

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
PACIFICORP DBA UTAH POWER & LIGHT) CASE NO. PAC-E-05-1
COMPANY FOR AUTHORITY TO INCREASE)
ITS RATES FOR ELECTRIC SERVICE TO)
ELECTRIC CUSTOMERS IN THE STATE OF) ORDER NO. 29721
IDAHO.)**

Timothy J. Shurtz petitioned to intervene in this case on February 23, 2005, pursuant to Rules of Procedure 71 through 75 of the Idaho Public Utilities Commission, IDAPA 31.01.01.071-.075. Mr. Shurtz in his Petition states the following:

1. Any rate increase will affect me personally as a customer of Utah Power.
2. As an elected official, I personally voted to grant Utah Power a franchise to sell power within Firth, Idaho.
3. As a community leader, I feel a responsibility to those I represent and depend on me to look after their interest.
4. Because no other private advocacy groups or private individuals have come forward to represent the residential consumers or small business consumers, that my participation in this case is warranted.

On March 2, 2005, PacifiCorp dba Utah Power & Light Company filed a response to Mr. Shurtz's Petition to Intervene. The Company notes that it does not appear from the Petition that Mr. Shurtz is currently an authorized representative of any city or town, of any particular community organization, or of any particular customer groups. The stated "direct and substantial interest" upon which Mr. Shurtz's intervention should be determined, the Company contends, is solely his status as a customer of Utah Power.

BACKGROUND

Persons not original parties to a proceeding who claim a direct and substantial interest in the proceeding may petition for an order from the Commission granting intervention to become a party. IDAPA 31.01.01.071. The petition must concisely state the direct and substantial interest of the petitioner in the proceeding. IDAPA 31.01.01.072. If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding

and does not unduly broaden the issues, the Commission or the presiding officer may grant intervention, subject to reasonable conditions. IDAPA 31.01.01.074. If it later appears that an intervenor has no direct or substantial interest in the proceeding, or that the intervention is not in the public interest, the Commission may dismiss the intervenor from the proceeding. *Id.*

DISCUSSION

We find that intervention by Timothy J. Shurtz in his individual capacity will serve the purposes of intervention as described by Rule 74 of the Rules of Procedure and should be granted. Consistent with the legislature's stated policy "to encourage participation at all stages of all proceedings before the commission so that all affected customers will receive full and fair representation," the Commission has liberally allowed intervention and encouraged public participation. *See Idaho Code* § 61-617A. If it subsequently appears that a party's intervention is not in the public interest, or that issues are unduly broadened by an intervenor, the Commission may place limits on the party's participation or even dismiss the intervenor from the proceeding. IDAPA 31.01.01.074.

There is nothing in the record, we find, to indicate that Timothy Shurtz is an authorized representative of any residential or small business customer group, and his Petition to Intervene will be granted only as an individual residential customer. Although Mr. Shurtz in his Petition noted that no private advocacy group had come forward to represent the residential consumers, we note that a contemporaneous filing for intervention in this case was made by the Community Action Partnership Association of Idaho. We also remind Mr. Shurtz that approval of a petition to intervene does not assure that intervenor funding will be awarded to any particular intervenor, as that determination is governed by *Idaho Code* § 61-617A.

ORDER

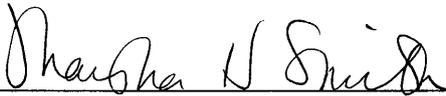
IT IS THEREFORE ORDERED that the Petition to Intervene filed by Timothy J. Shurtz is hereby granted as to his individual capacity.

IT IS FURTHER ORDERED that all parties in this proceeding serve all papers hereafter filed in this matter on all parties of record. For purposes of service Mr. Timothy J. Shurtz's address is:

Timothy J. Shurtz
411 S. Main
Firth, ID 83236
E-mail: tim@idahosupreme.com

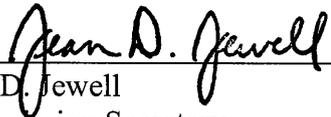
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 10th
day of March 2005.


PAUL KJELLANDER, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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