

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Petition of ExxonMobil)	<u>DOCKET NO. 05-035-86</u>
Production Company for Expedited Approval)	
of a Contract for the Sale of Capacity and)	<u>ORDER DENYING AND</u>
Energy from Its Shute Creek QF Facility)	<u>DISMISSING PETITION</u>

ISSUED: November 14, 2005

By The Commission:

On September 15, 2005, ExxonMobil Production Company (ExxonMobil) requested that the Commission order PacifiCorp to negotiate a contract to purchase firm capacity and energy from ExxonMobil's Shute Creek Qualifying Facility for the time period of January 1, 2007, through December 31, 2010. ExxonMobil requested that PacifiCorp be required to make the purchase under the prices, terms and conditions provided by a May 20, 2004, Stipulation entered in PSC Docket No. 03-035-14. ExxonMobil requested expedited treatment of its Petition; seeking a Commission order by September 23, 2005, submission of a contract on September 30, 2005, and Commission approval of a submitted contract at the earliest date, no later than October 21, 2005. On September 30, 2005, PacifiCorp responded to the request for expedited consideration of the request, opposing the expedited treatment.

On October 31, 2005, the Commission issued its Report and Order, in PSC Docket No. 03-035-14, whereby we established the method by which PacifiCorp's avoided costs should be calculated; concomitantly, the pricing, terms and conditions which would be indicative for qualifying facilities desiring to offer energy and capacity for PacifiCorp's future use. With the issuance of our October, 31, 2005, Report and Order, use or reliance upon prior prices, terms

and conditions for new qualifying facility contracts likely would be inappropriate. *C.f., In the Matter of Long Island Lighting Company v. Public Service Commission of the State of New York*, 606 N.Y.S.2d 406 (NY 1993). Hence, we conclude that we should not order the use of pricing, terms and conditions that are different from those indicated from our October 31, 2005, Report and Order issued in Docket No. 03-035-14. We have also passed the date on which ExxonMobil requested any contract between it and PacifiCorp would need to be approved. We will issue this order dismissing ExxonMobil's Petition.

Wherefore, based upon the foregoing, we ORDER that ExxonMobil's September 15, 2005, Petition is denied and this matter is dismissed.

DATED at Salt Lake City, Utah, this 14th day of November, 2005.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#46448