

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of	)	<u>DOCKET NO. 01-035-38</u>
PACIFICORP, dba Utah Power & Light	)	
Company for Approval of Provisions for the	)	<u>ORDER DENYING INTERVENTION</u>
Supply of Electric Service to Magnesium	)	
Corporation of America.	)	

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ISSUED: April 9, 2002

By the Commission:

Nucor Steel, a division of Nucor Corporation ("Nucor") petitioned for leave to intervene in the above-captioned case by a Petition received March 20, 2002. The Commission denies the Petition.

Intervention is governed by Utah Code §63-46b-9. The statute does not grant an absolute right to intervene, it establishes a conditional right to intervene if the requisite legal right is present or the petitioner will be substantially affected by the adjudicative proceeding. In its petition, Nucor states that it agrees with the position of Magcorp on the issue of the availability of interruptible power. Nucor then asserts that because it is a special contract interruptible power customer of Pacificorp, it has a direct interest in the outcome and should be allowed intervention in this proceeding. The Commission does not reach that conclusion. The petition in this matter only requests a determination of the terms of service for Magcorp, not for Nucor or any other customer.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The Petition for leave to intervene is denied.

DATED at Salt Lake City, Utah, this 9th day of April, 2002.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#28926