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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of PacifiCorp for Approval of a 2009 Request for Proposals for Flexible Resource	))))	DOCKET NO. 05-035-47 MOTION TO FILE POST HEARING BRIEF

The Utah Committee of Consumer Services respectfully moves the Utah Public Service Commission for permission to file, by November 13, 2006, comments addressing the impact of PacifiCorp's integrated resource planning process and the acknowledged IRP 2004, upon the Commission's oversight, pursuant to the Energy Resource Procurement Act, Utah Code 54-17-101 et seq., of the solicitation process proposed in PacifiCorp's Request for Proposals – Base Load Resources, filed with the Commission November 1, 2006.

On November 1, 2006, the Committee first requested PacifiCorp's and the parties' cooperation stating:

All,
In my preparation for Friday's hearing, and the Committee's memorandum addressing the succession of PacifiCorp's RFP, I reviewed the company's and parties' comments in the Oregon PUC case, UM 1208, addressing the RFP under Oregon rules. I read with particular interest the company's October 25 Supplemental Comments addressing the reduced size and scope of the RFP to respond to concerns about the RFP/IRP alignment. In the Utah proceeding, as ordered by the Utah Commission in its July 21, 2005 Report and Order upon PacifiCorp's IRP 2004, Docket 05-2035-01, the issue described by the company as the RFP/IRP alignment is to be addressed in this RFP approval process. To some degree this has occurred, but no Utah party has been afforded the time to address the the October 27 version and its significant changes to RFP benchmarks and resources to be acquired, and PacifiCorp's explanations or justifications for the changes. The Committee's position is that comments upon the RFP/IRP alignment in light of the Utah IRP 2004, Utah IRP 2004 Update, IRP 2006, the now extended schedule in Oregon allowing for additional comments, and the material changes to what is the fourth version of the IRP supplied last Friday, and the fifth version not yet filed, are critically important to the Commission's determination of whether the RFP complies with the Utah Energy Resource Procurement Act. Accordingly, the Committee requests that all parties be permitted to file such comments by November 13 and that the Commission may thereafter schedule such additional hearings upon the issue as the Commission deems necessary. Please respond to this request as soon as possible.
Paul Proctor
AAG-Utah Committee of Consumer Services

PacifiCorp responded:

PacifiCorp believes that it is premature to agree that additional comments should be filed two weeks after the hearing.

PacifiCorp suggests that the parties address the need to file additional comments at the hearing. Additionally, if the parties and the Commission determine that additional comments are needed, on Friday, we can properly define the appropriate timing and scope of those comments. Please give me a call if you wish to discuss.
db

Two parties, UAE and Western Resource Advocates, support the Committee's request. No other party has objected.

The Committee's request does not delay or impede the November 3, 2006 hearing. The Committee does not intend that its comments delay the Commission's issuance of an order upon PacifiCorp's request for approval of the solicitation process. The Committee's request is for an opportunity to file written comments on an issue thus far not addressed in a manner that creates a record upon which the Commission can rely. The Committee contends that written comments expressing the Committee's recommendation for Commission oversight of the RFP process is far more informative than lengthy cross-examination that will take time away from the issues that are most

appropriately addressed at the November 3rd hearing. The Committee's request is to address an issue that has been the subject of four rounds of comments in the Oregon proceeding dealing with the same RFP. In Oregon, additional comments have been requested, which are not due until November 9th, and may be filed as late as November 17th, the tentative date for the Oregon Commission's public meeting. See, http://edocs.puc.state.or.us/efdocs/HDC/um1208hdc16742.pdf. The Committee's request is fair, reasonable and tailored to accomplish a focused and very important purpose.

The Committee's request is a reasonable response to a version of the RFP that PacifiCorp is now asking the Commission to review, which was distributed at 10:22 PM on Friday October 27, 2006. This version followed PacifiCorp's October 25, 2006 Supplemental Comments filed with the Oregon Commission in UM 1208, discussing the IRP/RFP alignment issue that the Committee wishes to address. The Committee is making this request because the RFP filed with the Commission yesterday afternoon differs materially from the October 4, 2006 version that the Committee and other parties contemplated would be the subject of the hearing.

The Committee simply wants to address in a deliberate and informative manner, an issue of importance for Utah utility ratepayers.

DATED this 2nd day of November 2006.

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Paul H. Proctor
Assistant Attorney General
For Utah Committee of Consumer Services

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November 2006, I caused to be e-mailed a true and correct copy of the foregoing Motion to:

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