

Lee R. Brown
US Magnesium LLC
238 North 2200 West
Salt Lake City, Utah 84116

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of PACIFICORP for Avoided Cost Rates	I I I I I I I I I	<u>DOCKET NO. 03-035-14</u> Motion to intervene of US Magnesium LLC
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Pursuant to Utah Code Ann. 63-46b-9 and Utah Admin. Code R746-100-7, US Magnesium LLC, (“USMag”) hereby moves for leave for intervention in the above referenced proceeding before the Public Service Commission of Utah. In support of this Motion, USMag states as follows:

1. USMag operates a magnesium production facility near Rowley, Utah and owns and operates a Qualified Facility (QF) selling power under a short term contract approved by this Commission. USMag’s full name and address for correspondence

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Attn: Lee R. Brown
2. As a large QF selling power to Pacificorp, USMag has a direct interest in these proceedings. Also, US Mag is a Qualifying Facility that has been working through the

process of obtaining a power purchase agreement from Pacificorp for over a year. US Mag has been seeking a contract that will provide the economic basis for upgrading and increasing the output from the facility. As such, the outcome of this proceeding may affect the interests of USMag and USMag asks it be granted intervention to protect those interests as they may appear.

3. USMag also seeks to intervene in this matter to gain access to the basis of numbers submitted as capacity payments by Pacificorp in this case, which it has been requesting since May of 2003. Also, it appears that a model has been used to projected avoided energy costs that is completely different than the model which was discussed in QF working group discussions that took place during the last year.
4. USMag also has an interest in understanding the conflicting message from testimony provided in the Current Creek proceeding as to the critical need for power resources. The conflict arises from the capacity payments as proposed by Pacificorp in this docket that would cover only approximately 25% of the capital and other fixed costs of a resource.
5. USMag's interest in the outcome of these proceedings will not be adequately represented by any other party, nor will USMag's participation impair the conduct of the proceeding.
6. The following person should be included on the service list in these proceedings and all communications concerning this matter should be addressed to:

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Wherefore, for the reasons set forth above, USMag requests that the Public Service Commission of Utah grant this Motion to Intervene and permit USMag to participate in this proceeding with full rights as a party.

Dated this ____ day of _____, 2004.

Lee R. Brown
Vice President