

September 10, 2004

Julie Orchard, Secretary  
Public Service Commission of Utah  
4<sup>th</sup> Floor, Heber M. Wells Building  
160 East 300 South  
Salt Lake City, Utah 84111

Re: U.S. Magnesium QF, Docket No. 03-035-38

Dear Ms. Orchard:

Under the Commission's Second Scheduling Order, as amended, the Utah Committee of Consumer Services was to have today filed testimony in this Docket. The critical document upon which the Committee's testimony will focus is the contract between U.S. Magnesium and PacifiCorp. The Committee understands that negotiation and drafting of a final contract is not yet complete. An August 20, 2004 draft provided to the Committee does not so definitively address material terms as to permit the Committee to formulate a response.

We are informed that the Division is in the same position and is filing testimony that merely reserves the right to respond to issues the Division identifies after a contract is produced.

The Committee believes that a methodical review of the proposed final contract will avoid the somewhat rushed and incomplete presentation of the contract and the parties' analysis that apparently occurred in Docket No. 04-035-04, Desert Power's QF petition. The Committee wants to ensure that this contract, as any other filed under the current rates, comports with the requirements set forth in the stipulation in Docket No. 03-035-14.

Accordingly, the Committee requests the Commission's consent to file direct testimony within five working days of receiving the contract that U.S. Magnesium and PacifiCorp intend to present for approval.

Sincerely,

Paul H. Proctor  
Assistant Attorney General  
Utah Committee of Consumer Services

Cc: E. Hunter, G. Dodge, P. Schmid