

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of)
PACIFICORP for a Certificate of)
Convenience and Necessity)
Authorizing Construction of the)
Lake Side Power Project)

DOCKET NO. 04-035-30

ORDER GRANTING
MOTIONS TO STRIKE

ISSUED: October 7, 2004

By The Commission:

On September 9, 2004, Summit Vineyard LLC and Lake Side Power LLC (Summit) filed a Motion to Strike testimony of Spring Canyon Energy, filed August 27, 2004. On September 13, 2004, PacifiCorp filed its Motion to Strike the same testimony. Summit and PacifiCorp raise a number of objections to the Spring Canyon testimony. First, they argue that the testimony, which incorporates testimony Spring Canyon Energy filed in Docket No. 03-035-29, is irrelevant to the issues which arise in this docket. Summit and PacifiCorp further argue that requiring the parties and the hearing process to deal with this irrelevant testimony is burdensome and an inappropriate application of the parties' and regulatory agencies' limited resources. They also make argument that the testimony should be struck due to procedural errors committed by Spring Canyon Energy. Spring Canyon Energy has not responded to the either Summit's or PacifiCorp's Motion to Strike. No other party has submitted responses to Spring Canyon Energy's filing or replies to Summit or PacifiCorp's motions as of the date of this order.

The Commission has reviewed the testimony of Spring Canyon Energy, filed August 27, 2004, and the incorporated testimony from Docket No. 03-035-29, and Summit's and PacifiCorp's arguments in their motions to strike. We conclude that Summit's and PacifiCorp's arguments have merit. We grant the motions to strike.

Wherefore, it is hereby ORDERED that the testimony filed by Spring Canyon Energy, on August 27, 2004, is hereby stricken from the record.

DATED at Salt Lake City, Utah, this 7th day of October, 2004.

/s/ Ric Campbell, Chairman

/s/ Constance B. White, Commissioner

/s/ Ted Boyer, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

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