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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petition of Spring Canyon LLC for Approval of a Contract For the Sale of Capacity and Energy From Its Proposed QF Facilities

Docket No. 05-035-08

ExxonMobil Motion for Shortened Response Time.

ExxonMobil Production Company (“ExxonMobil”), through its undersigned counsel and pursuant to Utah Administrative Code § R746-100-3(H), hereby submits this Motion for Shortened Response Time to ExxonMobil’s Motion to Establish Deadline for Spring Canyon and Determine Availability of Stipulation Pricing for ExxonMobil (“Motion to Establish Deadline”), filed with the Commission on August 24, 2005. ExxonMobil proposes a shortened response time of two (2) business days, or August 29, 2005. In support of this Motion, ExxonMobil states as follows:

1. On August 19, 2005, the Commission issued a ruling on various disputed contract terms between Spring Canyon Energy and PacifiCorp (“Order”). In its Order, the Commission noted that ExxonMobil had requested the Commission set deadlines for Spring Canyon to submit to the Commission a signed agreement with PacifiCorp and to obtain project financing. Order at 10. The Commission stated “due to the limited time

in the hearing and short notice, this issue was not fully vetted in the hearing. Should parties supportive of Commission-imposed deadlines wish to file a specific motion requesting such relief, the Commission will handle such a motion on an expedited basis.” *Id.* The Commission did, however, establish a Financing Date of three months from the effective date of the contract. *Id.* at 4.

2. On August 24, 2005, ExxonMobil filed its Motion to Establish Deadline with the Commission, requesting that the Commission establish an August 31, 2005 deadline for Spring Canyon Energy to complete its contract negotiations and enter into an executed agreement with PacifiCorp. ExxonMobil further requested that the Commission determine that ExxonMobil would be eligible for Stipulation pricing in the event Spring Canyon is unable or unwilling to proceed forward. In addition, ExxonMobil requested that the Commission expedite responses to its Motion to Establish Deadline and that the Commission consider the Motion on an expedited basis.

3. At request of Commission counsel, ExxonMobil submits this separate motion for expedited response time to its Motion to Establish Deadline.

4. In view of the Commission’s Notice of Hearing, dated August 25, 2005, setting a hearing on ExxonMobil’s Motion to Establish Deadline on August 31, 2005, ExxonMobil requests that the Commission establish a shortened time to respond to ExxonMobil’s Motion to Establish Deadline of two (2) business days, or August 29, 2005. A delay in establishing a deadline or a decision extending the deadline would be problematic for the numerous reasons set forth in ExxonMobil’s Motion to Establish Deadline. Both issues raised by ExxonMobil should be addressed on an expedited

basis. Until a contract is executed, Spring Canyon cannot proceed to obtain appropriate financing, thereby creating further delays. Further, if a contract is not executed by the established deadline, the Commission should determine that ExxonMobil is “second in line” so that it may commence negotiating a contract with PacifiCorp under Stipulation pricing for the remaining 100MW.

WHEREFORE, ExxonMobil requests that the Commission grant this Motion and establish a shortened time to respond to ExxonMobil’s Motion to Establish Deadline of two (2) business days, or August 29, 2005.

Dated this 25th day of August, 2005.

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CERTIFICATE OF SERVICE

I hereby certify that an original and five copies of the foregoing was hand delivered this 25th day of August, 2005, to the following:

Julie Orchard
Commission Secretary
Public Service Commission
160 East 300 South, 4th Floor
Salt Lake City, UT 84111
jorchard@utah.gov

I hereby certify that a true and correct copy of the foregoing was emailed this 25th day of August, 2005, to the following:

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