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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE PETITION OF  
PIONEER RIDGE, LLC AND MOUNTAIN  
WIND, LLC FOR APPROVAL OF A  
CONTRACT FOR THE SALE OF  
CAPACITY AND ENERGY FROM THEIR  
PROPOSED QF FACILITIES

Docket No. 05-035-09

IN THE MATTER OF THE PETITION OF  
SPRING CANYON FOR APPROVAL OF A  
CONTRACT FOR THE SALE OF  
CAPACITY AND ENERGY FROM ITS  
PROPOSED QF FACILITIES

Docket No. 05-035-08

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**PREFILED REBUTTAL TESTIMONY OF ROGER J. SWENSON**

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US Magnesium LLC hereby submits the prefiled Rebuttal Testimony of Roger J. Swenson in  
this Docket.

DATED this 18<sup>th</sup> day of March, 2005.

/s/ \_\_\_\_\_  
Gary A. Dodge,  
Attorney for US Magnesium LLC

PREFILED REBUTTAL TESTIMONY

Of

ROGER J. SWENSON

On behalf of US Magnesium, LLC

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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 QF 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 QF Facilities

Docket No. 05-035-09

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March 18, 2005

**Background**

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2 **Q. Please state your name and business address.**

3 A. Roger J. Swenson , 1592 East 3350 South, Salt Lake City, Utah 84106.

4 **Q. On whose are you filing this testimony?**

5 A. US Magnesium LLC.

6 **Q. Have you previously filed other testimony in this matter?**

7 A. Yes. I filed testimony on January 28, 2005 on behalf of Pioneer Ridge, LLC and Mountain  
8 Wind, LLC in support of their requests for contract approval for two wind powered projects.  
9 I also filed Supplemental Testimony for these same parties on February 28, 2005.

10 **Q. What is the purpose of this rebuttal testimony?**

11 A. This testimony is in response to certain assertions made by Mr. David L. Olive in his  
12 testimony in this matter dated February 28, 2005.

13 **Q. To what testimony are you specifically referring?**

14 A. On page 5 of Mr. Olive's testimony he asserts that a QF project should be allowed to claim  
15 capacity from other QF projects as existing contracts expire. He is apparently claiming that  
16 Spring Canyon should have the right to capture US Magnesium's rights under the stipulation  
17 after the 5-year contract term has expired. On his Exhibit DLO 3, Mr Olive shows the US  
18 Magnesium contract capacity going to zero after 2009 and Spring Canyon contract capacity  
19 going up at that point in time by 36 MWs.

20 **Q. Do you agree that Spring Canyon should have that right?**

21 A. No. US Magnesium asked for a 20 year term in its initial contract request. Under a  
22 settlement among the parties to that case US Magnesium accepted a shorter 5-year contract,

1 but everyone understood that US Magnesium would ask for an extension of the agreement.

2 **Q. Has US Magnesium asked for that extension at this time?**

3 A. Yes, US Magnesium has sent to PacifiCorp a request to extend its contract for an additional  
4 15 years.

5 **Q. Why has US Magnesium done this at this time?**

6 A. We believe that it is important that the Company and Utah regulators understand what  
7 resources will be available to count on in the future. Also, it is important for US Magnesium  
8 to know what it can count on in the future concerning QF contractual arrangements. We  
9 also do not want Spring Canyon to be misled in any manner concerning what US  
10 Magnesium expects to do after December 31, 2009.

11 **Q. What are you requesting the Commission to do in this matter?**

12 A. We request that the Commission make clear that in no way does Spring Canyon have any  
13 preemptive rights ahead of US Magnesium in any contracting for the sale of its QF power  
14 now or in the future.

15 **Q. Does this conclude your testimony?**

16 A. Yes it does.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by email this 18<sup>th</sup> day of

March, 2005, to the following:

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