

**Trixie Behr - Fwd: Re: REC Dispute**

**From:** Ruben Arredondo  
**To:** Behr, Trixie  
**Date:** 4/26/2010 9:04 AM  
**Subject:** Fwd: Re: REC Dispute  
**CC:** Revelt, Carol

UTAH PUBLIC  
 SERVICE COMMISSION

Trixie

Can you please file Carol's response to the complainant in the docket please? Thanks

Ruben

>>> Carol Revelt 4/26/2010 8:45 AM >>>  
 Hi, Susannah:

Sorry it has taken me a bit of time to get back with you but I was on vacation last week. Regarding your request below, since your complaint is before the Commission it is now subject to the Ex Parte Communication rules (i.e., Utah Administrative Code R746-100-13 -- <http://www.rules.utah.gov/publicat/code/r746/r746-100.htm#E13>) and Commission staff communication with parties in cases is limited to the following exceptions contained in this rule:

C. Exceptions -- The prohibitions contained in R746-100-13(B) do not apply to a communication:

1. from an interceder who is a local, state, or federal agency which has no official interest in the outcome and whose official duties are not affected by the outcome of the on-the-record proceedings before the Commission to which the communication relates;
2. from a party, or the party's counsel, agent, or other person acting on the party's behalf if the communication relates to matters of procedure only;
3. from a person when otherwise authorized by law;
4. related to routine safety, construction, and operational inspections of project works by Commission employees undertaken to investigate or study a matter pending before the Commission;
5. related to routine field audits of the accounts or the books or records of a company subject to the Commission's accounting requirements not undertaken to investigate or study a matter pending in issue before the Commission in a proceeding;
6. related solely to a request for supplemental information or data necessary for an understanding of factual materials contained in documents or other evidence filed with the Commission in a proceeding covered by these rules and which is made in the presence of or after coordination with counsel.

Procedurally the Company has provided their position and the Division of Public Utilities is responding to an action request by the Commission to evaluate your filing. I believe the Division's evaluation is due this week. Once this is received the Administrative Law Judge will determine how the case proceeds.

As you know, Rocky Mountain Power's Schedule No. 37 Avoided Cost Purchases From Qualifying Facilities applies to power purchased from Qualifying Facilities located in the state of Utah with a design capacity of 1,000 kW for a Cogeneration Facility or 3,000 kW for a Small Power Production facility.  
[http://www.rockymountainpower.net/content/dam/rocky\\_mountain\\_power/doc/About\\_Us/Rates\\_and\\_Regulation/Utah/Approved\\_Tariffs/Rate\\_Schedules/Avoided\\_Cost\\_Pur](http://www.rockymountainpower.net/content/dam/rocky_mountain_power/doc/About_Us/Rates_and_Regulation/Utah/Approved_Tariffs/Rate_Schedules/Avoided_Cost_Pur)

Carol Revelt  
 Utility Technical Consultant  
 Utah Public Service Commission

>>> "Susannah Williams" [REDACTED] 4/20/2010 11:19 AM >>>  
 Hi Carol,

Susannah Williams here from Cottonwood Hydro.

We've spoken a few times in the past...you may recall that my husband and I own a small hydro plant here in Salt Lake. We are in a dispute with PacifiCorp over REC ownership. In our recent PPA, a clause was inserted that would allow ownership of the REC's we produce to go to PacifiCorp instead of Cottonwood Hydro so we filed a "Request for Agency Action" which is now in the Commission's hands. Rocky Mountain Power recently submitted their rebuttal (Docket # 10-035-15) and I have a question for you about how to proceed -- In their letter, RMP says, more or less if I'm understanding correctly, that if the Commission finds that REC ownership should go to us, then they are not obligated to be in a PPA with us. We definitely don't want our PPA with PacifiCorp to terminate! Yikes.

I'm hoping you can shed some light on the issue.  
 Would you kindly call me when you get a moment.

Thanks so much,  
 Susannah Williams  
 Cottonwood Hydro  
 [REDACTED]

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