

1 **R746.Public Service Commission, Administration.**

2
3 **R746-1.Public Service Commission Administrative Procedures Act**
4 **Rule.**

5
6 **R746-1-101.Title and Organization.**

7 This rule R746-1 is:

8 (1) known as the "Public Service Commission Administrative
9 Procedures Act Rule; and

10 (2) organized into the following Parts:

11 (a) Part 100: General provisions;

12 (b) Part 200: Complaints and pleadings;

13 (c) Part 300: Motions;

14 (d) Part 400: Pre-hearing briefs, comments, and testimony;

15 (e) Part 500: Discovery;

16 (f) Part 600: Confidential information;

17 (g) Part 700: Hearings; and

18 (h) Part 800: Post-hearing proceeding.

19
20 **R746-1-102. Authority.**

21 This rule is adopted under Utah Code § 54-1-1.

22
23 **R746-1-103. Definitions.**

24 (1) "Applicant" means any person:

25 (a) applying for a license, right, or authority; or

26 (b) requesting agency action from the Commission.

27 (2) "Commission" is defined at Utah Code § 54-2-1(3).

28 (3) "Complainant" means a person who files a complaint with
29 the Commission, pursuant to R746-1-201.

30 (4) "Division" means the Division of Public Utilities,
31 State of Utah Department of Commerce.

32 (5)(a) "Initial pleading" means a request for agency
33 action, which includes:

34 (i) an application;

35 (ii) a petition;

36 (iii) an order to show cause; and

37 (iv) any other filing reasonably calculated to initiate an
38 adjudicative proceeding.

39 (b) "Initial pleading" does not include:

40 (i) a complaint;

41 (ii) a motion or similar filing in a docket; or

42 (iii) an informational filing that does not request or
43 require Commission action.

44 (6) "Interested person" means a person who requests to be
45 placed on the service list for a docket.

46 (7) "Intervenor" means a person who:

47 (a) timely files with the Commission a petition for

48 intervention in a pending matter; and
49 (b) receives Commission approval to participate as a party.
50 (8) "Office" means the Office of Consumer Services, State
51 of Utah Department of Commerce.
52 (9) "Party" means a person who is entitled to participate
53 in a proceeding, pursuant to Utah Code § 63G-4-103(1)(f).
54 (10) "Person" is defined at Utah Code § 54-2-2.
55 (11) "Petitioner" means a person seeking relief from the
56 Commission other than the issuance of a license, right, or
57 authority.
58 (12) "Presiding officer" is defined at Utah Code § 63G-4-
59 103(1)(h).
60 (13)(a) "Proceeding" or "adjudicative proceeding" means an
61 action before the Commission, initiated either by a notice of
62 agency action or request for agency action including, without
63 limitation, a request for action related to a tariff advice
64 filing, pursuant to Utah Code § 63G-4-201.
65 (b) "Proceeding" does not include:
66 (i) an informal or preliminary inquiry or investigation
67 undertaken by the Commission to determine whether a proceeding is
68 warranted; or
69 (ii) rulemaking pursuant to Utah Code § 63G-3-1 et seq.
70 (14) "Respondent" means a person:
71 (a) against whom a notice of agency action or request for
72 agency action is directed; or
73 (b) required, or permitted by statute, to respond to an
74 application, petition, or other request for agency action.
75 (15) "Responsive pleading" means any rejoinder to an initial
76 pleading, including:
77 (a) an answer;
78 (b) a protest or opposition; or
79 (c) other similar filing.

80
81 **R746-1-104. Designation of Adjudicative Proceedings.**
82 (1) The following requests for agency action shall be
83 adjudicated as informal proceedings:
84 (a) a complaint;
85 (b) an unopposed application for a certificate of public
86 convenience and necessity;
87 (c) a request for acknowledgment or approval of a
88 telecommunications utility's name change; and
89 (d) a request for acknowledgment or approval of a merger,
90 acquisition, or similar organizational restructuring that does not
91 alter or affect the services provided by a telecommunications
92 utility.
93 (2) A request for agency action not listed in this
94 Subsection 104(1) shall be adjudicated as a formal proceeding.

95

96 **R746-1-105. Utah Rules of Civil Procedure.**

97 The Utah Rules of Civil Procedure and case law interpreting
98 these rules are persuasive authority in Commission adjudications
99 unless otherwise provided by:

- 100 (1) Title 63G, Chapter 4, Administrative Procedures Act; or
101 (2) Utah Administrative Code R746 et seq.

102

103 **R746-1-106. Computation of Time.**

104 (1) Unless this Subsection 106(2) applies, periods of time
105 in Commission proceedings shall:

106 (a) exclude the first day of the act, event, or default from
107 which the time begins to run; and

108 (b) include the last day unless it is Saturday, Sunday, or
109 legal holiday, in which case the period shall run until the end of
110 the next day that is not a Saturday, Sunday, or legal holiday.

111 (2) This Subsection 106(1) is superseded by any conflicting:

- 112 (a) order of the Commission;
113 (b) statute; or
114 (c) rule.

115

116 **R746-1-107. Representation of Parties.**

117 A party may:

118 (1) be represented by:

119 (a) an attorney licensed to practice in Utah; or

120 (b) an attorney licensed in a foreign state, pursuant to §
121 14-801 of the Utah Supreme Court Rules of Professional Practice,
122 which is incorporated by reference;

123 (2) represent oneself individually; or

124 (3) if not an individual, represent itself through an
125 officer or employee.

126

127 **R746-1-108. Intervention.**

128 A person who wishes to intervene in a proceeding shall comply
129 with Utah Code § 63G-4-207.

130

131 **R746-1-109. Deviation from Procedural Rules.**

132 (1) A party may move the Commission to deviate from a
133 specified procedural rule.

134 (2) The party making the motion to deviate has the burden to
135 demonstrate that the procedural rule imposes a hardship that
136 outweighs the benefit(s) of the rule.

137

138 **R746-1-201. Complaints.**

139 (1) A person may file with the Commission a complaint
140 against a public utility if the person has first:

141 (a) attempted to resolve the complaint with the utility's

142 customer relations department; and(b) reported the complaint to
143 the Division for investigation.

144 (2) To file a complaint, a person shall:

145 (a) provide a concise and legible account of the facts and
146 circumstances on the form provided by the Division; and

147 (b) evidence having served the complaint on the public
148 utility, pursuant to R746-1-203(2)(b).

149

150 **R746-1-202. Title of Pleadings.**

151 A person who files a pleading shall include the following
152 information in the title:

153 (1)(a) name of attorney preparing the pleading; or

154 (b) if no attorney is involved, name of the person signing
155 the pleading;

156 (2) address and telephone number of the person identified in
157 this Subsection 202(1);

158 (3) nature of the request;

159 (4) description of the action or relief requested; (5) type
160 of pleading; and

161 (6) docket number, if known.

162

163 **R746-1-203. Form of Complete Filing.**

164 In order to be considered complete, a filing other than a
165 complaint shall conform to the following requirements.

166 (1) The filing shall be filed in both paper and electronic
167 formats, and may be filed in portable document format.

168 (a) The paper format shall be:

169 (i) double-spaced on 8-1/2 by 11-inch paper; (ii) typed in
170 a font of at least 12 points; and

171 (iii) if longer than five pages, printed on doubled-sided
172 and three-hole-punched paper.

173 (b) The electronic format shall be:

174 (i) presented as a either a searchable portable document
175 format or a functional and searchable electronic word processing

176 or spreadsheet document, as applicable, that is
177 substantially the same as the paper version filed;

178 (ii) filed by:

179 (A) e-mail or;

180 (B) compact disc; and

181 (iii) identified by an electronic file name that includes:

182 (A) the name of the person making the filing; and

183 (B) the type of filing.

184 (2) The filing shall:

185 (a) be signed, as applicable, by:

186 (i) the party;

187 (ii) the party's counsel; or

188 (iii) other authorized representative of the party; and

- 189 (b) include a certificate of service:(i) stating that a
190 true and correct copy of the filing was served upon each of
191 the parties;
192 (ii) identifying the manner of service; and
193 (iii) identifying the date of service.
194

195 **R746-1-204. Effective date of filing.**

196 The effective date of filings will be the date it was filed
197 electronically with the Commission, provided the required paper
198 documents are received by the Commission the following business
199 day.

200 (1) If filed electronically with the Commission during
201 regular business hours, ~~a complete filing is the~~ effective date
202 will be on the date filed.

203 (2) If filed electronically with the Commission after
204 regular business hours, ~~a complete filing is the~~ effective
205 date will be on the next business day.
206

207 **R746-1-205. Content of Initial Pleading.** An initial pleading
208 shall include the following information, to the extent it is known
209 and applicable:

210 (1) the reference numbers, docket numbers, or other
211 identifying symbols of relevant tariffs, rates, schedules,
212 contracts, applications, rules, or similar matter or material;

213 (2)(a) the name of each participant for whom the filing is
214 made; or

215 (b) if the filing is made for a group of participants, the
216 name of the group;

217 (3) if a statute, rule, regulation, or other authority
218 requires the Commission to act within a specific time period, a
219 specific section of the pleading:

220 (a) located after the heading or caption; (b) entitled
221 "Proceeding Time Period"; and (c) setting forth:

222 (i) a reference or citation to the statute, rule,
223 regulation, or other authority;

224 (ii) the applicable time period; and

225 (iii) the expiration date of the applicable time period,
226 identified by day, month, and year;

227 (4) the specific authorization or relief sought;

228 (5) copies of, or references to, tariff or rate sheets
229 relevant to the pleading;

230 (6) the relevant facts, if not set forth in a previously
231 filed document that is identified within the filing being made;

232 (7) the position taken by the person filing the pleading,
233 including the basis in fact and law for the position; and

234 (8) the name, address, and telephone number of an individual
235 who, with respect to a matter contained in the filing, represents

236 the person for whom the filing is made.

237

238 **R746-1-206. Amendment of Complaint or Initial Pleading.**

239 (1) A party that has filed a complete and effective
240 complaint or initial pleading may amend the filing without leave
241 of the Commission at any time before:(a) a responsive pleading has
242 been filed; or

243 (b) the time for filing a responsive pleading has expired.

244 (2) If a defect in a complaint or initial pleading does not
245 affect the substantial rights of the parties, it does not require
246 amendment.

247

248 **R746-1-207. Responsive Pleadings.**

249 A response to a pleading or complaint shall be filed in
250 accordance with Utah Code § 63G-4-204, unless the Commission
251 establishes a different response deadline.

252

253 **R746-1-301. Motions.**

254 Unless otherwise ordered by the Commission, briefing on a
255 motion shall be as follows:

256 (1) Any response shall be filed within 30 days of the
257 service date of the motion.

258 (2) Any reply shall be filed within 15 days of the service
259 date of the response.

260

261 **R746-1-401. Pre-hearing Briefs, Comments, and Testimony - General**
262 **Requirements.**

263 (1) Parties to a docket shall file briefs, comments or
264 testimony, as applicable, as required in the Commission's
265 scheduling order.

266 (2) Pre-hearing filings and accompanying exhibits shall: (a)
267 utilize a sequential line numbering system; and

268 (b) be filed in both paper and electronic formats.

269 (3) The paper format shall conform to the requirements set
270 forth in R746-1-203(1)(a).

271 (4) The electronic format shall:

272 (a) conform to the requirements set forth in R746-1-
273 203(1)(b); and

274 (b) as to testimony, be identified by an electronic file
275 name including the following:

276 (i) the word "direct," "rebuttal" or "surrebuttal," as
277 applicable;

278 (ii) the last name of the witness;

279 (iii) the name of the party on whose behalf the witness
280 offers testimony; and

281 (iv) as applicable, the word "exhibit" or "workpapers,"
282 followed by any applicable identification number or letter.

283 (5) If an exhibit accompanying pre-hearing testimony
284 utilizes any embedded formula or algorithm, it shall be filed in
285 an electronic format that allows the embedded data to be accessed.
286

287 **R746-1-402. Pre-hearing Testimony - Inclusion in Record.**

288 (1)(a) A party may move the Commission to accept pre-
289 hearing testimony into evidence without having it read under
290 oath.

291 (b) Any such motion shall be subject to objection and
292 argument.

293 (2) Pre-hearing testimony that is entered into evidence
294 shall be subject to cross-examination.
295

296 **R746-1-501. Discovery.**

297 (1) Parties in a docket shall attempt to complete informal
298 discovery through:

299 (a) data requests;

300 (b) written interrogatories;

301 (c) requests for admission; and

302 (d) requests for production of documents and other records.

303 (2) If a party considers informal discovery pursuant to this
304 Subsection 501(1) to be insufficient, the party may move the
305 Commission for formal discovery according to Rules 26 through 37
306 of the Utah Rules of Civil Procedure, with the following
307 exceptions and modifications:

308 (a)(i) If no responsive pleading is required in a
309 proceeding, parties may begin discovery immediately upon the
310 filing and service of an initial pleading.

311 (ii) If a responsive pleading is required, discovery shall
312 not begin until ten days after the time limit for filing the
313 responsive pleading.

314 (b) Rule 26(a)(4) of the Utah Rules of Civil Procedure,
315 which restricts discovery, shall not apply. The opinions,
316 conclusions, and data developed by experts engaged by parties
317 shall be freely discoverable unless a protective order is issued
318 by the Commission.

319 (c) Discovery requests, regardless of how denominated,
320 discovery responses, and transcripts of depositions shall not be
321 filed with the Commission.

322 (d) Any reference in an applicable Rule of Civil Procedure
323 to "the court" shall be considered a reference to the Commission.

324 (3) A party ~~that challenging an objection s-~~ to a discovery
325 request may shall file a motion to compel if the parties are unable
326 to reach agreement after an informal meeting to confer between the
327 parties. ~~quash or modify the request in accordance with R746-1-~~
328 301.

329 (4) An intervenor shall serve any request for discovery on

330 the other parties to the docket.

331

332 **R746-1-601. Identification of Information Claimed to Be**
333 **Confidential or Highly Confidential in Commission Proceedings.**

334 (1) A party to a docket may request that information
335 provided to another party or included in the record be treated as
336 confidential by:

337 (a)(i) in the paper filing, placing the information on
338 yellow paper; and(ii) in the electronic filing, highlighting
339 the information in yellow; and

340 (b) including the following designation, as applicable, on
341 each page containing confidential information:

342 (i) "CONFIDENTIAL - - SUBJECT TO PUBLIC SERVICE COMMISSION
343 OF UTAH RULE 746-1-601"; or

344 (ii) "CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER".

345 (2)(a) A person who files or is requested to provide
346 information that the person considers to be highly confidential
347 may petition the Commission for an order granting additional
348 protective measures. If the "highly confidential" information
349 relates to a response to a data request, the requesting party and
350 the owner of the information may mutually agree to an appropriate
351 alternative method of handling such information without
352 petitioning the Commission for additional protective measures.

353 (b) The petitioning party shall set forth:

354 (i) the particular basis for the claim;

355 (ii) the specific, additional protective measures requested;
356 and

357 (iii) the reasonableness of the requested, additional
358 protection.

359 (c) Any other party may oppose the petition or propose
360 alternative protective measures.

361 (d) If the Commission grants a petition for additional
362 protective measures, the party providing the highly confidential
363 information shall:

364 (i)(A) in the paper filing, place the information on pink
365 paper; and

366 (B) in the electronic filing, highlight the information in
367 pink; and

368 (ii) include the following designation, as applicable, on
369 each page containing highly confidential information:

370 (A) "HIGHLY CONFIDENTIAL - - SUBJECT TO PUBLIC SERVICE
371 COMMISSION OF UTAH RULE 746-1-601"; or

372 (B) "HIGHLY CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER".

373 (3) A person who files with the Commission a document
374 containing confidential or highly confidential information shall:

375 (a) file a redacted version for public access; and

376 (b) ensure that the line numbering and formatting in the

377 redacted version match, as closely as practicable, that appearing
378 in the unredacted version.

379

380 **R746-1-602. Persons Entitled to Review Confidential and Highly**
381 **Confidential Information.**

382 (1)(a) Except as provided in this Subsection 602(2), the
383 following persons are entitled to receive and review confidential
384 and highly confidential information:

385 (i) Commission, including counsel and staff;

386 (ii) Division of Public Utilities, including counsel and
387 staff;

388 (iii) Office of Consumer Services, including counsel and
389 staff;

390 (iv) counsel for all parties, including, to the extent
391 reasonably necessary: (A) paralegals;

392 (B) administrative assistants; and

393 (C) clerical staff;

394 (v) persons designated by a party as an expert witness,
395 including, to the extent reasonably necessary, the experts':

396 (A) administrative assistants; and

397 (B) clerical staff;

398 (C) persons employed by the parties, to the extent
399 reasonably necessary; and

400 (vi) any person who signs a non-disclosure agreement
401 substantially as follows: "I have reviewed Public Service
402 Commission of Utah Rule 746-1-603 and/or the Protective Order
403 entered by the Public Service Commission of Utah in Docket No. XX-
404 XXX-XX with respect to the review and use of confidential
405 information and agree to comply with the terms and conditions of
406 the rule and/or Protective Order." All parties, their counsel,
407 staff and administrative assistants and their experts that are
408 not government agencies shall sign a non-disclosure agreement
409 before they can receive confidential or highly confidential
410 information.

411 (2) A person, including an expert who is employed or
412 retained by a party, may not receive confidential or highly
413 confidential information if, in performing the person's normal job
414 functions, the person could use the information to the competitive
415 disadvantage of the person providing the information.

416

417 **R746-1-603. Treatment of Confidential and Highly Confidential**
418 **Information.**

419 (1) A person who receives confidential or highly
420 confidential information may not use or disclose the information
421 except:

422 (a) for the purpose of the proceeding in which it was
423 obtained; or

424 (b) pursuant to this Subsection 603(2), as required in
425 response to:
426 (i) interrogatories and other forms of discovery;
427 (ii) administrative requests for information or documents;
428 (iii) subpoenas;
429 (iv) civil investigative demands; or
430 (v) records requests under the Government Records Access and
431 Management Act, Utah Code Title 63G, Chapter 2.

432 (2) A person who is required by law to disclose confidential
433 or highly confidential information shall, prior to providing the
434 information:

435 (a) give notice of the disclosure requirement, by telephone
436 and in writing, to the person who first provided the information;
437 and

438 (b) cooperate with the person who first provided the
439 information to obtain a protective order or similar assurance of
440 confidentiality.

441 (3) Notes made pertaining to, or as the result of, a review
442 of confidential or highly confidential information shall be
443 treated according to this Subsection R746-1-603.

444

445 **R746-1-604. Challenge to Claim of Confidentiality.**

446 (1) A party may challenge another party's claim of
447 confidentiality by filing a motion for an in camera proceeding.

448 (2) If granted, the record of an in camera proceeding shall
449 be marked, as applicable, substantially as follows:

450 (a) "CONFIDENTIAL--SUBJECT TO PUBLIC SERVICE COMMISSION OF
451 UTAH RULE 746-1-604"; or

452 (b) "CONFIDENTIAL--SUBJECT TO PROTECTIVE ORDER".

453 (3)(a) An in camera hearing may be transcribed only upon:

454 (i) agreement of the parties; or

455 (ii) order of the Commission.

456 (b) Any transcription of an in camera hearing shall be
457 separately bound, segregated, and withheld from any person not a
458 party to the in camera hearing.

459 (4) Following an in camera hearing, if the Commission issues
460 an order overturning a party's claim of confidentiality, the
461 order:

462 (a) shall be subject to reconsideration; and

463 (b) shall go into effect no sooner than 10 days after
464 issuance.

465

466 **R746-1-605 Receipt of Confidential and Highly Confidential**
467 **Information into Evidence.**

468 (1)(a) A party that considers it necessary to discuss
469 confidential information in a filing shall, to the extent
470 possible, refer to the information by title, exhibit number, or

471 other non-confidential description.
472 (b) A party that is not able to comply with this Subsection
473 605(1)(a) shall:
474 (i) place the confidential information in a separate section
475 of the filing;
476 (ii) mark the separate section "CONFIDENTIAL"; and
477 (iii) ensure that the confidential section of the filing is
478 served only on:
479 (A) counsel of record or other designated representative of
480 the party (one copy each) who has signed a nondisclosure
481 agreement;
482 (B) counsel for the Division; and
483 (C) counsel for the Office.
484 (2)(a) A party that proposes to use another person's
485 confidential or highly confidential information as evidence shall,
486 at least ten (10) days prior to use:
487 (i) inform the owner of the information; and
488 (ii) make a good faith effort to arrange circumstances that
489 will allow the information to be used while keeping trade secrets
490 and proprietary material confidential.
491 (b) If efforts taken pursuant to this Subsection 605(2)(a)
492 fail, the owner of the information shall move the Commission to
493 segregate and withhold any portion of the record that would reveal
494 trade secrets or proprietary information.
495 (c) If the Commission grants a motion to segregate and
496 withhold a record, the moving party shall mark the record, as
497 applicable, substantially as follows:
498 (i) "CONFIDENTIAL--SUBJECT TO PUBLIC SERVICE COMMISSION OF
499 UTAH RULE 746-1-605"; or
500 (ii) "CONFIDENTIAL--SUBJECT TO PROTECTIVE ORDER".
501 (3) A party that considers it necessary to discuss a
502 segregated confidential record during an adjudication shall move
503 the Commission for an in camera hearing.
504 (4)(a) A person, other than counsel, that obtains another
505 person's confidential or highly confidential information during a
506 proceeding shall, within 30 days after the docket is concluded:
507 (i) return to the owner of the information all records in
508 the party's possession that reference the confidential
509 information; or
510 (ii) certify that the information has been:
511 (A) turned over, in its entirety, to the person's counsel;
512 or
513 (B) destroyed.
514 (b) Counsel may retain confidential information as part of
515 notes, workpapers, and other documents constituting attorney work
516 product and subject to privilege.
517

518 **R746-1-606. Commission Compliance with the Utah Government Records**
519 **Access and Management Act.**

520 (1) A party's marking information as confidential or highly
521 confidential does not ensure a classification of "private,"
522 "protected," or "classified" under the Utah Government Records
523 Access and Management Act, Utah Code § 63G-2-101 et seq.

524 (2) A party whose confidential or highly confidential
525 information is requested pursuant to Utah Code § 63G-2-101 et seq.
526 shall collaborate with the Commission to determine how the
527 information should be classified under the statute.

528

529 **R746-1-701. Witness Subpoenas.**

530 (1) A party that wishes to subpoena a witness for hearing
531 shall:

532 (a) file the subpoena with the presiding officer at least 20
533 days prior to hearing;

534 (b) serve the subpoena on the witness pursuant to Utah Rule
535 of Civil Procedure 45(b)(1); and

536 (c) pay the witness the statutory mileage and witness fees,
537 unless the witness waives payment.

538 (2) Failure to obey the Commission's subpoena shall be
539 considered contempt pursuant to Utah Code § 54-7-23(2).

540

541 **R746-1-702. Continuance of Scheduled Hearing.**

542 (1) A person requesting to continue a scheduled hearing
543 shall demonstrate that:

544 (a) the request is supported by good cause; or

545 (b) all parties stipulate to the continuance.

546 (2) Unless otherwise ordered by the presiding officer, any
547 objection to a request for continuance shall be filed no later
548 than five days following the date on which the request is filed
549 and served.

550

551 **R746-1-703. Closing a Hearing.**

552 A party that wishes to close a hearing shall comply with Utah
553 Code § 54-3-21(4).

554

555 **R746-1-704. Public Witness Evidence.**

556 (1) A person not a party to a docket who does not petition
557 for intervention may:

558 (a) file comments prior to hearing; or

559 (b) appear during the public witness portion of a hearing to
560 provide unsworn testimony.

561 (2) A public witness may not conduct cross-examination.

562

563 **R746-1-705. Exhibits Offered at Hearing.**

564 (1) Parties shall:

565 (a) mark their exhibits before hearing;
566 (b) provide the original of each exhibit to the court
567 reporter, if applicable; and
568 (c) provide a copy of each exhibit to:
569 (i) the presiding officer; and
570 (ii) each party.
571 (2) If an exhibit offered at hearing contains information
572 claimed to be confidential or highly confidential, the party
573 offering the exhibit shall comply with R746-1-601.

574

575 **R746-1-801. Reconsideration and Agency Review.**

576 (1) A person who challenges a finding of fact in a request
577 for reconsideration or review shall marshal the record evidence
578 that supports the challenged finding, as set forth in State v.
579 Nielsen, 2014 UT 10, ¶¶ 33-44, 326 P.3d 645.

580 (2) Following the filing of a petition for reconsideration
581 or review, opposing parties may file responsive memoranda or
582 pleadings within 15 days.

583 (3) Proceedings on review shall be in accordance with Utah
584 Code § 54-7-15.

585 (4) A petition for reconsideration pursuant to Utah Code §
586 63G-4-302 is not required in order for a party to exhaust its
587 administrative remedies prior to appeal.

588