

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

|  |   |                             |
|--|---|-----------------------------|
| In the Matter of the Joint Application | ) |                             |
| of                                     | ) | DOCKET NO. UE-051090        |
|  | ) |                             |
| MIDAMERICAN ENERGY                     | ) | ORDER NO. 04                |
| HOLDINGS COMPANY AND                   | ) |                             |
| PACIFICORP, d/b/a PACIFIC              | ) |                             |
| POWER & LIGHT COMPANY                  | ) | DENYING LATE-FILED PETITION |
|  | ) | TO INTERVENE                |
| For an Order Authorizing Proposed      | ) |                             |
| Transaction                            | ) |                             |
| .....                                  | ) |                             |

**MEMORANDUM**

- 1 On July 15, 2005, MidAmerican Energy Holdings Company (MidAmerican Holdings) and PacifiCorp, d/b/a Pacific Power & Light Company (PacifiCorp) filed with the Commission a joint application for an order authorizing proposed transaction. The transaction is MidAmerican Holdings’ proposed purchase of PacifiCorp from Scottish Power.
  
- 2 On July 15, 2005, the Commission issued a Notice of Prehearing Conference, setting July 26, 2005, as the date on which the prehearing conference would be held. The Notice states that one “purpose of the prehearing conference is to take interventions.” In this connection, the Notice also summarizes what is required by our procedural rules of those who would intervene, as follows:

Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to

intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference.

The Commission conducted the prehearing conference, as noticed, before Administrative Law Judge Dennis J. Moss. The Commission considered, among other things, petitions to intervene filed by the Industrial Customers of Northwest Utilities (ICNU), the Energy Project, and Public Utility District No. 1 of Snohomish County, Washington (Snohomish PUD). The Commission entered Order No. 01—Prehearing Conference Order, on July 27, 2005. Order No. 01 grants intervention to ICNU and the Energy Project, and denies intervention to Snohomish PUD.<sup>1</sup>

- 3 On August 2, 2005, the International Brotherhood of Electrical Workers Union, Local 125 (IBEW) filed an untimely Petition To Intervene. IBEW representatives, by separate filing, entered an appearance.
- 4 On August 4, 2005, Commission Staff filed an Objection to IBEW's Petition. Staff argues that IBEW, having failed to meet the requirements for petitions to intervene as stated in our rules and summarized in our Notice, also failed to meet the requirement stated in our rules that late-filed petitions to intervene must include a showing of good cause for their tardiness. WAC 480-07-355(1)(b) provides:

Any petition to intervene made after the deadline for filing or presenting the petition is a "late-filed petition to intervene." The commission will grant a late-filed petition to intervene only on a showing of good cause, including a satisfactory explanation of why the person did not timely file a petition.

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<sup>1</sup> The Commission, by separate order entered today, denies Snohomish PUD's Petition for Interlocutory Review.

5 Staff is correct that IBEW has failed to make the required showing of good cause that might excuse its late filing. Our procedural rules are designed to ensure orderly proceedings and fairness. Parties who appear before the Commission must familiarize themselves with, and follow the requirements of these rules. IBEW has failed to do so in this instance. Accordingly, without reaching Staff's arguments that IBEW's stated interests in this proceeding do not establish a "substantial interest" within the meaning of WAC 480-07-355, and that IBEW has failed to show that its intervention would be in the public interest, we conclude that IBEW's Petition should be denied.

**ORDER**

6 THE COMMISSION ORDERS THAT the Petition To Intervene of the International Brotherhood of Electrical Workers Union, Local 125 is denied.

DATED at Olympia, Washington, and effective this 26<sup>th</sup> day of August, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge

**NOTICE TO PARTIES:** Any petition for interlocutory review of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-07-355(5) and -810.