

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Milford Wind Corridor Phase I, LLC, and Milford Wind Corridor II, LLC, for Certificates of Convenience and Necessity for the Milford Phase I and Phase II Wind Power Projects	) ) ) ) ) ) ) ) )	<u>DOCKET NO. 08-2490-01</u>  <u>ORDER ON SCOPE OF INTERVENTION AND HEARING</u>
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ISSUED: August 26, 2008

By the Commission:

This matter was heard August 21, 2008, before Sandy Mooy, Hearing Officer, pursuant to the July 16, 2008, Scheduling Order, to determine the scope of interventions and issues to be heard at the September 29, 2008, hearing. Appearing were William Evans, Parsons, Behle & Latimer, on behalf of Wilford Wind Corridor Phase I (Millford), Matthew McNulty, Van Cott, Bagley & Cornwall, on behalf UAMPS, and Michael Ginsberg, Utah Assistant Attorney General, on behalf of the Division of Public Utilities (Division).

Based upon the parties' arguments and pleadings, the scope of the September 29, 2008, hearing will generally follow the questions suggested by the Division in its August 14, 2008, Response to Preliminary Statement of Utah Association of Municipal Power Systems [UAMPS], viz.

1. In light of the building of the generating plant, does the transmission line conflict with or adversely affect the operations of any existing certificated public utility in the state?
2. Does the transmission line constitute an extension into the certificated territory of a certificated public utility in the state?
3. Has the Applicant either received or is in the process of receiving necessary consents and permits to build the facility?

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4. In light of building a generating facility that does not need a certificate is there a reasonable need for the transmission line to get the output of the plant to its contracted market?
5. Does the Applicant have reasonable expertise to build and operate the facility and has it a reasonable opportunity to finance the facility or have sufficient contractual relationships to provide financing for the project?
6. Will the transmission line be properly maintained in a safe and reliable manner?

Relative to the applicant's permitting/consent showing, the Commission will require applicant to show it has or is in the process of obtaining the necessary consents, permits, or franchises for the transmission line and its operation and use. The Commission will take such permits/consents as prime facie evidence of agreement or permission and will not look behind such permits/consents to question the basis or underlying decision of the entities giving such permits/consents.

The scope of UAMPS' intervention is to be consistent with the general parameters of the issues and scope of hearing as explained at the August 21, 2008, hearing. Disputes between the parties concerning claims that participation, discovery or testimony/evidence exceeds these parameters will be dealt with on an individual case basis, if a dispute arises.

DATED at Salt Lake City, Utah this 26<sup>th</sup> day of August, 2008.

/s/ Sandy Mooy  
Administrative Law Judge

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Approved and Confirmed this 26<sup>th</sup> day of August, 2008, as the Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell,  
Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard  
Commission Secretary  
G#58753