

54-7-1 Settlement -- Limitation of issues.

- (1) Informal resolution, by agreement of the parties, of matters before the commission is encouraged as a means to:
 - (a) resolve disputes while minimizing the time and expense that is expended by:
 - (i) public utilities;
 - (ii) the state; and
 - (iii) consumers;
 - (b) enhance administrative efficiency; or
 - (c) enhance the regulatory process by allowing the commission to concentrate on those issues that adverse parties cannot otherwise resolve.
- (2)
 - (a) The commission may approve any agreement after considering the interests of the public and other affected persons to use a settlement proposal to resolve a disputed matter.
 - (b) The commission shall reserve to the parties the right to maintain appropriate confidentiality in the negotiation process even when the commission uses a settlement proposal to resolve a disputed matter.
- (3)
 - (a) At any time before or during an adjudicative proceeding before the commission, the parties, between themselves or with the commission or a commissioner, may engage in settlement conferences and negotiations.
 - (b) In accordance with this Subsection (3), the commission may adopt any settlement proposal entered into by two or more of the parties to an adjudicative proceeding.
 - (c) The commission shall notify all parties to an adjudicative proceeding of the terms of any settlement proposal related to the adjudicative proceeding.
 - (d)
 - (i) The commission may adopt a settlement proposal if:
 - (A) the commission finds that the settlement proposal is just and reasonable in result; and
 - (B) the evidence, contained in the record, supports a finding that the settlement proposal is just and reasonable in result.
 - (ii) When considering whether to adopt a settlement proposal, the commission shall consider the significant and material facts related to the case.
 - (e)
 - (i) The commission may adopt a settlement proposal related to an adjudicative proceeding at any stage of the adjudicative procedure.
 - (ii) The commission shall conduct a hearing before adopting a settlement proposal if requested by:
 - (A) any party initiating the adjudicative proceeding;
 - (B) any party against whom the adjudicative proceeding is initiated; or
 - (C) an intervening party to the adjudicative proceeding.
 - (f) The commission shall accept or reject a settlement proposal within a reasonable time.
- (4) In cases or procedures involving rate increases as defined in Section 54-7-12, the commission may limit the factors and issues to be considered in its determination of just and reasonable rates.

Amended by Chapter 200, 2003 General Session