

Brian W. Burnett, #3772
Callister Nebeker & McCullough
10 East South Temple, Suite 900
Salt Lake City, UT 84133
Telephone: 801-530-7428
Facsimile: 801-364-9127
Email: brianburnett@cnmlaw.com

Attorneys for Blue Mountain Power Partners, LLC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Approval of Changes to Renewable Avoided Cost Methodology for Qualifying Facilities Projects Larger than Three Megawatts

Docket No. 12-035-100

**PETITION TO INTERVENE OF
BLUE MOUNTAIN POWER PARTNERS,
LLC**

**REQUEST TO EXEMPT BLUE
MOUNTAIN POWER PARTNERS, LLC
FROM PROCEEDING**

Pursuant to Utah Code Ann. § 63G-4-207 and Rule R746-100-7, Blue Mountain Power Partners, LLC (“Blue Mountain”) hereby petitions the Public Service Commission of Utah (“Commission”) for leave to intervene in this docket and requests that the Commission exempt Blue Mountain from any requirements established in this proceeding.

A. In support of this Petition to Intervene, Blue Mountain states as follows:

1. Blue Mountain owns the Blue Mountain project, which is an 80 Megawatt (“MW”) wind power QF project located near Monticello, Utah.

2. The legal rights and interests of Blue Mountain may be substantially affected by this proceeding.

3. Blue Mountain seeks to intervene for purposes of protecting its interests as they may appear.

4. Allowing Blue Mountain to intervene will not materially impair the interests of justice and the orderly and prompt conduct of this proceeding. Blue Mountain's interests are not and cannot adequately be represented by any other party.

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

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WHEREFORE, Blue Mountain requests leave to intervene in this proceeding to protect its interests and the interests of its members as they may appear.

B. Blue Mountain respectfully requests that the Commission exempt Blue Mountain from any requirements established in this proceeding, Docket No. 12-035-100, and states as follows:

1. In the Matter of Blue Mountain Power Partners, LLC's Request that the Public Service Commission of Utah Require PacifiCorp to Provide the Approved Price for Wind Power for the Blue Mountain Project, Docket No. 12-557-01, Blue Mountain requested that the Commission require PacifiCorp to provide Blue Mountain with the approved market price proxy for Blue Mountain for wind QF resources up to the IRP target using the Dunlap I project and execute a PPA at a higher price.

2. On September 20, 2012, the Commission issued an Order on Request for Agency Action stating:

RMP [Rocky Mountain Power] shall provide Blue Mountain indicative avoided cost pricing for the Project based on the market price proxy method for wind resources up to the IRP target level using the Dunlap I contract.

3. On October 9, 2012, Rocky Mountain Power filed a Request for Approval of Changes to Renewable Avoided Cost Methodology and Motion to Stay Agency Action (“Request”) requesting that the Commission stay the application of the Commission’s 2005 Order pending conclusion of the docket and requesting that the Commission reevaluate how avoided costs for wind QFs are calculated.

4. Rocky Mountain Power specifically exempted Blue Mountain from the issues it requested the Commission to review. See pages 9-10 of Rocky Mountain Power’s Request.

5. On November 30, 2012, the Utah Division of Public Utilities through the Direct Testimony and Exhibits of Charles E. Peterson requested that the Commission order additional contract limitations on Blue Mountain in its Power Purchase Agreement in connection with this docket.

6. Mr. Peterson requests that the Commission establish contract deadlines which are not currently required in Blue Mountain’s QF negotiations with Rocky Mountain Power.

7. Retroactive application of new contract requirements through a subsequent Commission proceeding and order violates the legal and equitable rights of Blue Mountain in connection with its Power Purchase Agreement with Rocky Mountain Power.

WHEREFORE, Blue Mountain respectfully requests that the Commission exempt Blue Mountain from any requirements established in Docket No. 12-035-100.

DATED this 7th day of December, 2012.

/s/ Brian W. Burnett

Brian W. Burnett

Attorney for Blue Mountain Power Partners, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email this 7th day of December, 2012, on the following:

Rocky Mountain Power:

Mark C. Moench	mark.moench@pacificorp.com
Yvonne R. Hogle	yvonne.hogle@pacificorp.com
David L. Taylor	dave.taylor@pacificorp.com

Division of Public Utilities:

Patricia Schmid	pschmid@utah.gov
Justin Jetter	jjetter@utah.gov
Chris Parker	chrisparker@utah.gov
William Powell	wpowell@utah.gov
Dennis Miller	dennismiller@utah.gov

Office of Consumer Services:

Paul Proctor	pproctor@utah.gov
Michele Beck	mbeck@utah.gov
Cheryl Murray	cmurray@utah.gov

Energy of Utah LLC:

Ros Rocco Vrba	osvrba@energyofutah.onmicorsoft.com
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Interwest Energy Alliance:

Sarah Cottrell Propst	propst@interwest.org
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Utah Clean Energy:

Sophie Hayes	sophie@utahcleanenergy.org
Sarah Wright	sarah@utahcleanenergy.org

/s/ Brian W. Burnett

Brian W. Burnett

Attorney for Blue Mountain Power Partners, LLC