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*Attorneys for Ellis-Hall Consultants, LLC*

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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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IN THE MATTER OF THE FORMAL  
COMPLAINT OF ELLIS-HALL  
CONSULTANTS AGAINST  
PACIFICORP/ROCKY MOUNTAIN POWER

Docket No. 14-035-24

***MOTION FOR EXPEDITED HEARING***

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Ellis-Hall Consultants, LLC (“Ellis-Hall”) hereby moves the Public Service Commission (the “Commission”) to reschedule the April 22, 2014 hearing in the above-captioned matter and requests an expedited decision on Ellis-Hall’s formal complaint.

Under Utah law, the Commission has the authority to expedite hearings. *White River Shale Oil Corp. v. Pub. Serv. Comm’n of Utah*, 700 P.2d 1088, 1093 (Utah 1985). The Commission’s authority exists to ensure that proceedings move forward “as expeditiously as practicable.” *See* Utah Admin. Code R746-100(2), (3).

Consistent with this authority, Ellis-Hall moves the Commission to reschedule the April 22, 2014 hearing to an earlier date. Ellis-Hall also moves the Commission to issue a decision

prior to the week of April 28, 2014. Good cause exists to grant Ellis-Hall's motion for the following two reasons.

First, Ellis-Hall must know the pricing it will receive on its project by May 1, 2014 so that it can determine whether the project will be economically viable and to ensure that the project can be completed by the required completion date in December, 2015. If this hearing and decision are not expedited, and Ellis-Hall is unable to complete its analysis by May 1, 2014, Ellis-Hall will suffer a substantial hardship and irreparable harm.

Second, the question before the Commission is straightforward and can be addressed on an expedited basis. On May 22, 2013, PacifiCorp provided Ellis-Hall indicative pricing pursuant to Schedule 38. On August 16, 2013, 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's 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."

PacifiCorp has refused to execute a PPA with Ellis-Hall based on the indicative pricing provided to Ellis-Hall on May 22, 2013, claiming that it is prohibited from doing so under the Commission's August 16, 2013 Order. PacifiCorp claims that Ellis-Hall's indicative pricing is subject to the Commission's August 16, 2013 Order, notwithstanding the fact that Ellis-Hall had

already obtained indicative pricing at the time of the Order and therefore cannot qualify as a “future request for indicative pricing” under the Commission’s Order.

Thus, the question presented by Ellis-Hall’s formal complaint is simply the correct application of the Commission’s August 16, 2013 Order. Ellis-Hall requests that the Commission enforce the plain language of its Order and require PacifiCorp to execute a PPA with Ellis-Hall based on the indicative pricing provided to Ellis-Hall on May 22, 2013.

Because this question is simple and straightforward, Ellis-Hall anticipates that the hearing will not require discovery or extensive briefing and can easily be handled on an expedited basis. Ellis-Hall’s counsel is available for a hearing any day during the weeks beginning March 24, 2014 or March 31, 2014.

For the reasons stated above, Ellis-Hall respectfully requests that the hearing be rescheduled for the weeks of March 24, 2014 or March 31, 2014, and that the Commission issue its decision prior to April 28, 2014.

DATED this 7<sup>th</sup> day of March, 2014.

WOOD BALMFORTH LLC

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of March, 2014 a true and correct copy of the forgoing was served upon the following as indicated below:

Via electronic mail:

PacifiCorp/Rocky Mountain Power

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/s/ Stephen Q. Wood

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