

Timothy Shurtz Pro Se
Councilman
411 S. Main
Firth, Idaho 83236
208-346-6523

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IDAHO PUBLIC
UTILITIES COMMISSION

Intervenor

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

In the Matter of the Application of)	CASE NO. PAC-E-02-1
PACIFICORP dba Utah Power & Light)	
Company for Approval of Changes to Its)	PETITION FOR
Electric Service Schedules)	CLARIFICATION

Intervenor, Timothy Shurtz, respectfully petitions and requests the Honorable Commissioners to clarify, explain and enunciate the meaning of the terminology and concepts used to justify and substantiate the provisions of this Commission's Order No. 28213 in Case No. PAC-E-99-1 wherein in this Commission's Findings of Fact and Conclusions of Law it found as follows:

1. Page 8. "2. At a minimum, ScottishPower shall not seek a general rate increase for its Idaho service territory effective prior to January 1, 2002."

2. Page 14. "PacificCorp/ScottishPower shall not subsidize its non-regulated businesses with its regulated businesses."

3. Page 31. **"We Find:**

...

While a general fear of rate increases was expressed, there was no verifiable, quantifiable evidence presented that rates would go up due to the merger.

...

Regardless, any doubt that might arguably have existed regarding this issue was definitively put to rest by the filing of the Joint Applicants' Notice of Merger Credit Commitment. As a final and irrefutable

measure to ensure that rates will not increase as a result of the merger, we hereby impose the additional condition (Merger Approval Condition No. 2) that following the merger, PacificCorp shall not seek a general rate increase effective prior to January 1, 2002. This literally quarantees that PacifiCorp's customers will see an immediate rate reduction lasting at least 2 years through the combination of the merger rate credit and the moratorium on general rate increases imposed herein. This rate reduction would not have occurred absent the merger."

Intervenor does further request the Commission to clarify how the proposed retroative or "deferred excess net power costs" recovery sought now are not in reality an attempt to avoid the "moratorium" agreed to in inducing this Commission to accept the merger then being considered. In other words, why is a collection now, and in the immediate future, of the past two years deferred excess net power costs, not in reality a violation of the Commissions Order of a "moratorium on general rate increases imposed herein" quoted above?

Respectfully submitted this 18th day of March, 2002.


Timothy Shurtz, Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of March, 2002, a true and correct copy of the foregoing was served on the following via U. S. mail or by hand delivery:

Scott Woodbury
Deputy Attorney General
Idaho Public Utilities Commission
P. O. Box 83720
Boise, Idaho 83720-0074

Eric Olson, Esq.
P. O. Box 1391
201 E. Center
Pocatello, Idaho 83204-1391

Anthony J. Yankel
28814 Lake Road
Bay Village, OH 44140

Randall C. Budge, Esq.
P. O. Box 1391
201 E. Center
Pocatello, Idaho 83204-1391

James R. Smith
Senior Accounting Specialist
Monsanto Company
P. O. Box 816
Soda Springs, Idaho 83276



Timothy Shurtz