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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

Docket No. 02-035-04

**PACIFICORP'S RESPONSE TO
COMMITTEE PETITION FOR
LEAVE TO FILE A POST-
HEARING RESPONSE**

PacifiCorp, doing business as Utah Power & Light Company, hereby responds to the Utah Committee of Consumer Services Petition for Leave to File a Post-hearing Response and Response ("CCS Petition") dated August 18, 2004.

Except for the issuance of a final Commission order, these proceedings concluded on July 19, 2004, following a hearing on a stipulation of almost all parties which was unopposed by any party. From a procedural standpoint, PacifiCorp does not believe that the Commission should welcome belated additional filings such as the CCS Petition.

Furthermore, the CCS Petition is unnecessary. Section I of the Revised Protocol, under consideration by the Commission, contains the following provision:

Support of the Protocol shall not be deemed to constitute an acknowledgement by any party of the validity or invalidity of any particular method, theory or principle of regulation, cost recovery, cost of service or rate design and no party shall be deemed to have agreed that any particular method, theory or principle of regulation, cost recovery, cost of

service or rate design employed in the Protocol is appropriate for resolving any other issues.¹

PacifiCorp believes that the effect of this language is to leave unresolved in the Revised Protocol and in this proceeding how the effect of the Revised Protocol should be applied to or apportioned among customer classes in Utah. PacifiCorp agrees with the assertion in the CCS Petition that the record regarding rate design has not been fully developed in this proceeding and concurs with the recommendation in the CCS Petition that the Commission's order in this Docket not deal with rate design issues.²

RESPECTFULLY SUBMITTED: September 3, 2004.

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¹ Revised Protocol at 2, lines 6-11.

² PacifiCorp does not agree with certain other statements in the CCS Petition, but those statements do not in any way affect the stipulation of the parties or the Revised Protocol and are, therefore, of no consequence with regard to Commission ratification of the Revised Protocol. As the stipulation and Revised Protocol make clear, the Committee is free to advocate its position on how the results of the Revised Protocol should be applied to or apportioned among customer classes in Utah in other dockets.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PACIFICORP'S RESPONSE TO COMMITTEE PETITION FOR LEAVE TO FILE A POST-HEARING RESPONSE** was served upon the parties to this docket by electronic mail on September 3, 2004.
