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Utah Ratepayers Association
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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain
Power for Authority to Increase its Retail Electric
Utility Service Rates in Utah, etc

Docket No 08-035-38
REQUEST TO INTERVENE

The Utah Ratepayers Association (hereinafter sometimes Association, or URA) respectfully requests the Public Service Commission of Utah (hereinafter, Commission), pursuant to its customs and practices, including Utah Code Annotated (UCA) Section 63-46b-9 and Utah Administrative Code (UAC) R746-100-7, to permit it to intervene in this matter, because:

1 on 7 April 2008, PacifiCorp gave the Commission and parties to dockets 06-035-21 and 07-035-93 *Notice of its Intent to File a General Rate Case* “on or soon after June 6, 2008”. The Commission added Docket Index 08-035-38, entitled “*In the Matter of: the Notice of Intent to File a General Rate Case on or Soon after June 6, 2008, by Rocky Mountain Power*”, to its website and provided a link to PacifiCorp’s *Notice of Intent*,

2 on 17 July, Rocky Mountain Power requested “approval of an increase in its retail electric utility service rates in Utah in the amount of \$160.6 million¹ above the currently effective rates ... for a total revenue requirement in the approximate amount of \$1.592 billion ... to become effective March 14, 2009”. In support of its *Application*, the Company stated that “PacifiCorp is an Oregon Corporation that provides electric service to retail customers

¹ Which its accompanying *Cover Letter* said would amount to an 11.2% rate hike.

through its Rocky Mountain Power division”; that “Rocky Mountain Power is a public utility in the state of Utah and is subject to the Commission’s jurisdiction with respect to its prices and terms of electric service to retail customers; and that it “serves approximately 770,000 customers and has approximately 2,400 employees in Utah.”²

3 also on 17 July 2008, the Commission issued a *Notice of Scheduling Conference* in Docket No 08-035-38, *In the Matter of the Notice of Intent to File a General Rate Case on or Soon After June 6, 2008, by Rocky Mountain Power*;

4 the Utah Ratepayers Association is a grass-roots membership organization, registered as a non-profit corporation with the Utah Division of Corporations and determined by the IRS to be tax-exempt under section 501(c)(4) of the Internal Revenue Code, with the mission of education and lobbying for ratepayers of utility-type services with limited or no alternatives;

5 the Association has a special interest in ensuring that its members and ratepayers-at-large are treated justly and reasonably in this matter by PacifiCorp and its Rocky Mountain Power division (hereinafter sometimes Company, or utility). Ratepayers bear the expenses, including a return on equity, and repay the investments of the utility, so its prudent and efficient management are of particular importance to them;

6 members of the URA, like ratepayers-at-large, use electricity for lighting and other applications in their homes and businesses, for which they have no choice of alternative suppliers, and are therefore captive customers who must necessarily pay whatever rates are approved by the Commission in Rocky Mountain Power’s Tariff, so their legal rights and interests may be substantially affected by the Commission’s adjudication of this matter, and

² Rocky Mountain Power’s *Application for General Rate Increase* in Docket 08-035-38, *In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah, etc.*, 17 July 2008; preamble and paragraphs 1 and 2 on pages 1 and 2.

the impact that any increase will have on them will be proportionately similar to that upon any other Rocky Mountain Power customer, as will the impact of the future availability of a reliable supply of electricity;

7 while the Utah Division of Public Utilities (hereinafter, Division) is statutorily mandated to “act in the public interest in order to provide the Public Service Commission with objective and comprehensive information, evidence, and recommendations”, etc,³ the legal rights and interests of URA members and ratepayers-at-large alike may or may not coincide with “the public interest”, etc;

8 while the Utah Committee of Consumer Services (hereinafter, Committee) is statutorily mandated to “assess the impact of utility rate changes ... on residential consumers and those engaged in small commercial enterprises”⁴ and “advocate ... positions most advantageous to a majority of residential consumers ... and those engaged in small commercial enterprises”, it does so “on its own behalf and in its own name ... as determined by the committee”⁵ and, both as a group of, and as individual, ratepayers, the legal rights and interests of neither URA members nor ratepayers-at-large may coincide with those of “a majority of residential consumers *as determined by the committee* and those engaged in small commercial enterprises” (emphasis added);

9 while the Committee is also statutorily mandated to “assist residential consumers and those engaged in small commercial enterprises in appearing before” the Commission,⁶ in the past it has consistently declined to represent individual, or groups of, ratepayers, as

³ Utah Code Annotated §54-4a-6.

⁴ Utah Code Annotated §54-10-4(1).

⁵ Utah Code Annotated §54-10-4(3).

⁶ Utah Code Annotated §54-10-4(2).

opposed to advising them on procedures and presenting them in hearings, on the grounds that their interests might conflict with those of the majority, as determined by the Committee;

10 because this proceeding is at such an early stage, the Association has not fully determined the specific positions it will take, or the relief it will seek; it wishes to intervene to protect its members' interests and those of ratepayers-at-large as they may appear; and

11 the interests of justice and the orderly and prompt conduct of this proceeding will not be materially impaired by allowing the Association to intervene; indeed, the interests of justice might be materially impaired by denying it intervention.

The Utah Ratepayers Association therefore requests leave to intervene and participate in this proceeding with full rights as a party to protect its members' interests, and perhaps those of PacifiCorp's and Rocky Mountain Power's ratepayers-at-large, as they may appear, and that copies of all notices and pleadings in this proceeding be sent to:

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Respectfully submitted on 25 July 2008,

/s/

Roger J Ball
Chancellor and Moderator for the Utah Ratepayers Association

Rocky Mountain Power Rate Case
Utah Ratepayers Association

REQUEST TO INTERVENE

Docket No 08-035-38
25 July 2008

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Request to Intervene* of the Utah Ratepayers Association *In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah, etc*, was mailed electronically on 25 July 2008, to the following:

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/s/

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