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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Complaint of Rocky Mountain Power, a Division of PacifiCorp, Against Heber Light & Power Regarding Unauthorized Service by Heber Light & Power in Areas Certificated to Rocky Mountain Power.

Docket No. 07-035-22

PETITION TO INTERVENE

Dale and Kenneth P. Olson (Petitioners), pursuant to Utah Code Section 63-46b-9, hereby Petition to Intervene in the above-entitled matter. Pursuant to section 63-46b-9(1)(c), the Petitioners submit the following statement of facts in order to demonstrate their legal rights or interests involved.

STATEMENT OF FACTS

1. Petitioners are the owners of approximately 3.2 miles of power line which is in active use and is best described as follows.

A power and telephone line and ROW which began from the SW side of Highway 40 beginning at a point near the Utah State weigh station, running thence roughly away from and parallel to the highway, in a mostly Easterly direction ending just East of the Olson Cabin Café which burned to the ground approximately 20 years ago. Said café was adjacent to the highway near highway marker #24. Said line is approximately 3.2 miles

long. Said line is presently in existence and in use.

Said power line serves the home of Petitioner Dale Olson which is adjacent to the highway at a point westerly from the burned Olson Café. (Dale Olson is anxious that his power service, presently served by Heber Light & Power, be continued).

2. The power line was built by Harold N. Olson, Petitioners' uncle, in approximately the mid 1950's. Petitioners each participated actively in the construction of the line as employees of their Uncle Harold N. Olson.

3. Harold N. Olson died April 22, 1995, in Wasatch County, Utah. By the terms of his will, he left the subject power line to Petitioners. His will was not probated within three years. In Utah, that required a "Determination of Heirs" and an agreement of those heirs to distribute the property. That Determination of Heirs and Agreement of all heirs was accomplished by an order of Judge Derek Pullan in Probate Case No. 073500037. That order was signed pursuant to the consent of all nine of Harold N. Olson's heirs at law as determined in that same order.

4. Petitioners became aware that a consequence of a determination of the Public Service Commission (PSC) that Heber Light & Power should discontinue service outside the boundaries of municipalities that it serves could include a determination that Heber Light & Power owned the line actually owned by Petitioners and Rocky Mountain Power would be required to pay Heber Light & Power for the line. Those consequences if they came to pass would obviously impact Petitioners interest drastically. Hence, the instant Petition to Intervene. Petitioners understand that the time to intervene has past but modification of the existing scheduling order

may be required. In such event, Petitioners request provision for a time for consideration of this petition.

5. Heber Light & Power has used Petitioners' power line without Petitioners' permission for many years. Petitioners are not aware of Heber Light & Power's obtaining any kind of permission from Petitioners' uncle Harold N. Olson and on information and beliefs allege there was no such permission. In recent years, Petitioner Dale Olson verbally denied permission to use said property to representatives of Heber Light & Power. Heber Light & Power ignored him.

On the other hand, Petitioners believe and allege that Heber Light & Power has falsely represented to the Public Service Commission that it was the owner of said power line and claimed the value of said line in its rate structure as determined and approved by the Public Service Commission. If Petitioners discovery shows that to be true, Heber Light & Power should be required by the Public Service Commission to disgorge rates obtained by it based on such false representations and said disgorged funds should be paid to Petitioners based on accounting practices supervised and approved by the Public Service Commission

6. If allowed to intervene, Petitioners propose to offer the following evidence.

(a) The testimony of each of the Petitioners at a time provided therefore. If the Public Service Commission and parties would prefer, Petitioners would propose affidavits of Petitioners testimony.

(b) A certified copy of Judge Derek Pullan's Determination of Heirs dated 18 December 2007, which includes a determination that all of the heirs assigned and transferred their interest

in the subject power line to Petitioners herein. Copies of any supporting documents desired by the Public Service Commission or counsel for any parties.

(c) A copy of the will of Harold N. Olson.

(d) A certified copy of Judgment in an action entitled District Court of Wasatch County in an action between the West Daniels Land Association, a Utah Corporation, vs. Harold N. Olson and Velma Olson, his wife, which includes the following:

“(c) That the plaintiff also has granted to the defendants the perpetual easement to maintain, operate, repair and replace the existing electric pole line which is used to service the Acorn Inn as the same is now located and now crosses lands of the plaintiff, and defendants are hereby adjudged to be the owners of said easement.” Dated July 23rd, 1962.

Wherefore, Petitioners request that the Public Service Commission grant this Petition to Intervene.

Dated this 19th day of February, 2009.

GERALD E. NIELSON

MAILING CERTIFICATE

I hereby certify that I mailed a true and correct copy of the foregoing Petition to Intervene
this 19th day of February, 2009, to:

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