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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

<b>In the Matter of the Application of Milford Wind Corridor Phase I, LLC and Milford Wind Corridor Phase II, LLC for Certificates of Convenience and Necessity for the Milford Wind Phase I and II Wind Power Project</b>	<b>MOTION OF UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS TO VACATE SCHEDULING ORDER</b>  <b>Docket No. 08-2490-01</b>
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Intervenor Utah Associated Municipal Power Systems (“UAMPS”) respectfully requests that the Utah Public Service Commission (the “Commission”) stay enforcement of its Scheduling Order issued July 16, 2008 (the “Scheduling Order”) pending final resolution of all parties’ requests for rehearing.

**PROCEDURAL HISTORY**

On February 21, 2008, Milford Wind Corridor Phase I, LLC and Milford Wind Corridor Phase II, LLC (“Milford I” and “Milford II,” respectively, or collectively “Milford Wind”), filed an Application of Milford Wind Corridor Phase I, LLC and Milford Wind Corridor Phase II, LLC for Certificates of Public Convenience and Necessity for Phase I and Phase II of the

Milford Wind Power Project (the “Application”) requesting the Commission issue a Certificate of Public Convenience and Necessity for their proposed wind farm project. On May 16, 2008, the Commission issued an Order Granting Motion to Dismiss the Application of Milford I and Milford II for Certificates of Convenience and Necessity. UAMPS timely filed a Petition for Rehearing. On July 2, 2008, the Commission reversed, in part, its prior order and ordered Milford to seek a certificate of convenience and necessity as to its proposed 90-mile transmission line. The day before the Commission granted UAMPS’ petition, Milford Wind filed a Memorandum in Opposition to UAMPS’ Petition for Rehearing. On July 9, 2008, the Commission held a scheduling conference during which Milford Wind proposed, and the parties agreed to, an expedited discovery schedule.

The Scheduling Order did not provide for additional briefing on rehearing, partly because UAMPS—and presumably the Commission—believed it was no longer an issue. However, less than a week after issuance of the Scheduling Order, Milford Wind filed an unexpected “Petition for Rehearing or Request for Reconsideration of Order on Petition for Rehearing.” After filing this procedural irregularity, Milford Wind’s counsel refused UAMPS’ request to extend the discovery deadlines established in the Scheduling Order. *See* Exhibit A, UAMPS July 25, 2008 letter to counsel.

### **REQUESTED RELIEF**

Under the Scheduling Order, originally proposed by Milford Wind, the parties agreed to deploy and respond to wide-reaching yet detailed discovery requests on an expedited basis. When it attended the scheduling conference, UAMPS did not expect it would have to spend

additional time and resources opposing what amounts to Milford Wind's sur-reply in opposition to UAMPS' Petition for Rehearing, and UAMPS did not anticipate the discovery period would be eroded by additional briefing on rehearing and/or reconsideration. Although the scheduling conference would have been an opportune time to discuss rehearing and/or reconsideration, Milford Wind never mentioned its plans for additional motion practice. Although the professional courtesy of a time extension is de rigueur in legal proceedings, Milford Wind refused UAMPS' request without explanation. At least one third party, the Southern California Public Power Authority and/or Los Angeles Department of Water and Power, is likely concerned about the timing of these proceedings. Each should identify its role and construction and bonding schedules for these Milford Wind projects.

The Scheduling Order does not provide UAMPS sufficient time to respond adequately to Milford's surprise petition. Given the relief Milford Wind now purports to seek, UAMPS respectfully requests that the Commission vacate the Scheduling Order pending final resolution of all parties' requests for reconsideration, review, or rehearing. Continuing this proceeding on dual tracks that run in opposite directions would be counterintuitive and inefficient.

DATED this 30<sup>th</sup> day of July, 2008.

VAN COTT, BAGLEY, CORNWALL  
& MC CARTHY, P.C.

By: \_\_\_\_\_  
Matthew F. McNulty, III  
Florence M. Vincent

*Attorneys for Utah Associated  
Municipal Power Systems*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused true and correct copies of the foregoing **MOTION OF UTAH ASSOCIATED MUNICIPAL POWER SYSTEMS TO VACATE SCHEDULING ORDER** to be e-mailed and mailed by first class mail, postage prepaid, this 31<sup>st</sup> day of July, 2008 to the following:

Michael Ginsberg, Esq. Patricia Schmid, Esq. Assistant Attorneys General Utah Division of Public Utilities Heber M. Wells Bldg., Fifth Floor 160 East 300 South Salt Lake City, Utah 84111 Email: <a href="mailto:mginsberg@utah.gov">mginsberg@utah.gov</a> ; <a href="mailto:pschmid@utah.gov">pschmid@utah.gov</a>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax ( # ) <input type="checkbox"/> Overnight courier <input checked="" type="checkbox"/> Electronically via e-mail
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Paul Proctor, Esq. Assistant Attorney General Utah Committee of Consumer Services Heber M. Wells Bldg., Fifth Floor 160 East 300 South Salt Lake City, Utah 84111 Email: <a href="mailto:pproctor@utah.gov">pproctor@utah.gov</a>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax ( # ) <input type="checkbox"/> Overnight courier <input type="checkbox"/> Electronically via e-mail
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William J. Evans, Esq. Michael J. Malmquist, Esq. Seth P. Hobby, Esq. Parson Behle & Latimer One Utah Center 201 South Main Street, Suite 1800 Salt Lake City, Utah 84145-0898 Email: <a href="mailto:bevans@parsonsbehle.com">bevans@parsonsbehle.com</a> <a href="mailto:mmalmquist@parsonsbehle.com">mmalmquist@parsonsbehle.com</a> <i>Attorneys for Milford Wind Corridor Phase I, LLC and Milford Wind Corridor Phase II, LLC</i>	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax ( # ) <input type="checkbox"/> Overnight courier <input type="checkbox"/> Electronically via e-mail
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Daniel E. Solander, Esq. Rocky Mountain Power 201 South Main Street, Suite 2300 Salt Lake City, Utah 84111	<input checked="" type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax ( # ) <input type="checkbox"/> Overnight courier
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