

JUL 13 2020

IN THE UTAH COURT OF APPEALS

<p>MIDWAY CITY Petitioner, <i>v.</i> UTAH FACILITY REVIEW BOARD, Respondent.</p>	<p>ORDER DENYING ROCKY MOUNTAIN POWER'S EMERGENCY MOTION FOR REVIEW OF SINGLE JUDGE ORDER ON ROCKY MOUNTAIN POWER'S EMERGENCY MOTION FOR RECONSIDERATION</p> <p>Case No. 20200495-CA</p>
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Before Judges Christiansen Forster, Appleby, and Mortensen.

This matter is before the court on Respondent Rocky Mountain Power's (RMP) rule 23C Emergency Motion for Review of Single Judge Order. This matter was recently before this court on RMP's emergency "Motion for Reconsideration," Petitioner Midway City's Opposition to RMP's Emergency Motion for Reconsideration, and VOLT's Joinder in Midway City's opposition to RMP's Emergency Motion.

There is no provision in the Utah Appellate Rules recognizing motions to reconsider. *See* Utah R. App. P. 35. However, considering the parties' extensive filings in this case, as well as those filings and arguments set forth in the related Case No. 20200418-CA, the court affirms its prior rulings.

For the reasons set forth in Midway City's motions and filings in both Case No. 20200495-CA and Case No. 20200418-CA, as well as VOLT's joinder in Midway City's emergency motion for stay pending appeal, this court stayed enforcement of the May 7, 2020 order and June 9, 2020 order. Moreover, for the reasons set forth in Midway City's briefing this court is persuaded that Midway City is entitled to a stay under Utah Code section 63G-4-405(4). Additionally, this court is persuaded that a stay is appropriate given this court's concerns in *Wasatch County v. Utility Facility Review Board*, 2018 UT App 191, ¶¶ 10-19, 414 P.3d 958.

Accordingly, IT IS HEREBY ORDERED that this court affirms its June 30, 2020 order denying the motion to reconsider. IT IS FURTHER ORDERED that the stay

pending judicial review of the May 7, 2020 and June 9, 2020 orders remains in effect, and that Midway City is not required to file a bond. The parties should anticipate that this court will not consider further motions to reconsider the stay as they are not recognized by the Utah Rules of Appellate Procedure.

DATED this 13th day of July, 2020.

FOR THE COURT:


Michele M. Christiansen Forster, Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2020, a true and correct copy of the foregoing ORDER was deposited in the United States mail or was sent by electronic mail to be delivered to:

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Case No. 20200495
Utility Facility Review Board, 20-035-035