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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: the Application of Rocky Mountain Power for Approval of the Power Purchase Agreement between PacifiCorp and Blue Mountain Wind 1, LLC

Docket No. 11-035-196
Ellis-Hall Consultants, LLC's Reply in Support of its Petition to Intervene

On April 9, 2015, the Utah Division of Public Utilities (the "Division") objected to Ellis-Hall Consultants, LLC ("Ellis-Hall's") Petition to Intervene on the basis that Ellis-Hall allegedly failed to meet the minimum requirements for intervention set forth in Utah Code Ann. § 63G-4-207(1)(c)-(d). The Division contends that Ellis-Hall failed to demonstrate that its legal rights or interests are substantially affected by the proceeding and failed to provide a statement of the relief that Ellis-Hall seeks from the agency. The Division's support for its objection is illusive.

The rules require Ellis-Hall to provide "(c) a statement of facts demonstrating that the petitioner's legal rights or interests are substantially affected by the formal adjudicative proceeding, or that the petitioner qualifies as an intervenor under any provision of law; and (d) a statement of the relief that the petitioner seeks from the agency." Utah Code Ann. § 63G-4-207(1). In its Petition to Intervene, Ellis-Hall states that "Ellis-Hall owns the developmental rights to the properties listed in the Blue Mountain [Wind 1, LLC] footprint." These properties are actually listed by PacifiCorp in the PPA as Exhibits 3.2.4, 3.2.7, and 6.1. The Commission's

decision in this matter will directly affect Ellis-Hall’s developmental rights to this land, to say nothing of other land rights owned by other parties. Thus, Ellis-Hall’s “legal rights or interests are substantially affected” by this matter. At this phase, such a showing is sufficient.

The Division attempts to claim that Ellis-Hall is using this docket to litigate some sort of property dispute. This straw man argument is incorrect for two reasons. First, nothing in Ellis-Hall’s Petition to Intervene suggests such a course. Rather, Ellis-Hall simply seeks to intervene in the docket to protect its interests if and when the occasion arises. Second, as far as Ellis-Hall can recall, no one has ever disputed that Ellis-Hall owns the developmental rights to lands in the Blue Mountain Wind 1, LLC PPA. Thus, the Division’s argument is illusory.

The Division also complains that Ellis-Hall fails to “state the relief sought from the Agency.” This statement is misplaced. Ellis-Hall’s Petition to Intervene clearly states that “Ellis-Hall requests that the Public Service Commission of Utah grant it leave to intervene in this proceeding to protect its interests.” Consequently, Ellis-Hall’s relief is rather obvious—Ellis-Hall seeks to intervene in this matter to protect its interests.

It is worth noting that Ellis-Hall’s reasoning is not unique. In fact, the reasons proffered by Ellis-Hall are more developed than most other petitions to intervene in this and other dockets where the Division did not object.¹ Consequently, Ellis-Hall is curious as to the Division’s new

¹ For example, two parties have already sought to intervene in this matter. The Division said nothing in response.

In addition, on March 19, 2015 in Docket No. 15-035-03, the Utah Association of Energy Users petitioned the Commission to intervene in that docket on the basis that “[t]he legal rights and interests of Petitioner and its members may be substantially affected by this proceeding,” and that because the “Petitioner has not fully determined the specific positions it will take or the relief it will seek” that it “seeks to intervene for purposes of protecting its interests and the interests of its members as they may appear” Thus, and contrary to Ellis-Hall, the petitioner only summarily concluded that its interest will be substantially affected. Nevertheless, the Division did not object.

Similarly, on April 2, 2015 in Docket No. 15-035-04, the Utah Association of Energy Users moved to intervene using the exact same language, again summarily concluding that its interest will be affected without stating why or how. Once again, the Division did not object.

conversion, albeit misapplied, to the rules. Ellis-Hall does not understand why the Division is selectively objecting to Ellis-Hall's intervention in this matter and how the objection furthers the Division's mission to "promote[] the public interest."²

The Commission should grant Ellis-Hall's Petition to Intervene.

DATED this 17th day of April 2015.

Respectfully submitted,

/s/ Tony Hall

Tony Hall

Ellis-Hall Consultants, LLC – Member

Ellis-Hall is not suggesting that the Utah Association of Energy Users does not have interests to the cited dockets. Rather, Ellis-Hall is simply using these petitions as examples of the Commission and the Division's normal course of permitting parties to intervene that, contrary to Ellis-Hall, provide no "statement" of their interests.

² <http://www.publicutilities.utah.gov/about.html>

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 2015, an original and one (1) true and correct copy of the foregoing **Ellis-Hall Consultants, LLC's Reply in Support of Its Petition to Intervene** were hand-delivered to:

Gary L. Widerburg
Commission Secretary
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and true and correct copies were electronically mailed to the addresses below:

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