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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of PacifiCorp, by and through its Rocky Mountain Power Division, for Approval of a Solicitation Process for an All-Source Resource for the 2016 Time Period	Docket No. 11-035-73 UAE’S PETITION TO INTERVENE AND PRELIMINARY COMMENTS
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Petition to Intervene

Pursuant to Utah Code Ann. § 63G-4-207 and Rule R746-100-7, the Utah Association of Energy Users (“UAE”) hereby petitions for leave to intervene in this docket.

In support of this petition, Petitioners state as follows:

1. Petitioner is an organization consisting of large Utah electric consumers who are customers of PacifiCorp or whose rates are affected by PacifiCorp’s resource procurement practices.
2. The legal rights and interests of Petitioner and its members may be substantially affected by this proceeding.

3. Petitioner has not fully determined the specific positions it will take or the relief it will seek. Petitioner seeks to intervene for purposes of protecting its interests as they may appear, particularly on issues of relevance to large electric consumers.

4. The interests of justice and the orderly and prompt conduct of this proceeding will not be materially impaired by allowing Petitioner to intervene.

5. Notices in this proceeding should be sent to the following:

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Preliminary Comments

UAE intends to rely heavily on the Independent Evaluator (“IE”) to ensure that the proposed RFP is fair and unbiased, and likely to lead to the acquisition of the lowest reasonable cost/risk resources. Among other things, UAE hopes to see meaningful evaluation by the IE of the following: (i) the likely impacts of any changes made to this RFP from the prior RFP; (ii) how well this RFP responds to the IE’s suggestions from the prior RFP; (iii) how well this RFP achieves comparability with respect to evaluation of different resource types; (iv) whether the

credit requirements are appropriate, fair and not unduly restrictive or punitive; and (v) whether the appendices and attachments, including pro forma contracts, are fair and reasonable.

UAE has identified one concern based on a preliminary review of the draft RFP. The RFP limits coal resources to contracts with terms of 1-5 years, based on the requirements of other states. This restriction will likely ensure that coal resources have no possibility of meaningful participation in this RFP. State laws and policies that impose additional costs on the PacifiCorp system should be assigned directly to the responsible states. Unless coal facilities are permitted to bid and participate in the RFP process under fair and comparable terms as any other resource, the system may be deprived of the lowest cost resources and there may be no practical means of determining whether and to what extent the laws and policies of other states have imposed greater costs on the system. UAE submits that coal resources should be permitted to bid into the RFP without restriction.

UAE reserves the right to review and respond to comments that may be submitted by the Independent Evaluator and other parties.

WHEREFORE, Petitioner hereby petitions for leave to intervene in this proceeding to protect its interests as they may appear and submits its preliminary comments.

DATED this 18th day of November, 2011.

HATCH, JAMES & DODGE

/s/ _____
Gary A. Dodge
Attorneys for UAE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email this 18th day of November, 2011, to the following:

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