

DOCKETED

In the Matter of the Applica-)
tion of UTAH POWER & LIGHT)
COMPANY, PC/UP&L MERGING CORP.)
(To be Renamed PacifiCorp) for)
an Order Authorizing the Merg-)
er of Utah Power & Light)
Company and PacifiCorp into)
PC/UP&L Merging Corp. and)
Authorizing the Issuance of)
Securities, Adoption of)
Tariffs and Transfer of Certi-)
ficates of Public Convenience)
and Necessity and Authorities)
in Connection Therewith.)

CASE NO. 87-035-27

ORDER GRANTING INTERVENTION

ISSUED: December 21, 1987

By The Commission:

On October 30, 1987, the Commission issued an Order in which AMAX Magnesium Corporation ("AMAX") and the Colorado River Energy Distributors Association, Inc. ("CREDA") were denied intervention in this docket (they were permitted to monitor the case, receive all documents filed with the Commission and petition for admission as their interests might appear unprotected).

On November 19, 1987, both AMAX and CREDA petitioned the Commission for reconsideration of its October 30, 1987 Order and specifically requested that the Commission revisit the question of their intervention in this docket.

Upon reconsideration of our decision to deny AMAX and CREDA intervention, we have determined that each should be admitted, AMAX as a stand-alone party and CREDA in a group with UMPA.

The reasons for this are several. We have historically been quite lenient in considering requests for intervention and

have only excluded petitioners where it was clear that their participation would unduly lengthen and broaden the proceedings or would serve no useful purpose because the interest to be protected or advanced was adequately represented by another participant. Our exclusion of TURF in the Simonelli case (Case No. 84-035-12) is an example. Upon reflection, we are persuaded that the potential for a protraction or broadening of the case by CREDA can be eliminated by grouping it with UMPA.

Since we issued our Order denying intervention for CREDA, we have issued orders on the Standard of Approval for Merger (November 20, 1987), and on Identifying General Issues (November 30, 1987). We have indicated in these Orders that we will make an assessment of positive benefits to a broadly defined public interest. Thus while we will not assess antitrust violations, anticompetitive impacts, transmission restrictions or wholesale rates in an enforcement sense, we will assess the impact of such issues on the public interest and balance these impacts against other benefits. In this balancing, CREDA may well provide useful information. We also stated in our Issues Order that we will reserve the right to reject issues or assign them zero weight at any time that testimony or cross examination strays into areas more appropriately considered in other regulatory arenas.

AMAX reminds us in its reconsideration request that it is a one-hundred percent interruptible customer of UP&L, that it has negotiated a special contract rate with UP&L which tracks both fuel and operation and maintenance costs and that it has a dispatching priority by reason of its high load factor which allows

it to operate with fewer than normal interruptions. Upon reconsideration we have some doubt as to whether or not AMAX's interests, which are substantial, will be adequately represented by other participants. It may well be that they are unique in a way that will cause them prejudice and harm were we to exclude them from direct participation in the case. Where there is doubt, we will err on the side of inclusion rather than exclusion.

In addition, AMAX provides an adequate explanation for its late filed intervention request.

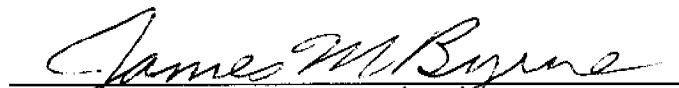
Based upon the foregoing, the Commission will now make the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, That AMAX's and CREDA's petitions for reconsideration of their intervention requests be and are hereby granted. AMAX to be a stand-alone party and CREDA to be grouped with UMPA.

DATED in Salt Lake City, Utah this 21st day of December, 1987.


Brent H. Cameron, Commissioner


James M. Byrne, Commissioner

COMMISSIONER CAMERON CONCURRING

I concur for the reasons stated and for the reasons expressed in my dissent in the October 30, 1987 Order on Intervention.


COMMISSIONER STEWART CONCURRING AND DISSENTING

I concur in the AMAX intervention, but dissent from the decision to allow the intervention of CREDA.



Brian T. Stewart, Chairman

Attest:



Stephen C. Hewlett, Commission Secretary

DOCKETED

AFFIDAVIT OF MAILING

_____)
 In the Matter of the Application)
 of UTAH POWER & LIGHT COMPANY,)
 PC/UP&L MERGING CORP. (to be renam-)
 ed Pacificorp) for an Order Author-)
 izing the Merger of Utah Power &)
 Light Company and Pacificorp into)
 PC/UP&L Merging Corp. and Author-)
 izing the Issuance of Securities,)
 Adoption of Tariffs, and Transfer)
 of Certificates of Public Conve-)
 nience and Necessity and Author-)
 ities in Connection Therewith.)
 _____)

CASE NO. 87-035-27

ORDER
GRANTING INTERVENTION

County of Salt Lake)
) ss.
 State of Utah)

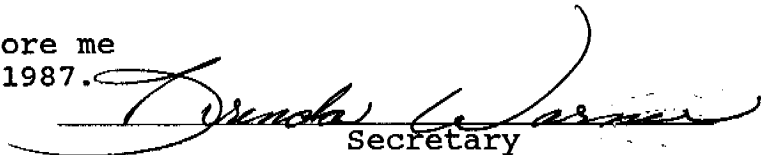
Brenda Warner, being duly sworn, deposes and says that she is a secretary regularly employed in the office of the Public Service Commission of Utah, whose office is located at 160 East 300 South, Fourth Floor, Heber M. Wells State Office Building, Salt Lake City, Utah.

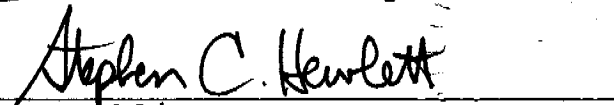
That there is a United States Post Office at Salt Lake City, and at the place of residence or place of business of the persons whose names are set forth below; and between Salt Lake City and residence or places of business, there is a regular communication by mail.

That on the 21st day of December, 1987, affiant served a true copy of the hereto attached ORDER GRANTING INTERVENTION on the said persons by mailing such copy on said date in a post office in Salt Lake City, Utah, properly enclosed in a sealed envelope with postage prepaid thereon, legibly addressed to the following persons, at the addresses shown:

See attached mailing list

Subscribed and sworn to before me
 this 21st day of December, 1987.


 Secretary


 Notary Public
 Residing at Salt Lake City, Utah

My Commission Expires
 July 15, 1990

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