

EXHIBIT 39

Blue Mountain Power Partners

Public Service Commission - Complaint Against PacifiCorp

September 2015



**IMPROPER
ACTIONS OF PACIFICOP
EQUIVALENT TO RACKETEERING**

Bad Acts of PacifiCorp



Blue Mountain
Power Partners

- **After PacifiCorp caused 12 months of initial delays by allowing interference to our PPA approval by a non-related party to Blue Mountain, PacifiCorp solicited us to purchase our project in July 2014. PacifiCorp told Blue Mountain it was buying our project for the sole purpose to kill our PPA to save \$66 Million. PacifiCorp never requested development security during this process.**
- **The parties agreed to a Confidentiality Agreement and Blue Mountain provided PacifiCorp access to its confidential data room with confidential financial, performance, land, permitting, procurement and construction pricing and schedules**
- **Blue Mountain continued to respond to enormous data requests from PacifiCorp and to provide other specific confidential project information**
- **Blue Mountain never heard from PacifiCorp again except when pressed for status and an email received saying “passing” in October 2014 with no explanation or discussion. 15 months is wasted at that point by PacifiCorp.**

Bad Acts by PacifiCorp



Blue Mountain
Power Partners

- **Blue Mountain has been irrevocably harmed and has no choice, but to pursue damages from PacifiCorp for its racketeering and bad faith dealings with Blue Mountain**
- **PacifiCorp by killing and terminating the Blue Mountain PPA; has effectively destroyed the Blue Mountain wind project; will retain the existing transmission capacity applied for and awarded to Blue Mountain for its project and tell the PSC that it saved \$66 million from this PPA.**
- **PacifiCorp is motivated to terminate the Blue Mountain PPA as part of its defense and public image against the charges of Ellis-Hall that PacifiCorp showed negligence to Ellis Hall when in fact it is due to PacifiCorp's lack of properly administering its PURPA responsibilities and improper conduct of the PSC renewable process.**

Bad Acts of PacifiCorp



- **PacifiCorp lied to the The Public Service Commission of Utah and the State of Utah on its renewable procurement.**
- **PacifiCorp fought established PSC policy against Blue Mountain as far back as October 2012 when the PSC orders PacifiCorp to provide Blue Mountain Indicative Wind Power Pricing under the Market Price Proxy Method.**
- **PacifiCorp delays the PPA process by 9 months by only executing the PPA with Blue Mountain in July of 2013**

Bad Acts of PacifiCorp



Blue Mountain
Power Partners

- **PacifiCorp then issues the PPA under false pretenses currying favor with the Utah PSC on its renewable procurement while at the same time setting up Blue Mountain for PPA forfeiture by causing Ellis Hall to commence litigation. The first set of litigation is not unappealable until June 29, 2014, a full year after our PPA was signed on July 3rd, 2013.**
- **PacifiCorp caused Blue Mountain to spend millions of dollars in Utah on a wind project in the financially distressed San Juan County, always knowing it would terminate the Blue Mountain PPA.**

Bad Acts of PacifiCorp



Blue Mountain
Power Partners

- **PacifiCorp continues highly litigious posturing with Ellis Hall causing the Ellis Hall litigation to prevent clear possession of PPA by Blue Mountain.**
- **PacifiCorp on its own initiative, then solicits Blue Mountain in July 2014 to buy the Blue Mountain Project with the sole stated reason by PacifiCorp of terminating our PPA.**
- **Blue Mountain spent millions of dollars in Utah on a wind project while PacifiCorp telling Blue Mountain it has a binding PPA but concurrently trying to buy the project from Blue Mountain to kill the PPA**

Bad Acts of PacifiCorp



- **PacifiCorp knows lack of clear possession of PPA by Blue Mountain will cause Blue Mountain to miss key milestone dates in the PPA. PacifiCorp causes over 20 months of intentional delays.**
- **PacifiCorp then commits racketeering by threatening Blue Mountain to re-apply for a lower price PPA under the Avoided Cost pricing by threatening to terminate the PPA and PacifiCorp then follows through and terminates PPA**
- **PacifiCorp then offers to buy the project with a sole stated purpose to kill the PPA causing Blue Mountain to waste more time in providing PacifiCorp with inordinate amounts of confidential information.**

Bad Acts of PacifiCorp



-
- **PacifiCorp initially admits Ellis Hall Litigation is a Force Majeure event and then denies Force Majeure over a year later, after it fakes to purchase project from Blue Mountain and kill the PPA.**
 - **Blue Mountain requests mediation and during mediation process under the PPA, PacifiCorp terminates the PPA.**
 - **PacifiCorp denies San Juan County and Blue Mountain of a \$160 Million wind project and then fails to agree to mediators proposal.**

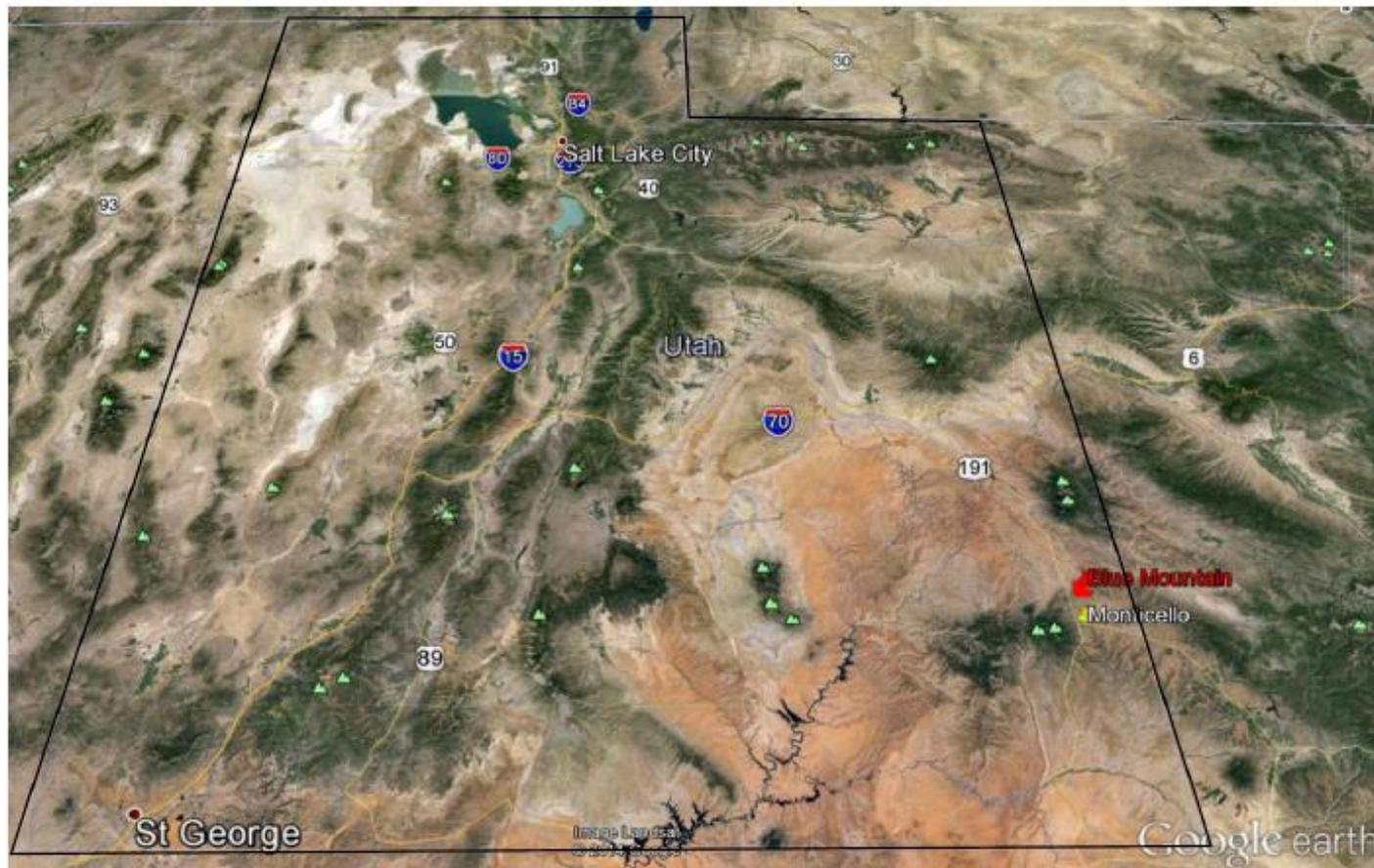
Mediation with PacifiCorp



Blue Mountain
Power Partners

-
- **PacifiCorp attends mediation but refuses to abide by the mediator's ruling.**
 - **PacifiCorp continues to deny Blue Mountain its rights to monetary damages and continues to ignore its obligations to Blue Mountain for its bad conduct; from this current date and over the period commencing July 2012 when Blue Mountain initially requested the PPA.**
 - **Blue Mountain will be seeking \$160 Million in damages from PacifiCorp and its senior officers and directors.**

Blue Mountain Wind Project, San Juan County, UT



Overview



Blue Mountain
Power Partners

80 MW Blue Mountain Wind Project



Overview



Blue Mountain
Power Partners

Engineering

- Preliminary Geotech, Site Plan and Engineering completed

Construction

- 8 excavations for turbine foundations, road to those locations completed December 2013 as well as concrete pads completed

Cultural

- No eligible cultural sites within project site plan. 2 years of eagle studies completed last week.

Wind Resource

- 3 new 60-meter meteorological towers installed Fall 2013

Interconnect

- System Impact Study Completed; available capacity confirmed
- Facility Study Completed
- Large Generator Interconnect Agreement (LGIA) executed

Permits

- San Juan County Conditional Use Permit - May 2, 2013

PPA

- PPA Executed with PacifiCorp – July 3, 2013

Financing Mandate

- Financing Mandate executed with RaboBank and Term Sheet Issued – August 22, 2013

Building Permit

- San Juan County Building Permit – November 7, 2013

Site Plan (looking south)



Start of Construction 12/2013



Blue Mountain
Power Partners



Start of Construction 12/2013



Blue Mountain
Power Partners



Start of Construction 12/2013



Blue Mountain
Power Partners



Start of Construction 12/2013



Blue Mountain
Power Partners



Start of Construction 12/2013



Blue Mountain
Power Partners



Start of Construction 12/2013



Blue Mountain
Power Partners

