

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Application of Rocky Mountain Power for Approval of Power Purchase Agreement between PacifiCorp and Monticello Wind Farm, LLC	Docket Nos. 17-035-68 18-035-26
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REQUEST TO TERMINATE DOCKET 18-035-26

Ellis-Hall Consultants, LLC (“Ellis-Hall”), the developer of the Monticello wind farm project, and Monticello Wind Farm, LLC (“MWF”), respectfully notify the Utah Public Service Commission (“PSC”) of their intent to seek judicial review of the June 25, 2018 Order in Docket No. 17-035-68. Ellis-Hall and MWF have no interest in participating in the new Docket 18-035-26 at this time given the Commission’s final order in Docket No. 17-035-68. The procedural posture that the PSC has established through Docket No. 18-035-26 places a significant, and improper, burden on Ellis-Hall and MWF to prove their rights under Public Utility Regulatory Policies Act of 1978 (“PURPA”).

Monticello’s June 6, 2018 Request for Rehearing argued that the uncontested factual record before the PSC in Docket No. 17-035-68 was sufficient to affirm the PPA as consistent with PURPA and a valid administration of the legally enforceable obligation that RMP incurred on or about June 25, 2013. Monticello’s Request for Rehearing was limited to the uncontested factual record in Docket No. 17-035-68 given the procedural posture of the docket at the time counsel was retained. Monticello expressly requested rehearing of the PSC’s assertion that Monticello should bear the burden in the course of a request for agency action of establishing the legally enforceable obligation in some other docket. In its Request for Rehearing, Monticello explained:

Even acting on a reasonably expedited schedule, opening a new docket or establishing a new process would impose additional unnecessary delay into an already protracted litigation process and may cause substantial harm to Monticello, particularly to the extent Monticello is required to post additional interconnection deposit or security to maintain its interconnection position pending litigation over the enforcement of RMP's obligation to purchase.¹

A request for rehearing should not be interpreted as a request for agency action unless or until the time to request judicial review has closed.

Given that Ellis-Hall and MWF intend to seek judicial review of the June 25, 2018 Order, it would be inefficient and prejudicial to allow this new proceeding Docket 18-035-26 to continue. Due to the potential of substantial and irreparable harm, significant cost in time and resources, and irreparable injury to Ellis-Hall and MWF, the parties hereby decline the Commission's invitation for a Scheduling Conference and request that the PSC terminate Docket No. 18-035-26 immediately. In the alternative, Ellis-Hall and MWF request that the commission toll the proceeding in Docket No. 18-035-26 until such time as the judicial review of Docket No. 17-035-68 is final.

Respectfully submitted,

/s/ Kimberly Ceruti
On behalf of Ellis-Hall Consultants

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¹ See Petition of Monticello Wind Farm, LLC for Reconsideration and Rehearing of Commission Order Issued May 7, 2018, Docket No. 17-035-68 (June 6, 2018).

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*On behalf of Monticello Wind Farm,
LLC*

July 3, 2018

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Request to Terminate Docket was served upon the following persons by e-mail on July 3, 2018:

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