

R. Jeff Richards (7294)
Yvonne R. Hogle (7550)
Rocky Mountain Power
1407 West North Temple, Suite 320
Salt Lake City, UT 84116
(801) 220-4050
(801) 220-3299 (Fax)
yvonne.hogle@pacificorp.com

Attorneys for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the)	
Application of Rocky)	
Mountain Power for)	OPPOSITION TO
Approval of a Renewable)	PETITION TO
Energy Service Contract)	INTERVENE
between Rocky Mountain)	
Power and Facebook, Inc.)	Docket No. 16-035-27
Pursuant to Tariff Electric)	
Service Schedule 34)	

Rocky Mountain Power (the “Company”) hereby submits this Opposition to Petition for Intervention (“Petition”) Filed by Ellis-Hall Consultants, LLC (“Ellis-Hall”).

Background

Ellis-Hall asserts that it develops renewable energy projects in the state from which the Company could acquire renewable energy for customers with aggregated loads of at least 5,000 kW under proposed Schedule No. 34. Ellis-Hall further asserts that its legal rights and interests may be substantially affected by this docket and that intervention pursuant to Utah Code Ann. § 63G-4-207 will not unduly broaden the issues, delay the docket, or materially impair the orderly conduct of the docket. Finally, Ellis-Hall states that its interests are not and cannot be adequately

represented by any other party. For the reasons set forth below, the Company opposes Ellis-Hall's Petition.

A. Ellis-Hall Cannot Show Intervention is Proper Under Utah Code Ann. § 63G-4-207 or Any Other Statute

Ellis-Hall's mere assertion that its legal rights and interests may be substantially affected by this proceeding alone does not warrant intervention. Utah Code Ann. § 63G-4-207 requires a person that wishes to intervene in a formal adjudicative proceeding with an agency to *demonstrate* that its legal rights or interests “may be substantially affected by the formal adjudicative proceeding, and that the interests of justice and the orderly and prompt conduct of the adjudicative proceedings will not be materially impaired by allowing the intervention.” (Emphasis added).

In this proceeding, the Company seeks approval of a proposed contract with terms and conditions to provide renewable energy retail service to Facebook, Inc. As a renewable energy developer, Ellis-Hall could conceivably become a supplier of renewable energy to Facebook, Inc. through the terms established in the contract for the procurement of customer renewable resources. However, the third-party contract is not subject to Commission approval. It would be a commercial transaction between the Company and a renewable energy developer, such as Ellis-Hall. Thus, Ellis-Hall's legal rights and interests as a renewable energy developer will be unaffected by this proceeding. To the extent Ellis-Hall is a customer, its legal rights and interests are closely aligned with the customer and public interests being represented by either the Office of Consumer Services or the Division of Public Utilities who are parties in this proceeding. In this regard, granting intervention to Ellis-Hall is unnecessary.

Ellis-Hall has not provided any support justifying the propriety of its intervention in this proceeding. It has failed to cite any other statute under which it qualifies for intervention and has not demonstrated that its legal rights or interests are substantially affected by this proceeding.

B. Allowing Intervention Could Impair the Promptness of this Proceeding

As a developer of renewable energy projects in the state from which the Company could acquire renewable energy for customers with aggregated loads of at least 5,000 kW under proposed Schedule No. 34, Ellis-Hall would be eligible to negotiate a third party contract for the sale of renewable energy to the Company. However, the contract would not be subject to Commission approval. Ellis-Hall's participation in this proceeding as a developer may be viewed as an attempt to gain access to information for its commercial advantage in future negotiations with the Company. This does not meet the statutory requirement for intervention and, in fact, could give Ellis-Hall an unfair competitive advantage over other developers.

By granting intervention in this proceeding based on its status as a developer, Ellis-Hall would be able to serve discovery, file motions, make objections and potentially interfere with any settlement between the real parties in interest. At the outset, Rocky Mountain Power would be forced to respond to Ellis-Hall's request for commercially sensitive confidential information by filing a motion for protective order to prevent Ellis-Hall from gaining such access. Second, Ellis-Hall could use its status as a party to attempt to advance its own interests and gain commercial advantage over other developers that are also eligible to negotiate third-party contracts with the Company. This also does not meet the statutory requirement for intervention because Ellis-Hall's interests as a developer will not be advanced in any way in this proceeding. Thus, allowing intervention to Ellis-Hall based on its status as a developer could impair the promptness of this proceeding.

Conclusion

Ellis-Hall has failed to demonstrate that it has a right, or should be allowed, to intervene under Utah Code Ann. § 63G-4-207, or that its intervention is proper under any other statute. In order to promote prompt and orderly proceedings and based on the foregoing, the Company respectfully requests that the Commission deny Ellis-Hall's Petition.

DATED this 21th day of July, 2016.

RESPECTFULLY SUBMITTED,

ROCKY MOUNTAIN POWER



Yvonne R. Hogle
Assistant General Counsel
1407 West North Temple, Suite 320
Salt Lake City, Utah 84116
Rocky Mountain Power
yvonne.hogle@pacificorp.com