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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

<p>IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF THE POWER PURCHASE AGREEMENT BETWEEN PACIFICORP AND BLUE MOUNTAIN WIND 1, LLC.</p>	<p>Docket No. 13-035-196</p> <p>DIVISION OF PUBLIC UTILITIES' OBJECTION TO ELLIS-HALL CONSULTANTS LLC'S PETITION TO INTERVENE</p>
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Pursuant to Utah Code Ann. § 54-4a-1 and Utah Admin. Code r746-100 the Utah Division of Public Utilities (“Division”), hereby submits this Objection to Ellis-Hall Consultants LLC’s (“EHC”) Petition to Intervene. EHC has failed to meet the minimum requirements for intervention set forth in Utah Code Ann. § 63(g)-4-207(1)(c)-(d) and the Commission should require EHC to comply with the minimum statutory requirements before intervention may be granted or deny EHC intervention on the same basis.

INTRODUCTION

On November 10, 2011 Rocky Mountain Power Company (“RMP”) filed its application for approval of a Power Purchase Agreement between PacifiCorp and Blue Mountain Wind 1, LLC. Approximately a month later on December 14, 2011 RMP filed a letter with the Commission informing the parties to the docket and the Commission that RMP and Blue Mountain Wind 1, LLC were negotiating a modification of the Power Purchase Agreement. RMP requested that the Commission “suspend the Application... until the parties have agreed to the modified power purchase agreement and filed it with the Commission for approval.” On December 19, 2011 the Commission issued and Order Suspending Complaint that suspended the application of RMP.

Nothing occurred in this docket during the years between December 19, 2011 and two petitions for intervention by John F. Roring and Tamara B. Roring on February 18, 2015. The Commission suspended the two petitions on the basis that the application had been suspended and no activity is ongoing in the docket. On March 30, 2015 EHC filed its Petition to Intervene.

DISCUSSION

EHC’s Petition to Intervene fails to meet the requirements of Utah Code Ann. § 63G-4-207. Specifically § 63G-4-207(1)(c)-(d) required that an intervening party include “a statement of facts demonstrating that the petitioner’s legal rights or interests are substantially affected by the formal adjudicative proceeding, or that the petitioner qualifies as an intervenor under any provision of law” and that “a statement of the relief that the petitioner seeks from the agency.” EHC’s Petition to Intervene fails to satisfy either requirement.

EHC’s Petition states that EHC’s legal interest is in its development rights to properties in the footprint of Blue Mountain Wind 1, LLC’s proposed project area. EHC is not a public utility. Blue Mountain Wind 1, LLC is not a public utility. Property right disputes between two non-utility entities are civil matters outside the scope of the Commission’s jurisdiction. The Commission

cannot adjudicate the claimed interest of EHC. As such EHC has failed to provide any legal right or interest that will be substantially affected by the proceedings in this docket.

EHC's Petition further fails to state the relief sought from the Agency. There is no indication whatsoever as to what EHC is seeking from the Commission. This docket has sat dormant for multiple years. There has been no indication of further activity that the Division is aware of. It is unclear what EHC's interest is and what it is seeking through this intervention request. The parties cannot adequately evaluate EHC's request for intervention without the basic statutory requirements being met.

CONCLUSION

EHC's Petition to intervene in this docket should be denied. EHC has not met the statutory requirements for intervention. EHC has failed to present a statement of facts demonstrating legal interests that are substantially affected by the proceeding. EHC has failed to provide a statement of the relief sought. The Division recommends that the Commission permit EHC to amend its Petition for Intervention such that it complies with §63G-4-207 or deny intervention.

DATED this 9th day of April, 2015.

/s/ Justin C. Jetter

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