

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of) DOCKET NO. 01-035-01
PacifiCorp for an Increase in its Rates and)
Charges) ORDER DENYING INTERVENTION

ISSUED: June 28, 2001

By The Commission:

Stanley C. Harbuck (Petitioner) petitioned for leave to intervene in the above-captioned case by Petition received June 15, 2001. For the reasons set forth below, the Commission denies the Petition.

PacifiCorp filed its application to increase its rates on or about January 12, 2001. The Commission entered a scheduling order February 23, 2001, which set March 16, 2001, as the intervention deadline. This order also set hearings to begin on July 30, 2001. Petitioner's request to intervene comes considerably past the intervention due date, with no explanation for its delay.

In addition to being untimely filed, Petitioner makes no allegation, nor any showing, that his interests as a ratepayer are not being, or will not be, adequately addressed by other parties participating in these proceedings; notably, the Committee of Consumer Services, the agency statutorily charged with representing the interests of individual ratepayers. Nor does he allege, or make any showing, that he cannot be of assistance to the Commission in the typical method employed in a rate case: a public witness day, scheduled in this case for August 1, 2001.

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Petitioner raised specific concerns that he has in this proceeding, relating to whether contracts are negotiated at arm's length and whether the market prices claimed are accurate. We invite him to review all of the public files in this case, which include the testimony and recommendations of various witnesses on the matters he raises. We invite him to communicate any further concerns he has to the Committee and also to raise those concerns at Public Witness Day.

We recognize that typically the Commission has had a fairly liberal intervention policy but believe, that under the circumstances, denial of this petition is appropriate. Under Utah Code Ann. Section 63-46b-9(2), intervention is appropriate if, among other things, the interests of justice and the orderly and prompt conduct of the proceedings will not be materially impaired. We believe petitioner has not met this requirement.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The Petition for leave to intervene is denied.

DATED at Salt Lake City, Utah, this 28th day of June, 2001.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary