

December 22, 2005

To the Utah Public Service Commission,

This is an open letter of condemnation of the Utah Public Service Commission relative to its order dated November 23, 2005 on the Home Electric Lifeline Program (HELP). The Commission did a passable job of sorting out the minutia and the meaningless but it ignored the substance of HELP's problems. The Commission not only overlooked the substance but consciously ignored and removed the most critical issues from its consideration.

The Commission ordered continuation of HELP which violates constitutional principles. HELP is taxation without representation. It violates individual property rights. It is a forced taking of citizens' property. In it, the Commission violates the constitutional principle of the separation of powers. The Commission's action is an end-run around the Legislature in implementing a purely social program. The Commission has acted in secret for over five years in this process; no public notice of the HELP program was posted, unless you can expect the public to regularly search the Commission's web site.

There is much evidence today of activist judiciary going beyond judicial functions. The Commission has joined their ranks in being an activist commission going beyond its specifically delegated powers. The constitution is being damaged and decayed by these actions. The Commission has become part of this problem rather than part of the solution.

The worthy goal of helping the poor does not justify the above immoral and illegal means. HELP has all of the harm to recipients of the dole. HELP has not only lead recipients to depend on it but, as shown by public witnesses, they have come to demand it.

I do have a regret about my personal role in the HELP hearings. My presentations of the above facts and other serious problems in HELP have been detailed but clumsy and, to date, I have not been able to afford to hire an attorney. This led to my not properly appealing past Commission actions. This, in turn, allowed the creation of bad legal precedent and complicates any future legal appeal.

When the constitution of the United States weakens and even hangs by a thread, you commissioners will stand condemned as contributing to that weakening and decay.

The Commission did act properly in allowing my testimony to be part of the hearings when the other parties attempted to not only take away my property rights but to also take away my freedom of speech. The parties tried to not merely ignore my testimony but to have it removed from the record as if it were never said.

This letter is also a formal request from Light and Truth, the petitioners and myself, Paul F. Mecham for review and rehearing of the Commission's order on HELP dated November 23, 2005. This request covers all the issues listed above along with the issues of public interest, third-party billing, authority over non-utility actions and charitable contributions. The Commission has the power (to abuse or otherwise) to grant this review or it can continue to hide behind legal technicalities. This is an opportunity for the Commissioners to exercise their collective consciences and act responsibly. It is perhaps realistically the last opportunity to correct errors before the bad precedent essentially hogties future actions.

The list of copy recipients below is, simultaneously, a list of accomplices for the reasons noted.

Most sincerely,

Paul F. Mecham

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Copies:

Utah Governor's office (blind support of agencies' actions and not listening to public input)  
Utah State Auditor's office (we can't help. it's a "judgement call")  
Utah Attorney General's office (we can't help, we defend the actions of state agencies)  
Committee of Consumer Services (to "realize" CCS' illegal act does not make it OK)  
Division of Public Utilities (excellent analysis, irrational conclusions)  
Utah State Legislature (there is still a small glimmer of hope here)  
Salt Lake Community Action Program and Crossroads Urban Center (should serve the poor,  
as they do well, and stop raising money using extortion by government)  
David Anderton of Deseret Morning News (delayed action is effectively no action)  
Bill Gephart of Channel 2 (no response is no response)  
All other parties to Dockets Nos. 03-035-01 and 04-035-21 (ignore the message but attack the  
messenger)