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Idaho Irrigation Pumpers Association, Inc.

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF PACIFICORP, DBA UTAH POWER &) **Case No. PAC-E-02-1**
LIGHT COMPANY FOR APPROVAL OF ITS)
PROPOSED ELECTRIC SERVICE SCHEDULES)
_____)

**APPLICATION FOR INTERVENOR FUNDING OF
THE IDAHO IRRIGATION PUMPERS ASSOCIATION, INC.**

COMES NOW the Idaho Irrigation Pumpers Association, Inc. ("Irrigators"), by and through counsel of record, Eric L. Olsen, and hereby respectfully makes application to the Idaho Public Utilities Commission ("Commission") for intervenor funding pursuant to Idaho Code § 61-617JA and IDAPA 31.01.01.162 as follows:

(A) A summary of the expenses that the Irrigators request to recover broken down into legal fees, witness fees and other costs and expenses is set forth in Exhibit "A" attached hereto and incorporated by reference. Itemized statements are also attached to Exhibit "A" in support of this summary.

(B) The Irrigators' proposed findings and recommendations were set forth in the Stipulation and in the Irrigators' closing Comments filed with the Commission in this case in response to the Company's filings and the Commission's notices. The Irrigators' interests are

aligned with all other customer classes in seeking to limit the Company's recovery of its claimed excess power supply costs to only those that were prudently incurred and properly recoverable. Via the Stipulation, the Irrigators supported the Company's net recovery of approximately 22.7 million in excess power supply costs as reasonable and appropriate given (1) the risks of a less favorable result in light of the viability of the defenses further limiting such recover, (2) the Irrigators' limited resources in going through a full contested hearing, and (3) the status settlements reached or in progress in other jurisdictions on this issue. The Irrigators' consultant, Anthony Yankel ("Consultant"), assisted the Irrigators in determining settlement range for Company's claimed excess power supply costs and participated via conference call in one of the settlement conferences.

The rate spread and rate design aspects of this case were of utmost importance to the Irrigators in that the Company proposed, among other things, a potential cost of service increase of up to 19.34% and replacement of the ABC rate schedule and accompanying load control benefits. The Irrigators had to treat the Company's Application prior to any settlement as if it would go to a full contested hearing and had its Consultant review the underlying data and methodology used for the Company's proposed cost of service study. Necessarily, the Irrigators and its Consultant served three Data Requests upon the Company for this purpose and incurred significant time in reviewing the Company's Application to determine its merits. Via the Stipulation, the Irrigators agreed (1) to the revision of the ABC tariff schedule to that of a firm rate and (2) to the use of a Modified Rate Mitigation Adjustment ("RMA") feature that has the effect of making a substantial move for the irrigation class toward perceived cost of service and redistributing the revenues to the benefit of the other customer classes to principally mitigate the effect of Company's excess power supply costs.

The Irrigators' Consultant worked closely with the Irrigators to evaluate the merits of the settlement of this issue and also interacted with the Company and the Commission Staff in the overall settlement process.

(C) The expenses and costs incurred by the Irrigators set forth in Exhibit A attached are reasonable in amount and were necessarily incurred (1) in communicating with representatives of the Company, the Commission Staff, and the Irrigators' governing board, (2) in reviewing and evaluating the Company's Application and exhibits, conducting discovery, negotiating and drafting the Stipulation, and preparing Comments filed on behalf of the Irrigators, and (3) in generally participating in these proceedings before the Commission.

(D) The costs described above constitute a financial hardship for the Irrigators. The Irrigators currently have less than \$14,000 in the bank and substantial accounts payable as a result of participation in this case and several other cases filed recently by Idaho Power and PacifiCorp. The Irrigators are an Idaho nonprofit corporation qualified under I.R.C. § 501(c)(5) representing farm interests in electric utility rate matters affecting farmers in southern and central Idaho. The Irrigators rely solely upon dues and contributions voluntarily paid by members, together with intervenor funding to support activities and participate in rate cases. Each year a mailing is sent to approximately 7500 Idaho Irrigators (approximately two-thirds in the Idaho Power Company service area and one-third in the Utah Power Company service area), soliciting annual dues. The Irrigators recommend that each member make a voluntary contribution of thirty cents (\$.30) per horsepower for each pumping installation. Member contributions have been falling mainly due to the extremely depressed agricultural economy. From member contributions the Irrigators must pay all expenses,

which generally include mailing expenses, meeting expenses and shared office space in Boise, Idaho, in addition to the expenses relating to participation in rate cases. The Executive Director, Lynn Tominaga, is the only part-time paid employee, receiving a small retainer plus expenses for office space, office equipment, and secretarial services. Officers and directors are elected annually and serve without compensation.

It has been and continues to be a financial hardship for the Irrigators to fully participate in all rate matters affecting its members. As a result of financial constraints, participation in past rate cases has been selective and on a limited basis.

(E) The positions set forth by the Irrigators in these proceedings as set forth in (B) above were different from the positions taken by the Company, Commission Staff and other intervenors with regard to the length and amount of the RMA.

(F) The Irrigators' participation addressed issues of concern to the general body of users or consumers with respect to the negotiation of the amount of excess deferred power costs and the willingness of the irrigation class as a whole to make a substantial move toward the perceived cost of service for said class and the revenue from which was used to mitigate the recovery of the excess power supply costs for all other consumer classes.

(G) The Irrigators represent the irrigation class of customers under Schedule 10.

Based on the foregoing, it is respectfully submitted that the Irrigators are a qualifying intervenor and should be entitled to an award of costs of intervention pursuant to Idaho Code § 61-617A and IDAPA 31.01.01.162.

DATED this 17th day of May, 2002.

RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED

By 
for ERIC L. OLSEN

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of May, 2002, a true and correct copy of the foregoing was served on the following via U.S. Mail:

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

Anthony J. Yankel
29814 Lake Road
Bay Village, OH 44140

Randall C Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
P.O. Box 1391
Pocatello, ID 83204

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

Tim Shurtz
411 South Main
Firth, ID 83236

Doug Larson
Vice President Regulation
PacifiCorp
201 S. Main, Suite 2300
Salt Lake City, UT 84140

James F. Fell
Erinn Kelley-Siel
John M. Eriksson
Stoel Rives LLP
201 S. Main Street, Suite 1100
Salt Lake City, UT 84110

Conley Ward
Givens Pursley
P.O. Box 2720
Boise, ID 83701


ERIC L. OLSEN

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Total</u>
01/07/02	Conference regarding PacifiCorp Rate Case and effect on IIPA	0.10	
01/10/02	Receive and review PacifiCorp new 2002 application, testimony and exhibits; prepare file petition to intervene; telephone conference and letter to PUC, letter to D. Larson, J. Erikson requesting service on consultant; telephone conference with D. Larson Re: proposed settlement conference;	1.50	
	Review PacifiCorp new application , testimony, exhibits.	1.00	
01/12/02	Prepare file IIPA First Discovery Requests; telephone conference with T. Yankel re: same.	1.00	
01/30/02			
01/31/02	Review Pumper's First Data Requests to UP&L and see that the same are sent out	0.90	
	For Current Services Rendered	4.60	673.50
	Total Current Work & Costs	673.50	
	Balance Due		<u>\$673.50</u>

ATTACHMENT 1

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Total</u>
01/07/02	Conference regarding PacifiCorp Rate Case and effect on IIPA	0.10	
01/10/02	Receive and review PacifiCorp new 2002 application, testimony and exhibits; prepare file petition to intervene; telephone conference and letter to PUC, letter to D. Larson, J. Erikson requesting service on consultant; telephone conference with D. Larson Re: proposed settlement conference;	1.50	
	Review PacifiCorp new application , testimony, exhibits.	1.00	
01/12/02	Prepare file IIPA First Discovery Requests; telephone conference with T. Yankel re: same.	1.00	
01/30/02			
01/31/02	Review Pumper's First Data Requests to UP&L and see that the same are sent out	0.90	
	For Current Services Rendered	4.60	673.50
	Total Current Work & Costs	673.50	
	Balance Due		<u>\$673.50</u>

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Total</u>
02/01/02	Telephone conference with R. Lobb, T. Yankel re: case preparation, settlement conference, discovery requests/ strategy.	0.30	
02/05/02	Telephone conference with T. Yankel, L. Tominaga, B. Taylor, staff re: pre-hearing conference and settlement conference issues.	0.40	
02/06/02	Conference re: status of Rate Case and attending or PacifiCorp workshop on restructuring.	0.30	
02/07/02	Lunch re: background on PacifiCorp General Rate Cases; review Second Data Requests; e-mail and call and leave message with Tony Yankel re: same; several telephone conferences with Tony Yankel re: finalizing Second Data Requests.	3.50	
02/08/02	Finalize IIPA Second Data Requests and see that same are served; conference re: upcoming scheduling and settlement conference.	0.90	
02/13/02	Review update letter to IIPA re: current Rate Cases before the PUC.	0.20	
02/15/02	Telephone conference with B. Lively (PacifiCorp) re: issues for 2/19 settlement conference; conference re: upcoming scheduling conference; Telephone conference with Lynn Tominaga re: Utah Power Rate Case and breakfast meeting re: same.	0.50	
02/16/02	Conference re: positions to be taken in scheduling conference in PacifiCorp Rate Case.	0.30	
02/18/02	Receive and review Yankel preliminary analysis of Pacificorp scheduling and settlement conference issues; prepare position and issues for statement for 2/18 PUC scheduling/settlement conferences; telephone conference with B. Lively (PacifiCorp) re: issues for settlement conference.	1.80	
02/19/02	Conference re: PacifiCorp case and issues to be raised in scheduling/settlement conference; travel to Boise; attend PacifiCorp/PUC scheduling and settlement conference travel back to Pocatello.	9.30	
02/20/02	Review Third Data Requests prior to sending out.	0.80	
02/25/02	Finalize Third Data Request and see that same are served; outline draft letter to Board re: current settlement negotiations; review PAC filing materials re: changes to COS design and other elements of the filing	3.10	

02/26/02	Continued review of PAC's filing and testimony of James Zhang; continued drafting of status letter to IIPA Board; telephone conference with Tony Yankel re: status of case and scheduling call in conference; conference re: same.	4.40	
		3.60	
02/27/02	Telephone conference with B. Taylor re: case status and strategy, issues and authority for settlement conference with PacifiCorp and staff; meeting re: case analysis, settlement issues and strategy; prepare draft letter to Board re: same; revise letter to IIPA Board; conference re: same.	3.10	
02/28/02	Finalize Board letter; telephone conference with Mark Michelson re: conference call; call and leave message with Bob Lively at PacifiCorp getting revised numbers; telephone conference with Bob Lively re: getting revised numbers for show impact on larger Irrigators of proposed COS redesign	0.80	
	For Current Services Rendered	29.90	4,096.50
02/19/02	Travel to Boise		321.00
02/28/02	Long Distance Telephone Expense		3.72
02/28/02	Long Distance Telephone Expense		<u>8.77</u>
	Total Costs		333.49
	Total Current Work & Costs		\$4,429.99
	Previous Balance		\$673.50
	Balance Due		<u>\$5,103.49</u>

<u>Date</u>	<u>Description</u>	<u>Hours</u>	<u>Total</u>
03/04/02	Receive and review Pacificorp Schedule 10C Exhibits and evaluation of proposed COS studies, BPA credit, rate mitigation adjustment on rates of irrigators; telephone conference regarding case settlement issues; Multiple telephone conferences with B. Lively/Pacificorp, T. Yankel, IIPA Board regarding settlement issues and negotiations.		
	Review spread sheet from Bob Lively regarding changes to monthly billing comparisons for irrigators	2.50	
	Conference regarding monthly billing comparison numbers; conference with Bob Lively regarding spread sheet showing adjustments to rates; Conference call is IIPA Board regarding same and upcoming settlement conference	0.60	
	Telephone conference with Lively regarding questions about monthly billing comparisons	2.30	
	Review revised monthly billing comparison numbers;	0.30	
03/05/02	Travel to Boise to attend Settlement Conference; Attend Settlement Conference and reach settlement regarding amount of excess power costs to be recovered; Various telephone conferences with Tony Yankel regarding same; Travel back to Pocatello	10.00	
03/08/02	Conference with Tony Yankel on status of settlement conference on Pacificorp case; Telephone conference with Bob Lively regarding changes in interruptability rate this late in the irrigation season; E-mail Tony Yankel regarding Pacificorp's concerns over being unable to implement new firm power rate schedule and idea of keeping the ABC Tariff Rates in place for 2002 irrigation season	0.80	
03/11/02	Telephone conference with Tim Shurtz regarding status of his intervention in the case and intent to raise motion on rate freeze provision in earlier merger case and Pacificorp's ability to file a general rate case	0.20	
03/12/02	Dictate letter to IIPA Board regarding status of settlement negotiations; E-mail Bob Lively regarding monthly billing comparison	0.20	
03/13/02		0.70	
	Review revised monthly billing comparison from Pacificorp		
03/14/02	Revise letter to IIPA Board regarding status of settlement negotiations	1.10	

- 03/18/02 Receive and review Pacificorp proposed settlement stipulation, exhibits; Telephone conference with B. Lively regarding analysis of proposed settlement in irrigators rates; Review proposed stipulation and attachments provided by Pacificorp and forward same on to Tony Yankel; Review proposed stipulation; conference regarding revised schedule and telephone conference with Bob Lively regarding same; Telephone conference with Tony and review schedules to stipulation agreement; Review Tony Yankel's settlement numbers; Telephone conference with Bill Taylor regarding conference on meeting; Telephone conference with Mark Michelsen regarding the meeting on the rate spread 4.60
- 03/19/02 Conference call with B. Taylor, M. Mickelson regarding proposed settlement stipulation and exhibits with Pacificorp; Conference regarding scheduled conference call with IIPA Board members; Conference with IIPA Executive Committee Members regarding status of current negotiations on Pacificorp rate case 1.90
- 03/20/02 Travel to Boise to attend settlement conference; Attend settlement conference with Pacificorp and staff and revise proposed stipulation; Travel back to Pocatello 7.00
- 03/21/02 Conference regarding revision of Pacificorp's proposed stipulation; Review the revised stipulation of the proposed settlement; forward e-mails on to Tony Yankel and see that staff's proposed schedules are faxed to Mr. Yankel; Telephone conference with Tony Yankel regarding results of settlement conference and negotiating strategies going forward 1.30
- 03/22/02 E-mail Dave Taylor regarding conference call with Tony Yankel about COS Study and IIPA's concerns; telephone conference with Dave Taylor and Tony Yankel regarding issue with respect to Irrigator's cost of service study numbers; Telephone conference with Tony Yankel regarding same 0.60
- 03/23/02 Receive and review staff rate spread exhibits to settlement stipulation; Telephone conference with T. Yankel regarding settlement "spread" issues 0.60
- 03/25/02 Review revised monthly billing comparison provided by Pacificorp; Forward e-mail on to Tony Yankel for his review; Review staff's proposal for the RMA spread in conjunction with PCS and its effect on Irrigator class; E-mail Pacificorp regarding changes to its monthly billing comparisons for Irrigators in light of staff's new proposal; Conference regarding IIPA position and settlement of the case 0.90

03/26/02	Receive and review T. Yankel analysis of Pacificorp proposed rate spread; Review Tony Yankel's comments regarding size of cost of service increase and arguments to be made against the same; Telephone conference with Tony Yankel regarding review of comments regarding cost of service study; Telephone conference with Mark Michelsen regarding status of rate case and fax information up to him	1.10	
03/27/02	Review Pacificorp's proposed stipulation and exhibits; Telephone conference with Mark Michelsen regarding status of negotiations and set time to meet with executive board; Telephone conference with Randy Lobb regarding status of case with Pacificorp and Irrigator's concerns; Review notes from conversation with Randy Lobb	2.20	
03/28/02	Participate in Pacificorp-staff No. 3 settlement conference regarding rate spread and proposed settlement stipulation and exhibits; Participate in staff, Pacificorp, and intervenor conference call; Prepared for meeting IIPA Executive Board; Telephone conference with Doug Larson of Pacificorp regarding irrigator's concerns; Conference with Mark Michelsen and Bill Taylor of IIPA and various telephone conferences with Tony Yankel, Bob Lively, Randy Lobb, and various Pacificorp staff regarding rate design issues within the irrigator class	7.90	
03/29/02	Conference regarding status IIPA negotiations with Pacificorp; Telephone conference with Mark Michelsen regarding status and decision of the board on terms of stipulation; Telephone conference with Tony Yankel regarding status of negotiations and other means of addressing the issue of hit to large irrigators; Telephone conference with Bob Lively regarding status of irrigators position with respect to proposed stipulated settlement	1.30	
	For Current Services Rendered	48.40	<u>6,612.00</u>
03/05/02	Travel to Boise		321.00
03/20/02	Airfare to Boise		321.00
03/31/02	Long Distance Telephone Expenses		<u>41.84</u>
	Total Costs		683.84
	Total Current Work & Costs		7,295.84
	Previous Balance		\$5,103.49
	Balance Due		<u>\$12,399.33</u>

05/01/02	Telephone conference with Jim Fell of Stoel Rives regarding spreading testimony on the record; Telephone conference with Tim Shurtz regarding request for a continuance	0.60	
	Telephone conference with Mark Michelsen regarding upcoming hearings on stipulation and testifying regarding IIPA's position at Rigby Hearings	0.50	
05/02/02	Review pre-filed testimony of Bob Lively and Randy Lobb in preparation for technical hearing	1.80	
05/03/02	Review Petition to Intervene from Nu-West Industries, Inc.	0.80	
05/06/02	Travel to Rigby, Idaho for initial workshop and public hearing; Attend workshop; Conference with Mark Michelsen IIPA Board Member regarding content of testimony; Attend public hearing; Travel back to Pocatello	5.00	
05/07/02	Travel to Preston to attend technical hearing; Attend technical hearing and participate therein; Travel back to Pocatello	5.50	
05/09/02	Dictate draft of comments for closing technical hearing for consideration of stipulation; Continued drafting of comments of IIPA regarding reasons for supporting proposed stipulation and treatment of Nu-West in alternatives of being a tariff or contract customer and see that same are filed with commission and served on the parties	4.60	
05/16/02		2.00	
	Prepare application for intervenor funding		
5/17/02	Continued preparation of application for intervenor funding; Telephone conference with Lynn Tominaga regarding same and see that same is filed with commission	3.50	
		35.00	4,725.00
	For Current Services Rendered		
04/30/02			12.35
05/16/02	Long Distance Telephone Expense		<u>42.00</u>
	Mileage to Preston		
			54.35
	Total Costs		4,779.35
	Total Current Work & Costs		\$12,399.33
	Previous Balance		<u>\$17,178.68</u>
	Balance Due		

ATTACHMENT 2

PacifiCorp BPA/COS/Deferred Power Costs

	<u>Date</u>	<u>Hours</u>	<u>Description</u>
Nov.	24	1	Review material supplied by legal counsel from meeting to outline PacifiCorp's rate new case.
Jan-02	10	4	Review material from prior UP&L rate cases to determine how net power costs were previously addressed.
	11	2	Review treatment of net power costs in last Utah case and compare differences between the two cases.
	15	1	Review of Company filing as well as other materials filed by PacifiCorp; conversation with legal counsel regarding direction of case.
	23	5	Review cost of service and power cost issues in filing in relationship to other PacifiCorp cases in Utah and Oregon.
	24	4	Review testimony of Watters as well as accompanying exhibits; develop interrogatories regarding same.
	25	6	Continued review of testimony of Watters and review of testimony of Widmer as well as accompanying exhibits; compare to last filing in Utah; develop interrogatories regarding service.
	28	6	Continued review of testimony of Watters and Widmer as well as accompanying exhibits; continued comparison to last filing in Utah and Oregon; continued development of interrogatories regarding same.
	29	8	Review testimony of Taylor and the Company's cost of service study; compare to the cost of service study filed in the last case in Utah; develop interrogatories regarding same.
	31	7	Continued review of testimony of Taylor and the Company's cost of service study; continued comparison to the cost of service study filed in the last case in Utah; continued development of interrogatories regarding same.
Feb.	7	8	Review cost of service data and develop cost of service study alternatives that are different than PacifiCorp's, focusing on system coincident demand and power supply cost data.

PacifiCorp BPA/COS/Deferred Power Costs

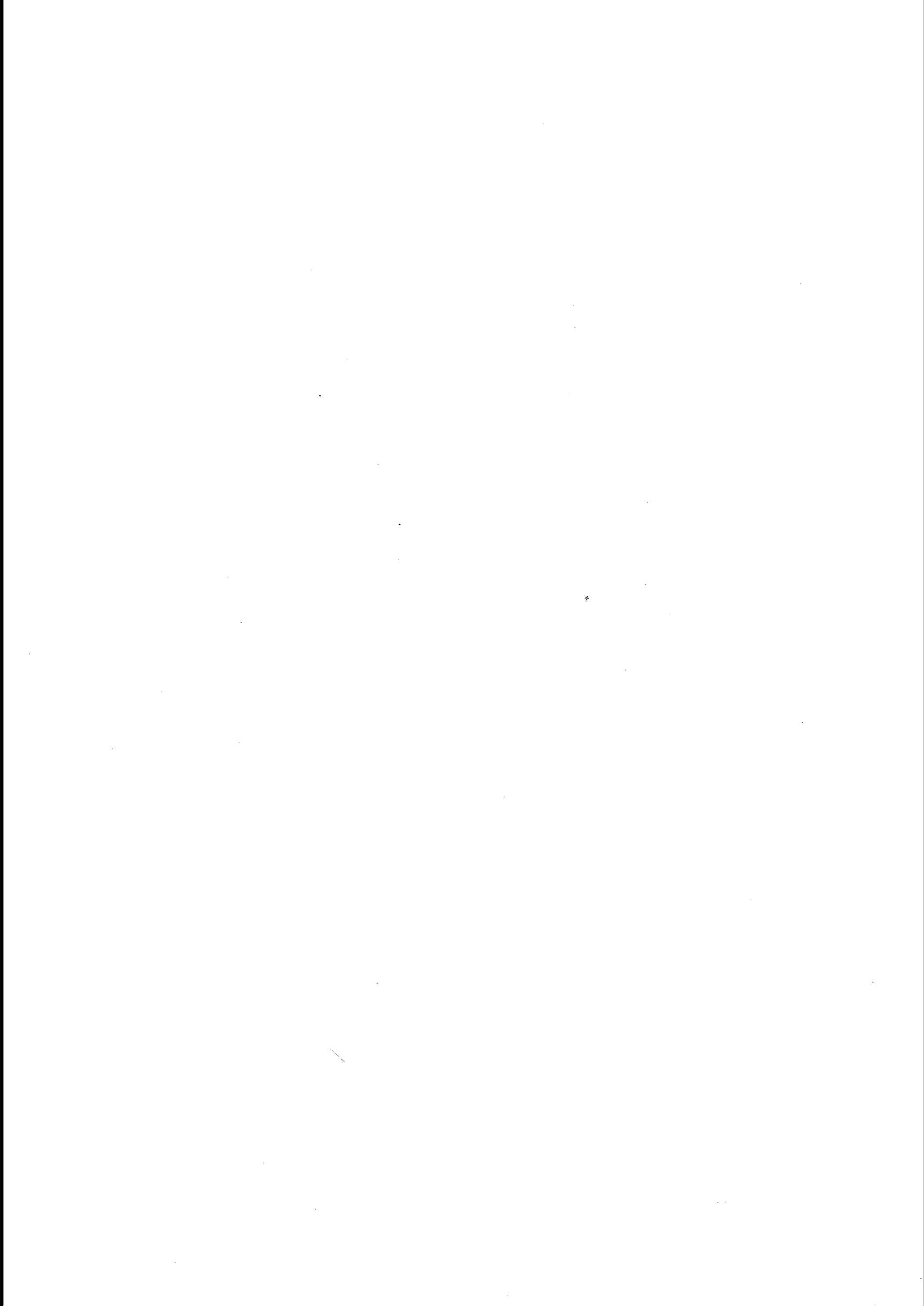
<u>Date</u>	<u>Hours</u>	<u>Description</u>	
8	7	Continued review of cost of service data and development of cost of service study alternatives that are different than PacifiCorp's focusing on non-coincident demand and distribution data.	
12	6	Operate PacifiCorp's cost of service study computer model and determine how it works.	
13	7	Review the basis for allocation factors used in the Company's COS study including the development of coincident peak data and distribution peak data from the Company's load research data.	
14	8	Continued review of the basis for allocation factors used in the Company's COS study including the development of coincident peak data and distribution peak data from the Company's load research data.	
15	7	Continued review of the basis for allocation factors used in the Company's COS study including the development of coincident peak data and distribution peak data; compare to results in Utah and note differences including the use of different times of system coincident peak for the same month.	
16	8	Review Company's filing and develop interrogatories regarding cost of service issues.	
18	5	Continued review of Company's filing and development of interrogatories regarding cost of service issues, noting in particular differences with the filing in the last case.	
25	3	Review COS data to determine problem areas in the model; attempt to develop alternative to these problems.	
27	3	Develop direction for legal counsel regarding settlement; determine how PacifiCorp's Exhibit 17 works with respect to how the various charges are related and discuss with legal counsel.	
Mar.	4	3	Review cost of service and direction for settlement; conference with legal counsel and IIPA Board regarding what needs to be done at settlement.

PacifiCorp BPA/COS/Deferred Power Costs

<u>Date</u>	<u>Hours</u>	<u>Description</u>
5	4	Review various materials supplied by the Company and staff regarding settlement; prepare for and attend settlement conference over the phone.
11	3	Review data responses to Irrigators and Staff regarding cost of service issues and Power Cost issues.
15	8	Review load research data as it relates to changed usage in this case; review basis for energy and revenue values in this case that are significantly higher than anything for irrigators in Idaho in the last 10 years.
16	8	Continued review of load research data; continued review of basis for energy and revenue values in this case that are significantly higher than anything for irrigators in Idaho in the last 10 years; continued formulation of position for settlement.
17	4	Continued review of load research data; continued review of basis for energy and revenue values in this case that are significantly higher than anything for irrigators in Idaho in the last 10 years; continued formulation of a position for settlement.
18	1	Various conversations with legal counsel regarding settlement and review of materials supplied by PacifiCorp regarding settlement.
21	1	Conversations with legal counsel, review latest proposals with respect to settlement for the impact on irrigation and other customers.
22	2	Various conversations with legal counsel, Dave Taylor of the company, and Randy Lobb of the Staff; review new data spreadsheet provided by the Company.
23	1	Conversation with legal counsel; review most recent staff proposed settlement.
25	8	Review material supplied by the company in response to our concerns regarding cost of service; develop a listing of cost of service issues based on what was filed in this case and what the Company has recently filed in Utah for the irrigators; prepare a position for negotiations, conference call with legal counsel and Company.

PacifiCorp BPA/COS/Deferred Power Costs

<u>Date</u>	<u>Hours</u>	<u>Description</u>
27	1	Meeting with Dave Taylor in Salt Lake to discuss various positions in the case and how to settle the case.
29	1	Develop possible compromises based upon conversations with Taylor; conversation with legal counsel and IIPA Board members regarding possible compromise position.
April 1	1	Conversation with legal counsel regarding direction of settlement; review of settlement proposal and possible spread scenarios of COS and RMA.
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Total	152	



Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-007

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IDAHO PUBLIC
UTILITIES COMMISSION

Honorable Commissions:

Intervener, Timothy J. Shurtz, respectfully requests reimbursement and compensation for the intervention activities in Case No. PAC-E-02-1, under provisions of IDAPA 31.01.01, under commission rules of procedure 161-170.

Rule procedure 162.01. Itemized list of expenses in Case PAC-E-02-1.

List of Time and Activities Involved with Case PAC-E-02-1

February 19, 2002	16 hours	Pre-Conference Hearing and Negotiations.
February 25, 2002	3.5 hours	Met with Kathaleen Lewis, Executive Director of South East Idaho Council of Governments.
February 25, 2002	.5 hour*	Talked with Commission Staff, Ron Law.
February 25, 2002	1 hour	Discussed ramifications of case with the Firth City Council.
February 26, 2002	.5 hour*	Talked with Commission Staff, Ron Law.

Post-it® Fax Note 7671

Date	8/23	# of pages	8
To	Kim PERTY		
From			
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

March 4&5, 2002	1 hour*	Worked with Scott Woodbury.
March 8, 2002	2.5 hours	Studied PacifiCorp documents provided by Douglas Larson, V.P. Regulation of Utah Power.
March 11, 2002	.5 hour*	Talked with Commission Staff, Ron Law.
March 11, 2002	4 hours	Made inquiry for legal services.
March 12, 2002	2 hours	Had initial consultation with Alva Harris, attorney.
March 13, 2002	1 hour*	Talked with Jeanine Brandies, AARP for possible help on case.
March 13, 2002	2hours	Studied merger Case No. PAC-E-99-1.
March 14, 2002	3 hours	Prepared information on case for AARP national office.
March 15, 2002	6 hours	Preparation of Petition of Clarification and consultation with lawyer on petition.
March 18, 2002	.5 hour*	Consultation with Commission Staff, Ron Law and Scott Woodbury.
March 18, 2002	4 hours	Preparation of Final Petition of Clarification and made copies for all parties.
March 19, 2002	14 hours	Settlement Conference at Idaho Public Utilities Commission office in Boise.
March 19, 2002	2.5 hours	Met with Jeanine Brandeis, AARP asking for assistance in this case.
March 25, 2002	3.5 hours	Traveled to and from Pocatello; met with Senator Mike Crapo's Aide.
March 26, 2002	5 hours	Received Draft #2 of proposed stipulation; studied and consulted with all parties (conference call).

April 12, 2002	4 hour	Studied Proposed Final Stipulation.
April 12, 2002	1 hour	Met with Gilbert Dayley and discussed internet research information dealing with historical facts in this case.
April 15, 2002	1 hour*	Talked with Bob Lively, Utah Power.
April 16, 2002	.75 hour*	Talked with Commission Staff; Randy Lobe and Ron Law.
April 16, 2002	.5 hour	Talked with NuWest; stipulation.
April 17, 2002	.5 hour	Talked with Bob Lee.
April 18, 2002	.5 hour	Talked with Congress Mike Simpson's staff.
April 18, 2002	.5 hour*	Talked with Northwest Industrial's staff.
April 18, 2002	.5 hour*	Talked Energy Strategies, Utah.
April 18, 2002	1 hour*	Talked with Michael Carp, energy advocate on utility case.
April 18, 2002	.5 hour*	Talked with Wes Clinton of Utah Farm Bureau.
April 19, 2002	.75 hour*	Talked with Lyn Tominaga of Idaho Farm Bureau.
April 19, 2002	1 hour*	Talked with Tim Summer of Wyoming AARP; re: Wyoming case.
April 19, 2002	2 hours	Researched Oregon case on internet; UM 855.
April 19, 2002	5 hours	Met with Gilbert Dayley and Alva Harris; discussed case, reviewed information, and prepared for hearings.
April 23, 2002	.5 hour	Talked with Representative Lindford.
April 23, 2002	3 hours	Prepared and gave presentation to South East Idaho Council of Governments.
April 24 & 25, 2002	1 hour	Drafted and faxed Request for Continuation to all parties.
April 26, 2002	4.5 hours	Studied Wyoming Case information from Tim Summer, AARP and internet.
April 29, 2002	.5 hour	NuWest Stipulation.
April 30, 2002	9 hours	Prepared and composed Written Testimony of Timothy Shurtz for the Evidentiary Hearing.
April 30, 2002	.5 hour*	Talked with Ron Law and Scott Woodbury.
April 30, 2002	.5 hour*	Faxed lawyer's request for continuance.

May 1, 2002	.5 hour*	Talked with Commission Staff; Ron Law & Scott Woodbury.
May 1, 2002	3.5 hours	Studied testimony and exhibits by PacifiCorp.
May 2, 2002	2.5 hours	Copied, prepared, and mailed testimony to all parties.
May 2, 2002	5.5 hours	Studied and researched testimony given for New West by Conley E. Ward; and Commission Staff testimony of Randy Lobe.
May 2, 2002	1.5 hours	Talked with Stan Searle, Bingham County Farm Bureau President.
May 2, 2002	.5 hour*	Talked with Commission Staff, Ron Law and Scott Woodbury.
May 3, 2002	.5 hour	Talked with Bob Lee and Mrs. Lee.
May 3, 2002	.75 hour*	Talked with Lyn Tominaga of Farm Bureau re: testimony.
May 6, 2002	4.5 hours	Prepared research and strategies for Public Hearing in Rigby, Idaho.
May 6, 2002	6 hours	Traveled to and from Rigby; and participation in Public Hearing.
May 7, 2002	14 hours	Traveling to and from Preston; participation in Evidentiary Hearing and public Hearing.
	152 hours	Total

Record of Miles

1070	(2) trips to Boise: Pre-Conference Hearing and Negotiations, /Meridian—AARP.
168	(2) trips to Pocatello: SEICG, and Senator Crapo's office.
60	(6) trips to Shelley: consult with lawyer.
60	(1) trip to Rigby: Public Hearing.
243	(1) trip to Preston: Evidentiary/Public Hearing.
1601	Total miles @ .366/mile, \$585.00.

Record of Meals

February	\$11.60 w/tip	Boise Ihop
March	\$12.10 w/tip	Boise Perkins
May	\$32.00 w/tip	Preston (2) meals
	\$55.70	Total

Mail Expense: \$24.99

Telephone Expenses: 11.75 hours @ .04/minute, \$28.20.

Time 152 Hours @ \$40.00/hour, \$6080.

Legal Expenses to Attorney Alva Harris
171 S. Emerson Ave.
Shelley, ID 83274

20 hours @ \$125.00/hour, \$2500.00.

Expenses for Assistant Services to Gilbert Dayley
264 N. 4000E.
Rigby, ID 83442

15 Hours @ 40.00/hour, \$600.00.

Expenses for clerical assistance to Marlene Shurtz
411 S. Main
Firth, ID 83236

Preparation of Intervener document for Intervener Funding.
12 Hours @ 25.00/hour, \$300.00.

Total reimbursement request \$10,173.89.

Note: Honorable Commission, these expenses are the only ones connected directly to the case. They do not include many hours dealing with public information and notification of the proposed cost recovery by Utah Power. They do not include time spent working with legislators and other government leaders on a one to one basis. I have submitted this list of expenses trusting on your judgement as to what remuneration I and my staff should receive. I would make one request though that the charges concerning Mr. Gilbert Dayley and Mr. Alva Harris be honored before any remuneration to myself that in your judgement I may be entitled.

162.02 Statement of Proposed Findings.

I feel that all expenses and charges in 162.01 are just in cost. I request that the Commission pay the total of \$10,173.89; for intervention in Case PAC-E-02-1.

162.03 Statement Showing Cost.

I base these charges on previous intervener charges that have been submitted to the Commission. These costs included IRS allowances for milage, cost per minute from a phone card, and recommendation from Commission Staff. Other advocacy groups recommended a much higher rate. I feel the advise given to me by Commission Staff is fair and reasonable.

162.04 Explanation of Cost Statement.

Intervener Timothy J. Shurtz, earned a total of \$32,000 in the year 2001 before standard deductions. This case put a hardship on my availability to work. I have had one day off since entering this case in which I was working either at my place of employment or working on this case. I have also had to give up family time and forgo other activities to meet the demands of this case. This case at times has been very stressful and challenging in all aspects of my personal and public life. It also has caused strain at work trying to balance the needs of this case and the needs of my profession. For these reasons, I feel fully justified in the charges I have submitted to the Commission.

162.05 Statement of Difference.

I differed from the Staff based on my opinion and other opinions expressed in Utah Power's recovery of cost request. I felt that Condition #2 of the Merger Agreement prohibited the Recovery Cost. I also felt that the Hunter Outage was the responsibility of the company. As testified, I feel that this Cost Recovery was piece mill rate making, and that before Utah Power recovered any money they should file a General Rate Case before the commission verses the piece mill approach. For those reasons, I declined to sign the stipulation as signed by the commission staff.

162.06 Statement of Recommendation.

As made clear to the Commission at the hearings, most customers of Utah Power felt that the Recovery of Costs as proposed by Utah Power were unjust. Most of the customers who testified at the hearings felt that Utah Power had broken their promise given in writing in condition #2 in the Merger Agreement, and other verbal promises given to them personally and through the media. The customers felt this Recovery of Costs was a retroactive rate increase. Another concern was: should the customer pay for the management mistakes of the new management at PacifiCorp. They felt that none of these charges were just or fair. I felt that my participation as an intervener brought all these concerns to the attention of the commission, and that without my participation, the public would have remained largely uninformed and would not have participated in this case. As stated in my testimony, my recommendation to the commission would be to deny recovery of costs to Utah Power based on the public's perception of the rate moratorium and verbal promises given to Senator Lee and promises made through the media to the public. Also if in the commissions opinion, Utah Power is entitled to some recovery of costs, it should be decided by a general rate case and not this piece mill rate making.

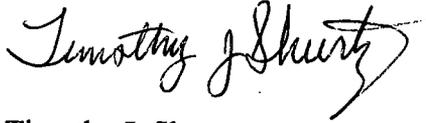
162.07 Statement Showing Class of Customer.

Based on the public hearings, I felt that I represented a very wide class of customers: residential, business, and farming. I was the only intervener that was a residential customer, and worked for a business that would have been effected. I involved the Farm Bureau in this case thanks to the help of Representative Ulea Lea Lindford. I helped inform the public through many hours of work with the media. I involved members of the Idaho legislature in the public hearings. With the public response to my efforts, I felt that I represented the average customer of Utah power. I was responsible for notifying NuWest of the potential liabilities in this case. As I did many other businesses, local governments, and residential customers who would have been unaware of their potential liabilities in this case.

Conclusion:

While this case was very stressful and demanding of me and my family, I am honored to have had the privilege of working with all the individuals involved in this case. I found the representatives for Utah Power to be honorable and good men. I also enjoyed working with the other interveners in this case. But most of all, I must praise the work and concern that the Commission Staff put forward in my behalf, specifically: Ron Law, Scott Woodbury, Randy Lobe, Jean D. Jewell, and the other secretarial staff. These are outstanding examples of what state employees should be. I also wish to thank each of you commissioners personally for the work you do every day on behalf of the people of Idaho. I am honored to have had the privilege of associating with you. I look forward to working with you for the good of Idaho in the future. I respectfully submit this application for intervener funds, knowing that you will base your decisions on what is reasonable and fair for the intervener cost.

Sincerely,



Timothy J. Shurtz
411 S. Main
Firth, ID 83236

Certificate of Service

cc: Doug Larson
Vice president Regulation
Pacifcorp
210 S Main, Suite 2300
Salt Lake City, UT 84140

John Eriksson
Stoel Rives Llp
201 S Main St. Ste 1100
Salt Lake City, UT 84111

Randall C Budge
Rancine Olson Nye Budge & Bailey
PO Box 1391
Pocatello, ID 83204-1391

James R Smith
Monsanto Company
PO Box 816
Soda Springs, ID 83276

Eric L Olsen
Racine Olson Nye Budge & Bailey
PO Box 1391
Pocatello, ID 83204-1391

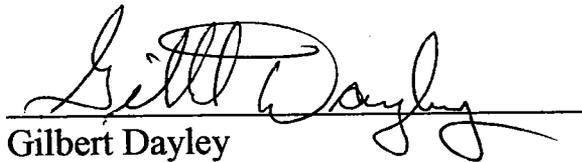
Conley Ward
277 North 6th Street, suite 200
PO Box 2720
Boise, ID 83701

May 13, 2002

Time & expense report for assisting Mr. Tim Shurtz, intervener, with Case No. PAC - 02-1.

Expenses for : Gilbert Dayley

Date: April 19, 2002	4.0 hours	research internet information
April 23, 2002	5.0 hours	meeting with attorney et.al. discuss and draft notice
May 2, 2002	2.0 hours	notice of meeting and info to Rigby senior citizens
May 6, 2002	4.0 hours	research, develop strategies
Total	<u>15.0 hours</u>	@ \$40.00 = \$600.00



Gilbert Dayley
264 North 4000 East
Rigby, Idaho 83442