
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. 12-2557-01
ORDER DENYING PETITION FOR REVIEW OR REHEARING

ISSUED: June 15, 2015

BACKGROUND AND PROCEDURAL HISTORY

On July 31, 2012, Blue Mountain Power Partners, LLC ("Blue Mountain") filed a request for agency action (the "2012 Request"), requesting the Commission require PacifiCorp, doing business as Rocky Mountain Power ("RMP"), to provide Blue Mountain with indicative avoided cost pricing for wind power. RMP and Blue Mountain disagreed upon the appropriate method for calculating the indicative avoided cost pricing. The Commission initiated this docket to address the 2012 Request and to resolve this disagreement.

On September 20, 2012, the Commission issued its "Order on Request for Agency Action," ("Order") directing RMP to provide Blue Mountain with indicative avoided cost pricing and prescribing the appropriate method for its calculation. No party filed a request for reconsideration or otherwise sought relief from the Order. As such, there is no pending Commission action in this docket.

On April 8, 2015, Ellis-Hall Consultants, LLC ("EHC") filed a Petition to Intervene. On May 5, 2015, the Commission issued an order denying EHC's petition to intervene. ("Order Denying EHC's Petition to Intervene"). On May 28, 2015, EHC filed a Petition for Review or Rehearing of the Order Denying EHC's Petition to Intervene. ("Petition for Review or Rehearing"). In its Petition EHC asserts the Commission denied EHC's Petition to Intervene on

the erroneous basis that this docket does not currently stand to affect any of EHC's legal interests.¹

DISCUSSION, FINDINGS AND CONCLUSIONS

Pursuant to Utah Admin. Code R746-100-7, the Commission reviews petitions to intervene based on the standards set forth in Utah Code Ann. § 63G-4-207(2), which requires the Commission to grant a petition for intervention if it determines that:

- (a) the petitioner's legal interests may be substantially affected by the formal adjudicative proceeding; and
- (b) the interests of justice and the orderly and prompt conduct of the adjudicative proceedings will not be materially impaired by allowing the intervention.

This docket was initiated by a request for agency action filed by Blue Mountain in 2012. The Commission fully adjudicated Blue Mountain's request in its Order issued on September 20, 2012. As noted above, no party requested review or rehearing of the Order. As such, the Order stands as the Commission's final agency action addressing Blue Mountain's request for agency action.

The Commission's Order Denying EHC's Petition to Intervene reasoned that "[b]ecause this docket does not currently stand to affect any legal interests, Ellis-Hall's Petition to Intervene is denied."² Neither EHC, nor any other party, has legal interests that may be substantially affected by a formal adjudicative proceeding that was addressed and fully resolved almost 3 years ago. As such, the Commission finds that EHC's Petition to Intervene does not meet the threshold standard for intervention provided under Utah Code Ann. § 63G-4-207(2).

¹ See Petition for Review or Rehearing at p. 1.

² Order Denying EHC's Petition to Intervene at p. 1 (emphasis added).

DOCKET NO. 12-2557-01

- 3 -

ORDER

Based on the foregoing, EHC's Petition for Review or Rehearing is denied.

DATED at Salt Lake City, Utah, this 15th day of June, 2015.

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#266909

Notice of Opportunity for Judicial Review

Review of this order is governed by Utah Admin. Code § R746-100-11, Utah Code Ann. §§ 54-7-15, 63G-4-302(b) and 63G-4-401(3), which requires the filing of a petition for judicial review of an order constituting final agency action within 30 days of issuance.

CERTIFICATE OF SERVICE

I CERTIFY that on the 15th day of June, 2015, a true and correct copy of the foregoing was delivered upon the following as indicated below:

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