

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the matter of the Application of Milford)
Wind Corridor Phase I, LLC and Milford) DOCKET NO. 08-2490-01
Wind Corridor Phase II, LLC for Certificates)
of Convenience and Necessity for the) SCHEDULING ORDER SETTING
Milford Phase I and Phase II Wind Power) DEADLINE FOR FILING RESPONSES
Project) TO APPLICATION AND MOTION

ISSUED: February 26, 2008

By The Commission:

Milford Wind Corridor Phase I, LLC and Milford Wind Corridor Phase II, LLC (“Milford I” and “Milford II,” respectively, or collectively “Milford I and II”), have filed, on February 21, 2008, an Application requesting the Commission issue a Certificate of Public Convenience and Necessity for their operations. The Application states Milford I and II were formed to develop, construct, own and operate a wind-powered electric generation facility in southern Utah. These companies are wholly owned subsidiaries of Milford Wind Corridor, LLC, which is a limited liability company, the majority of which is owned by UPC Wind Partners, LLC (“UPC Wind”). UPC Wind is an American, privately- owned company with its principal place of business in Delaware and with office locations in Massachusetts, New York, Maine, Vermont, California, Oregon, Canada, and Hawaii. UPC Wind is an independent power producer which through its subsidiaries develops, owns and operates wind energy facilities for the production of electricity for sale to wholesale customers through power purchase agreements (“PPAs”) or other similar arrangements. The project will consist of two primary components, a wind farm and a transmission line (the “Project”). These facilities will be located on federal, state and private land in Beaver and Millard Counties, Utah. When the Project is completed, the

wind farm will generate approximately 300 megawatts (“MW”) of power (nameplate capacity) from a mix of wind turbines ranging from 1.5 to 2.5 MW each. Milford I will own and operate the initial 200 MW wind farm facility and the Project transmission line (“Phase I”). Milford II will own and operate the approximately 100 MW expansion of the initial wind farm facility (“Phase II”). It is anticipated that none of the power generated from the facility during Phase I or Phase II of the Project will be sold to Utah-based public utilities, and that none will be available to Utah consumers.

Applicants state, because Milford I and II will provide power only to wholesale purchasers, they do not believe they are required to obtain certificates of convenience and necessity to proceed with construction of the Project. However, because time is of the essence with respect to proceeding with the Project, and because it is not absolutely clear that a certificate is not required by Utah’s Public Utilities Act under these circumstances, Milford I and II have filed the Application. Simultaneously, with the Application, Milford I and II filed a Motion to Dismiss the Application, based on their belief that no certificate is necessary, thereby obtain a Commission ruling that no certificate is needed for the planned operations as described in the Application.

In order to proceed with this docket, the Commission issues this Scheduling Order to inform interested parties that responses to the Application and the Motion to Dismiss should be filed with the Commission, and served upon Milford I and II, on or before March 24, 2008. The Application and Motion to Dismiss may be viewed through the Commission’s web site at <http://www.psc.utah.gov/utilities/electric/elecindx/08249001indx.html>.

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Wherefore, it is hereby ORDERED that responses to Milford I and II's Application and Motion to Dismiss must be filed on or before March 24, 2008.

Dated at Salt Lake City, Utah, this 26th day of February, 2008.

/s/ Julie Orchard
Commission Secretary
G#56421