

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the matter of the evaluation of the HELP Program	<u>Docket No. 04-035-21</u> <b>Light and Truth's Preliminary Issues List</b> May 12, 2005
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To all parties to Docket Nos 03-035-01 and 04-035-21. This is being e-mailed to the same e-mailing list that the Public Service Commission used in distributing the Scheduling Order for Docket Nos 03-035-01 and 04-035-21

The following are issues which Light and Truth requests be considered in the evaluation of HELP. This list contains all the issues that Light and Truth knows of at this time but Light and Truth reserves the right to add any other(s) that might come up later.

**Reason for Pending Hearing**

Evaluate the effectiveness and success of the program  
Commission order in 00-035-T07

**Early, Detailed Claims Leading up to HELP**

Claimed reduction in uncollectible accounts  
Claimed by CAP/CUC – Quoted in Commission order in 97-035-01 and 99-035-10

Claimed reduction in returned checks  
Claimed by CAP/CUC – Quoted in Commission order in 97-035-01

Claimed reduction in service shutoffs  
Claimed by CAP/CUC – Quoted in Commission order in 97-035-01

Reductions in terminations  
Claim by ? - Commission order in 99-035-10

Reduction in reconnections  
Claim by ? - Commission order in 99-035-10

Reduction in arrearages  
Claim by ? - Commission order in 99-035-10

**Performance Goals – Commission**

Benefits to the intended beneficiaries  
Commission order in 99-035-10

Benefits to the utility

Commission order in 99-035-10

Benefits to utility customers in general

Commission order in 99-035-10

Benefits offset negative impacts

Commission order in 97-035-01 and 99-035-10

Not overly burden other customers

Commission order in 99-035-10

Whether the program actually results in measurable benefits

Commission order in 97-035-01

### **Administrative Goals – Commission**

Administratively simple and inexpensive to administer

Commission order in 99-035-10

Capped at no more than \$1.8 million per year

Commission order in 99-035-10

### **Light and Truth's Claims**

Claim that HELP is “hidden” from ratepayers with no proper notification given either before or after implementation

Claim that HELP is not an integral part of utility operations

Claim that HELP is pure charity

Claim that HELP is outside regulatory processes

Claim that the Commission is not specifically authorized to take citizen's money (property). Light and Truth believes that the Commission in doing so through HELP violates the Constitutional principles of citizens' due process rights and property rights. This claim is primarily based upon the three immediately previous claims. Refer to Light and Truth's testimony in this case added from 03-2035-02.

Claim that the Commission also violates other Constitutional principles. Using its “quasi” powers, it legislates HELP; it then executes HELP and then it adjudicates complaints against HELP. There is no separation of these powers. Nor are there any checks and balances. The only check is the Utah Supreme Court. Light and Truth believes the Commission should do what is consistent with all of these principles, not just do what it thinks it can get away with. Refer to Light and Truth's testimony in this case added from 03-2035-02.

Claim that, in implementing HELP, the Commission violates the “taxation without representation” principle. “Donor” ratepayers are being taxed without their consent or without the consent of their elected representatives. While this may or may not be a state or federal Constitutional issue, it certainly is a historical issue that Light and Truth believes the Commission should follow.

Claim that HELP violates the Third Party Billing law. PacifiCorp bills Account Holders (the first two parties) for HELP (the third party) and simultaneously denies account holders the rights specified in the law (54-4-37). Refer to Light and Truth’s testimony in this case added from 03-2035-02.

Claim that PacifiCorp cannot justify collecting for HELP (and thereby violating Utah Code 54-4-37) merely because the Commission ordered the action. Light and Truth believes the Commission cannot properly order anyone to violate Utah Code and further believes that Utah Code in general (and 54-4-37 in specific) supercedes Commission orders.

Claim that PacifiCorp falsely advertised that it was the source of HELP funds

Claim that some refund or restitution may be appropriate if some illegal actions are found.

### **Other**

Various other claims and proposed measures:

Several were listed, discussed and discarded by R. W. Beck and the early DPU reports. Light and Truth believes these were properly excluded. Any resurrection of any one of these in support of recipients would demand concurrent consideration of another one in support of “donor” ratepayers. Refer to Light and Truth’s HELP Evaluation Report dated April 24, 2003, attached to Light and Truth’s testimony in this case added from 03-2035-02.

## Light and Truth Service List for Docket Nos 03-035-01 and 04-035-21

(Taken from UPSC Scheduling Order dated May 3, 2005)

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