

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE APPLICATION OF QUESTAR GAS COMPANY FOR AN INCREASE IN RATES AND CHARGES	DOCKET 02-057-02 TESTIMONY OF PAUL MECHAM
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FOR LIGHT AND TRUTH

PROVIDED AS A PUBLIC WITNESS

October 21, 2002

Testimony - Light and Truth

1 **Q. Please state your name and organization affiliation.**

2 A. My name is Paul F. Mecham and I am affiliated with Light and Truth.

3 **Q. Tell us about the organization, Light and Truth.**

4 A. It is dedicated to shedding light and discovering truth on selected issues and topics. Its
5 major thrust is speaking out on behalf of the large number of individuals who have no
6 special interest group championing their cause. The name has been registered with the
7 state and it is registered as a lobbyist with the Lieutenant Governor's office. It just
8 recently obtained its own web site, www.lightandtruth.net. The full text, attachment and
9 many references of this testimony will soon be available on that web site.

10 **Q. Have you testified before this Public Service Commission (Commission) before?**

11 A. Yes. I testified for Light and Truth in July of 2001 in Docket 01-035-01. A written copy
12 of that testimony is attached to this testimony. I request that it be placed on the record
13 and considered by the Commission in this Docket as well. While earlier testimony
14 addressed an electrical utility rather than a gas utility, the principles described still apply
15 perfectly.

16 **Q. What is the purpose of your testimony?**

17 A. I respond to the Direct Testimony of Elizabeth A. Wolf, Jeffrey V. Fox and Dr. Charles
18 E. Johnson on behalf of Salt Lake Community Action Program, Crossroads Urban Center
19 and Utah Legislative Watch, collectively Utah Ratepayers Alliance (Advocates). I address
20 some of the claims they make. I then propose and request a compromise which will
21 provide for continued (proposed to be un-capped) funding for the poor through the
22 weatherization program, allow the Commission a proper means of continuing the
23 program, eliminate the issues of forced and hidden actions, protect the property rights of

1 contributing rate-payers and avoid the distorted application of constitutional and
2 governmental principles.

3 **Q. Do you see a problem with your testifying on behalf of the major portion of**
4 **Questar’s customers while simultaneously serving as a staff member of the Division**
5 **of Public Utilities (DPU)?**

6 A. No. Nor do I see a problem with the very parallel occurrence of Elizabeth A. Wolf
7 testifying on behalf of a small subset of Questar’s customers while simultaneously
8 serving on the Committee of Consumer Services.

9 **Q. Do you see a problem with you as an employee of the DPU, testifying on the same**
10 **topic as the DPU witness, Dr. Abdinasir Abdulle?**

11 A. No. Dr. Abdulle speaks for the DPU on this topic. I speak for Light and Truth on this
12 topic. If the compromise that I request is accepted, we will all be endorsing the same
13 program. Incidentally, members of DPU management have had the opportunity to review
14 this testimony in advance. They were not asked to either support or oppose the testimony.
15 In the interest of having all sides heard on this topic in this Docket, the Director of the
16 DPU has not objected to this testimony being presented.

17 **ADVOCATES’ LIST OF COMMISSION CRITERIA**

18 **Q. What did the Advocates list as the Commission’s criteria for judging the success of**
19 **the weatherization program?**

20 A. The Advocates indicated that the Commission’s implementing order (99-057-20)
21 contained no goals but then referenced criteria in an earlier Commission order (97-035-
22 01) for PacifiCorp. The Advocates quoted:

23 “...For reference, we present the criteria here.

24 “1. The need is real and is not being met by direct payment programs.

25 “2. The program is successfully targeted and would not overly burden other
26 customers.

1 “3. The benefits offset negative impacts on objectives.
2 “4. The program is easy and inexpensive to administer.”¹

3 **Q. In that order, did the Commission express any other criteria?**

4 A. Yes. In the very same paragraph quoted by the Advocates, the commission said:

5 “... overcome the Commission’s reluctance to effectuate social policy by means of
6 altered electricity rates.”²

7 **Q. With about a year of experience in the program, what is your comment relative to
8 the poor’s “...need is real and not being met ...?”³**

9 A. It is still real and not being met. This is not likely to change. However, attempting to
10 more nearly meet the needs of the poor is a most worthy and appropriate end. The means
11 currently being used, however, could be improved greatly.

12 **Q. With about a year of experience in the program, what is your comment relative to
13 the criteria that the program “... would not overly burden other customers...?”⁴**

14 A. The program certainly should comply with this criteria. In the same order (97-035-01)
15 from which the criteria were quoted, the Commission restated many of the Advocates’
16 statements and then said:

17 “We conclude that **if the assumptions are correct**, the 17% benefits ... would
18 exceed the detrimental effect of a very small increase in the bills of other
19 customers.”⁵ (Emphasis added)

20 Whether the program actually did “not overly burden other customers” is open to serious

¹Advocates’ Testimony, Page 16 Lines 9-13

²97-035-01 Order, Page 95

³Advocates’ Testimony, Page 16 Line 10

⁴Advocates’ Testimony, Page 16 Line 11

⁵97-035-01 Order Page 98

1 debate. Many parties have repeatedly stated that the program does not overly burden other
2 customers. These have all been comments **about** those paying, not comments **for** those
3 paying. To the best of my knowledge, to date, no party (other than Light and Truth) has
4 spoken **for** those paying. No survey has been taken. The payers' burdens in forced and
5 hidden actions, violation of property rights and distorted application of constitutional and
6 governmental principles, as well as dollars have simply not been addressed. Whether the
7 "assumptions are correct" as referenced by the Commission will be addressed in the
8 Advocate Claims section below.

9 **Q. With about a year of experience in the program, what is your comment on "...the**
10 **benefits offset negative impacts on objectives. ..."?**

11 A. Again, the program certainly should comply with this criteria. Whether it actually has
12 complied with that is also open to serious debate. The Advocates stated in their current
13 testimony,

14 "From the perspective of those ratepayers paying for the program, if people are
15 able to pay their bills, there will be benefits to non-participants such as reduced
16 arrearages, reduced collection costs, reduced costs for disconnections and
17 reconnections, etc."⁶

18 These specific claimed benefits are addressed in the Advocate Claims section below.

19 In the same order (97-035-01) from which these criteria were referenced by the
20 Advocates, the Commission also stated:

21 "SLCAP/Crossroads expects the benefits of the program to include a reduction in
22 uncollectible accounts, returned checks and service shutoffs; ... Though
23 unrebutted, **we recognize the speculative nature of this assertion.**"⁷ (Emphasis
24 added)

25 These assertions made by the Advocates are still speculative.

⁶Advocates' Testimony, Page 12 Lines 12-14

⁷97-035-01 Order, Page 98

1 **Q. What are your comments on “... easy and inexpensive to administer.”?**

2 A. I believe there are some overhead costs taken from the program funds at some level but
3 they are probably small due to the major overheads being covered by federal funds. This
4 ease and low expense may be meaningless, however. Running a program with ease and
5 with low expense, that is logically unsupported and of no benefit to those paying for it,
6 would not qualify as a success.

7 **ADVOCATE AND OTHER CLAIMS**

8 **Q. In the immediately preceding quotes, what were the data items which the Advocates**
9 **claimed would improve and what is the status of supporting data?**

10 A. They were benefits to non-participants such as reduced arrearages, reduced collection
11 costs, reduced costs for disconnections and reconnections, reduction in uncollectible
12 accounts, returned checks and service shutoffs.

13 In the years that low income programs have been discussed, there have been no
14 supporting data or detail supporting the claims. There has been nothing beyond the
15 repeated, unsupported assertions provided by the Advocates. Data on some of the items
16 may be available. Some data is available on these items relative to the H.E.L.P. program
17 with PacifiCorp. To the best of my knowledge, during these discussion years, the
18 Advocates have not requested data from Questar.

19 Even if the data were to be found, any changes could not be clearly attributable to the
20 weatherization program. The program is too small relative to the operation of Questar and
21 the surrounding economy. These much larger economic impacts drown out any
22 measurable impact from weatherization.

23 **Q. What overall conclusions do you make relative to the Advocates' claims?**

24 A. The Advocates have never supported their claims with facts and details. They have

1 merely repeated their claims. The Advocates' claims are unsupported. Without these
2 claims being real, supported and documented (particularly in burdening other customers
3 and benefits offsetting negative impacts), the program actually does what the
4 Commission stated it was reluctant to do, "effectuate social policy by means of altered ...
5 rates."⁸

6 **Q. Are there other claims that could be made that would counter the Advocates' claims
7 and what is the status of supporting data?**

8 A. Yes. Claims include missed investment opportunity, payers pay with after-tax dollars,
9 economic stimulus missed by taking payers money, the propensity of givers to invest
10 contrasted to the propensity of recipients to consume, etc.

11 These claims are arguably equal to the Advocates' claims and suffer from the same data
12 availability, measurability and attributability problems.

13 Both the Advocates' and the other claims are unuseable due to deficiencies. One is as
14 good (or bad) as the other. A debate on these claims boils down to simply exchanging
15 platitudes.

16 **Q. What then is the significance of the Advocates' claims and these other claims?**

17 A. The significance is major.

- 18 • The Advocates' claims, upon which the Commission based its earlier findings are
19 unsupported and deficient.
- 20 • Other claims exist which, while also unsupported and deficient, are just as good
21 as the Advocates' claims.
- 22 • The Commission needs to now make decisions based upon more solid, defensible
23 bases.

⁸97-035-01 Order, Page 95

1 STATISTICS

2 **Q. Is it significant to quote statistics on this issue on an individual basis compared to an**
3 **aggregate basis or a short-term basis compared to a long term basis?**

4 A. These comparisons are very significant. The testimony and orders are replete with
5 comparisons of apples to oranges as well as descriptions of apples without really
6 considering the oranges. A few examples follow:

7 The Advocates stated:

8 “Q. DOES THE INCREASED LEVEL OF FUNDING OVERLY BURDEN
9 OTHER CUSTOMERS?”

10 “A. No. Questar’s proposed Utah jurisdictional revenue is \$221 million (**An**
11 **annual figure**). The increased level of funding is just over 0.05 percent of the
12 total revenue. If all of the proposed revenue were recovered from residential
13 customers, it would add about \$0.03 (**a monthly figure**) per month the bill. ...”⁹
14 (Words in parentheses added for emphasis)

15 Note that the comparison is annual to monthly. The argument is apples to oranges.

16 The Advocates stated that:

17 “The Department of Energy (DOE) estimates that more than five jobs are created
18 by each \$100,000 of investment in weatherization. DOE estimates conservatively
19 an economic multiplier of three from that same investment. Thus, the multiplier
20 effect produces benefits much greater than the direct cost of the program.”¹⁰

21 Note that the jobs created by the \$100,000 investment are mentioned but no mention is
22 made of the loss to the rest of the economy by taking out the \$100,000. That money has to
23 come from somewhere. Note that the multiplier is applied only to the investment in
24 weatherization. No multiplier is applied to cost to payers. Note that no time is mentioned
25 in the “multiplier of three.” What would the multiplier be if the money were left in the

⁹Advocates’ Testimony, Page 17 Lines 13-18

¹⁰Advocates’ Testimony, Page 12 Lines 20-24

1 hands of payers over the same time? The argument is apples to nothing.

2 The Commission quoted Advocates' testimony, in its order implementing the
3 weatherization program. It then stated:

4 "Testimony indicates that the savings to participants could be substantial.
5 National estimates are that weatherization programs save an average of \$193 (**An**
6 **annual figure**) per year, and yield non-energy benefits of, over the life of the
7 weatherization measures \$976 (**A lifetime figure**). ... SLCAP/CUC argue the
8 program will not overly burden non-participating customers as its cost per
9 residential customer will be approximately \$.03 (**A monthly figure**) per month.
10 ..."¹¹ (Words in parentheses added for emphasis)

11 Note that on the recipient benefit side, the numbers are annual and even lifetime. On the
12 cost to payers side, the numbers are monthly. What would the payers' cost be if it were
13 also considered and compounded on an annual or lifetime basis? The argument is apples
14 to oranges.

15 **Q. Should the dollar cost to payers be analyzed on an individual an aggregate basis?**

16 A. Analysis should include both. The record and testimony to date has included multiple
17 references to the individual payer cost of \$.03 per month. This then is minimized or
18 "pooh-poohed" as being insignificant and not a burden. This could well be just a blase
19 willingness to spend someone else's money. The aggregate \$250,000 per year is not
20 mentioned as a cost to a group of people or to the economy. It is only mentioned as an
21 amount of money to be spent on the program. This is not fair, balanced or even rational. It
22 is misleading and biased. Please also note that the cost or burden includes more than
23 \$250,000 dollars (at \$.03 increments). It includes burdens in forced and hidden actions,
24 violation of property rights and distorted application of constitutional and governmental
25 principles.

26 **Q. What conclusion do you make relative to statistics before the Commission on the**

¹¹99-057-20 Order, Page 44

1 **weatherization program?**

2 A. The statistics supporting recipients are consistently selective and slanted. Statistics
3 supporting payers are either missing or minimized. If the Commission doesn't get good,
4 complete, objective statistics, it should ask for them. Without them, the Commission
5 cannot make proper findings and decisions. Light and Truth would be pleased to respond
6 to any query from the Commission.

7 EFFICIENCY AND SAFETY

8 **Q. What is the relationship between efficiency and safety in the weatherization**
9 **program?**

10 A. The Advocates stated:

11 "The primary current benefit of energy efficiency measures in the weatherization
12 program is to reduce energy usage, ..."12

13 **Q. How important is safety in this program?**

14 A. Safety as a stand-alone topic is always important. The Commission mentioned safety in
15 its implementing order in Docket 99-057-20:

16 "... These programs can improve safety in low income residences ..."13

17 "... While I believe the state's weatherization program has merit, I am still
18 reluctant to laden utility rates with the costs of a program the legislature has only
19 minimally funded. Nevertheless, unlike the lifeline program, weatherization can
20 be justified on safety grounds. ..."14

21 **Q. What about safety in the actual implementation of the weatherization program?**

22 A. During the weatherization report meeting held at DCED on September 18, 2002, Mr.

¹²Advocates' Testimony, Page 12 Lines 3-4

¹³99-057-20 Order, Page 44

¹⁴99-057-20 Order, Page 64, Comment of Chairman Stephen F. Mecham

1 Michael Johnson was asked if the weatherization program increased the safety of the
2 recipients' homes. After a pause, he stated that the homes were "as or more safe" than
3 before DCED's service. I'm not sure what he meant but it appears that some
4 weatherization services are performed that do not improve safety. Perhaps they were
5 already safe enough.

6 **Q. What conclusions do you make relative to efficiency and safety in the program?**

7 A. With the safety justification being less than universal and the prime target being
8 efficiency, the program boils down to a simple transfer of funds from one set of
9 customers to a smaller subset of customers. If the Commission wanted to address
10 efficiency, it could do so on a more broad basis without raising the issues of forced and
11 hidden actions, violation of property rights and distorted application of constitutional and
12 governmental principles.

13 HIDDEN

14 **Q. How were the actions hidden?**

15 A. No notification was given to the ratepayers from whom the funds were to be taken. The
16 formal, published public notices mentioned only the Questar filing, not the weatherization
17 topic. No other media notification was made. When the funds were taken from the
18 ratepayers, there was no notice on their bill or on a bill-stuffer that it was happening.

19 **Q. When only one ratepayer complained or attended hearings, what were the other
20 parties' reactions?**

21 A. Comments were made that only one spoke against the weatherization program. Even the
22 Commission noted that:

23 "Four public witnesses testify in support of the program: one opposes it."¹⁵

¹⁵99-057-20 Order, Page 45

1 Given the circumstances, it is a near miracle that the one testified. That one, by the way,
2 was Light and Truth. When the whole process is hidden from those who suffer the
3 greatest negative impact and then an issue is made about their not participating,
4 something is wrong. When public witnesses are reported as mere head-count, and content
5 is ignored, there is even more wrong.

6 **REQUESTED COMPROMISE**

7 **B. Has the Commission opened their door to further input?**

8 A. Yes. In the order for 99-057-20, the commission stated:

9 “Questar Gas Company, the Division of Public Utilities and other interested
10 parties may submit requests to modify the program as experience with the
11 program is obtained or otherwise warranted.”¹⁶

12 **Q. Does this testimony comprise a formal request from Light and Truth to the
13 Commission consistent with the above quoted Commission order?**

14 A. Yes.

15 **Q. What is your requested compromise?**

16 A. Light and Truth requests that the Commission make the Weatherization Program an “Opt-
17 In” program, where all customers could elect to make contributions or elect to not make
18 them. This modified program would include advertising in the media and on bill-stuffers
19 and would show on the payers’ bills. There are many potential advantages to this change.
20 They include:

- 21 • It continues to support and benefit the poor.
- 22 • The Commission could publicly apply the full weight of its position in endorsing
23 the program.
- 24 • It complies with “the Commission’s reluctance to effectuate social policy by

¹⁶99-057-20 Order, Page 61

1 means of altered ... rates.”¹⁷

- 2 • The Commission would no longer be loading “utility rates with the costs of a
3 program the legislature has only minimally funded.”¹⁸
- 4 • Other parties (DPU, CCS, Advocates, Light and Truth, etc) could also, in clear
5 conscience, publicly apply the full weight of their positions in endorsing the
6 program.
- 7 • The cap, be it \$250,000 or \$500,000, would be eliminated.
- 8 • Payers could give any amount they choose.
- 9 • Payers would no longer be forced to give.
- 10 • The charges would no longer be hidden.
- 11 • It eliminates the issues of forced and hidden actions, violation of property rights
12 and distorted application of constitutional and governmental principles.
- 13 • Advocates would then persuade contributors rather than force them (This also is a
14 disadvantage)
- 15 • The Advocates’ unsupportable claims could be withdrawn or ignored.
- 16 • The other unsupportable claims could be withdrawn or ignored.

17 There are potential disadvantages. They include:

- 18 • Contributions might be lower in total amount.
- 19 • Questar would need to modify its bills. (This might require some study)
- 20 • Advocates would then persuade contributors rather than force them. (This also is
21 an advantage)

22 **Q. Does that conclude your testimony?**

23 **A. Yes.**

¹⁷97-035-01 Order, Page 95

¹⁸99-057-20 Order, Page 64, Comment of Chairman Stephen F. Mecham

1 July 31, 2001

2 The Public Service Commission
3 160 East 300 South
4 Salt Lake City, Utah

5 Dear Commissioners,

6 I intend to provide testimony in the pending PacifiCorp rate case, 01-035-01 on public witness
7 day. The testimony in this letter is what will be presented. I am sending an advance copy to
8 those parties for whom I have been able to get e-mail addresses so you have an opportunity to
9 review it before it is actually presented. For easier reference I have created the testimony in
10 Question-Answer format and have numbered the lines.

11 This testimony is from "Light and Truth." This organization has no connection with my
12 employer, the Division of Public Utilities. In this testimony, I do not speak for the Division of
13 Public Utilities in any way. I have obtained relevant information and copies of other testimonies
14 and orders through official requests directly to the Commission and Division and not unofficially
15 from my employer. I have arranged for personal leave from my employer, if needed, to attend
16 the public witness day hearings.

17 Sincerely,



18 Paul F. Mecham, for
19 Light and Truth

20 Q. Please state your name and organization affiliation.

21 A. My name is Paul F. Mecham and I am affiliated with Light and Truth.

22 Q. Tell us a little about the organization, Light and Truth.

23 A. It is dedicated to shedding light and discovering truth on selected issues and topics. Its
24 major thrust is speaking out on behalf of the large number of individuals who have no
25 special interest group championing their cause. The organization is just now being
26 formed. The name has been registered with the state; it is registered as a lobbyist with the
27 Lieutenant Governor's office and it soon will have a Web presence.

28 Q. What is the purpose of your testimony?

29 A. I respond to pre-filed testimony from the special interest groups, Salt Lake Community
30 Action Program, Crossroads Urban Center and Utah Legislative Watch, relative to special
31 considerations requested for low-income households.

32 Q. To what special considerations do you refer?

33 A. A low-income component in a new energy efficiency program (Direct Testimony of

1 Elizabeth A. Wolf). A new Life-Support Assistance Program (Direct Testimony of
2 Jeffrey V. Fox). Removal of the \$1.85M cap on the HELP program (Direct Testimony of
3 Dr. Charles E. Johnson).

4 Q. Please summarize your arguments.

5 A. These proposals are (1) premature, (2) are based upon unsubstantiated claims, (3) belong
6 before the Legislature rather than the Commission and (4) actually threaten our
7 governmental fabric.

8 (1) PREMATURE

9 Q. Are the proposals premature?

10 A. I sincerely believe they are. I agree with and support the testimony filed by Division
11 witness, Ronald Burrup.

12 Q. Have the interests been considered of those whose money is being taken to fund these
13 proposals?

14 A. To the best of my knowledge, no input has been sought from them. Nor has there been
15 any action on the topic from their legally elected representatives in the Legislature. There
16 appears to be nothing on the record beyond statements from the advocates like, "not
17 overly burden other customers." Perhaps this topic will be addressed in the pending
18 evaluation of the effectiveness of the HELP program.

19 (2) UNSUBSTANTIATED CLAIMS

20 Q. What claims were made as the HELP program was proposed?

21 A. The Commission found benefits to the utility and to utility customers in general through
22 reduced collections, terminations, reconnections and arrearages (Final Report and Order
23 in Docket 99-035-10).

24 Q. Have these findings or claims been substantiated?

25 A. To the best of my knowledge, none of this has ever been demonstrated, quantified and
26 attributed directly to the program. It has merely been repeatedly stated. Saying it is so
27 does not make it so.

28 (3) LEGISLATURE

29 Q. Why should these issues be before the Legislature?

30 A. Simply put, the Legislature is the governmental body charged with determining the
31 government's income and outgo. It sets the budget for all state agencies and programs. It
32 must balance the needs of all. No other agency (including the Commission) has the
33 responsibility and authority to view and prioritize this broad, all-inclusive range of needs.

34 Q. Has the legislature filled the needs of the poor?

35 A. Apparently not, as their needs are defined by advocacy groups. Nor, apparently, has the

1 Legislature meet the needs of education as those needs are defined by advocacy groups.
2 Nor, apparently, has the Legislature meet the needs of police and public safety as those
3 needs are defined by advocacy groups. The list of “needs” of groups, functions and
4 agencies is nearly endless.

5 Q. Can a case be built that justifies additional expenditures for any of these needs?

6 A. Absolutely yes! Cases not only can be built but are built regularly. The cases typically
7 are built in a “vacuum,” looking only at the need being advocated. Seldom is any serious
8 consideration given to other competing needs or the priorities involved in the source of
9 funds.

10 Q. What is the Commission being asked to do in this docket?

11 A. Based upon justification in a vacuum, it is being asked to make a decision in a vacuum.
12 If the Commission grants the petitions it will be creating a distortion in the legislative
13 system. It will be ignoring the priorities that were carefully hammered out in the
14 Legislature and essentially making a very narrow end-run around that process.

15 Q. Can and should the Commission act outside this legislative budget process?

16 A. It can and already has, in implementing the existing HELP plan. Whether or not it should
17 expand that plan with the proposals before it in this docket is what is being debated here.
18 Expanding the action increases the possibility (even probability) that other needs such as
19 education, public safety, highways, etc. will be directed to the Commission. I believe the
20 Commission should stop right where it is in this process and not increase the potential for
21 appeals and class action.

22 (4) THREATEN GOVERNMENT

23 Q. What is the separation of powers between the three branches of government in our
24 constitutions?

25 A. In simple terms, the legislative branch creates the laws; the executive branch carries out
26 (or “executes”) those laws and the judicial branch judges whether the laws and the
27 execution of them are legal and constitutional.

28 Q. Are there also checks and balances between the three branches of government?

29 A. Without repeating all of Political Science 101, yes, each branch has a check and balance
30 on the other two. These are to protect the citizens.

31 Q. Is that important?

32 A. It is extremely important. James Madison in his Federalist Paper No. 47, stated that
33 “. . . the accumulation of all powers, legislative, executive, and judiciary, in the
34 same hands . . . may justly be pronounced the very definition of tyranny.”

35 Q. How do you feel that applies to the circumstances in the docket before us?

36 A. A man who served as undersecretary of State and Ambassador to Mexico some seventy
37 years ago put it in words far better than I can. His name was J. Reuben Clark. He said:

1 “... And let me say here and now, that in the whole history of the human race, ...
2 Tyranny has never come to live with any people with a placard on his breast
3 bearing his name. He always comes in deep disguise, sometimes proclaiming an
4 endowment of freedom, sometimes promising help to the unfortunate and
5 downtrodden, not by creating something for those who do not have, but by
6 robbing those who have. But tyranny is always a wolf in sheep’s clothing, and he
7 always ends by devouring the whole flock, saving none.”
8

9 Q. How does the Commission fit in this discussion?

10 A. Again in simplicity, the Commission is an administrative body in the executive branch
11 with quasi-legislative and quasi-judicial functions. This overlapping power was granted
12 for the very specific purpose of regulating utility monopolies. The power has no real day-
13 to-day checks and balances beyond the commissioners’ combined consciences.

14 Q. What are the potential impacts of the Commission granting exceptional consideration to
15 special interest groups?

16 A. The Commission could act like the little Dutch boy and put its finger in the dike. Or, by
17 granting exceptions outside its specific responsibility, it could even dig the hole in the
18 dike a little larger. The Commission’s actions could damage the very fabric of our
19 government. With additional damage from other sources our government could collapse.
20 Were that to happen, the poor who advocates are trying to help, will be even worse off
21 than they are now. And, unfortunately, so will the rest of us. We must be constantly
22 vigilant in ensuring that our actions are consistent with our constitution which defines and
23 protects the rights we too often take for granted.

24 CONCLUSION

25 Q. Because these proposals are premature, are based upon unsubstantiated claims, belong
26 before the Legislature rather than the Commission and actually threaten our governmental
27 fabric, I strongly recommend that the Commission deny the proposals of the special
28 interest groups in this docket.

Advance copies via e-mail to:

bwolf@slcap.org
cjohnson@ieee.org
jeffvfox@home.com
lalt@utah.gov
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