

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PACIFICORP DBA ROCKY MOUNTAIN) CASE NO. PAC-E-07-05
POWER FOR APPROVAL OF CHANGES TO)
ITS ELECTRIC SERVICE SCHEDULES) ORDER NO. 30491
)**

On December 28, 2007, the Idaho Public Utilities Commission (Commission) issued final Order No. 30482 in PacifiCorp dba Rocky Mountain Power general rate case No. PAC-E-07-05. In our Order we denied the Petition of Timothy J. Shurtz for intervenor funding (\$12,019.92). In doing so we made the following findings:

While this Commission is reluctant to deny Petitions for Intervenor Status, we find that Mr. Shurtz's participation did not result in evidence or input qualitatively different from the comments received by the Commission from customers and interested parties in the public hearings we held in eastern Idaho or in the written comments of customers filed with the Commission. Based on our review of the record in this case, the Commission finds that Mr. Shurtz has failed to demonstrate entitlement to an award of intervenor funding. Specifically, we find that his participation did not materially contribute to our decision and that his recommendations on matters deemed of relative importance and significance to this Commission did not materially differ from the prefiled testimony and exhibits of Commission Staff.

Order No. 30482, p. 15.

On January 14, 2008, Mr. Shurtz filed a Petition for Reconsideration of Order No. 30482. Reference *Idaho Code* § 61-626(1); IDAPA 31.01.01.331.01. Mr. Shurtz asks the Commission to reconsider our denial of his Petition for Intervenor Funding. In his Petition, Mr. Shurtz states:

Although my findings were the same as the Commission Staff, I arrived at them independently of the staff by studying the Company testimony. My testimony validated the Staff findings.

I signed the Settlement which the Commission ultimately accepted.

I also checked the Company service centers for the filing in this case. . . . something that no other party did in.

Without me taking the time to alert the media to the public hearings, public participation would have been low.

I did my best to contribute to this case. . . . If you want a private citizen to participate in the future interventions you need to find a way to allow for private citizens to intervene without risking their financial well being.

Commission Findings

The Commission has reviewed and considered Timothy Shurtz's Petition for Reconsideration. We have also reviewed the underlying filings of record in Case No. PAC-E-07-05 including our final Order No. 30482, the prefiled testimony and exhibits of Timothy Shurtz and Commission Staff, and the statutory requirements (*Idaho Code* § 61-617A) and Commission Rules of Procedure (IDAPA 31.01.01.161-165) related to intervenor funding.

In our final Order we set forth the statutory requirements for an award of intervenor funding.

Idaho Code § 61-617A includes a statement of policy to encourage participation by intervenors in Commission findings. The Commission determines an award for intervenor funding based on the following considerations:

- (a) A finding that the participation of the intervenor has materially contributed to the decision rendered by the Commission; and
- (b) A finding that the costs of intervention are reasonable in amount and would be a significant financial hardship for the intervenor; and
- (c) The recommendation made by the intervenor differed materially from the testimony and exhibits of the Commission Staff; and
- (d) The testimony and participation of the intervenor addressed issues of concern to the general body of users or consumers.

Idaho Code § 61-617A.

Order No. 30482, pp. 13-14.

Mr. Shurtz admits that he is unable to demonstrate any material difference between his case and that of Commission Staff. Considering this admission and the remainder of his Petition for Reconsideration, we find that Mr. Shurtz has presented no compelling argument that causes us to reconsider and change our final Order. It is our continued finding that Mr. Shurtz's

participation in this case provided no material contribution to our decision and that his recommendations on matters deemed of relative importance and significance to this Commission did not materially differ from the prefiled testimony and exhibits of Commission Staff. Order No. 30482, p. 15.

To justify an award of intervenor funding, the Commission must be able to make the statutory findings set forth in *Idaho Code* § 61-617A. More is required than simply being granted intervenor status or demonstrating hardship. While we regret the economic consequences of our decision, we reaffirm our finding that Mr. Shurtz's participation in this case did not merit such an award.

CONCLUSIONS OF LAW

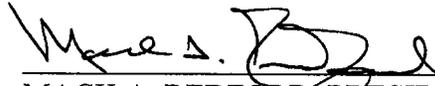
The Idaho Public Utilities Commission has jurisdiction over PacifiCorp dba Rocky Mountain Power, an electric utility, and the issues presented in this case, pursuant to the powers granted it under Title 61 of the Idaho Code and pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*, including specifically Rules 272 through 280 as pertains to settlements.

ORDER

In consideration of the foregoing and for the reasons set forth above, IT IS HEREBY ORDERED and the Commission does hereby deny the Petition of Timothy J. Shurtz for Reconsideration of Order No. 30482.

THIS IS A FINAL ORDER DENYING RECONSIDERATION. Any party aggrieved by this Order or other final or interlocutory Orders previously issued in this Case No. PAC-E-07-05 may appeal to the Supreme Court of Idaho pursuant to the Public Utilities Law and the Idaho Appellate Rules. See *Idaho Code* § 61-627.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 24th
day of January 2008.


MACK A. REDFORD, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


JIM KEMPTON, COMMISSIONER

ATTEST:


Jean D. Jewell
Commission Secretary

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