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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of
PacifiCorp for an Investigation of
Inter-Jurisdictional Issues

**RESPONSE OF THE DIVISION OF PUBLIC UTILITIES TO THE APPLICATION TO
INITIATE A DOCKET**

Docket No. 02-035-04

The following is the response of the Division of Public Utilities (DPU) to the request of PacifiCorp for an investigation into inter jurisdictional issues and the establishment of a multi-jurisdictional forum to address those issues.

1. On March 5, 2002 PacifiCorp filed an Application with the Commission to establish an investigative docket to address multi-jurisdictional issues in a multi-state process. Notice of the filing was sent out by the Commission on March 11, 2002. Parties were given until March 22, 2002 to file comments with the Commission. The main focus of the technical conference held on March 15, 2002 in the SRP docket (No. 00-035-15) was the response parties wanted to make to the company's filing. These comments will present the DPU position on the

Application of Pacificorp and reflect the DPU's understanding of what appeared to be a consensus of many of the parties on a number of the issues relating to this proceeding.

2. The DPU endorses a multi-state process to address issues that affect more than one jurisdiction. We believe that the issues presented by the company to be investigated that were listed in its Application represent a reasonable but not exclusive list. The draft Order presented by the company does not ask the Commission to adopt that list as the Commission's list of issues but is only a list of what the company wishes to have investigated. Other issues that are important to Utah will be presented at the multi-state forum.

3. Pacificorp's Application for a multi-state proceeding contemplates two phases. The first phase will be an attempt to reach a consensus on issues presented to the multi-state forum. The second phase would build a record to be submitted to the various state commissions on disputed issues with a recommendation from the facilitator/Special Master. Pacificorp proposed a detailed schedule for both phases of the proceeding. The DPU believes that the PSC Order establishing this proceeding should only establish the April 10-12 meeting dates to be held in Boise and not establish any other dates leaving such decisions up to the participants. We believe the schedule presented by the company does not provide sufficient time to see if consensus can be reached and automatically moves into the second phase without any opportunity for additional input from the Utah Commission. The DPU believes that the primary focus of this multi-state forum should be to see if consensus can be reached among the states. Both the schedule and even the name "Special Master" seem to focus the multi-state forum more on the second phase. At this point the DPU wishes to emphasize the first phase and not the

second. To promote such a focus, the DPU suggests the use of the term facilitator/special master.

4. The DPU has no objections to the process suggested by the company to select the facilitator/Special Master at least at this point. Our only concern is that the skills necessary to obtain a consensus are different from the skills of a Special Master who is to build a record and make a recommendation. Therefore, we ask the Commission to allow the parties to discuss this issue in the multi-state forum and to allow the parties to bring issues relating to the second phase of this proceeding to the Commission, including the possible selection of a different individual for Phase 2. It is important to emphasize that the DPU makes this suggestion without any prejudice on this issue and without diminishing its full support for the multi-state process.

5. SRP Docket 00-035-15 has a schedule that contemplates technical conferences and testimony. We believe that schedule should be suspended during this proceeding. We believe the company has no objection to such an order. At least some of the dates for technical conferences scheduled in that docket should be retained for this docket. The company's Application contemplates Utah specific technical conferences as a part of the multi-state proceeding and DPU believes that a continuation of the Utah specific technical conferences will be helpful.

6. In conclusion the DPU urges the Commission enter an Order establishing this proceeding and endorsing this multi-state process. Attached to this filing is a suggested Order of the DPU.

Respectfully Submitted this _____ day of _____, 2001

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