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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 RORING'S REQUEST FOR AGENCY REVIEW AND REHEARING
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Blue Mountain Power Partners, LLC (“Blue Mountain”) hereby responds to the “Request for Agency Review and Rehearing” (“Request”) filed by Corinne Roring (“Roring”) in this docket on November 4, 2013. The Request is deficient and inadequate on its face and as a matter of law, and should be summarily dismissed.

Under Utah Code Annotated § 63G-4-301(1)(b)(ii), a request for rehearing must “state the grounds for review and the relief requested.” Moreover, under Utah Code Annotated § 54-7-15(2)(b), an appellant “may not urge or rely on any ground not set forth in the application [for review] in an appeal.” The Request is facially deficient in that it makes no attempt to satisfy the

statutory requirement to state any purported “grounds for review.” Rather, the Request suggests only that “additional evidence” has allegedly come to light – without making any attempt to identify such evidence or its purported relevance to the order to be reviewed. Similarly, the Request is facially deficient in that it makes no attempt to satisfy the statutory requirement to state the “relief requested.” Rather, the Request seeks only more time to “brief the facts and issues” (Request, ¶ 3).

Utah statutes do not allow Roring to ask for more time to request review or to state the grounds for review or the requested relief. Rather, they require Roring to file a compliant and timely request for review. Having failed to do so, the deficient Request should be summarily dismissed as a matter of law.

As with the deficient and untimely “Notice of Intent to File Emergency Petition to Intervene” filed by Roring in this docket on October 1, 2013, the Request seeks only delay. There is no legal or equitable basis for any such delay. Blue Mountain respectfully asks the Commission to enter an order dismissing the deficient Request as a matter of law.

DATED this 15th day of November, 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 15th day of November, 2013, on the following:

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/s/ _____