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Inc. and Utah Municipal Power Agency

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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IN THE MATTER OF THE APPLICATION )  
OF UTAH POWER & LIGHT COMPANY, )  
PACIFICORP DBA PACIFIC POWER & )  
LIGHT COMPANY, AND PC/UP&L MERGING ) RESPONSE OF CREDA AND  
CORP. (TO BE RENAMED PACIFICORP) ) UMPA TO USAU'S PROPOSED  
FOR AN ORDER AUTHORIZING THE ) LIST OF STIPULATED FACTS,  
MERGER OF UTAH POWER & LIGHT ) AND ISSUES AND FACTS IN  
COMPANY AND PACIFICORP INTO PC/ ) DISPUTE  
UP&L MERGING CORP. AND AUTHORIZING )  
THE ISSUANCE OF SECURITIES, )  
ADOPTION OF TARIFFS AND TRANSFER ) Case No. 87-035-27  
OF CERTIFICATES OF PUBLIC CONVEN- )  
IENCE AND NECESSITY AND AUTHOR- )  
ITIES IN CONNECTION THEREWITH. )

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In accordance with the Commission's Order relating to the Motion of the Utility Shareholders Association of Utah ("USAU") regarding stipulated issues and facts, the Colorado River Energy Distributors Association ("CREDA") and Utah Municipal Power Agency ("UMPA") file this initial response to the

"Proposed List of Stipulated Facts, and Issues and Facts in Dispute" ("Proposed List") submitted by USAU.

USAU's Proposed List appears designed to short-circuit the proper scope of the hearing and a full investigation and examination of all relevant facts and impacts relating to the public interest. The Proposed List is extensive and onerous and does not reflect a good faith attempt to isolate and identify specific facts that the parties can reasonably be expected to know and accept. The Proposed List goes far beyond the scope of facts to which parties can or should reasonably be expected to stipulate at this point.

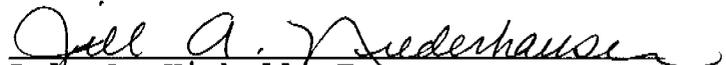
It is inappropriate and unfair to expect intervenors to spend considerable time reviewing and analyzing the import of the extensive list of so-called "facts," many pregnant with legal and public policy conclusions properly left for resolution by the Commission, and many with ambiguous (and not so ambiguous) implications for the ultimate issues in the case. It is also inappropriate to expect intervenors to submit extensive commentary on the Proposed List or to explain the troubling implications of the proffered "facts". It is particularly unfair to require intervenors to devote the significant time it would take to respond appropriately to the Proposed List in light of the expedited schedule requested by Applicants and the resulting demands placed upon intervenors, some of which are participating

in the FERC proceedings relating to the merger and/or attempting to prepare testimony for this proceeding.

CREDA and UMPA submit that the Applicants should be required to carry the burden of demonstrating that the proposed merger is in the public interest and should be subjected to cross examination by interested parties on all relevant issues, without regard to the artificial limitations or implications of the proposed "stipulated" facts, the truth, import and implications of which cannot be fully known or appreciated at this time. Rather, the Proposed List should be considered as an opening brief or statement of the position of USAU, to which other parties are invited, but not required, to respond.

RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of March, 1988.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Response of CREDA and UMPA to USAU's Proposed List of Stipulated Facts, and Issues of Fact in Dispute," was mailed, postage prepaid, this 24<sup>th</sup> day of March, 1988, to the following:

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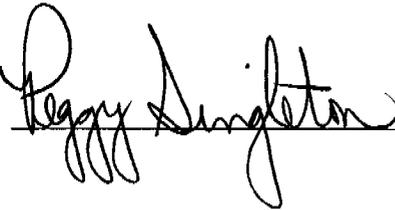
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