

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

FILED

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 Power & Light Company and PacifiCorp into PC/UP&L Merging Corp. 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

PREHEARING CONFERENCE ORDER

ISSUED: October 6, 1987

Appearances:

S. G. Baucom Thomas W. Forsgren Edward A. Hunter, Jr.	For	Utah Power & Light Company
Robert S. Campbell, Jr. George M. Galloway	"	PacifiCorp Oregon
Michael Ginsberg, Assistant Attorney General	"	Division of Public Utilities, Department of Business Regulation, State of Utah
James A. Holtkamp	"	Utah Associated Municipal Power Systems
Gary A. Dodge Jill Neiderhauser Donald R. Allen	"	Colorado River Energy Distributors Association
Raymond W. Gee	"	Utah Farm Bureau Federation
Calvin L. Rampton L. R. Curtis	"	Utility Shareholders Association of Utah
Sandy Mooy, Assistant Attorney General	"	Committee of Consumer Services

F. Elgin Ward Lynn W. Mitton	"	Deseret Generation & Transmission Cooperative
Robert Wall	"	Utah Public Power Cooperative
F. Robert Reeder Val R. Antczak	"	Kennecott Corporation, Union Carbide Corporation National Semiconductor Corporation, Sorensen Research, Ideal Basic Industries, Amoco Oil Company, Western Electric Western Zirconium Division and Kimberly Clark

By the Commission:

On September 18, 1987, a Notice was issued indicating that Prehearing Conference in this case would be held on September 29, 1987, at the hour of 10:00 a.m., in the Commission's Hearing Room, Fourth Floor, Heber M. Wells State Office Building, Salt Lake City, Utah, for the purpose of scheduling discovery and hearing dates and for resolving any procedural matters arising out of the filing of the Utah Power & Light Company and PacifiCorp merger application.

At the Prehearing Conference the Commission indicated and now reiterates to all parties and those interested in this proceeding that this case is a very significant one for the state of Utah. In light of that fact, the Commission will assure that those having a direct and substantial interest in the proposed merger will have an opportunity to be heard, that the case will not become a battlefield for public versus private controversy, and that procedures will be established and implemented to avoid unnecessary delay and achieve administrative efficiency.

Accordingly, the Commission sets the following schedule and specifies the parameters for intervention in this case.

SCHEDULE

- September 29, 1987 Filing of Applicant's testimony.
- October 13, 1987 Notices of Intervention are to be filed with the Commission.
- October 15, 1987 Each party who has petitioned to intervene shall file brief written statements of their general position on the case and identify what said petitioner perceives to be the major issue(s) in the case and their position on those issue(s).
- October 19, 1987 Prehearing Conference at which the following matters will be considered:
- (a) The October 15 statements of general position and issue(s)
 - (b) Whether there is potential to group intervening parties with common direct and substantial interests in the case and provide for lead counsel;
 - (c) Hear objections and argument to the intervention of any petitioner; and
 - (d) Set further discovery and hearing dates.

INTERVENTION

The Commission has indicated its concern that the case not become bogged down and burdened by having parties with fundamentally similar interests intervening. In our view, the public interest will not be served by a protracted and procedurally difficult proceeding.

Commission Rule R750-100-4 states that parties to a proceeding before the Commission shall include:

. . .

(2) Persons who shall have established to the satisfaction of the Commission that they have a substantial personal interest in the subject matter of the proceeding and that their intervention will not unduly broaden the issues.

Commission Rule R750-100-6 provides that:

. . .

(4) If it appears when notice of intervention is filed, or thereafter becomes apparent, that an intervenor has no direct or substantial interest in the proceeding, and that the public interest does not require the intervenor's participation, the Commission may dismiss the intervenor from the proceeding at any stage, on its own motion or that of a party.

In conclusion, the Commission has the discretion to determine which petitioners will be allowed to intervene and will impose screening standards to avoid a protracted process. We are not required to overload the system with duplicative representation of interests and with parties whose interests are minor or tangential. See for example American Trucking Associations Inc. v. U.S., 627 F.2d 1313; Application of Portland General Electric Company, 550 P.2d 465. See also Utility Ratepayers Federation v. Public Service Commission, Utah Supreme Court No. 870083, March 25, 1987, in which the Commission's exclusion of a party based upon screening standards established by the Commission was upheld by the Court. The screening standards are as follows:

1. Does the petitioner have a statutory right to intervention?

2. Does the petitioner have a direct, as opposed to indirect, interest in the outcome of the proceeding?

3. Does the petitioner have a substantial interest in the outcome of the proceeding?

4. Assuming that a petitioner has a direct and substantial interest in the case, is that interest unique or is it already represented and protected by another participant? The benefits that might accrue to such a petitioner from participation must be weighed against the administrative cost of multiple parties representing essentially the same interest.

5. Will the petitioner's presence in the case broaden the issues?

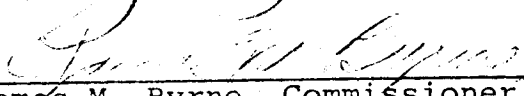
We will adhere to these standards in considering petitions to intervene and invite all petitioners to provide specific and meaningful responses to each of them.

The Company is requested to publish this Order in a newspaper having general circulation in the State of Utah.

DATED at Salt Lake City, Utah, this 6th day of October, 1987.

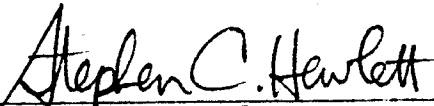


Brian T. Stewart, Chairman



James M. Byrne, Commissioner

Attest:



Stephen C. Hewlett
Commission Secretary