

# DOCKETED

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Appli- )  
cation of UTAH POWER & LIGHT )  
COMPANY, PC/UP&L MERGING CORP.)  
(To be renamed Pacificorp) )  
for an Order Authorizing the )  
Merger 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 )  
Certificates of Public Con- )  
venience and Necessity and )  
Authorities in Connection )  
Therewith. )

CASE NO. 87-035-27

ORDER GRANTING MOTION TO  
FILE POST-HEARING BRIEF  
AND NOTICE OF ORAL ARGUMENT

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ISSUED: October 30, 1987

By the Commission:

At our prehearing conference of October 19, 1987 we had the parties address the question of the legal standard to be applied in this case, i.e. whether we are to rely upon the "no adverse impact" or the "positive benefits" standards as set forth in the CP National case Docket No. 80-023-01 and 80-035-02. Some parties were caught unprepared for such discussion.

On October 23, 1987 the Applicants, Utah Power & Light Company (UP&L) and PC/UP&L Merging Corp. (Pacificorp) filed a Motion for Leave to File Post-Hearing Brief on the Issue of "Public Interest." Applicants stated that it would be of assistance to the Commission that additional authorities available on the subject be submitted. Applicants filed a copy of their Post-Hearing Brief with the Motion.

Applicants further suggested that any intervenor wishing to respond to the Post-Hearing Brief be permitted to do so within five days of the date of the filing of the Post-Hearing Brief.

Based upon the foregoing and good cause appearing therefore, the Commission will make the following:

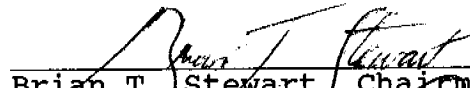
ORDER


NOW, THEREFORE, IT IS HEREBY ORDERED, that the Motion for Leave to File Post-Hearing Brief on Issue of "Public Interest" filed by Applicants is hereby granted. All parties may file response briefs not later than November 6, 1987. The Commission requests that in responding the parties address at least the following questions: What is the appropriate burden to be imposed upon the Applicants? Must the Applicants show merely that they are fit, willing and able to provide safe and adequate service at reasonable rates to Utah jurisdictional ratepayers, as is the case in motor carrier regulation where certificates of authority are transferred routinely? If so, is that burden different or the same as the so called "no adverse impact" burden? If different, how? If it should appear that the merger as proposed would assure safe and adequate service at reasonable rates but that it may entail foreseeable additional risks upon Utah ratepayers, must the Applicants also demonstrate offsetting positive benefits?


The Commission will hold a hearing on its Law and Motion calendar Tuesday, November 10, at 10:00 a.m. in the Commission

Hearing Room, Fourth Floor, Heber M. Wells Building, Salt Lake City, Utah for the purpose of hearing oral argument on the issues as set forth herein.


DATED at Salt Lake City, Utah, this 30th day of October, 1987.

  
\_\_\_\_\_  
Brian T. Stewart, Chairman

  
\_\_\_\_\_  
Brent H. Cameron, Commissioner

  
\_\_\_\_\_  
James M. Byrne, Commissioner

ATTEST:

  
\_\_\_\_\_  
Stephen C. Hewlett  
Commission Secretary

AFFIDAVIT OF MAILING

In the Matter of the Application )  
of UTAH POWER & LIGHT COMPANY, )  
PC/UP&L MERGING CORP. (To be re- )  
named Pacificorp) for an Order )  
Authorizing the Merger 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 Certificates of )  
Public Convenience and Necessity )  
and Authorities in Connection )  
Therewith. )

CASE NO. 87-035-27

ORDER GRANTING MOTION TO  
FILE POST-HEARING BRIEF  
AND NOTICE OF ORAL  
ARGUMENT

and

ORDER ON INTERVENTION

County of Salt Lake )  
State of Utah ) ss.

Barbara Stroud, 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 the Heber M. Wells Building, Fourth Floor, 160 East 300 South, 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 30th day of October, 1987, affiant served a true copy of the hereto attached ORDER GRANTING MOTION TO FILE POST-HEARING BRIEF AND NOTICE OF ORAL ARGUMENT and ORDER ON 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 30th day of October, 1987.

Barbara Stroud  
Secretary

Stephen C. Hewlett  
Notary Public  
Residing at Salt Lake City, Utah

My Commission Expires  
July 15, 1990

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