

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of PacifiCorp For)
Approval of a Backup, Maintenance, and)
Supplementary Power Supply Agreement with)
Kennecott)

DOCKET NO. 01-035-30

ORDER DENYING INTERVENTION

ISSUED: December 07, 2001

By the Commission:

Magnesium Corporation of America ("Magcorp") petitioned for leave to intervene in the above-captioned case by Motion received November 13, 2001. The Commission denies the Motion.

Intervention is governed by Utah Code §63-46b-9. The statute does not grant an absolute right to intervene, it establishes a conditional right to intervene if the requisite legal right is present or the petitioner will be substantially affected by the adjudicative proceeding. Magcorp, however, provides no explanation for its intervention other than its own conclusionary statement that it has a direct interest in the outcome because it is a major customer of Pacificorp. The Commission fails to reach the same conclusion based on the limited statement provided by Magcorp.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

The Petition for leave to intervene is denied.

DATED at Salt Lake City, Utah, this 7th day of December, 2001.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Richard M. Campbell, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary

G#27450