

PATRICIA E. SCHMID (#4908)  
JUSTIN C. JETTER (#13257)  
Assistant Attorney Generals  
Counsel for the DIVISION OF PUBLIC UTILITIES  
SEAN D. REYES (#7969)  
Attorney General of Utah  
160 E 300 S, 5<sup>th</sup> Floor  
P.O. Box 140857  
Salt Lake City, UT 84114-0857  
Telephone (801) 366-0335  
jjetter@utah.gov

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

<p><b>IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF A RENEWABLE ENERGY SERVICE CONTRACT BETWEEN ROCKY MOUNTAIN POWER AND FACEBOOK, INC. PURSUANT TO TARIFF ELECTRIC SERVICE SCHEDULE 34</b></p>	<p>Docket No. 16-035-27</p> <p><b>DIVISION OF PUBLIC UTILITIES’ OBJECTION THE PETITION TO INTERVENE OF ELLIS-HALL CONSULTANTS, LLC</b></p>
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Pursuant to Utah Code Ann. § 54-4a-1 and Utah Admin. Code r746-100, the Utah Division of Public Utilities (Division), hereby submits its Objection to the Petition for Intervention of Ellis-Hall Consultants, LLC (Ellis-Hall) (Petition). The Public Service Commission of Utah (Commission) should deny Ellis-Hall’s Petition. Ellis-Hall has failed to demonstrate the required prerequisites for approval of its Petition.

**I. Ellis-Hall Lacks Standing to be Granted Intervention**

Ellis-Hall lacks standing to be granted intervention. A more liberal test for standing has been applied in various administrative proceedings, and Ellis-Hall fails to satisfy even this relaxed requirement To meet the alternative standing test, the party must “first establish that it is an appropriate

party to raise the issue in the dispute before the court. A party meets this burden by demonstrating that it has the interest necessary to effectively assist the court in developing and reviewing all relevant legal and factual questions and that the issues are unlikely to be raised if the party is denied standing.”<sup>1</sup>

Ellis-Hall has not identified issues that are unlikely to be raised if it is denied standing. The Division and the Office of Consumer Services (OCS) are likely to raise relevant and material issues as they have done in numerous Commission proceedings as they related to the protection of various public interests.<sup>2</sup>

## **II. Ellis-Hall’s Petition to Intervene Should Be Denied Because Ellis-Hall Failed to Satisfy the Requirements of Utah Code Ann. Section 63G-4-207**

Ellis-Hall’s Petition fails to support its request for intervention. Section 63G-4-207 sets forth intervention requirements which the Petition does not satisfy.

Ellis-Hall fails to satisfy the requirements of Section 63G-4-207(1). Under applicable law, in order to be granted intervention, a party must be able to show, inter alia, first that it qualifies for intervention because “the petitioner’s legal rights or interests are substantially affected by the formal adjudicative proceeding, or that the petitioner qualifies as an intervenor under any provision of law.”<sup>3</sup> The statement that “Ellis-Hall Consultants, LLC is a domestic Utah LLC that develops renewable energy projects in the state from which Rocky Mountain Power could acquire renewable energy for customers with aggregated electric loads of at least 5,000 kW under proposed Service Schedule No. 34” is insufficient to warrant intervention. This statement does not provide the necessary tie between the request to intervene and the matter before the Commission – a request for approval of a contract

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<sup>1</sup> Utah Chapter of Sierra Club v. Utah Air Quality Bd., 2006 UT 74, ¶ 36, 148 P.3d 960, 972.

<sup>2</sup> Utah Code Ann. §§ 54-4a-6; 54-10a-201(3).

<sup>3</sup> Utah Code Ann. Section 63G-4-207(1)(c)..

between Rocky Mountain Power (RAMP) and Facebook, Inc. (Facebook) – a contract to which Ellis-Hall is not a party. Ellis-Hall’s interest is not unique but is shared by others who wish to develop renewable energy projects, and is therefore insufficient to support granting intervention. Furthermore, the statute requires that the petitioner must make “a statement of relief that the petitioner seeks from the agency.” This too was lacking. No relief was requested.

Similarly, Ellis-Hall fails to satisfy the requirements of Section 63G-4-207(2) which requires that the presiding officer to grant the petition for intervention if they determine “(a) the petitioner’s legal interests may be substantially affected by the formal adjudicative proceeding; and (b) the interests of justice and the orderly and prompt conduct of the adjudicative proceeding will not be materially impaired by allowing the intervention.” Ellis-Hall does not have demonstrable legal interest in the proceeding. Ellis-Hall, presumably like other renewable energy developers, has only the hope that its project will be chosen – if an appropriate project is even proposed.

### CONCLUSION

Ellis-Hall’s Petition should be denied. Ellis-Hall fails to meet the statutory tests required for intervention

Submitted this 1st day of August, 2016.

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Patricia E. Schmid  
Assistant Attorney General  
Utah Division of Public Utilities