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February 15, 2018

***VIA ELECTRONIC FILING  
AND OVERNIGHT DELIVERY***

Wyoming Public Service Commission  
2515 Warren Avenue, Suite 300  
Cheyenne, Wyoming 82002

Attn: Chris Petrie, Chief Counsel

Docket No. 20000-520-EA-17  
Record No.14781

**RE: IN THE MATTER OF THE APPLICATION OF ROCKY MOUNTAIN POWER  
FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND  
NONTRADITIONAL RATEMAKING FOR WIND AND TRANSMISSION FACILITIES  
– Opposition to Rock Creek Wind, LLC Petition to Intervene**


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Dear Mr. Petrie:

Please find enclosed Rocky Mountain Power's response in opposition to Rock Creek Wind, LLC's Petition to Intervene.

Please contact Stacy Splittstoesser, Wyoming Regulatory Affairs Manager, at (307) 632-2677 if you have any questions.

Sincerely,

  
Joelle R. Steward  
Vice President, Regulation

Enclosure

cc: Service List

CERTIFICATE OF SERVICE

I hereby certify that on this 15<sup>th</sup> day of February, 2018, I caused to be served via E-mail and/or overnight delivery, a true and correct copy of the foregoing document to the following:

**Docket No. 20000-520-EA-17  
(Record No. 14781)**

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**BEFORE THE WYOMING PUBLIC SERVICE COMMISSION**

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IN THE MATTER OF THE APPLICATION OF  
ROCKY MOUNTAIN POWER FOR  
CERTIFICATES OF PUBLIC CONVENIENCE  
AND NECESSITY AND NONTRADITIONAL  
RATEMAKING FOR WIND AND  
TRANSMISSION FACILITIES

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Docket No. 20000-520-EA-17  
(Record No. 14781)

**ROCKY MOUNTAIN POWER’S RESPONSE IN OPPOSITION TO ROCK CREEK  
WIND, LLC’S PETITION TO INTERVENE**

Rocky Mountain Power (“the Company”) respectfully requests that the Wyoming  
Public Service Commission (“Commission”) deny Rock Creek Wind, LLC’s (“Rock Creek”)

Petition to Intervene (“Petition”), because (a) Rock Creek failed to demonstrate that it has sufficient interest in the Company’s Application for conditional certificates of public convenience and necessity (“CPCNs”) to justify its participation as a party, and (b) its participation would unduly burden this proceeding. Moreover, while Rock Creek’s petition is technically timely according to the Commission’s Notice of Supplemental Application dated January 19, 2018 (“Notice”), Rock Creek does not explain why it waited seven months to intervene in this case—a delay that undermines its claim of substantial interest.

Rock Creek is not a Rocky Mountain Power customer, nor is it a landowner affected by Rocky Mountain Power’s proposed wind and transmission projects. Rock Creek’s only stated interest is its ownership of a wind project “in the same general area as the McFadden Ridge and TB Flats wind projects,”<sup>1</sup> and its unsuccessful participation in the 2017 Renewable Request for Proposals (“2017R RFP”). In conclusory fashion, Rock Creek claims that its “interests will be substantially affected by the proceedings and results of this docket” because the Company’s final shortlist includes “self-build projects and other projects.”<sup>2</sup>

This proceeding commenced on June 30, 2017, with the Company’s Application for CPCNs. The original deadline for petitions to intervene in this docket was August 14, 2017. The Commission’s recently issued Notice vacated the schedule to allow it to set new prospective testimony and hearing dates. While the Notice did set a new February 9, 2018, deadline for petitions to intervene, it did not change the scope of this proceeding relevant to Rock Creek’s identified interests—namely, the McFadden Ridge II and TB Flats wind projects, both of which were described in the Company’s initial Application in this docket

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<sup>1</sup> Petition to Intervene of Rock Creek Wind, LLC at 1 (Jan. 30, 2018) (“Petition”).

<sup>2</sup> Petition at 2.

more than seven months ago.<sup>3</sup> Rock Creek has provided no reason why its participation is suddenly appropriate *now*, just prior to the parties’ final testimony and only two months before the hearing in this case.<sup>4</sup>

The late date of Rock Creek’s intervention suggests that it is concerned with its losing bid in the 2017R RFP, not with the Company’s Application for CPCNs. This proceeding is not the proper forum for an unsuccessful bidder to challenge the “market and technical” bases of the 2017R RFP.<sup>5</sup> The Commission has previously determined that private party disputes are outside the scope of CPCN or rate case proceedings, which are focused on public interest concerns.<sup>6</sup>

Rock Creek appears to object to McFadden Ridge II’s inclusion on the 2017R RFP final shortlist based on “potential conflicts related to generator interconnection queue position.”<sup>7</sup> This concern is no longer relevant. The Company will file its second supplemental testimony on February 16, 2018, detailing the results of its interconnection restudy process and updated system impact studies, and providing the updated final shortlist—including the deletion of the McFadden Ridge II wind project. The system impact studies that will be included in this filing demonstrate that the final shortlist resources all have lower

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<sup>3</sup> See, e.g., Rocky Mountain Power’s Application for Certificates of Public Convenience and Necessity at 7 (June 30, 2017).

<sup>4</sup> Notice of Supplemented Application at 3 (Jan. 19, 2018).

<sup>5</sup> Petition at 2.

<sup>6</sup> See *In re the Application of PacifiCorp for Authority to Increase its Retail Electric Utility Service Rates*, Docket No. 20000-ER-02-184, Record No. 7475 at ¶¶3a-3b (Dec. 16, 2002) (concluding that a qualifying facility intervenor attempting to challenge the prudence of its contract with PacifiCorp would “greatly expand the scope” of a rate case); see also *In the Matter of the Amended Application of Rocky Mountain Power for a Certificate of Public Convenience and Necessity to Construct Approximately 12 Miles of New 230 kV Transmission*, Docket No. 20000-357-EA-09, Record No. 12379 at 2 (June 22, 2010) (rejecting a petition to intervene as both untimely and as raising private eminent domain issues outside the scope of a CPCN proceeding).

<sup>7</sup> Petition at 1-2.

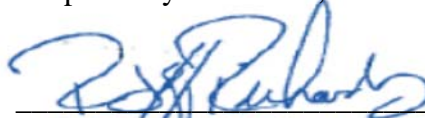
interconnection queue positions than Rock Creek, so there is no basis to claim a conflict.

The scope of consideration here is whether the proposed new wind and transmission resources are in the public interest. Were the Commission to permit intervention on the basis of submitting a bid to the 2017R RFP, the scope of this proceeding would unavoidably expand. The 2017R RFP received Wyoming wind bids from nine bidders and non-Wyoming wind bids from five bidders, with a total of 64 different bid alternatives proposed and considered.<sup>8</sup> Expansion of this proceeding to accommodate such issues would intolerably burden this proceeding.

Therefore, Rocky Mountain Power respectfully requests that the Commission deny Rock Creek's Petition to Intervene because Rock Creek's interest is insufficient to support its participation as a party and would unreasonably broaden the scope of this case.

DATED this 15th day of February, 2018.

Respectfully Submitted,



R. Jeff Richards  
Vice-President and General Counsel

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<sup>8</sup> See Supplemental Direct Testimony of Rick T. Link at 4, lines 4-8 (Jan. 12, 2018).