

Stephen F. Mecham (4089)  
CALLISTER NEBEKER & McCULLOUGH  
Gateway Tower East Suite 900  
10 E. South Temple  
Salt Lake City, Utah 84133  
Telephone: (801) 530-7300  
Facsimile: (801) 364-9127  
Attorneys for Spring Canyon Energy LLC

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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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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

In the Matter of the Petition of Pioneer Ridge  
LLC & Mountain Wind For Approval of a  
Contract For the Sale of Capacity and Energy  
from its Existing and Proposed QF Facilities

DOCKET NO. 05-035-09

Spring Canyon Energy, LLC's  
**Amended** Opposition to ExxonMobil's  
Petition to Intervene

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On March 14, 2005, James W. Sharp for ExxonMobil filed an informal Petition to Intervene in this proceeding. Spring Canyon Energy LLC ("Spring Canyon") opposes the petition on the following grounds:

ExxonMobil's participation could delay the proceeding, which in turn could prevent Spring Canyon from being able to make the power from its qualifying facility

available to PacifiCorp by June 1, 2007 under the terms of the Stipulation in Docket No. 03-035-14. Under Utah Code Ann. §63-46b-9 (2)(b), ExxonMobil cannot demonstrate that its participation will not materially impair the orderly and prompt conduct of this adjudicative proceeding. Such delay could make compliance with time requirements of the Stipulation impossible and thereby render this proceeding meaningless.

ExxonMobil has established no legal interest in this matter. In addition, ExxonMobil filed no testimony or position statement February 28, 2005, there has been no discovery, and ExxonMobil did not even ask to intervene until late March 11, 2005 when Mr. Sharp emailed a letter to the Public Service Commission. ExxonMobil has been aware of this proceeding since its inception. ExxonMobil attended the February 18, 2005 scheduling conference in this matter by telephone and could have made its intentions known then. Allowing ExxonMobil to intervene now could cause delay and will work to the disadvantage of the other parties in the proceeding.

Finally, ExxonMobil's Wyoming project does not promote the economic vitality of Utah, a stated policy objective of the Utah State Legislature in Utah Code Ann. §54-12-1 (1).

For these reasons, Spring Canyon opposes ExxonMobil's Petition to Intervene and strongly urges the Public Service Commission to deny the Petition.

Respectfully submitted this 16<sup>th</sup> day of March, 2005.

Callister Nebeker & McCullough

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Stephen F. Mecham

CERTIFICATE OF SERVICE

**I hereby certify that a true and correct copy of the foregoing was emailed this 16<sup>th</sup> day of March 2005, to the following:**

Edward Hunter  
Jennifer Horan  
STOEL RIVES  
201 South Main Street, Suite 1100  
Salt Lake City, UT 84111  
[eahunter@stoel.com](mailto:eahunter@stoel.com)  
[jehoran@stoel.com](mailto:jehoran@stoel.com)

James W. Sharp  
ExxonMobil  
800 Bell Street  
Houston, TX 77002-2180  
[James.W.Sharp@ExxonMobil.com](mailto:James.W.Sharp@ExxonMobil.com)

Michael Ginsberg  
Patricia Schmid  
ASSISTANT ATTORNEYS GENERAL  
Division of Public Utilities  
Heber M. Wells Building, 5<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84111  
[mginsberg@utah.gov](mailto:mginsberg@utah.gov)  
[pschmid@utah.gov](mailto:pschmid@utah.gov)

Paul Proctor  
ASSISTANT ATTORNEY GENERAL  
Committee of Consumer Services  
160 East 300 South, 5<sup>th</sup> Floor  
Salt Lake City, UT 84111  
[pproctor@utah.gov](mailto:pproctor@utah.gov)

Roger Swenson  
238 North 2200 West  
Salt Lake City, UT 84116  
[Roger.swenson@prodigy.net](mailto:Roger.swenson@prodigy.net)

Gary Dodge  
Hatch James & Dodge  
10 West Broadway  
Salt Lake City, Utah 84101  
[gdodge@hjdllaw.com](mailto:gdodge@hjdllaw.com)

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