

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In The Matter of the Application of PacifiCorp for Approval of its Proposed Electric Service Schedules and Electric Service Regulations	Docket No. 03-2035-02 Light and Truth Direct Testimony of Paul F. Mecham Exhibit LightandTruth 1.0
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FOR LIGHT AND TRUTH

December 10, 2003

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DIRECT TESTIMONY - PAUL F. MECHAM

1 **Introduction**

2

3 **Q. Please state your name and organizational affiliation.**

4 A. My name is Paul F. Mecham. I am associated with the organization, Light and Truth.

5

6 **Q. What is the purpose of your testimony in this docket?**

7 A. I demonstrate the failure of the HELP program. I formally request the termination of
8 forced contributions by ratepayers to the HELP program and I provide the justification
9 for that request.

10

11 **Q. Has Light and Truth been involved in this issue before?**

12 A. Light and Truth has been involved on several occasions, including participation as an
13 informal party in the Low Income Task Force leading up to the creation of the HELP
14 Program; as an informal party in the R. W. Beck study and the provision of testimony on
15 Public Witness day regarding the HELP Program.

16

17 **Q. Tell us a little about the organization, Light and Truth.**

18 A. It is dedicated to shedding light and discovering truth on selected issues and topics. Its
19 major thrust is speaking out on behalf of the large number of individuals who have no
20 special interest group championing their cause.

21

22 **Q. What is your experience and educational background?**

23 A. I received a Bachelors Degree in Political Science from the University of Utah in 1960
24 and a Masters Degree in Management from the University of Southern California in
25 1970. I worked for sixteen years for four different firms in California and Utah in the
26 private sector at the management level. I served on the Board of Directors of the
27 Bountiful Chamber of Commerce. I was elected and served two terms in the Utah House
28 of Representatives. I have worked for the State of Utah and have been involved in utility
29 regulation for seventeen years.

1 **Evaluation of HELP Program Performance**
2

3 **Q. In outline form, what is the history of the HELP program?**

4 A. The salient steps are:

- 5 • Proponents made unsubstantiated claims for the results of the program, including
- 6 benefits not only to recipients but to ratepayers and PacifiCorp
- 7 • The Commission implemented the program based on the proponents' claims
- 8 • Money was taken from ratepayers and given to recipients
- 9 • The proponents' claimed results have not been demonstrated by them or anyone
- 10 else
- 11 • Ratepayers continue to be harmed at the rate of over \$1,800,000 per year
- 12

13 **Q. Has the HELP Program succeeded?**

14 A. It has failed. While it does provide benefits to recipients, detailed evaluations have shown
15 HELP to be an overall failure.
16

17 **Q. In what ways has the HELP program failed?**

18 A. In its final order in Docket 99-035-10, the Commission gave us a clue as to what results it
19 expected. It stated, "We find sufficient benefits to the intended beneficiaries, to the
20 utility, and to utility customers in general through reduced cost to the utility of
21 collections, terminations, reconnections, and arrearages." The major goals and results are
22 as follows:

GOALS	RESULTS
Provide Benefits to the intended beneficiaries	HELP Succeeds
Provide benefits to the utility	HELP Fails - None have been demonstrated
Provide benefits to utility customers in general	HELP Fails - None have been demonstrated.
Provide benefits that offset negative impacts	HELP Fails - Negatives exceed Benefits.

1 Along with several other significant failures, HELP did succeed in two minor, procedural
2 areas: the process of collecting the surcharge from ratepayers and the process of granting
3 the credit to recipients.
4

5 **Q. Can you support the statements in the previous paragraphs?**

6 A. They are documented in great detail in the attached Evaluation of the HELP Program¹ by
7 Light and Truth which was originally provided to the Commission on April 24, 2003.
8 This Evaluation contains quotes from other parties, quotes from Commission orders and
9 quotes from the First Annual Report from the Division of Public Utilities. It also contains
10 the full text of the R. W. Beck Report, graphs of available statistics, along with the full
11 text of Light and Truth's testimony before the Commission on July 31, 2001.
12

13 **Q. What are some examples of the claimed benefits?**

14 A. In its order in Docket 97-035-01, the Commission said, "SLCAP/Crossroads expects the
15 benefits of the program to include a reduction in uncollectible accounts, returned checks,
16 and service shutoffs..." Other examples of claims are shown under the heading of
17 Subjective Data later in this testimony.
18

19 **Q. How were these claims handled in the various studies you mentioned?**

20 A. Other than the subjective, macroeconomic claims which were rejected outright, they were
21 separately reviewed and analyzed. Data was sought. Input was requested from all parties.
22 Where no data were available on the claims, they were rejected. Where data was found,
23 most often it was either not measurable or not attributable to the HELP program. Most of
24 the continuing data reported by PacifiCorp cannot be attributed to the HELP program.
25 This includes data on uncollectible accounts, returned checks, and service shutoffs.
26 Ultimately, the claims were found to be unsubstantiated.
27

28 **Q. What is the greatest failure of the HELP Program?**

29 A. As of the end of September, 2003, HELP has cost ratepayers over 5.8 million dollars for
30 which those ratepayers have received zero demonstrated benefits. HELP has been shown

¹ Attachment 1, Evaluation of the HELP Program

1 to be a simple welfare hand-out program with no redeeming utility aspects. The claimed
2 benefits to ratepayers and PacifiCorp have not been demonstrated.

3
4 **Q. Has the concept of the HELP Program changed over time?**

5 A. No. From its very conception, HELP has aimed at the right goal using the wrong
6 methods. Assisting the poor is an admirable goal but the methods of making
7 unsupportable claims (made by advocates), forced abuse of others' property rights
8 (forcibly taking ratepayers money), using the utility structure rather than the legislature
9 (or genuine volunteer) are all wrong. Simply put, this matter belongs before the
10 legislature, not the Public Service Commission.

11
12 **Q. Has Light and Truth asked that HELP be terminated?**

13 A. Yes. On April 24, 2003, Light and Truth filed with the Commission, its Evaluation of the
14 HELP Program. In the cover letter to that Evaluation Light and truth stated:

15 "In this document, Light and Truth evaluates HELP by applying the useable
16 measures and standards and then makes an overall recommendation for the future
17 of the Program."²

18
19 In the Evaluation, Light and Truth concluded with the following:

20
21 **“RECOMMENDATION**

22 “Given the demonstrated overall failure of the program, pure logic would
23 probably dictate that HELP be instantly discontinued and the fund balance
24 refunded to donors.

25 “Light and Truth is aware of the needs of the poor that have been demonstrated in
26 the proceedings of the program. And, bluntly put, L&T is also aware of the need
27 for other involved parties in the proceedings to “save face.” L&T still has legal
28 and constitutional concerns, but to the above ends, Light and truth recommends
29 the following be implemented immediately:

30 Cancel the HELP surcharge being withheld from donor's accounts.

31 Convert the HELP funding source to “Opt-In.”

32 Retain the fund balance to apply to ongoing HELP payments.

33 Allow the PSC, DPU, CCS, DCED, CAP, PacifiCorp, L&T and other
34 interested parties to join in support of the modified program.

35 Appropriately publicize all the above.”³

36
37 Light and Truth has received no response from the Commission to date.

² Attachment 1, Evaluation of the HELP Program, pg 1

³ Attachment 1, Evaluation of the HELP Program, pg 23

1 **Legal Issues**
2

3 **Q. To date, have there been legal issues that have not been addressed?**

4 A. Yes. There are at least three. Two legal issues have been raised by Light and Truth but
5 have not been addressed, briefed or handled by any other party. The first is the broad,
6 constitutional, separation of powers and proper legislative and quasi-legislative roles. The
7 second is the applicability of the third-party billing code. A third is the adequacy of data
8 upon which Commission findings are based, as described by the Utah Supreme Court
9

10 **Q. What is the constitutional issue?**

11 A. The constitution separates the governmental powers into three branches with checks and
12 balances. The Commission is an administrative body with quasi-legislative, quasi-
13 executive and quasi-judicial powers. James Madison in his Federalist Paper No. 47,
14 stated that A. . . the accumulation of all powers, legislative, executive, and judiciary, in
15 the same hands . . . may justly be pronounced the very definition of tyranny.@ The
16 Commission has no checks and balances beyond the collective consciences of three
17 commissioners (and perhaps an appeal to the Utah Supreme Court). Nor are the
18 commissioners elected representatives of the ratepayers with the constitutional authority
19 to levy taxes. The Commission is a utility commission. Light and Truth believes the
20 Commission should restrict itself to utility actions and not go off on tangents like pure
21 social programs. For further details, please refer to Light and Truth's testimony of July
22 31, 2001 which is attached to this testimony as part of Light and Truth's Evaluation of
23 the HELP Program.
24

25 **Q. What has been done relative to the constitutional issues?**

26 A. Light and Truth raised the issue, described it and pointed out the problems. R.W. Beck
27 sidestepped the issue and said that it was beyond the scope of its study. On the Record,
28 no other party (including the Commission) has addressed the separation of powers. In its
29 order on 99-035-10, the Commission mentioned, "Examples abound to demonstrate that
30 one person's improper 'social welfare' program is another person's legitimate regulation
31 of utilities in the 'public interest.'" At the time that was written, there was a belief that

1 there were some utility aspects to the HELP Program to include some benefits to the
2 utility and other ratepayers. With that now shown to not be true, HELP is pure welfare
3 and nothing else. The only roles the utility plays is a tax collection and disbursing agent.
4 Light and Truth sincerely believes that utility regulation in the public interest can't be
5 stretched far enough to legitimately cover this pure welfare.
6

7 **Q. What is the third-party billing issue?**

8 A. Utah code specifies certain steps and requirements when a utility bills for a third party. In
9 the HELP instance, Utah Power bills some ratepayers (tariff schedule 91) and credits
10 other parties (tariff schedule 3), including HELP recipients and DCED. Utah Code 54-4-
11 37, the "third-party-billing" statute, defines third-parties as "...any person other than the
12 account holder and the public utility."⁴ HELP recipients and DCED surely fit this 54-4-
13 37(1)(e)(i) definition.
14

15 Utah Code 54-4-37 states that "Pursuant to this section, a public utility may not charge an
16 account holder for services the account holder never: (a) ordered; or (b) knowingly
17 authorized."⁵ To the best of Light and Truth's knowledge, no customer ever ordered or
18 knowingly authorized the charges being made by Utah Power.
19

20 Utah Code 54-4-37(4) also states that "A public utility shall ensure that its account
21 holders receive:..."⁶ items of information (a) through (g). To the best of Light and Truth's
22 knowledge, the great majority of this information has never been provided by Utah
23 Power.
24

25 Utah Code 54-4-37 states that, "If an account holder informs the public utility that a
26 third-party service or merchandise charge is neither knowingly used nor authorized, or
27 the charge in whole or part is disputed, the public utility shall:

28 (i) (A) immediately credit the account holder's account for the disputed amount; and

29 (B) refer the matter back to the third party for collection; or

⁴ Attachment 3, Extract of UCA 54-4-37, pg 1, Lns 28-29

⁵ Attachment 3, Extract of UCA 54-4-37, pg 2, Lns 62-65

⁶ Attachment 3, Extract of UCA 54-4-37, pg 2, Lns 66-76

1 (ii) suspend the account holder's obligation of payment of the disputed amount until it
2 is determined whether the charge was either knowingly used or authorized.”⁷ In at least
3 one instance (that of Paul Mecham, described in the following paragraph), Utah Power
4 has not suspended the obligation of payment. Utah Power has not lived by the
5 requirements of UCA 54-4-37.
6

7 **Q. What has been done relative to the third-party billing issue?**

8 A. Paul Mecham has submitted a formal complaint to the Commission and also filed a claim
9 against Utah Power in small claims court. The small claims action was dismissed without
10 prejudice; the claim can reenter the judicial process after the process is complete before
11 the Commission. The Commission dismissed Mr. Mecham’s complaint. Mr. Mecham
12 petitioned the Commission for review/rehearing. His petition contained the following in
13 its second paragraph:

14 “... The primary issue is whether or not the charges for the HELP program
15 included in my utility bill constitute “third party” charges as addressed in Utah
16 Code Ann. §54-4-37. While the charges do indeed come to me from the utility,
17 the money is not for the utility and the utility does not use it in its operations.
18 Aside from some overhead costs, the money goes exclusively to recipients of the
19 HELP program. I believe that the end recipients of the charges included in my
20 bill, indeed, fit the definition in UCA Section 54-4-37(1)(e)(i) that states “‘Third
21 party’ means any person other than the account holder and the public utility.” The
22 utility’s roles in this issue are simply collection and disbursement. This is classic
23 third party billing. The order stated that the charges, “...are not third party
24 charges...” Beyond merely seeing it stated, I have seen nothing supporting this
25 conclusion or countering the arguments and circumstances described above, in
26 any of the filings in this docket or in the Commission’s order itself.”⁸
27

28 The Commission let its dismissal stand without further explanation or justification.
29

30 **Q. Does the “Mountain States” case (81-999-06) bear on this issue?**

31 A. Yes. The Commission in its order in Docket 97-035-01 found that the HELP program
32 was appropriately “targeted” and would avoid the problems found in Docket No. 81-999-
33 06. The targeting or “unlawful preference”⁹ issue was only one of the challenges raised in

⁷ Attachment 3, Extract of UCA 54-4-37, pgs 2-3, Lns 88-94

⁸ Attachment 4, Copies of Paul Mecham’s formal complaint documents

⁹ Utah Supreme Court order No. 16162 filed September 4, 1981, pg 1

1 the Mountain States case. Another challenge raised in the Mountain States case was that
2 of the order being “not supported by adequate findings.”¹⁰

3
4 **Q. Did the Utah Supreme Court address “adequate findings?”**

5 A. Yes. In its Mountain States order the Supreme Court stated the following:

6
7 “For this court to sustain an order, the findings must be sufficiently detailed to
8 demonstrate that the Commission has properly arrived at the ultimate factual
9 findings and has properly applied the governing rules of law to those findings.”¹¹

10
11 “We recognize that several public utility commissions, including Utah, have held
12 that discriminatory rates based solely on age or income of residential customers
13 are invalid preferences.”¹²

14
15 “Nevertheless, we are compelled to conclude that the Commission’s findings in
16 support of the senior citizens rate are inadequate as matter of law. The
17 Commission must articulate a rational connection between the facts found and the
18 conclusions reached, and the Commission has not done that.”¹³

19
20 “Although the Commission exercises a form of legislative power in rate making,
21 it is not the same as the Legislature. The legality and the legitimacy of its orders
22 rest on well-articulated findings and reasons which are in accord with governing
23 law. In administrative matters such as this, there must be findings on all material
24 issues.”¹⁴

25
26 “...the order is unlawful because there are inadequate findings of fact to support
27 it.”¹⁵

28
29 **Q. Are there parallels between Mountain States and HELP?**

30 A. There is a significant parallel. The data that has been available to the Commission from
31 the very start of HELP has not been adequate. As the various reports on HELP and this
32 testimony demonstrate, the data continues to be inadequate.

33

¹⁰ Utah Supreme Court order No. 16162 filed September 4, 1981, pg 1

¹¹ Utah Supreme Court order No. 16162 filed September 4, 1981, pg 4

¹² Utah Supreme Court order No. 16162 filed September 4, 1981, pg 10

¹³ Utah Supreme Court order No. 16162 filed September 4, 1981, pg 13

¹⁴ Utah Supreme Court order No. 16162 filed September 4, 1981, pg 14

¹⁵ Utah Supreme Court order No. 16162 filed September 4, 1981, pg 14

1 **Forced Funding**

2

3 **Q. How is the funding of HELP “forced?”**

4 A. Light and Truth understands that if a ratepayer makes a partial payment (like paying all
5 but the HELP surcharge), that ratepayer would receive normal collection treatment. The
6 steps of that treatment could ultimately result in disconnection of the ratepayer’s
7 electrical service. This simply means that if a ratepayers does not pay the HELP
8 surcharge, his electrical service will be terminated. This is particularly important when
9 reviewed relative to the third-party billing requirements in the Code which states that, “A
10 public utility may not disconnect or threaten disconnection of any account holder’s basic
11 utility service for failure to pay third party charges.”

12

13 **Charities**

14

15 **Q. What is Light and Truth’s understanding about the Commission’s policies on**
16 **charities?**

17 A. The Commission has not allowed utilities to make charitable contributions and pass these
18 costs on to ratepayers. Further, Light and Truth understands that the Utah Supreme Court,
19 in its “Charitable” case said that a utility could not hide a charitable contribution in an
20 obscure place in its filing and expect the Commission to find it and disallow it.¹⁶

21

22 **Q. Does the handling of the HELP Program have any parallels to these items?**

23 A. There are two parallels. With the confirmation in the HELP evaluations that HELP is
24 simply a charitable contribution, it is ironic that the Commission, itself, has ordered a
25 charitable contribution and passed the cost on to ratepayers. The hidden aspect is the
26 second parallel. The HELP Program was hidden from the ratepayers. There was no public
27 notice to ratepayers as the Program was being formulated. Even the notice for public
28 witness day put out by the Commission did not mention charges for HELP; it mentioned
29 only the rate increase. The Commission’s implementation actions were based upon
30 unsubstantiated claims and the public notification was routine. It should be emphasized

¹⁶ Attachment 3, Extract of Utah Supreme Court order on Cases 900020 and 900076

1 that the Commission's action was not the "gamesmanship" mentioned by the Supreme
2 Court. It is, however, ironic that in the end in the HELP program, the Commission did
3 both the charitable and the hidden things that it says that utilities cannot do.
4

5 **Q. Is there another irony in the Commission's actions?**

6 A. Yes. In the final order in Docket 97-035-01, the Commission expressed a, "...reluctance
7 to effectuate social policy by means of altered electricity rates." With the hindsight of
8 knowing that the advocates claims were unfounded and the HELP program is really pure
9 welfare, the Commission is doing what it was reluctant to do. It is effectuating social
10 policy by means of altered electricity rates.
11

12 **Other Charities or Agencies**
13

14 **Q. What potential is there for other charities, or even other agencies, to petition the**
15 **Commission for treatment similar to HELP?**

16 A. Light and Truth believes that there is significant potential for that to happen. With HELP
17 demonstrated to be a pure social program and the Commission ordering its support, the
18 door now appears to be open. Light and Truth sees nothing preventing private entities
19 such as the Utah Food Bank, the Shriners Hospital, the Boy Scouts of America, etc. from
20 petitioning the Commission for similar support.
21

22 **Q. Should all charities be treated equally?**

23 A. Probably, but it presents a dilemma. To support one and not others, is an inconsistency.
24 To open the doors to all comers, also presents problems. The state income tax form has
25 some check boxes for selected charities and other entities. In the eyes of some other
26 charities and entities, this is not fair because they would also like to have that kind of
27 exposure and support. Light and Truth believes that government (including the
28 Commission) should simply avoid this dilemma and not arbitrarily provide support to the
29 group(s) that match their current bias or the one(s) that shout the loudest.
30

1 **Q. Aren't there problems in Light and Truth's Just-Mentioned Tax Check Box**
2 **Example?**

3 A. There are several but not all apply to the HELP issue. The inequitable tax check box
4 system was created by the Legislature. The Legislature is directly responsible to state
5 citizens and has both the authority to tax taxpayers and the responsibility to fund state
6 needs. The Commission has none of these attributes.

7 **Subjective Data**
8

9 **Q. What do you mean by subjective data?**

10 A. Subjective data includes but is not limited to the following: comparative, intangible,
11 hypothetical, indirect, qualitative, anecdotal, emotional, opinion, may, might,
12 unsupported claims, etc. These data typically imply numbers by using terms like costs,
13 values, etc. but do not quantify these generalities.
14

15 **Q. Have parties used subjective data relative to the HELP program?**

16 A. Yes. The advocates have relied almost exclusively on subjective data. When asked in the
17 forming, implementing and continuing stages of the HELP program, neither the
18 advocates nor any other party have provided hard number statistical support for their
19 subjective data.
20

21 **Q. What are some specific examples of subjective data?**

22 A. The following table contains subjective data. This table is quoted from the Home Electric
23 Lifeline Program First Annual Report to the Utah Public Service Commission from the
24 Utah Division of Public Utilities.
25

1 Table 1: Macro-Economic Claims

Claims of Indirect Benefits	Claims of Indirect Detriments
<ul style="list-style-type: none">• Reduced cost to taxpayers by less strain on fire departments (reduced use of dangerous alternative sources like candles)• Reduced cost to taxpayers by less strain on medical care and Medicaid• Reduced cost to taxpayers by less strain on homeless shelters• Reduced utility carrying costs by helping maintain contribution to fixed costs• HELP funds in the hands of recipients multiply through the economy to three times their original level.	<ul style="list-style-type: none">• Reduced employment due to lower investment• Reduced home improvement due to less personal funds• Reduced property values due to less money to maintain homes,• Lower retail sales due to less personal funds,• Reduced contributions to charity due to less personal funds,• A greater loss to the economy because of the propensity of donors to invest compared to the propensity of recipients to consume.

2

3 **Q. Could Light and truth have used subjective data?**

4 A. Most assuredly, yes. In fact, through the process of the creation of HELP and through the
5 Beck study, Light and Truth raised several subjective arguments. Light and Truth did not
6 raise them for actual use in evaluation but to emphasize the point that subjective data is
7 available on both sides of the argument. If subjective data were to be accepted on one
8 side, it should also be accepted on the other.

9

10 **Q. Does Light and Truth believe that subjective data should be used by the**
11 **Commission in this docket?**

12 A. No. It leads to fruitless arguments where parties say, “My opinion is better than your
13 opinion.” Trying to weigh unmeasurable opinions against statistically valid hard dollars
14 creates insolvable problems. Light and Truth believes the door should be slammed on the
15 use of subjective data. On the other hand, Light and Truth is willing to participate in
16 subjective discussions as long as both sides are heard.

17

1 **Q. What kind of data does Light and Truth believe the Commission should use in**
2 **evaluating the HELP Program?**

3 A. Data should be used which is current and available to all parties, is measurable using
4 normal statistical methods and is genuinely attributable to the HELP Program.
5

6 **Q. Did Light and Truth use subjective data in this testimony and in its evaluation of the**
7 **HELP Program?**

8 A. No. It consciously avoided its use. Light and Truth requests that if the Commission
9 accepts and considers any subjective data, that Light and Truth be allowed further
10 opportunity to provide balancing and probably contrary subjective data for the
11 Commission's consideration.
12

13 **Q. Could your earlier "legal" arguments be considered "subjective data?"**

14 A. No. There are no numbers implied and unsupported as there are in the advocates' claims.
15 The legal arguments are based on codified law and constitutional principles. They would
16 be supported (or contradicted) by law and/or principle.
17

18 **Information Available to the Commission at Implementation**

19

20 **Q. Was the Commission comfortable with the information it had?**

21 A. In its order in 97-035-01, it used the following words: "...if the assumptions are correct
22 ...," "...Though un rebutted, we recognize the speculative nature of this assertion." And
23 "...unanswered questions..."
24

25 In its order in 99-035-10, it stated, "We find sufficient benefits to the intended
26 beneficiaries, to the utility, and to utility customers in general through reduced cost to the
27 utility of collections, terminations, reconnections, and arrearages."
28

29 To the best of Light and Truth's knowledge, no new information was provided to the
30 Commission on these last topics beyond the assumptions and un rebutted speculative

1 assertions put forward earlier by the advocates. Only the Commission can speak for itself
2 but it appears that it relied totally on the advocates' unsupported words.

3
4 **Q. What information does the Commission now have?**

5 A. The Commission has this testimony and attachments along with the studies reported by
6 R. W. Beck and the Division of Public Utilities. The advocates' assumptions and
7 speculative assertions have not been demonstrated to be true. The advocates' unrebutted
8 testimony has now been rebutted. The Commission now knows that the HELP program is
9 no more than a social program with no redeeming utility aspects. Light and truth hopes
10 that the Commission will also obtain legal input beyond that already provided in this
11 testimony to confirm Light and Truth's assertions.
12

13 **Applicability to Other Proposals**

14
15 **Q. Are the statements in your testimony applicable to any other proposals coming
16 before the Commission?**

17 A. Yes. The data, the principles and the arguments would apply to any other proposal that
18 might attempt to force ratepayers to pay (either directly or indirectly) for special benefits
19 to be provided to any other special interest group. They would apply whether the forced
20 charges were assessed to PacifiCorp and passed on to ratepayers, whether additional tariff
21 schedules were created or whether any other means were to be used.
22

23 **Recommendation**

24
25 **Q. What is Light and Truth's core recommendation?**

26 A. Light and Truth recommends and formally requests that the Commission order an
27 immediate stop to forced funding of the HELP Program.
28

29 **Compromise**

30
31 **Q. Are there areas that Light and Truth believes are open to compromise?**

1 A. Yes. Two areas might be the continued existence of the HELP program and the use of the
2 existing fund balance. Light and Truth believes that the most proper actions would be to
3 terminate the HELP Program and refund the balance of the fund to the ratepayers.
4 Refunding the millions of dollars contributed by ratepayers and already distributed would
5 also be very appropriate but where would that money come from now? There are
6 problems with any refund. Bluntly stated, there is also a desire for most parties to “save
7 face.” To those ends, Light and Truth is willing to compromise and would not resist the
8 HELP Program continuing on an opt-in funding basis and leaving the existing fund
9 balance to be distributed to qualified recipients.
10

11 **Attachment One, Evaluation of HELP (Exhibit 1.1)**

12 Evaluation of the HELP Program

13 By Light and Truth

14 Dated April 24, 2003

15 Contains: Quotes from other parties
16 Quotes from Commission orders
17 Goals, Measures and Standards
18 Analysis
19 Statistical Graphs
20 RW Beck Report
21 Light and Truth Testimony July 31, 2001

22 Note that electronic copies of this Evaluation attachment are provided only in PDF
23 format because it views and prints in much better quality.

24 **Attachment Two, Extract of “Charitable” Order (Exhibit 1.2)**

25 Extract from Orders numbers 900020 and 900076 from the Supreme Court of the State of
26 Utah dated December 31, 1992.

27 **Attachment Three, Extract of Title 54 (Exhibit 1.3)**

28 Extract from Title 54 of the Utah Code Annotated.

29 **Attachment Four, Paul Mecham’s Formal Complaint (Exhibit 1.4)**

30 Copies of Paul Mecham’s formal complaint documents against Utah Power, including:
31 Initial complaint to the Commission, dated May 7, 2003
32 Commission Order dismissing the complaint dated September 2, 2003
33 Request for review/rehearing dated September 16, 2003
34
35
36
37

1 **Page Numbers of Attachments in Original Hard-Copy and in the filed PDF File**

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2