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IDAHO PUBLIC
UTILITIES COMMISSION

Intervener: Timothy J. Shurtz
411 S. Main
Firth, ID 83236
June 23, 2002

I **BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF THE APPLICATION OF PACIFICORP DABA UTAH POWER & LIGHT COMPANY FOR APPROVAL OF CHANGES TO ITS ELECTRIC SERVICE SCHEDULES.	) **CASE NO. PAC-E-02-1**))) **ORDER NO. 29034**)

Respectfully, petition the honorable commission to reconsider their majority opinion in order no. 29034; under commission rules of procedure rule 341. For the following reasons I feel that the commission order 29034 should be reviewed:

1. As to the BPA Credit, that should be treated as a separate issue not connected with this case. Whether it was negotiated or given to the Idaho Customers of Utah Power should have no baring on the amount of the monies given to Utah Power in this case.

2. Hunter Plant Failure—is still under ligation to my knowledge in other jurisdiction. Would it not be wise and prudent to treat this cost of the Hunter Plant Outage as a separate expense, that could be charged to the customers after all the other jurisdiction have litigated this occupancy? This also brings up the question of the "Most Favored Nation" clause in the stipulation. I would ask that the commission clarify any enunciate the meaning of this clause in this case.

What does the "Most Favored Nation Status" mean? If other jurisdiction rule against or limit recovery of these cost, is the company going to be directed by the commission to pass on any benefits that the customers may be entitled to under this clause in the stipulation.

Also one of the problems with the Hunter Costs and the assessing of excess power costs in general is because these costs and issues were lumped into one charge to the customers, how is the commission going to separate these costs should under the "Most Favored Nation" clause other jurisdiction limit the amount of recovery in their jurisdiction. I feel that the 22.7 million dollars should be itemized as to what the customer is specifically paying for. I would also point out that while the irrigators and I participated in the negotiation process, in the proposed stipulation the customers were vastly under represented in this case, despite the best efforts of myself, the irrigators, and the commission staff.

3. The rate moratorium—while I appreciate the honorable commissioners that voted in the majority for defining what the rate moratorium was I feel that larger issues were not resolved on this issue. The public, I feel was mislead by representations made to them by the company through the media and through their law makers, as to what the benefits of the rate moratorium

were. I also feel that had this the benefits of this rate moratorium been clarified for the public there would have been a continued opposition to the merger. This misrepresentation by company officials caused the public to forego farther legal remedies they could have taken, had they understood the interpretation of the rate moratorium would have been as defined by the commission. I continue to feel that while the commission can only rule on the evidence before them, they may also rule on what the responsibility of the company is through the presentations given through the media and through individual law makers on this issue. Ultimately, because of the misinformation the company gave to the public, we gave up major rights to redress the merger based on their presentations. The Utah Power customers, believed that the rate moratorium was more than what the honorable commission decided it was. So I feel that in supporting Commissioner Hansen's dissenting opinion, all excess power cost during the two year rate moratorium should be thrown out.

4. As to the company's lack of notification in this excess cost recovery case, I find the commission's actions in fining Utah Power 1,087,720 dollars, a very good start in holding public utilities accountable to its costumers. However, when you look at the potential fine that could have been imposed, accessing them 1% of their potential liability does not equal the 50-65% of the recovery of cost of what the Utah Power customers are going to be asked to pay. For example, a $20.00 credit per customer is to and extent equitable for the small consumer, but for commercial class of customer $20.00 does not even begin to cover the losses that they will suffer because of the lack of notification. I must believe that many other customers would have been more involved had Utah Power followed commission rule 102 and notified the customers of their potential liabilities. I feel that the fine levied on Utah Power should be equal to the potential loss of revenue suffered by the customers because of this lack of notification. Again, the rights of the customers of Utah Power were diminished by lack of action by Utah Power. As to the companies presentations stating that it put its intent to recover cost and other presentations at its company offices in its service territory, I can say as a customer in the Shelley area, they specifically name their Operations office as one of the sites where the public could have gained information on this case. I would like to point out that at the Shelley office a customer is greeted at the door with signs stating that you cannot pay your bill here. This has been the case for the last few years. The notations alone discourages people from entering the building and accessing any information the company may have posted there. My question to the commission is, do the other Utah Power locations discourage customer inquires at those locations? as the Shelley location does. Finally, I believe the company did post the information at their field offices. However, if those offices are not used, such as, Shelley to transact customer business—the customers would not normally have access to that information. They would naturally not be able to access that information because the customer normally does not use that office to pay his/her payments to Utah Power.

Ultimately, the customer's rights were severely impaired by Utah Power's failure to provide proper notification as required in commission rule number 102, so therefore, the libility of the company should be equal to that of the customer.

To sum up my petition to the commission for reconsideration, I would site the dissenting opinion of Commissioner Hansen and also the fact that the Hunter Outage is still under litigation in other states, and the lack of identification of what the nature of the cost in the recovery of excess power

cost is. Also the lack of the clarification of the Most Favored Nation concession given to the customer in this stipulation caused me as a customer great dissatisfaction. I feel that this case was one of misinformation and lack of information from the very beginning. I feel you must hold Utah Power greatly responsible for their lack of communication concerning this case; and should reconsider what is a fair and equitable settlement in this matter. I also feel that the rights of the public and customer were curtailed by this information. It is up to this honorable commission to redress the many damages suffered by all the customers of Utah Power because of the unintentional or intentional misinformation or lack of information by Utah Power.

Respectfully,

Timothy J. Shurtz

TJS/mfs

Certificate of Service by mail

I HEREBY CERTIFY that on the 24 day of June, 2002, I caused to be served a true and correct copy of the foregoing by the method indicated above, and addressed to the following:

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