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Gary,

I am counsel for Latigo Wind Park, LLC ("Latigo") in the above-referenced docket. I was not included on the initial email and would appreciate it if all parties responding to the email would copy me on their response and any other communications regarding these dockets.

Latigo objects to and opposes Ellis-Hall's further efforts to delay the Scheduling Conference. Ellis-Hall's Motion to Continue the Scheduling Conference should be denied for numerous reasons. First, I will address the Commission's concerns about the schedule of Ellis-Hall's preferred counsel. As the parties who were present at the July 23, 2013 Scheduling Conference are aware, Latigo's preferred counsel, Gary Dodge, was unavailable. Mr. Dodge, who is out of town, is also unavailable today to respond to Ellis-Hall's Motion. Nonetheless, Latigo was able to find other counsel, both to attend the July 23 Scheduling Conference and to respond to Ellis-Hall's

Motion. Ellis-Hall has known of the July 29 Scheduling Conference since the morning of July 23, and it was incumbent upon Ellis-Hall to find counsel who could appear at the time set by the Commission--as Latigo has done.

At the July 23 Scheduling Conference, Ellis-Hall represented that its preferred counsel, Mr. Wood, was out of the country and would not return to the office until August 5. It appears now that this information was incorrect, but it highlights the fact that Ellis-Hall chose counsel whom Ellis-Hall knew would be unavailable for the July 29 Scheduling Conference. There are many fine lawyers in Salt Lake City, and Ellis-Hall should not be permitted to delay the hearing in this matter simply because it chose an attorney with a conflict at the time the Commission has set for a hearing. If Ellis-Hall believes that it should have an attorney present at the Scheduling Conference--which of course is not necessary--then it has an obligation to find one that is available at the time set by the Commission.

There are, of course, numerous other reasons that the Commission should deny Ellis-Hall's motion to continue. Among them is the fact that all other parties who have appeared in this docket (Rocky Mountain Power, Division of Public Utilities, the Office of Consumer Services, and Latigo) have agreed on a schedule to move this docket forward. The Commission has a duty to address the concerns of all parties--not just those of Ellis-Hall. Setting a schedule is extremely important to Latigo, who is subjected to numerous time constraints and commercial realities in getting its project built, including obtaining financing and beginning construction by certain dates, none of which can happen if approval of the PPA is delayed. At the July 23, 2013 Scheduling Conference, Ellis-Hall not only would not agree to the proposed schedule reached by all other parties, it refused to identify any other dates that would satisfy Ellis-Hall. Ellis-Hall's position--that these dockets should be stayed until the Commission addresses Ellis-Hall's stated concerns regarding an alleged conflict of interest--must be rejected.

Ellis-Hall has not filed a motion to disqualify counsel for Latigo, has not provided any support for its claim of any conflict, and has refused to agree to any schedule upon which that alleged conflict can be addressed. Moreover, Ellis-Hall would not agree that withdrawal of counsel would address Ellis-Hall's alleged concerns relating to the purported conflict. It is difficult to conclude that Ellis-Hall actually wants to address that claim of a conflict.

Rather, it seems that Ellis-Hall wants to delay these proceedings for some other purpose that has nothing to do with the business before the Commission--review and, if appropriate, approval of the PPAs.

In addition, Ellis-Hall has failed to identify its interest in the subject matter of this docket. Ellis-Hall's Motion to intervene in this docket doesn't claim any ownership rights to any land or any right to any portion of the development--it merely claims "concerns" regarding the PPA without providing any factual support for any interest it might have. Despite the fact that Ellis-Hall has inserted itself into this docket without demonstrating any interest in the approval of the PPA, it has now twice sought to delay this docket. The Commission should reject Ellis-Hall's efforts to disrupt and delay this matter.

Finally, I will respond to the Commission's question regarding the parties' availability to attend a once-more-continued Scheduling Conference on August 2 at either 9 a.m. or 3 p.m. I expect to be in a deposition on August 2 and am not available to attend the Scheduling Conference. Mr. Dodge is out of the office and I do not have access to his schedule. More importantly, Latigo's representative, Christine Mikell, who attended the July 23, 2013 Scheduling Conference and will attend the July 29 Scheduling Conference, will be out of town on August 2 and will not be able to attend a Scheduling Conference at that time.

For the foregoing reasons, Latigo respectfully requests that the Commission deny the Motion to Continue and to hold the Scheduling Conference at 8:30 a.m. on July 29, as currently scheduled.

Thank you.

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