

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

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In the Matter of the Petition of Desert  
Power, L.P. for Approval of a Contract for  
the Sale of Capacity and Energy from its  
Proposed QF Facilities

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DOCKET NO. 04-035-04  
ORDER ON SECOND REQUEST FOR  
RECONSIDERATION OR REHEARING,  
AMENDING OCTOBER 2, 2006,  
CLARIFICATION ORDER

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ISSUED: November 8, 2006

By Petition filed October 23, 2006, Desert Power requested further reconsideration or rehearing of our Clarification Order issued October 2, 2006. We make clarification only for the concern raised by Desert Power that the following language used in the October 2, 2006, at page 2: “We feel compelled, however, to state that our extension of the Scheduled Commercial Operation date will not permit Desert Power to have any expectation of receiving Docket No. 03-035-14 Stipulation based pricing for electrical output if the plant is not meeting production requirements on or before June 1, 2007” (particularly the “not meeting production requirements” wording) could be construed as a modification of the contract terms of “Commercial Operation Date” and “Scheduled Commercial Operation Date.” Our intent was not to modify the Commercial Operation Date or Scheduled Commercial Operation Date definitions of the contract except for the extension to June 1, 2007. To allay Desert Power’s concern, we issue this order whereby we amend the specified language on page 2 of the October 2, 2006, Clarification Order as indicated.

Wherefore, it is hereby ORDERED that the following language: “We feel compelled, however, to state that our extension of the Scheduled Commercial Operation date will not permit Desert Power to have any expectation of receiving Docket No. 03-035-14

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Stipulation based pricing for electrical output if the plant is not meeting production requirements on or before June 1, 2007”, which is found on page 2 of the October 2, 2006 Clarification Order, is amended to read “We feel compelled, however, to state that our extension of the Scheduled Commercial Operation Date will not permit Desert Power to have any expectation of receiving Docket No. 03-035-14 Stipulation based pricing for electrical output if the plant does not meet the new Commercial Operation Date or Scheduled Commercial Operation Date.”

DATED at Salt Lake City, Utah, this 8<sup>th</sup> day of November 2006.

/s/ Ric Campbell, Chairman

/s/ Ted Boyer, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#51322