

James M. Van Nostrand
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204
Telephone: (503) 294-9679
Fax: (503) 220-2480
Email: jmvannostrand@stoel.com

RECEIVED
FILED
2005 MAR -2 PM 2:57
IDAHO PUBLIC
UTILITIES COMMISSION

Lisa Nordstrom
PacifiCorp Office of the General Counsel
825 NE Multnomah Street, Suite 1800
Portland, OR 97232
Telephone: (503) 813-6227
Fax: (503) 813-7252
Email: lisa.nordstrom@pacificorp.com
Bar Number: 5733

Attorneys for PacifiCorp dba Utah
Power & Light Company

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE)
APPLICATION OF PACIFICORP DBA)
UTAH POWER & LIGHT COMPANY) CASE NO. PAC-E-05-1
FOR APPROVAL OF CHANGES TO)
ITS ELECTRIC SERVICE) PACIFICORP RESPONSE TO
SCHEDULES) SHURTZ PETITION TO INTERVENE
_____)

Pursuant to Rule 75 of the Commission's Rules of Procedure, PacifiCorp, doing business as Utah Power & Light Company ("PacifiCorp" or "the Company"), hereby responds to the Petition to Intervene submitted by Timothy J. Shurtz in the above proceeding.

Under Rule 74 of the Commission's Rules of Procedure, a person seeking to intervene in a Commission proceeding must demonstrate a "direct and substantial interest in any part of the

subject matter of the proceeding.” The same rule provides that intervention may be granted “subject to reasonable conditions.” *IDAPA 31.01.01.074*.

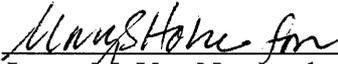
Mr. Shurtz claims an interest in the proceeding inasmuch as “[a]ny rate increase will affect me personally as a customer of Utah Power.” *Petition, p. 1*. Although the Petition refers to Mr. Shurtz’ prior status as “an elected official” of Firth, it does not appear from the Petition that Mr. Shurtz is currently an authorized representative of any city or town. The Petition also refers to Mr. Shurtz’ status as a “community leader” with a responsibility to look after the interest of those he represents, but it does not appear from the Petition that Mr. Shurtz is an authorized representative of any particular community organization. Similarly, the Petition refers to a need to “represent the residential customers or small business customers.” It does not appear from the Petition, however, that Mr. Shurtz is an authorized representative of these particular customer groups, or that these customer groups are otherwise unrepresented.

The stated “direct and substantial interest” upon which Mr. Shurtz’ intervention should be determined is solely his status as a customer of Utah Power. While it is not clear that the “direct and substantial interest” requirement is satisfied by a person’s status as ratepayer, PacifiCorp does not oppose the intervention of Mr. Shurtz. PacifiCorp urges the Commission to clarify that the Petition to Intervene of Mr. Shurtz, if granted, will be subject to the reasonable condition that his intervention is as an individual customer, and not as the authorized representative of any particular customer group or interest.

DATED this 2nd day of March, 2005.

Respectfully submitted,

Stoel Rives LLP

By  _____
James M. Van Nostrand
Of Attorneys for PacifiCorp

CERTIFICATE OF MAILING

I hereby certify that on this 2nd day of March, 2005, I served a true, correct and complete copy of the foregoing document, by U.S. mail, to each of the following:

Idaho Irrigation Pumpers Assn, Inc.
c/o Lynn Tominaga
P.O. Box 2624
Boise, ID 83701-2624

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

Eric L. Olsen
Racine, Olson, Nye, Budge &
Bailey, Chartered
P.O. Box 1391, 201 E. Center
Pocatello, ID 83204-1391

Conley E. Ward
Givens Pursley LLP
601 W. Bannock Street
P.O. Box 2720
Boise ID 83701-2720

Anthony Yankel
29814 Lake Road
Bay Village, OH 44140

J.R. Simplot Company
Attn: David Hawk
Director, Energy Natural Resources
999 Main Street
P.O. Box 27
Boise ID 83702

Monsanto Company
c/o Mark Boswell, Legal Dept.
800 N. Lindburg Blvd.,
Mailzone E2NR
St. Louis, MO 63167

R. Scott Pasley, Asst. Gen. Counsel
J.R. Simplot Company
999 Main Street, Ste. 1300
P.O. Box 27
Boise ID 83707-0027

Randall C. Budge
Racine, Olson, Nye, Budge &
Bailey, Chartered
P.O. Box 1391, 201 E. Center
Pocatello, ID 83204-1391

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

Katie Iverson
Brubaker & Associates
17244 W. Cordova Court
Surprise, AZ 85387

Brad M. Purdy
Attorney at Law
2019 N. 17th St.
Boise, ID 83702


James M. Van Nostrand