

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Application of  
PacifiCorp for Approval of an IRP-  
based  
Avoided Cost Methodology for QF  
Projects  
Larger than One Megawatt

DOCKET NO. 03-035-14

In The Matter of the Petition of Spring  
Canyon LLC for Approval of a  
Contract  
For the Sale of Capacity and Energy  
From Its Proposed of Facilities

DOCKET NO. 05-035-08

In The Matter of the Petition of  
Pioneer  
Ridge LLC & Mountain Wind For  
Approval of a Contract For the Sale  
of  
Capacity and Energy from its Existing  
and Proposed of Facilities

DOCKET NO. 05-035-09

ORDER OF CLARIFICATION

ISSUED: May 18, 2005

By the Commission:

On April 28, 2005, the Committee of Consumer Services filed a Request for Reconsideration seeking Commission review and modification of our April 1, 2005, Report and Order (“Order”) to explicitly limit application of the “first in line” rule to the unique facts before us in these dockets. While we believe no modification of our Order is required, we herein make explicit the limited application of the “first in line” rule to the facts presented in these dockets.

In our Order, we noted that neither PURPA, Utah law, nor the Stipulation specifically address a Commission role in determining the order in which an electric utility must negotiate or enter into contracts with competing qualifying facilities, but that the parties’ competing claims to remaining capacity under the Stipulation cap required us to assume this role. Having reviewed the evidence, we determined “first in line” was a reasonable approach to employ based on the facts presented in these dockets. Because the Stipulation cap will not apply to future qualifying facility dockets, we intended that our resolution of the queue using “first in line” would be limited to these dockets. We

herein make explicit this intention.

DATED at Salt Lake City, Utah, this 18<sup>th</sup> day of May, 2005.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#44524(Docket No. 03-035-14)

G#44525(Docket No. 05-035-08)

G#44526(Docket No. 05-035-09)