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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Request of Rocky Mountain Power for a Limited Stay of Schedule 38, Qualifying Facility Procedures

Docket No. 14-035-65

***ELLIS-HALL'S OBJECTION TO
ROCKY MOUNTAIN POWER'S
REQUEST FOR STAY***

Ellis-Hall Consultants, by and through the undersigned counsel, respectfully objects to Rocky Mountain Power's ("PacifiCorp") request for a 90-day stay of the requirement of paragraph I.B.3 of Schedule 38, which requires the company to provide indicative pricing within 30 days of the completion of all requirements of paragraph I.B.2. The basis for Ellis-Hall's objection is that in violation of Schedule 38, PacifiCorp has already refused to provide Ellis-Hall indicative pricing since May 2, 2014, notwithstanding the fact that PacifiCorp notified Ellis-Hall that it had completed all the requirements of paragraph I.B.2 no later than April 2, 2014. *See* Emails attached as Exhibit A. Thus, PacifiCorp has already granted itself a *de facto* stay of the requirements of Schedule 38 section I.B.3 for approximately 45 days and now seeks to have its

previous improper delays legitimized and extended pursuant to its request for a stay for an additional 90 days.

Ellis-Hall has two wind energy projects in development. The first, the Monticello I project, an 80-megawatt project, received indicative pricing in the spring of 2013 after numerous requests and delays by PacifiCorp in violation of Schedule 38. The second, Monticello II, a 45-megawatt project, has not received indicative pricing, despite the fact that Ellis-Hall complied with all the requirements of Schedule 38 not later than April 2, 2014. *See* Emails, attached as Exhibit A.

On April 14, 2014, Ellis-Hall received an email from PacifiCorp confirming that Ellis-Hall had fulfilled all the requirements for obtaining indicative pricing and was on track to receive pricing not later than May 2, 2014. Notwithstanding this fact, PacifiCorp failed to provide Ellis-Hall indicative pricing on or before May 2, 2014. On April 23, 2014, PacifiCorp again confirmed that Ellis-Hall would receive its pricing not later than May 2, 2014. *See* Emails, attached as Exhibit A.

When PacifiCorp decided to move for a stay, it wrongfully demanded that Ellis-Hall affirm on three days' notice its intention to move forward with its wind projects or lose its place in the "queue." "If we do not hear from you . . . the Company will remove your projects from the current queue position and will not provide updated prices." *See* Exhibit B.

On May 27, 2014, Ellis-Hall received a letter from PacifiCorp merchant stating that the indicative prices provided to Monticello I were stale and required updating and that PacifiCorp would work Monticello I's indicative pricing through the "pricing queue" within the 90-day stay period. *See* Exhibit B. PacifiCorp also stated that it would be "holding your second project,

Monticello II, pricing request in its current position and completing our delivery of prices within that 90-day window.” Thus, PacifiCorp granted itself a stay before the Commission has reached a determination on this issue.

PacifiCorp’s communications are wrong for a number of reasons. First, Ellis-Hall has no idea what PacifiCorp is referring to when it states the “pricing queue.” The only “queue” Ellis-Hall is aware of is the OASIS interconnection queue, which PacifiCorp merchant, the author of the letter, is not supposed to have any knowledge of under FERC regulations. Ellis-Hall also believes that PacifiCorp’s demand that Ellis-Hall respond in a mere three days to its demands or lose its “pricing queue” position finds no support in Schedule 38. Finally, PacifiCorp’s attempt to get a 90-day extension after promising Ellis-Hall pricing consistent with Schedule 38 on May 2, 2014 is wrong.

The Commission should not permit PacifiCorp to abuse the provisions of its own tariff, which are strictly construed against PacifiCorp under Utah law, and then have its conduct approved after the fact with a request for an additional stay. PacifiCorp knows that failing to provide pricing as required by Schedule 38 will substantially harm Ellis-Hall’s project. *See In The Matter of the Formal Complaint of Ellis-Hall Consultants Against PacifiCorp/Rocky Mountain Power*, Docket No. 14-035-24. PacifiCorp is again willfully avoiding its obligation under Schedule 38 to Ellis-Hall’s detriment.

DATED this 6th day of June, 2014.

WOOD BALMFORTH LLC

/s/ Stephen Q. Wood

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2014 a true and correct copy of *ELLIS-HALL'S OBJECTION TO ROCKY MOUNTAIN POWER'S REQUEST FOR STAY* was served upon the following via electronic mail:

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