

IN THE MATTER OF THE APPLACATION
OF PACIFICORP BDA ROCKY MOUTINAIN
POWER FOR APPROVAL OF CHANGES
TO ITS ELECTRICAL SERVICE SHEDULES

CASE NO PAC-E-07-05

ORDER NO 30482

RECEIVED

2008 JAN 14 AM 8:15
IDAHO PUBLIC
UTILITIES COMMISSION

Honorable commissioners I would like to respectfully ask for your reconsideration of your majority opinion under commission rule 341 concerning my petition for intervenor funding. In case# PAC -E-07-05 order no 30482 for the following reasons:

As a private citizen, I did not have the resources to expand on this case as the other intervening parties and staff did. By refusing me of any compensation for my expenses, you are saying that a private citizen of limited means need not be involved as an intervenor in the future.

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.

My lawyer, Kevin Homer, participated in all the conference calls it took to work out the agreement by all parties. He also complied with all commission requests in a timely and professional manner.

I did not expand on my testimony or attend the technical hearing based on the agreement arrived at from an earlier date. I felt the agreement arrived at was best for my interest. The fact that my lawyer did participate in settlement negotiations, and I signed the settlement which the commission ultimately accepted. I feel this shows an equal material contribution to that of the other parties in reaching the final judgment in this case.

I also checked the company service centers for the filing in this case. In past cases, the company was found not to have the filing easily available to its customers case# PAC-E-02-01. The fact that I checked the offices was something that no other party did in this case.

As for public awareness (if you look at the attendance at the Rexburg workshop as compared to the attendance at the Rigby Public Hearing) you will find that without me taking the time to alert the media to the public hearings, public participation would have been low. You are not required to advertise your hearings in the same way local governments do; public awareness is always low because of a lack of information. There are no major news outlets that are impacted by a Rocky Mountain Power case. Even though Gene Fadness was timely with the press releases, it was not until I called the local media outlets that media coverage was given for this case. When I called different news outlets only the Post Register was even aware this case was happening.

For this case I went out and found a lawyer willing to work with me on this case. The only reason I acquired an attorney was because of past criticism from the commission on the quality of my legal training and help. I had also hoped to begin bringing more competent lawyers in to the area of utility law in Eastern Idaho. If you look at the history of utility cases concerning Eastern Idaho, the only truly trained and competent lawyers available are Randy Budge and Eric Olsen. Because of their commitments, they always are representing the same clients. My lawyer, Kevin Homer complied with every request and kept all my filings acceptable to the commission. At the Rigby hearing, he asked more questions of the witness than the commission did. The fault in the weakness of my case lies with me.

There was a financial hardship placed on me by participating in this case at least two times. I had no money in my checking account. When it came time to go to the technical hearing in Boise, I honestly did not have the money to go. The only reason I got involved in this case, was I felt obligated because I had signed off in a previous agreement that involved this case # PAC-E-05-01 in which I was a intervenor. Believe me if I had not been a signiory in that case, I would not have entered in this one because of my lack financial resources. At this time, I do not seek any recovery of my financial personal loss, but whatever monies are left in the case should go to my lawyer for his expenses and time. I would state that the weakness of my case lies with me not Kevin Homer. This is only the second time I have applied for intervenor funding. The effort is so that my lawyer might receive payment for his services in this case.

I never really expected to have my personal time paid. The whole problem of public utility intervention as you, the commissioners, noted that there was over \$91,000 in intervention claims and only \$40,000 to be given out to satisfy those claims. This shows how inadequate the system is and unless a way is found to address this problem, you can count on far less public participation in the future

I did my best to contribute to this case. As a private citizen, I was committed to do my duty. I went out and did my best to contribute to this case. I feel that the commission does have the flexibility to award my lawyer some funds in this case for the reasons I have stated. 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. I will no longer be able to bear the financial risk of being an intervenor in future cases. The sad fact is that I tried to help my fellow citizens. If I had robbed or murdered one of them, I would have had all the legal help I needed. But...because I stood up for them and myself, I will pay the consequences. I know that there are some funds left to award. Should you find it possible in my petition for reconsideration, I thank you in advance for any recompense.



Timothy Shurtz

CERTIFICATE OF SERVICE

Delivered to: *By US Mail*

DEAN BROCKBANK, Esq.
Senior Counsel
Rocky Mountain Power
201 S. Main Street, Suite 2300
Salt Lake City, UT 84111
e-mail: dean.brockbank@pacificorp.com

DATA REQUEST RESPONSE CENTER
PACIFICORP
825 N. E. Multnomah, Suite 2000
Portland, OR 97232
e-mail: datarequest@pacificorp.com

JAMES R. SMITH
MONSANTO COMPANY
P. O. Box 816
Soda Springs, ID 83276
e-mail: jim.r.smith@monsanto.com

ERIC L. OLSEN, ESQ.
RACINE OLSON NYE BUDGE BAILEY
P. O. Box 1391
Pocatello, ID 83201-1391
e-mail: elo@racinelaw.net

CONLEY E. WARD, Esq.
MICHAEL C. CREAMER, Esq.
GIVENS PURSLEY LLP
P. O. Box 2720
Boise, ID 83701-2720
e-mail: cew@givenspursely.com

BRIAN DICKMAN
Manager, ID Regulatory Affairs
Rocky Mountain Power
201 S. Main Street, Suite 2300

Salt Lake City, UT 84111
e-mail: brian.dickman@pacificorp.com

RANDALL C. BUDGE, Esq.
Racine Olson Nye Budge & Bailey
P. O. Box 1391
Pocatello, ID 83201-1391
e-mail: rcb@racinelaw.net

MAURICE BRUBAKER
KATIE IVERSON
Brubaker & Associates
1215 Fern Ridge Parkway, Suite 208
St. Louis, MO 63141
e-mail: mbrubaker@consultbai.com
kiverson@consultbai.com

ANTHONY YANKEL
29814 Lake Road
Bay Village, OH 44140
e-mail: yankel@attbi.com

DENNIS E. PESEAU, Ph.D.
Utility Resources, Inc.
1500 Liberty Street S. E., Suite 250
Salem, OR 97302
e-mail: dpeseau@excite.com

BRAD M. PURDY, Esq.
2019 North 17th Street
Boise, ID 83702
e-mail: bmpurdy@hotmail.com

 11/12/08
Timothy Shartz