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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of)	
PACIFICORP for Approval of)	PACIFICORP'S OPPOSITION TO
An IRP-based Avoided Cost Methodology)	THE PETITION TO INTERVENE
for QF Projects Larger than One)	OF THE UAE INTERVENTION
Megawatt)	GROUP
)	
)	DOCKET NO. 03-035-14

PacifiCorp hereby responds to the Petition to Intervene (“Petition”) filed in this case by the UAE Intervention Group (“Petitioner”). PacifiCorp opposes Petitioner’s intervention in this proceeding for the following reasons.

1. Utah law provides that a petition for intervention shall be granted if it is determined that: (a) the petitioner’s legal interests may be substantially affected by the proceeding; and (b) the interests of justice and the orderly and prompt conduct of the adjudicative proceedings will not be materially impaired by allowing the intervention. Utah Code Ann. § 63-46b-9(2). To fulfill the requirements of subsection (a) above, a petition to intervene must include “a statement of facts demonstrating that the petitioner’s legal rights or interests are substantially affected by the formal adjudicative proceeding, or that the petitioner qualifies as an intervenor under any provision of law” and “a statement of the relief the petitioner seeks.” Utah Code Ann. §63-46b-9(1)(c) & (d). The Petition does not include any of these

required statements. Furthermore, the UAE Intervention Group has not demonstrated and cannot demonstrate that the orderly and prompt conduct of this proceeding will not be materially impaired by its intervention or that its legal interests will be affected by this proceeding.

2. The Petition does not contain a statement of facts demonstrating that Petitioner's legal rights or interests may be substantially affected by this proceeding or stating any relief sought. Instead, Petitioner states that it is a sub-group made up of six "consumers of electrical power", one of which is not even a customer of PacifiCorp, and asserts that it has unidentified legal rights and interests that may, in some unidentified way, be affected by this proceeding. That statement does not satisfy Petitioner's burden under the statute.

3. After lengthy discussions, PacifiCorp and the other parties agreed to an expedited schedule in this and the other pending avoided cost proceedings. In major part, the expedited schedule in this proceeding was designed to address the desire of Desert Power and US Magnesium to have a final Commission order in this proceeding no later than the end of May. Without explanation for the lateness of the pleading, Petitioner waited until April 9, 2004 to file its Petition. As a result, Petitioner is now unable to meet that Commission approved schedule, which would have required the filing of its direct testimony on the same day. Therefore, it has requested that the Commission provide it with a customized schedule that will effectively deny, without adjustments to the approved schedule, PacifiCorp any meaningful opportunity to conduct discovery and respond to Petitioner prior to hearings in this proceeding. Thus, it is clear that Petitioner's intervention will materially impair the prompt and orderly conduct of this proceeding.

WHEREFORE, PacifiCorp respectfully requests that the Commission deny the UAE Intervention Group's Petition.

Respectfully submitted this ____ day of April , 2004.

Edward Hunter
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April, 2004, I caused to be served, via facsimile, overnight delivery or hand-delivery, and United States mail, a true and correct copy of the foregoing Opposition to the UAE Intervention Group Petition to Intervene to the following:

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