

**FORMAL COMPLAINT
PUBLIC SERVICE COMMISSION
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The utility being complained against is: PacifiCorp/Rocky Mountain Power.

Ellis-Hall Consultants (“Ellis-Hall”) has requested that PacifiCorp execute a power purchase agreement (“PPA”) based on indicative pricing provided by PacifiCorp in a May 22, 2013 letter. The letter was provided pursuant to Utah Schedule 38. PacifiCorp initially refused to execute a PPA with Ellis-Hall claiming that under Schedule 38, a QF applicant was required to execute a Large Generation Interconnection Agreement (“LGIA”) before obtaining a PPA. While PacifiCorp imposed the LGIA requirement on Ellis-Hall, it later waived this requirement for two of Ellis-Hall’s competitors. This disparate treatment wrongfully delayed the execution of Ellis-Hall’s PPA and resulted in an action before the Public Service Commission of Utah (“Commission”) that is currently on appeal to the Utah Supreme Court.

On August 16, 2013, after Ellis-Hall had made its claim of disparate treatment, the Commission entered an order in Phase II of Docket No. 12-035-100. In its Order, the Commission directed PacifiCorp to discontinue use of the market proxy pricing method and to provide indicative avoided cost pricing to wind and solar qualifying facility projects based on the partial displacement differential revenue requirement pricing method.

Importantly, however, the Commission Order specifically applies only to future requests for indicative pricing for wind QFs under Schedule 38, stating in part: “future requests for indicative pricing for wind QFs under Schedule 38 will be calculated using the Proxy/PDDRR method.” The Order does not state that it has any application to projects that have already received indicative pricing such as Ellis-Hall’s project.

Notwithstanding the language of the Commission's Order, PacifiCorp has refused to execute a PPA with Ellis-Hall based on the indicative pricing provided to Ellis-Hall on May 22, 2013. Ellis-Hall respectfully requests that the Commission enforce the plain language of its August 16, 2013 Order and require PacifiCorp to execute a PPA with Ellis-Hall based on the indicative pricing provided to Ellis-Hall on May 22, 2013.

DATED this 3rd day of March, 2014.

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