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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 Power Purchase Agreement Between PacifiCorp and Blue Mountain Power Partners, LLC	Docket No. 13-035-115 BLUE MOUNTAIN POWER PARTNERS, LLC'S RESPONSE TO ELLIS-HALL CONSULTANTS, LLC'S MOTION TO COMPEL
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Blue Mountain Power Partners, LLC (“Blue Mountain”) hereby responds to the Motion to compel discovery (“Motion”) filed by Ellis-Hall Consultants, LLC (“Ellis-Hall”) in this docket. Ellis-Hall’s Motion is without merit. The issues it seeks to raise and the documents that it requested are not relevant in these contact approval proceedings. In any event, before Ellis-Hall filed its Motion, Blue Mountain produced all of the requested documents. Finally, the Motion should be denied because, despite Blue Mountain’s production of hundreds of documents requested by Ellis-Hall, Ellis-Hall has refused to produce even a single document to Blue

Mountain, demonstrating Ellis-Hall's contempt for these proceeding and Commission requirements.

On August 7, 2013 - before it had even been granted intervention - Ellis-Hall sent Blue Mountain a request for production seeking documents in nine broad categories, almost all of which are irrelevant to any issue before the Commission in this docket. The next day, counsel for Blue Mountain notified counsel for Ellis-Hall by email that the data requests were unreasonably broad and irrelevant and asked Ellis-Hall to narrow the broad data requests and to demonstrate their relevance. Blue Mountain also offered, notwithstanding its objections, to produce all documents that it could locate relating to its Power Purchase Agreement ("PPA"). A copy of Blue Mountain's email is attached.

On August 14, 2013, Blue Mountain formally responded to Ellis-Hall's data requests, objecting on the grounds of relevance, breadth and otherwise, but nevertheless producing hundreds of documents relating to its PPA. A copy of Blue Mountain's response is attached.

On August 16, 2013, counsel for Ellis-Hall sent a "meet and confer" email demanding production of all of the requested documents. On August 19, counsel for Blue Mountain responded to the "meet and confer" email, explaining why the vast majority of the requested documents are not relevant, but nevertheless offering to produce additional documents if Ellis-Hall would narrow its requests to documents of which Ellis-Hall did not already have copies. A copy of Blue Mountain's email is attached.

On August 20, 2013, counsel for the parties talked. Blue Mountain refused to narrow or demonstrate relevance of any of its requests. Notwithstanding the same, counsel for Blue

Mountain told counsel for Ellis-Hall that, in light of timing constraints, Ellis-Hall would produce all documents that it could locate in its files that were responsive to any of the data requests. Hundreds of additional documents were thus delivered to counsel for Blue Mountain on August 23, 2013. An email indicating such production is attached.

Notwithstanding its repeated refusal and failure to narrow its broad and unreasonable data requests or to demonstrate relevance of the documents to issues properly before the Commission in this docket, and notwithstanding the fact that Ellis-Hall produced all responsive documents that it was able to locate, Ellis-Hall filed its Motion, and failed to even mention that all of the requested documents have now been provided.

Finally, on September 3, 2013, Ellis-Hall filed an objection to data requests timely served by Blue Mountain, in which it refused to produce even one single document – not even requested documents supporting Ellis-Hall’s claims in this docket! Ellis-Hall falsely challenged relevance, inappropriately relied on a bogus conflict of interest allegation to avoid its obligation to comply with the Commission’s order to timely produce documents, and inappropriately relied upon discovery limitations not adopted in or applicable to Commission proceedings. The absurdity of Ellis-Hall’s objections demonstrates its contempt for these proceedings, knowing full well that inadequate time exists for Blue Mountain to enforce Ellis-Hall’s discovery obligations. A copy of Ellis-Hall’s disingenuous objection is attached.

Ellis-Hall’s Motion should be denied. Blue Mountain has produced all responsive documents; there is nothing left to produce. Ellis-Hall’s Objection to Approval of Blue Mountain Power Purchase Agreement filed in this docket on August 26, 2013, demonstrates the irrelevance

of Ellis-Hall's claims and requested documents. Moreover, Ellis-Hall has demonstrated a callous contempt for these proceedings, Commission procedures and orders, and discovery obligations

DATED this 5th day of September, 2013.

HATCH, JAMES & DODGE

/s/ _____

Gary A. Dodge

Attorneys for Blue Mountain Power Partners, LLC

CERTIFICATE OF SERVICE

LI hereby certify that a true and correct copy of the foregoing was served by email this 5th day of September, 2013, on the following:

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/s/ _____