

RECEIVED

'87 NOV -6 P12:00

T. W. FORSGREN
E. A. HUNTER, JR.
Attorneys for Utah Power &
Light Company
1407 West North Temple
Salt Lake City, Utah 84140

UTAH PUBLIC
SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE)	MOTION TO DISMISS
PROPOSED MERGER OF UTAH)	COMPLAINT & OBJECTION OF
POWER & LIGHT COMPANY WITH)	SUPERA TO PROPOSED MERGER
PACIFICORP,)	
)	CASE NO. <u>87-035-27</u>
Regulated Utilities.)	

Comes Now Utah Power & Light Company, ("Utah Power"), by and through its attorneys, and moves the Commission for its Order Dismissing the Complaint & Objection filed by SUPERA, a copy of which is attached as Exhibit "A," and as grounds therefore alleges as follows:

1. On September 17, 1987, Utah Power filed its application in Case No. 87-035-27 seeking Commission approval of a proposed merger of Utah Power and PacificCorp with and into PC/UP&L Merging Corp.

2. On September 18, 1987, the Commission issued Notice of Prehearing Conference in Case No. 87-035-27 which established September 29, 1987, as the date for a prehearing conference to address scheduling and initial procedural matters in the case.

3. On October 6, 1987, the Commission issued its Prehearing Conference Order in Case No. 87-035-27 which set October 13, 1987, as the last day to file notices of intervention and October 19, 1987, as the date for the Prehearing conference. The Prehearing Conference Order also required Utah Power to publish that Order in a newspaper having general circulation in the State of Utah. Pursuant to that directive, the Prehearing Conference Order was published on October 11 and 12, 1987, in a newspaper having general circulation in the State of Utah.

4. On October 14, 1987, SUPERA filed a pleading, pursuant to Section 54-7-9, U.C.A., entitled "Complaint & Objection to Proposed Merger" under the case heading, "In the Matter of the Proposed Merger of UP&L with PacifiCorp, Regulated Utilities," with an unidentified case number. The pleading states that "this matter should be joined with all similar actions, in protesting the proposed merger."

5. SUPERA failed to attend the October 19, 1987, Prehearing Conference.


6. On October 30, 1987, the Commission issued its Order on Intervention which denied SUPERA intervenor status in Case No. 87-035-27.

7. Although SUPERA filed a Complaint & Objection, rather than a Notice of Intervention in the appropriate proceeding, it is unclear whether or not SUPERA intended to

initiate a separate proceeding to examine the merger. If SUPERA's Complaint represents an attempt to initiate a separate proceeding, that Complaint should be dismissed since another proceeding has already been initiated to deal with merger issues and this Commission has already properly denied intervenor status to SUPERA in that proceeding.

WHEREFORE Utah Power & Light Company respectfully requests that this Commission issue its Order dismissing the Complaint & Objection filed by SUPERA.

SUBMITTED this 4th day of November, 1987.



T. W. FORSGREN
E. A. HUNTER, JR.
Attorneys for Utah Power & Light
Company

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I mailed a true and correct copy of the foregoing Motion to Dismiss to Glen J. Ellis, Dean B. Ellis, 60 East 100 South, Suite 102, P.O. Box 1097, Provo, Utah 84603, by placing the same in the United States mail, postage prepaid, this 4th day of November, 1987.

