MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

TONYA CLARK

FROM:SCOTT WOODBURY

DATE:OCTOBER 14, 1998

RE:CASE NO. UWI-W-98-3

COST OF SERVICE / RATE DESIGN

On October 16, 1998, a meeting of parties in Case No. UWI-W-98-3 is scheduled to take place at the Commission.  The purpose of the meeting is as described in letter dated October 9, 1998.  (Attached)  It is not a public meeting nor has it been noticed.  It is my understanding that it is the Commissioners’ desire that their policy advisor in the case be permitted to attend.  As Staff Counsel in the 98-3 case I object to her participation and express the following comments for your consideration.

As presently structured the policy analyst role in active cases is not well defined, certainly not in writing.  It is my understanding that the analyst participates in decision making, evaluates testimony, suggests lines of cross-examination and even advocates positions.  Although we all bring to the table the sum of our experiences it is my belief that it is improper for a policy analyst to have access to discovery in cases in which they are advising the Commission.  Accordingly, an analyst should not be permitted to review the Staff working file or attend or participate in private (non-record) meetings of the parties.

In objecting it is my goal to assure that the Commission as decision maker is not compromised.  It is my further goal to assure that the ultimate decision is based on the established record.  It is also my goal to assure that the decision process is not contaminated by injection of otherwise non-admissible information.

It is no assurance that the policy advisor is cautioned not to disclose what was discussed by the parties.  Just as one cannot unring a bell, one cannot ensure that information obtained will not color or influence recommendations or suggest proposed cross.  The Commission should not be privy to settlement discussions, posturing or non-record discussions of the parties.  The Commission should not have to separate wheat from chaff.  I request that you reconsider your decision, if it is your intent to subsequently consult with and consider the opinions of your policy advisor in this case.

Scott D. Woodbury

bls/M:uwiw983.sw2