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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Approval of a Power Purchase Agreement between PacifiCorp d/b/a Rocky Mountain Power and Tesoro Refining and Marketing Company

Docket No. 09-035-102

**PETITION TO INTERVENE OF
TESORO REFINING AND MARKETING
COMPANY**

In accordance with Rule 746-100-7 of the Public Service Commission's Rules of Practice and Procedure and the Provisions of Utah Code Ann. § 63-46b-9, Tesoro Refining and Marketing Company ("Tesoro") hereby petitions the Public Service Commission ("Commission") for leave to intervene in the above-referenced proceeding.

In support of this Petition to Intervene, Tesoro states as follows:

1. Tesoro owns, operates, and maintains a gas-fired cogeneration facility for the generation of electric power located within the State of Utah and intends to operate the facility as a "qualifying facility" ("QF"), as that term is defined in 18 C.F.R. Part 292, for delivery of energy to PacifiCorp (d/b/a Rocky Mountain Power) ("Rocky Mountain" or the "Company").

2. On November 3, 2009, the Company filed its Application for Approval of a Power Purchase Agreement (“PPA”) with Tesoro to effectuate the sale of power from Tesoro’s QF to Rocky Mountain.

3. Tesoro has a direct, immediate, and substantial interest in this proceeding as the owner of the QF and party to the PPA. Tesoro’s interests will be affected by a Commission decision on Rocky Mountain’s Application.

6. The interests of Tesoro will not be adequately represented by any other party to this proceeding.

7. If granted leave to intervene in this proceeding, Tesoro hereby requests that service of all pleadings, notices, etc. be made to the following:

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8. The interests of justice and the orderly and prompt conduct of this proceeding will not be impaired by the grant of Tesoro’s Petition to Intervene.

9. Tesoro seeks approval of the PPA between it and Rocky Mountain that is the subject of this matter, and requests that the Commission grant Tesoro intervention as its interests may further appear.

WHEREFORE, Tesoro requests that the Commission enter an Order granting Tesoro permission to intervene in this docket and to participate to the full extent allowed by the law.

DATED this 5th day of November, 2009.

/s/ Vicki M. Baldwin

F. ROBERT REEDER
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Attorneys for Tesoro Refining and Marketing
Company

CERTIFICATE OF SERVICE

(Docket No. 09-035-102)

I hereby certify that on this 5th day of November 2009, I caused to be e-mailed, a true and correct copy of the foregoing **PETITION TO INTERVENE OF TESORO REFINING AND MARKETING COMPANY** to:

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/s/ Colette V. Dubois
