

Gary A. Dodge, #0897
Phillip Russell, #10445
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, UT 84101
Telephone: 801-363-6363
Facsimile: 801-363-6666
Email: gdodge@hjdllaw.com
prussell@hjdllaw.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 Power Purchase Agreement Between PacifiCorp and Blue Mountain Power Partners, LLC	Docket No. 13-035-115 BLUE MOUNTAIN POWER PARTNERS, LLC'S RESPONSE AND OBJECTION TO RORING'S NOTICE OF INTENT TO FILE EMERGENCY PETITION
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Blue Mountain Power Partners, LLC (“Blue Mountain”) hereby responds and objects to the Notice of Intent to File Emergency Petition to Intervene (“Notice”) filed by Corinne Roring (“Roring”) in this docket. Roring does not have, and has not alleged, any interest whatsoever in the Blue Mountain Power Purchase Agreement (“PPA”) before the Commission for approval in this Docket. Moreover, the representation in paragraph 9 of the Notice to the effect that Roring’s participation in this docket “will not impair the conduct of the proceeding” is absurd and false on its face. As with other similar efforts in this docket, the Notice appears to be little more than a desperate attempt to further delay Commission approval of the PPA for undisclosed and

potentially improper reasons. Blue Mountain respectfully asks the Commission to ignore the Notice – which carries no legal significance in any event – and to promptly enter an order approving the PPA.

Roring Has No Basis for Delay or Intervention

In order to intervene, one must demonstrate that the petitioner's legal rights or interests may be substantially affected by a proceeding. Commission Rule R746-100-7; Utah Code Annotated § 63G-4-207(1)(c). The Notice makes no attempt to make any such showing.¹ To the contrary, the Notice effectively admits that Roring is seeking delay in order to try to locate undisclosed documents that allegedly might demonstrate an undisclosed interest. There is no basis in law, equity or otherwise for further delay in approval of the PPA so that Roring or her surrogates can go on a fishing expedition in search of documents that might allegedly demonstrate an undisclosed interest in this docket. If Roring cannot even articulate a relevant interest, there is clearly no basis for delay.

The Orderly and Prompt Conduct of this Proceeding Would be Severely Affected

Even if Roring had petitioned to intervene and even if Roring had demonstrated a legal interest that might be affected by this proceeding, intervention, delay or other action in response to the Notice would be inappropriate. Under Commission Rule R746-100-7 and Utah Code Annotated § 63G-4-207(2)(b), intervention is allowed even for a party with a legitimate,

¹ Although Roring purports to appear pro se, the Commission should apply the same standards and rules to Roring as it would to a party represented by counsel. The Notice filed by or on behalf of Roring in this docket and the pleadings filed by or on behalf of Roring in Docket 13-035-116 clearly indicate legal assistance from someone who has elected to remain anonymous. Further investigation into the undisclosed counsel may be appropriate, but no special deference should be given on account of Roring's alleged pro se status.

demonstrated interest only if “the interests of justice and the orderly and prompt conduct of the adjudicative proceedings will not be materially impaired.” Further delay in approval of the PPA or a post-hearing intervention would clearly impair the orderly and prompt conduct of these proceedings.

There is no justification for Roring’s delayed filing. Roring was present at the hearing and Roring’s son testified at the hearing on behalf of Ellis-Hall. Roring obviously knew about the PPA and the hearing but chose not to intervene prior to or even at the hearing. Moreover, Roring was present when the Hearing Officer explained the issues that are relevant to the Commission’s determinations in this docket. Noticeably absent from the Notice is any attempt whatsoever to explain how Roring’s alleged interests might bear in some manner on those issues that the Commission considers relevant. The Notice should be seen for what it is – a blatant attempt to delay approval of the PPA for undisclosed reasons.

It is undisputed on the record that Blue Mountain needs prompt Commission approval of the PPA in order to have a reasonable chance of securing financing, meeting near-term deadlines to qualify for necessary tax credits and satisfying deadlines in the PPA. Blue Mountain submits that if Roring - or anyone else on whose behalf Roring may be acting – is allowed to further delay Commission approval of the PPA, the result would be unfair and inequitable, and would be inconsistent with Commission rules, Utah law and the public interest.

Summary

Blue Mountain respectfully submits that Roring’s Notice is meaningless as a matter of law and should be ignored. Blue Mountain further submits that, if Roring were allowed to delay

Commission approval of the PPA, it would materially impair the interests of justice, the orderly and prompt conduct of these proceedings, and the legal rights of Blue Mountain. Blue Mountain respectfully asks the Commission to enter an order as soon as practicable approving the PPA so that Blue Mountain can proceed with development of the Blue Mountain project.

DATED this 3rd day of October, 2013.

HATCH, JAMES & DODGE

/s/ _____

Gary A. Dodge

Attorneys 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 3rd day of October, 2013, on the following:

Rocky Mountain Power:

Mark Moench	mark.moench@pacificorp.com
Yvonne Hogle	yvonne.hogle@pacificorp.com
Daniel. E. Solander	daniel.solander@pacificom.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

Office of Consumer Services:

Brent Coleman	brentcoleman@utah.gov
Michele Beck	mbeck@utah.gov
Cheryl Murray	cmurray@utah.gov

Blue Mountain Power Partners, LLC:

Gary A. Dodge	gdodge@hjdllaw.com
Michael D. Cutbirth	mcutbirth@champlinwind.com

Ellis-Hall Consultants, LLC

Mary Anne Q. Wood	mawood@woodbalmforth.com
Stephen Q. Wood	swood@woodbalmforth.com

Corinne Roring

Utia@frontiernet.net
[assisting counsel undisclosed]

/s/ _____