Service Commission of Utah
160 E. 300 S., 4th Floor
Salt Lake City, Utah 84111
Tel: 801-530-6716
Fax: 801-530-6796
E-mail: rarredondo@utah.gov

>>> "Thor Nelson" <

11/14/2008 4:32 PM >>>

Good afternoon,

In talking with my client I now understand that I was mistaken about the scheduling order and that such an order was in fact issued on Nov. 3 (with an addendum thereafter). I apologize for my confusion on this point. Having said that, I still believe that an order on the motion to dismiss has not been issued. I intend to visit with the ALJ on Monday to determine if we should move forward with testimony of hold off on that pending the order on the motion to dismiss (and the associated discussion of whether the schedule should be vacated to complete an examination of the rural exemption issue as discussed in the letter from UBTA-UBET). I will let folks know what I find out.

Thanks and best regards,

Thor

From: Kira Slawson [mailto:_____]_____
Sent: Friday, November 14, 2008 3:01 PM
To: Thor Nelson; Ruben Arredondo; Duncan, William; Ginsberg, Michael; _____; Mecham, Stephen F.; Orton, Eric; Proctor, Paul; Schmid, Patricia
Subject: RE: In re Bresnan Petition, DocketNo.08-247602, Proposed Scheduling Order

It is acceptable to UBTA-UBET.

Kira M. Slawson
Blackburn & Stoll, LC

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From: Thor Nelson [mailto:_____]_____
Sent: Friday, November 14, 2008 2:30 PM
To: Ruben Arredondo; Duncan, William; Ginsberg, Michael; _____; Mecham, Stephen F.; Orton, Eric; Proctor, Paul; Schmid, Patricia; Kira Slawson
Subject: RE: In re Bresnan Petition, DocketNo.08-247602, Proposed Scheduling Order

Good afternoon,

As of this moment, to the best of my knowledge, the Commission has not issued an order on UBTA-UBET's motion to dismiss nor a scheduling order. Under the agreement reached at the scheduling conference we contemplated testimony to be filed by Bresnan on Monday, November 17. Given that we have now moved the hearing back two weeks (tentatively) and given that we do not yet have an order on the motion to dismiss or on the schedule, I would request that the testimony date for Bresnan be moved back one week to November 24. I would further propose to similarly move the deadline for intervenor testimony to December 15 (from Dec. 8) and the date for testimony from the Division or Committee back to January 12th. With the hearings now tentatively set to begin on January 27 and 28th that should all work with intervals at least as long as in the original schedule.

Given that our testimony is nominally due on Monday please let me know as soon as possible if this is acceptable to you.

Thanks.

Thor Nelson

From: Ruben Arredondo [mailto:rarredondo@utah.gov]
Sent: Wednesday, October 29, 2008 10:51 AM
To: Duncan, William; Ginsberg, Michael; _____; Mecham, Stephen F.; Thor Nelson; Orton, Eric; Proctor, Paul; Schmid, Patricia; Slawson, Kira
Subject: RE: In re Bresnan Petition, DocketNo.08-247602, Proposed Scheduling Order