

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the matter of the complaint of PAUL F. MECHAM,
Complainant,
vs.
UTAH POWER & LIGHT,
Respondent

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DOCKET NO. 03-035-09
PROCEDURAL ORDER

ISSUED: August 27, 2003

By The Commission:

Complainant Paul F. Mecham ("Mr. Mecham") filed his formal complaint in this matter challenging the legal ability of UP&L to bill him, as part of his utility service, \$0.12 per month for the Electric Lifeline Program. Respondent Utah Power & Light (UP&L) filed its response including a request that the complaint be dismissed. Mr. Mecham filed a response to UP&L's request for dismissal. The office of the Utah Attorney General, representing the Division of Public Utilities ("DPU"), filed a memorandum containing the recommendation of the DPU that the complaint be dismissed because Mr. Mecham had failed to state a claim against UP&L.

Customer complaints are designated as informal proceedings under Commission Rule R746-100-1. However, this matter is a direct challenge to the legal authority of this Commission to establish and fund the Electric Lifeline Fund through utility rates. As such, this matter goes beyond what is usually dealt with in a customer complaint matter. Accordingly pursuant to *Utah Code Ann.* §63-46b-4(3), this matter will be converted to a formal proceeding, and addressed directly by the Commission. Converting this proceeding will promote the public interest in having the Commission decide this issue directly, and more clearly define appellate procedures should either party choose to pursue an appeal. The rights of no party will be prejudiced by this conversion.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

This matter is hereby converted to a formal proceeding pursuant to *Utah Code Ann.* §63-46b-4(3) and the rules of this Commission.

DATED at Salt Lake City, Utah, this 27th day of August, 2003.

/s/ Douglas C. Tingey
Administrative Law Judge

Approved and Confirmed this 27th day of August, 2003, as the Report and Order of the Public Service Commission of Utah.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#34976