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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of PACIFICORP, dba, Utah	:	Docket No. 04-035-20
Power & Light Company vs. US	:	
MAGNESIUM LLC	:	STIPULATED MOTION
	:	FOR VOLUNTARY
	:	DISMISSAL

Pursuant to Utah Rule of Civil Procedure 41(a)(2)(i), PacifiCorp and US Magnesium LLC (“Parties”) hereby stipulate and move the Commission for a voluntary dismissal of this matter, with prejudice, on the following terms:

1) Pursuant to the Electric Service Agreement approved by the Commission in Docket No. 03-035-19 on December 16, 2004, the Parties have reached agreement on resolving the \$431,469.43 addressed in PacifiCorp’s request for agency action in this matter. That portion of this matter will be resolved in accordance with Section 3.11 of the Electric Service Agreement.

2) The remaining \$47,976.01 addressed in PacifiCorp’s request for agency action in this matter will be resolved pursuant to the terms of the Stipulation and Order By And Among Lee E. Buchwald Chapter 7 Trustee, PacifiCorp and US Magnesium LLC Regarding Utah PSC

Action And Postpetition Utility Services, entered in the U.S. Bankruptcy Court, Southern District of New York, Case No. Case No. 01-14312 (REG), on March 25, 2004.

WHEREFORE, the Parties hereby stipulate that this matter may be dismissed with prejudice and move the Commission to enter an order of dismissal consistent with the terms identified herein. Neither this stipulation nor the Commission's order of dismissal with prejudice shall be interpreted to waive any claim that the Commission may have jurisdiction to resolve any enforcement or interpretation issues regarding the terms identified herein.

AGREED AND STIPULATED this ___th day of January 2005:

Edward A. Hunter
David L. Elmont
STOEL RIVES LLP

Attorneys for PacifiCorp

Gary A. Dodge
HATCH, JAMES & DODGE

Attorneys for US Magnesium LLC

CERTIFICATE OF SERVICE

I hereby certify that on this ___th day of January 2005, I caused to be served, via U.S. mail, postage prepaid, a true and correct copy of the foregoing **STIPULATED MOTION FOR VOLUNTARY DISMISSAL** on the following:

Gary Dodge
Hatch James & Dodge
10 West Broadway, Suite 400
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