

File

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Corp. ("PacifiCorp")

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE APPLICATION :
OF UTAH POWER & LIGHT COMPANY, :
AND PC/UP&L MERGING CORP. (TO BE :
RENAMED PACIFICORP) FOR AN ORDER :
AUTHORIZING THE MERGER OF UTAH : Docket No. 87-035-27
POWER & LIGHT COMPANY AND :
PACIFICORP INTO PC/UP&L MERGING :
CORP. AND AUTHORIZING THE :
ISSUANCE OF SECURITIES, ADOPTION :
OF TARIFFS, AND TRANSFER OF :
CERTIFICATES OF PUBLIC CONVENIENCE: :
AND NECESSITY AND AUTHORITIES IN :
CONNECTION THEREWITH. :

INFORMAL REPORT TO THE COMMISSION OF ATTORNEYS'

PRE-HEARING CONFERENCE OF APRIL 25, 1988

On Monday, April 25, 1988 at the hour of 8:00 a.m., pursuant to stipulation of the parties and Commission order, counsel for the respective parties met to discuss the various issues, procedural and substantive, incident to the commencement of hearing on the matter on Monday, May 2, 1988.

WATKISS & CAMPBELL

ATTORNEYS AT LAW

TWELFTH FLOOR, 310 SOUTH MAIN STREET
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The following action was taken:

1. The following groups of parties were identified as those that would participate in the hearings:

(1) Applicants

Utah Power & Light

PacifiCorp

(2) Division of Public Utilities

(3) Committee of Consumer Services

(4) Kennecott, et al. Industrial Customers

(5) AMAX - BMT - Nucor Industrials

(6) Utility Shareholders Association

(7) UAMPS, DG&T and Cedar City

(8) UMPA

(9) UMWA

(10) Cities (no one appeared at pre-hearing conference)

(11) Idaho Public Utilities Commission (probably not an active participant)

2. The matter of whether opening statements were desired and should be made at the outset of the hearing, was discussed. Several parties felt it would be helpful to the Commission for a five minute opening statement to be presented. Other parties were not particularly in favor of it, but all parties agreed it would turn on whether opening statements were desired by the Commission.

3. Cross-examination of witnesses.

A view was expressed that it was the Commission's intent

that party groupings were for the purpose of limiting the number of lawyers who should conduct cross-examination. There was not complete agreement on the issue, but Division counsel expressed the view that party groupings would limit their examination to one lawyer per issue, although more than one lawyer from each group could conduct cross-examination on separate, discreet questions. Applicants concurred in the Division's position, and there was general agreement.

4. Applicants indicated the order of witnesses to be called as part of their case-in-chief:

- (1) Frank N. Davis (Utah)
- (2) David F. Bolender (Pacific)
- (3) Orrin T. Colby (Utah)
- (4) Fredric D. Reed (Pacific)
- (5) Bruce N. Hutchinson (Utah)
- (6) Shelley R. Faigle (Utah)
- (7) Verl Topham (Utah)
- (8) Rodney M. Boucher (Pacific)
- (9) Dennis P. Steinberg (Pacific)
- (10) Possible unnamed rebuttal witnesses.

It was then agreed that the order of testimony would be the following parties after the applicants:

- (1) UAMPS - Anton Tonc
- (2) AMAX-BMT-Nucor

AMAX - John J. Reed (May 10, 11 or 12, 1988)

BMT - David T. Helsby

Curtis Winterfield

Randall P. Goff

Robert J. Grow

Joseph A. Cannon

Nucor - Robert Spann (May 12 or 13, 1988)

- (3) Utility Shareholders Association - James Schlesinger

It was agreed that for calendaring purposes, Mr. Schlesinger could be called on Wednesday, May 18, 1988, assuming that the hearings were still in session then.

- (4) Committee of Consumer Services -

Robert K. Weatherwax. (It was agreed that Mr. Weatherwax could be called out of turn in order to meet his personal schedule, if necessary.)

Jeffrey T. Williams

Stephen S. Bernow

Neil Talbot

- (5) Division of Public Utilities -

Ronald L. Burrup

Wesley D. Huntsman

Kevin Higgins

Brad Barber

Roger Weaver

Nile W. Eatmon

Kenneth B. Powell

5. Time of Hearing.

It was suggested that counsel should discuss with the

Commission the time for hearing each day under the following schedule:

Morning session 9:30 a.m. - 12:30 p.m. daily.

Afternoon session 2:00 p.m. - 4:30 p.m.

6. It was agreed that public witness day had been set for 10:00 a.m., May 9, 1988. UP&L was to report as to whether public notice had been given.

7. Time of witness examination.

- (a) It was assumed that each witness would read a summary of his testimony before undergoing cross-examination.
- (b) The parties tried to make an estimate of the time of cross-examination. It was generally thought that the cross-examination would not be as extensive as the FERC proceedings in Washington in March.
- (c) It was suggested that perhaps the applicants' direct examination would be completed by the end of the first week or at the latest, Wednesday, May 11.

8. Order of Cross Examination.

It was agreed that the order of cross examination of witnesses would be as follows:

- (1) Committee of Consumer Services
- (2) UAMPS, DG&T and Cedar City
- (3) Kennecott, et al. Industrial Customers
- (4) AMAX, BMT, Nucor
- (5) UMPA
- (6) Cities
- (7) UMWA

(8) Shareholders

(9) Applicants

(10) Division

9. Closing Argument and/or Briefs.

Division counsel was of the view that the Commission would prefer briefs at the close of the evidence rather than oral closing arguments. Division counsel also suggested that perhaps the Commission would want briefs addressed to specific issues of law or fact.

Applicants expressed the view that there should be a page limitation established for any written briefs that are filed. No agreement was reached except to discuss the matter with the Commission and to determine how it wished to proceed.

The time for filing the briefs was discussed.

Division counsel expressed two weeks for opening briefs and 7 days for reply briefs.

Applicants' counsel stated, because of the time constraints and the desirability of getting the matter before the Commission under advisement at the earliest time, 10 days for opening briefs and 7 days for rebuttal briefs.

Although not discussed, applicants raised the issue of whether the Commission would desire to have a proposed form of order prepared and submitted at the time

that reply briefs are filed.

10. Stipulated Facts.

The parties undertook to review the stipulated facts initially proposed by the Utility Shareholders Association and met the balance of the morning until approximately 12:00 noon in an attempt to agree upon and submit a statement to the Commission. The parties were to report to the Commission on the status of the Statement at 2:00 p.m. today.

DATED this 25th day of April, 1988.



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CERTIFICATE OF SERVICE

A copy of this Informal Report will be hand-delivered to counsel for each of the parties at the pre-conference hearing at 2:00 p.m. this 25th day of April, 1988.

Gregory B. Monson/ml