

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

In the Matter of PacifiCorp, )  
dba Utah Power and Light, Co., vs. )  
US Magnesium LLC )

DOCKET NO. 04-035-20  
ORDER ON STIPULATED MOTION  
FOR VOLUNTARY DISMISSAL

ISSUED: February 10, 2005

By the Commission:

On January 26, 2005, Pacificorp and US Magnesium LLC (hereinafter referred to as the "Parties") filed a Stipulated Motion for Voluntary

Dismissal requesting dismissal of this matter with prejudice pursuant to Utah Rule of Civil Procedure 41(a)(2)(i). The Parties have agreed to resolve their dispute

in accordance with the following terms:

- 1) Pursuant to the Electric Service Agreement approved by the Commission in Docket No. 03-035-19 on December 16, 2004, the Parties have reached agreement on resolving the \$431,469.43 addressed in PacifiCorp's request for agency action in this matter. That portion of this matter will be resolved in accordance with Section 3.11 of the Electric Service Agreement.
- 2) The remaining \$47,976.01 addressed in PacifiCorp's request for agency action in this matter will be resolved pursuant to the terms of the Stipulation and Order By And Among Lee E. Buchwald Chapter 7 Trustee, PacifiCorp and US Magnesium LLC Regarding Utah PSC Action And Postpetition Utility Services, entered in the U.S. Bankruptcy Court, Southern District of New York, Case No. Case No. 01-14312 (REG), on March 25, 2004.

Wherefore, based upon the foregoing information, and for good cause appearing, we enter the following:

ORDER

1. Dismissing this matter with prejudice in accordance with the terms of the Parties' Stipulated Motion for Voluntary Dismissal.
2. Pursuant to Utah Code 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

DATED at Salt Lake City, Utah, this 10<sup>th</sup> day of February, 2005.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary

G#42704