

Robert Moore

From: Robert Moore
Sent: Wednesday, March 28, 2018 9:53 AM
To: 'Aaron Pacini'
Subject: RE: Monticello Wind

You are right they are on the Commission's web site. The docket number is 17-035-68.

From: Aaron Pacini <amp@cglawgroup.com>
Sent: Wednesday, March 28, 2018 9:51 AM
To: Robert Moore <rmoore@agutah.gov>
Subject: Re: Monticello Wind

I assume they are online for download. I have not been able to check yet.

On Wed, Mar 28, 2018 at 9:19 AM Robert Moore <rmoore@agutah.gov> wrote:

O.K. very strange would you like me to send you the pleadings?

From: Aaron Pacini <amp@cglawgroup.com>
Sent: Tuesday, March 27, 2018 6:22 PM
To: Robert Moore <rmoore@agutah.gov>
Subject: Re: Monticello Wind

Mr. Moore,

I apologize for the delay—I have been out of the office. I did not file the document and have not seen it. I will download a copy when I am able to do so. I am not sure why my email address appears on a document signed by Ms. Ceruti. And I am exceptionally concerned if anyone is filing documents with my home address. Consequently, I am at a total loss. I very much hope and assume that a simple error was made.

I have not made an appearance in this matter. I can also tell you that Corbett Gwilliam does not represent anyone in the cited matter.

I recommend that you reach out to the contact person for the particular parties that you have on file and work out any question with them.

Thank you for keeping me aware.

Regards,

Aaron

On Tue, Mar 27, 2018 at 4:56 PM, Robert Moore <rmoore@agutah.gov> wrote:

Mr. Pacini

My name in Robert Moore and I am an Assistant Attorney General representing the Utah Office of Consumer Services in the Matter of the Approval of a Power Purchase Agreement between PacifiCorp and Monticello Wind Farm, docket number 17-035-68. I sent a similar email to your personal email today but I decided to send you essentially the same email to your business email as well. I am in receipt of a pleading that contains your home address and personal email but not your name, bar number or phone number. Moreover, although it appears that the pleading was prepared by a lawyer, it is signed by Kimberly Ceruti, who I believe is a principal of either Monticello Wind or Ellis-Hall Consultants. As such this pleading is inconsistent with the procedural rules of the Utah Public Service Commission. Specifically, Utah Admin. R. 746-1-202 requires that "(2) A person that files a pleading shall include the following information in the title: (a)(i) name and bar number of the attorney filing the pleading; or (ii) if no attorney is involved, the name of the person filing the pleading; (b) address, telephone number and e-mail address"

" Moreover, r. 746-1-203(1)(e) provides per Utah Rule of Civil Procedure 11, [a filing] must be signed by . . . the parties counsel" While Rule 746-1-203(1)(e) is somewhat ambiguous on this point of whether an attorney representing a party must sign the filing, Utah R. Civ. P. 11 expressly states "Every pleading, written motion, and other paper must be signed by at least one attorney of record, or *if the party is not represented*, by the party." Accordingly, your filing should have been signed by you, the attorney preparing the pleading.

These failures create some confusion. Is it your contention that you are representing Monticello Wind in this matter? If so, because of the failures of the title of the pleading's heading I suggest you file a notice of appearance. Should you be listed on the certificate of service in this matter? Is your representation is limited to filing the motion and you will not continue to represent Monticello Wind after the filing of the pleading? If so I suggest you file a notice of with drawl of counsel.

Questions regarding your representation must be resolved quickly so the parties know how to proceed. If you have any questions feel free to contact me at this email address. Thank you for your attention to this matter.

Robert J. Moore

Attorney for the Office of Consumer Services

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Sincerely,

Aaron Pacini

amp@cglawgroup.com

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Sincerely,

Aaron Pacini

amp@cglawgroup.com

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