

Richard S. Collins  
Gore School of Business  
Westminster College  
Salt Lake City, UT 84105  
Telephone: 801-832-2665  
Email: rcollins@westminstercollege.edu

Tracy Livingston  
Wasatch Wind, LLC  
357 West 910 South, Suite A  
Heber City, UT 84032  
Telephone: 435-567-2550  
Email: tracy@wasatchwind.com

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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE PETITION OF WASATCH WIND, LLC FOR APPROVAL OF A CONTRACT FOR THE SALE OF CAPACITY AND ENERGY FROM THEIR PROPOSED QF FACILITIES	Docket No. 06-035-42  PETITION TO SCHEDULE PROCEEDING
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Wasatch Wind, LLC, a qualifying facility under the Public Utilities Regulatory Policy Act (PURPA), requests that the Commission set a date for a scheduling conference to determine the calendar and timeframe for approving a contract between PacifiCorp and Wasatch Wind. We request that the Commission do so in expedited manner. Wasatch Wind has been negotiating with the Company for the last few months. We have recently reached an impasse and are unable to settle our differences regarding several key contractual provisions. PacifiCorp's new interpretation of the Commission's Order in Docket No. 03-035-14 does not allow for substantive variance from the contract it signed with the proxy resource.

The Commission will recall that it adopted a method for determining QF pricing for wind projects based on the Company's most recent executed wind contract from its renewable RFP. Wasatch Wind maintains that the Company has misinterpreted the Commission's order. The

Commission's order adopts a method for determining prices for a QF and orders the parties to negotiate a contract based on the specifics of the QF project. The Commission explicitly recognizes that the pricing will need to be adjusted based on differences in wind profiles between the QF and the proxy resource, but it did not make any pronouncements about contract terms. The Company's new harden position comes months after intensive contract negotiations where numerous positions and counter positions were offered by both parties. This is disappointing given the urgency that surrounds Wasatch Wind's need to secure a contract. Wasatch Wind has access to wind turbines that are below current market prices; further delay will result in a loss of these turbines and may postpone this resource's development until higher prices are provided. This will not benefit Wasatch Wind as the higher prices will only offset our higher costs nor will it benefit ratepayers as they might well acquired the same power at a higher price.

Wasatch Wind requests two courses of actions from the Commission. First we would like to set an expatiated schedule by which the Commission can hear the positions of the parties regarding the disputed contract provisions. We propose a scheduling conference be set Thursday April 19, 2006 at 2:00 PM in Room 427 of the Heber Wells Building. However, even an expedited schedule will likely result in costly delays for Wasatch Wind, so we request that Commission immediately clarify its interpretation of it Order and grant the Company the authority to negotiate contract terms with Wasatch Wind that differs from the contract terms in the proxy contract. The Company should be required to recognize the unique differences in size of a small wind developer and its ability to absorb burdensome guarantees and securities provisions. The Company should be instructed to renegotiate with Wasatch Wind and structure contract terms that will allow such small projects to avoid unnecessary costs and conditions that prevent development. This process can proceed in tandem with the litigated proceeding in the

hopes that resolution can be achieved before formal hearings.

Wasatch Wind hereby submits this Petition in Docket No. 06-035-41.

DATED this 12<sup>th</sup> day of April, 2006

Richard S. Collins

/s/ \_\_\_\_\_  
Richard S. Collins  
Representing Wasatch Wind

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent electronically, this  
10<sup>h</sup> day of March, 2006, to the following

Edward Hunter  
John Eriksson  
STOEL RIVES  
201 South Main Street, Suite 1100  
Salt Lake City, UT 84111

Michael Ginsberg  
Patricia Schmid  
ASSISTANT ATTORNEY GENERAL  
Division of Public Utilities  
500 Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111

Reed Warnick  
ASSISTANT ATTORNEY GENERAL  
Committee of Consumer Services  
160 East 300 South, 5<sup>th</sup> Floor  
Salt Lake City, UT 84111