

JUN 30 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 RECONSIDERATION Case No. 20200495-CA</p>
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This matter is before the court on Respondent Rocky Mountain Power's (RMP) rule 23C 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, having considered the parties' extensive filings in this case, as well those filings in the associated Case No. 20200418-CA, the court now reiterates its prior ruling.

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 the June 9, 2020 order. Moreover, this court is persuaded that a stay is appropriate given the concerns articulated in a recent decision from this court involving the Utah Facility Review Board. *See Wasatch County v. Utility Facility Review Board*, 2018 UT App 191, ¶¶ 10-19, 414 P.3d 958.

Accordingly, IT IS HEREBY ORDERED that the motion to reconsider is denied. IT IS FURTHER ORDERED that the stay pending judicial review of the May 7, 2020 and June 9, 2020 orders remains in effect. IT IS FURTHER ORDERED that RMP's request that Midway City file a bond is also denied.

DATED this 30th day of June, 2020.

FOR THE COURT:

A handwritten signature in black ink, reading "Michele M. Christiansen Forster". The signature is written in a cursive style and is positioned above a horizontal line.

Michele M. Christiansen Forster, Judge

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 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