

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of the Application of) DOCKET NO. 03-035-14
PacifiCorp for Approval of an IRP-based)
Avoided Cost Methodology for QF Projects)
Larger than One Megawatt)

In The Matter of the Petition of Spring) DOCKET NO. 05-035-08
Canyon LLC for Approval of a Contract)
For the Sale of Capacity and Energy)
From Its Proposed of Facilities)

In The Matter of the Petition of Pioneer) DOCKET NO. 05-035-09
Ridge LLC & Mountain Wind For)
Approval of a Contract For the Sale of)
Capacity and Energy from its Existing) ORDER OF CLARIFICATION
and Proposed of Facilities)

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

DOCKET NOs. 03-035-14, 05-035-08, & 05-035-09

-2-

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 18th 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)