



# State of Utah

DEPARTMENT OF COMMERCE  
Committee of Consumer Services

To: Public Service Commission

From: Roger Ball, Administrative Secretary  
Cheryl Murray, Utility Analyst

Copies To: Lowell Alt, Division of Public Utilities  
Douglas Larson, PacifiCorp  
Ted Boyer, Executive Director, Department of Commerce

Date: 23 November 2001

Subject: Petition of PacifiCorp for Modification of Order - Docket No 98-2035-04

On 16 October, 2001, the Company filed its Petition for Modification of the Commission's Order regarding the merger of ScottishPower and PacifiCorp. The Division responded in its 20 November 2001, Memorandum, recommending that the Commission approve PacifiCorp's request to eliminate the 80/10 answering standard.

The Committee would call the Commission's attention to the fact that the telephone service level obligations of the Company originated as a proposal by Alan Richardson of Scottish Power in his 16 April 1999 supplemental testimony. Mr Richardson's proposal was incorporated into the 28 July 1999 Stipulation of ScottishPower, PacifiCorp, the Division, and the Committee. That Stipulation was then adopted by the Commission and incorporated into its Order as an integrated agreement among the parties.

Through an oversight, while preparing to respond to the technical aspects of PacifiCorp's Petition, the Committee failed to timely respond to its legal aspects by filing a responsive pleading within thirty days. The Committee became aware of its oversight during the final stages of preparation to file a technical memorandum in response to the Commission's 25 October 2001 Action Request, which called for a response within 30 days.

Since PacifiCorp is asking the Commission to modify a term of agreement among the parties to the 28 July 1999 Stipulation, consent by the parties is certainly a proper prelude to any such modification by order. While the Division, in its 20 November 2001 Memorandum, recommends approval, the Committee is of the opinion that the requested modification - on its own - may not be in the public interest.

The Committee does not necessarily intend to withhold its consent to the Company's modification request, but there are some concerns the Committee has with the Company's proposal, and its handling of telephone calls in general, which we would like to resolve with the Company before the Commission proceeds. As the original Stipulation was the product of negotiation, we believe PacifiCorp's and the Committee's respective interests could be most easily addressed in discussions between us, rather than by the Committee initiating

a separate proceeding. We are entirely willing for the Division to participate in such discussions.

We have greatly appreciated the readiness of Carole Rockney, the Company's Director of Regulatory and Customer Liaison, to provide relevant data in an informal and accelerated manner, and take that as an encouraging sign that PacifiCorp may be willing to work with us to resolve the Committee's concerns.

We would therefore respectfully ask the Commission to recognize the terms of the original agreement which the Company here seeks to modify by Commission order, and allow the Committee and the Company to negotiate on the matter before the Commission makes its findings and order. The Committee has already initiated contact with the Company with a view to scheduling discussions on these matters.