

Ellis-Hall Consultants, LLC
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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: Review of Electric Service Schedule No. 38, Qualifying Facilities Procedures, and Other Related Procedural Issues

Docket No. 14-035-140
Ellis-Hall Consultants, LLC's Motion to Stay

Pursuant to R746-100-4, Ellis-Hall Consultants, LLC ("Ellis-Hall") hereby moves the Public Service Commission of Utah (the "Commission") to stay the above-captioned proceeding pending resolution of the *Sage Grouse Energy Project, LLC's Request for Agency Action in the Matter of the Utah Public Service Commission Exercising Jurisdiction Over Schedule 38 and, as Adopted, PacifiCorp's OATT Part IV* (Dkt. No. 15-2582-01) and the *Sage Grouse Energy Project, LLC's FERC Complaint* currently pending before the Federal Energy Regulatory Commission ("FERC").

1. On May 29, 2015, Sage Grouse Energy Project, LLC ("Sage Grouse") opened a docket to ask for clarification of the Commission's statements and jurisdictional authority over PacifiCorp's OATT. *See Sage Grouse Energy Project, LLC's Request for Agency Action In the Matter of: The Utah Public Service Commission Exercising Jurisdiction Over Schedule 38 and, as Adopted, PacifiCorp's OATT Part IV*, Dkt. No. 15-2582-01 ("Sage Grouse's Request for Agency Action").

2. Sage Grouse’s Request for Agency Action referenced a statement by the Commission that explicitly denied jurisdiction over certain sections of PacifiCorp’s OATT.

3. Consequently, there is outstanding confusion regarding the Commission’s responsibilities under PURPA to properly oversee PacifiCorp’s application of FERC’s OATT, as adopted by Schedule 38.

4. This confusion extends to the above-captioned docket.

5. Indeed, in response to PacifiCorp’s draft P.S.C.U. No. 50 Schedule No. 38 (the “Draft”), Intervenor SunEdison, LLC (“SunEdison”) filed comments with the Commission specifically asking the Commission to “adopt[] and incorporate[] into Schedule 38 PacifiCorp’s established FERC OATT interconnection rights and requirements.” *See* SunEdison May 22, 2015 Comments 9.

6. SunEdison errs, however, in concluding that the “Commission has apparently not previously been asked to . . . exercise its jurisdiction over large QF interconnection agreements when the entire QF output is sold to PacifiCorp” *Id.* at 9.

7. As explained in Sage Grouse’s Request for Agency Action, the Commission denied such a request.

8. In addition, on February 9, 2015, Sage Grouse Energy Project, LLC, filed a complaint with FERC seeking, among other things, clarification of PacifiCorp’s OATT Site Control provisions. *See* FERC Dkt. EL15-44.

9. FERC has not yet dispositively ruled on, among other things, the scope and limitations of the Site Control requirements under PacifiCorp’s OATT Part IV.

10. Ellis-Hall respectfully asks the Commission to stay the above-captioned docket until these two Sage Grouse filings are resolved.

11. This stay is necessary because the Commission, Ellis-Hall, and other parties in this docket cannot effectively weigh the impact of the changes included in the Draft, and effectively respond to those changes, until the Commission rules on the reach of its jurisdictional authority over PacifiCorp's OATT, as adopted by Schedule 38, per the Commission's standing 2003 order.

12. In addition, the Commission, Ellis-Hall, and other parties cannot effectively weigh possible changes to the Commission's administration of PacifiCorp's OATT Site Control requirements, as adopted by Schedule 38, until FERC issues a dispositive ruling on the matter.

13. Indeed, the Commission's jurisdiction over PacifiCorp's OATT, for purposes of administering Schedule 38, will remain subject to FERC's interpretation of PacifiCorp's OATT.

14. Each of these decisions will independently and collectively impact the Commission's administration of Schedule 38 and oversight of PacifiCorp.

15. Accordingly, because the Commission, Ellis-Hall, and other parties cannot fully evaluate the impact of the Draft or any other proposed form of Schedule 38 until these other questions are resolved, the Commission should, therefore, stay the instant proceeding.

WHEREFORE, for the reasons set forth above, Ellis-Hall requests that the Public Service Commission of Utah stay this docket pending resolution of *Sage Grouse Energy Project, LLC's Request for Agency Action in the Matter of the Utah Public Service Commission Exercising Jurisdiction Over Schedule 38 and, as Adopted, PacifiCorp's OATT Part IV* (Dkt. No. 15-2582-01) and the *Sage Grouse Energy Project, LLC's FERC Complaint*.

DATED this 9th day of June 2015.

Respectfully submitted,

/s/ Tony Hall

Tony Hall

Ellis-Hall Consultants, LLC – Member

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 2015, an original and ten (10) true and correct copy of the foregoing **Ellis-Hall Consultants, LLC's Motion to Stay** were hand-delivered to:

Gary L. Widerburg
Commission Secretary
Public Service Commission of Utah
Heber M. Wells Building, Fourth Floor
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and true and correct copies were electronically mailed to the addresses below:

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