



Public Service Commission

THAD LeVAR
Chair

DAVID R. CLARK
Commissioner

JORDAN A. WHITE
Commissioner

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

October 22, 2015

Michelle McDaniels
Manager of Sage Grouse Energy Project, LLC
Sage Grouse Energy Project, LLC
4733 Hiddenwoods Lane, Suite 200
Murray, UT 84107

Re: Request for Disclosure
Docket No. 15-2582-01, *In the Matter of the Utah Public Service Commission Exercising Jurisdiction Over Schedule 38 and, as Adopted, PacifiCorp's OATT Part IV*

Dear Ms. McDaniels:

In the document styled as a "Request for Agency Action" and filed with the Commission on May 29, 2015, you requested the Commission disclose the following:

[Commissioner] White's past, current, and anticipated affiliations with PacifiCorp and any of its affiliates, and state whether or not PacifiCorp recommended [Commissioner] White for any position within the Commission. Sage Grouse further requests that the Commission disclose any attempted or actual ex parte communications PacifiCorp has had with Commission employees and personnel, including but not limited to [Commissioner] White.

As an initial matter, you have not premised your request upon any rule or statute, and we are unaware of any rule or statute that permits a party to seek discovery from the Commission as part of an administrative proceeding pending before the Commission. In the spirit of openness and transparency, however, the Commission provides the following information as a courtesy.

With respect to Commissioner White's prior affiliation with PacifiCorp and as discussed at Commissioner White's confirmation hearing, Commissioner White was employed by Rocky Mountain Power, a division of PacifiCorp headquartered in Salt Lake City, with the job title of "Senior Counsel" beginning in 2007. During his time at Rocky Mountain Power, Commissioner



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White's practice focused primarily on real property and operational matters. In 2008, Commissioner White accepted a position with Pacific Power, a Division of PacifiCorp, headquartered in Portland, Oregon. During his time at Pacific Power, Commissioner White worked almost exclusively on Pacific Power regulatory matters in California, Oregon and Washington. In October 2011, Commissioner White left Pacific Power and became employed by NextEra Energy, Inc. in Juno Beach, Florida where he worked until May 2013. In May 2013, Commissioner White joined the Utah Public Service Commission as legal counsel where he served until being appointed as commissioner in June 2015.

Commissioner White has not been affiliated with PacifiCorp since leaving Pacific Power more than four years ago nor has he been affiliated with Rocky Mountain Power since leaving that division of PacifiCorp more than seven years ago. Commissioner White does not anticipate any future affiliation with PacifiCorp. As required under Utah Code Ann. § 54-1-11, Commissioner White has had no prohibited interest in or relationship with PacifiCorp since his employment with the Commission commenced in May 2013.

The Commission intentionally did not seek or receive any recommendation from PacifiCorp in connection with hiring Commissioner White as legal counsel in May 2013. With respect to Commissioner White's appointment as commissioner, the Commission did not make that appointment and possesses no information with respect to your request.

With respect to your request the Commission disclose "any attempted or actual ex parte communications PacifiCorp has had with Commission employees and personnel," the request is vastly overbroad, being undefined by any docket or proceeding and unbound by time or subject matter. Notwithstanding, the Commission is unaware of any communications that violate the Commission's rules governing ex parte communications. *See* Utah Admin. Code R746-100-2(F), R746-100-13.

Sincerely,

/s/ Gary L. Widerburg
Commission Secretary

DW#270134