

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application)	Docket No:
of Rocky Mountain Power for)	09-035-23
Authority to Increase its Retail)	
Electric Utility Service Rates)	
in Utah and for Approval of its)	
Proposed Electric Service)	
Schedules and Electric Service)	VOLUME I OF II
Regulations.)	

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
160 East 300 South
Salt Lake City, Utah

DATE: April 12, 2010

TIME: 9:05 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

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<u>WITNESSES FOR THE STIPULATION</u>	
1	
2	<u>DAVID L. TAYLOR</u> <u>Page</u>
3	Direct by Ms. Hogl e 10
4	<u>ABDI NASIR ABDULLE, Ph. D.</u>
5	Direct by Ms. Schmi d 17
6	<u>DANI EL E. GI MBLE</u>
7	Direct Testi mony 20
8	-o0o-
9	<u>WITNESSES</u>
10	<u>DAVID L. TAYLOR</u>
11	Direct by Ms. Hogl e 24
	Cross by Ms. Schmi d 39
12	Cross by Mr. Proctor 47
	Cross by Ms. Hayes 83
13	Cross by Mr. Mi chel 86
	Cross by Mr. Dodge 92
14	Redi rect by Ms. Hogl e 98
15	<u>WILLIAM A. POWELL, Ph. D.</u>
16	Direct by Ms. Schmi d 101
	Cross by Mr. Mi chel 116
17	Cross by Mr. Dodge 118
	Cross by Mr. Proctor 135
18	Redi rect by Ms. Schmi d 187
19	<u>RALPH CAVANAUGH</u>
20	Direct by Ms. Hayes 195
21	<u>ABDI NASIR ABDULLE, Ph. D.</u>
22	Direct by Ms. Schmi d 204
	Cross by Ms. Hogl e 211
23	Cross by Mr. Proctor 211
24	-o0o-
25	

WITNESSES, CONTINUED

MICHELE BECK

Direct by Mr. Proctor	222
Cross by Ms. Hogle	236
Cross by Ms. Schmid	238
Cross by Mr. Michel	245
Redirect by Mr. Proctor	259

-o0o-

PUBLIC WITNESSES

<u>NAME</u>	<u>Page</u>
Dianne R. Nielson	265

-o0o-

EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Page</u>
	William R. Griffith's Direct Testimony, Rebuttal Testimony, Updated Testimony, Surrebuttal Testimony, and all accompanying exhibits	25
DPU-11.0 Phase II	Direct Testimony of William A. Powell, Ph. D.	106
DPU-11.0-SR Phase II	Surrebuttal Testimony of William A. Powell, Ph. D.	106
SWEEP and UCE-3.0	Rebuttal Testimony of Ralph Cavanaugh	196
DPU-15.0 Through DPU-15.19 Phase II	Direct Testimony of Abdinasser Abdulle, Ph. D., with accompanying exhibits and corrections	206
DPU-15.0R Phase II	Rebuttal Testimony of Abdinasser Abdulle, Ph. D.	206

-o0o-

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EXHIBITS, CONTINUED

<u>No.</u>	<u>Description</u>	<u>Page</u>
DPU-15.0SR through DPU-15.3SR Phase II	Surrebuttal Testimony of Abdinasir Abdulle, Ph. D., with accompanying exhibits	206
OCS-8R	Rebuttal Testimony of Michele Beck	227
OCS-8-SR through OCS-8.5-SR	Surrebuttal Testimony of Michele Beck, with accompanying exhibits	227

-o0o-

(The previous exhibits and related testimony
were prefiled and are part of the PSC record
and filed at the Commission.)

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ATTACHMENTS

Description

1. Public Witness Information
2. April 12, 2010, Letter to the Commissioners
from Dianne R. Nielson, Ph. D.

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1 APRIL 12, 2010

9:05 A.M.

2 P R O C E E D I N G S

3 CHAIRMAN BOYER: This is the time and place
4 set for the hearing in the rate design case, the Rocky
5 Mountain Power case captioned: In the Matter of the
6 Application of Rocky Mountain Power For Authority to
7 Increase Its Retail Electric Utility Service Rates in
8 Utah and For Approval of Its Proposed Electric Service
9 Schedules and Electric Service Regulations. And this
10 is in Docket No. 09-035-23.

11 So before we went on the record we discussed
12 how we intended to proceed today. First we'll hear
13 testimony in favor of and/or against the stipulation
14 on the nonresidential portion of the rate design phase
15 of this case, and then we'll go to the, to the case in
16 chief.

17 As always, we've read the testimony,
18 including the recently-filed surrebuttal testimony.
19 So we would urge you, or at least suggest that you
20 keep your summaries short. And we'll be able to get
21 through all this material here within the next two
22 days, hopefully.

23 So with that, let's, let's enter appearances.
24 Let's begin with the Company. Ms. Hogle?

25 MS. HOGLE: My name is Yvonne Hogle, and I'm

1 here representing Rocky Mountain Power. And with me
2 is Mr. Dave Taylor.

3 CHAIRMAN BOYER: Okay. Welcome, Ms. Hogle
4 and Mr. Taylor.

5 Ms. Schmidt?

6 MS. SCHMID: Thank you. Patricia E. Schmidt
7 with the Attorney General's Office on behalf of the
8 Division of Public Utilities. And with me are
9 Dr. Abdinasi r Abdulle and Dr. William Artie Powell.

10 CHAIRMAN BOYER: Thank you, Ms. Schmidt.
11 Mr. Proctor?

12 MR. PROCTOR: Paul Proctor on behalf of the
13 Utah Office of Consumer Services.

14 CHAIRMAN BOYER: Very well.

15 Ms. Hayes?

16 MS. HAYES: Yes, Sophie Hayes with Utah Clean
17 Energy and the Southwest Energy Efficiency Project.
18 And with me are Rich Collins and Ralph Cavanaugh.

19 CHAIRMAN BOYER: Okay. And not an attorney,
20 but?

21 MS. HAYES: And Sarah Wright.

22 CHAIRMAN BOYER: Sarah. Thank you?

23 Mr. Michel.

24 MR. MICHEL: Steven Michel with Western
25 Resource Advocates.

1 CHAIRMAN BOYER: Welcome Mr. Michel.
2 Mr. Dodge?

3 MR. DODGE: Gary Dodge with UAE.

4 CHAIRMAN BOYER: Mr. Reeder?

5 MR. REEDER: Good morning. I'm Bob Reeder,
6 appearing for a group of industrial customers whose
7 names appear on this record and who are identified as
8 UIEC.

9 CHAIRMAN BOYER: Okay, thank you. Welcome
10 both of you. Is there anyone participating by
11 telephone this morning?

12 MS. SMITH: Yes, your Honor. This is Holly
13 Rachel Smith. I would like to enter the appearance of
14 Wal-Mart Stores, Inc. and Sam's West, Inc. Thank you
15 very much.

16 CHAIRMAN BOYER: Okay Ms. Smith, welcome with
17 us this morning.

18 Okay. With that, then let's hear -- is
19 someone going speak for the stipulation on the
20 nonresidential portion of the case on behalf of the
21 Company?

22 MS. HOGLE: Yes.

23 CHAIRMAN BOYER: Okay, let's begin there.

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DAVID L. TAYLOR,

called as a witness, having been duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MS. HOGLE:

Q. Will you please state your name and your
position with Rocky Mountain Power?

A. Yes. And just for the record, I believe I
was sworn earlier in this case when we had the
proceeding on the test period, so.

CHAIRMAN BOYER: I think you were,
Mr. Taylor. Would you state your name for the record
then?

THE WITNESS: Certainly. David L. Taylor.
I'm employed by Rocky Mountain Power as the manager of
regulatory affairs for the State of Utah.

Q. (By Ms. Hogle) And then can you tell us what
the purpose of your testimony is today?

A. Well, I'll briefly review the history of
events and the key ele -- that led up to the
stipulation and the key elements of the nonresidential
rate design stipulation that has been entered into by
Rocky Mountain Power, Utah Division of Public
Utilities, the Utah Office of Consumer Services, the
UAE Intervention Group, the Utah Industrial Energy

1 Consumers, Kroger Company, and Wal-Mart Stores, Inc.,
2 and Sam's West, Inc.

3 I'll also reconfirm Rocky Mountain Power's
4 support of the stipulation, and the Company's belief
5 that the stipulation is in the public interest.

6 Q. You may proceed, Mr. Taylor.

7 A. Yes. On June 23rd of 2009 the Company filed
8 with the Commission its direct testimony in this
9 docket. Included with that testimony was the rate
10 design testimony of Rocky Mountain Power witness
11 William R. Griffith.

12 On July 8, 2009, the Utah Industrial Energy
13 Consumers filed a motion to bifurcate the proceeding
14 into a revenue requirement case and a cost of service
15 rate spread and rate design phase.

16 On August 4, 2009, the Utah Commission issued
17 a scheduling order establishing the schedule in the
18 case and on that motion. And in its order the
19 Commission indicated that it would address rate of
20 return, revenue requirement, and cost of service in
21 Phase I of this docket, and the rate design in
22 Phase II.

23 On February 18, 2010, the Commission issued
24 its order in the case authorizing an increase of rates
25 of approximately \$32.4 million, and laid out a

1 nonuniform percentage rate spread among the classes.

2 On February 22, 2010, interveners filed their
3 direct testimony on the rate design issues in the
4 case.

5 On March 11, 2010, Rocky Mountain Power filed
6 an update to its direct testimony that reflected the
7 revenue requirement and rate spread that had just been
8 issued by this Commission.

9 On March 23, 2010, all parties filed rebuttal
10 testimony in the rate design phase of the case. After
11 the rebuttal testimony was filed it was apparent to
12 the parties that, with the exception of residential
13 rate design and the decoupling proposal, there was
14 very little difference, or in some cases no
15 differences, between the parties' rate design
16 proposals for nonresidential rates.

17 On March 25, 2010, certain parties met for
18 settlement discussions on nonresidential rate design
19 issues. As a result of those settlement discussions,
20 the parties to this stipulation have agreed to the
21 rate design elements for all nonresidential schedules.

22 I note that no party addressed or took issue
23 with the rate design proposals for Rate Schedule 15
24 Traffic Signals, or Schedule 21 Electric Furnace
25 Operations, or Schedule 31 Backup, Maintenance, and

1 Supplementary Power, as those proposals were made by
2 Rocky Mountain Power. And so these schedules are
3 included in the stipulation.

4 Also, because the Commission ordered no rate
5 change for the lighting schedules other than the
6 traffic signals I just mentioned, those schedules are
7 not addressed in this stipulation.

8 On April 1, 2010, the stipulation was
9 circulated for signature. And on April 6, 2010, the
10 signed stipulation was filed with the Commission.

11 While Nucor Steel and the Utah Farm Bureau
12 Federation have not signed the stipulation, the Farm
13 Bureau has informed Rocky Mountain Power that they're
14 supportive of the stipulation. And Nucor has informed
15 Rocky Mountain Power that they do not oppose the
16 stipulation.

17 Rocky Mountain Power is not aware of any
18 party that opposes the stipulation. The parties did
19 not hold settlement meetings, and have not agreed on
20 any rate design issues related to the residential rate
21 or decoupling issues in the case.

22 Q. Mr. Taylor, can you describe the key terms of
23 the stipulation?

24 A. Yeah, let me walk through the key elements of
25 the stipulation. In paragraph 11 it states that the

1 parties all agree that the implementation of the rate
2 increase granted by the Company shall be collected
3 from nonresidential tariff schedules, as set forth in
4 the stipulated rates that are attached in Exhibit 1 of
5 the stipulation and shown in Column B of that exhibit.

6 Also attached to the stipulation is
7 Exhibit 2, which shows that the stipulated rates
8 collect the revenues equal to those rates that were
9 approved by the Commission. These rates are currently
10 being collected by a line item on each customer's bill
11 through Tariff Rate Rider Schedule 98, which became
12 effective on the 18th of February this year.

13 While the stipulation does not specifically
14 address this, upon approval of this stipulation
15 Schedule 98 tariff rider will be terminated, and the
16 new stipulated rates will go into effect.

17 I do need to point out one typographical
18 error in the stipulation. The stipulation states that
19 the stipulated rates are shown on Column G of
20 Exhibit 2, when actually those rates are shown in
21 Column F.

22 Column G shows the resulting revenues that
23 those rates produce using the test period billing
24 (inaudible.)

25 THE REPORTER: Using the test period -- I

1 couldn't hear the end of that.

2 THE WITNESS: Oh. The test period billing
3 determinants.

4 THE REPORTER: Thank you.

5 THE WITNESS: Paragraph 12 addresses rate
6 Schedule 25, which is the mobile home park rate
7 schedule. The parties agree to address the issue of
8 moving customers from Schedule 25 to appropriate
9 general service rate schedules in the next general
10 rate case.

11 The Company agrees to show the impacts of
12 moving the affected customers from Schedule 25 to any
13 proposed general service schedule in that filing.

14 And then on paragraph 13 just reconfirms that
15 residential rate design is not a part of the
16 stipulation, nor does it address any issues related to
17 decoupling in this or in any other proceeding.

18 And the parties further agree the general
19 terms and conditions of the nonresidential rate design
20 stipulation do not apply to any issues or evidence
21 related to residential rate design or decoupling in
22 this or any other proceeding.

23 Finally, the parties agree that, pending
24 Commission approval of the stipulation, that the
25 nonresidential rate design elements in this case

1 should be deemed concluded. That that portion of the
2 case is over.

3 The remaining paragraphs just contain the
4 general terms and conditions of the stipulation which
5 relates to the agreements of the parties and their
6 obligations to each other.

7 Q. (By Ms. Hogle) Do you have any final
8 comments, Mr. Taylor?

9 A. Yes. Just in conclusion, first I'd like to
10 thank the parties for working together to reach this
11 agreement. I restate the Company's support for the
12 stipulation. It was negotiated in good faith by the
13 parties.

14 I believe the stipulation is in the public
15 interest and results in just and reasonable rates for
16 Rocky Mountain Power's nonresidential customers. I'd
17 recommend the Commission approve the stipulation as
18 it's filed. And thank you, that concludes my
19 comments.

20 CHAIRMAN BOYER: Thank you, Mr. Taylor.

21 Do other parties wish to speak in favor of
22 the stipulation?

23 Ms. Schmid?

24 MS. SCHMID: The Division has a witness in
25 support of the stipulation.

1 CHAIRMAN BOYER: Very well. Let's hear from
2 your witness.

3 MS. SCHMID: Thank you. The Division's
4 witness is Dr. Abdinasi r Abdulle. Could he please be
5 sworn?

6 (Dr. Abdulle was sworn.)

7 CHAIRMAN BOYER: Thank you, please be seated.

8 ABDINASIR ABDULLE, Ph. D.,

9 called as a witness, having been duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. SCHMID:

13 Q. Good morning. Dr. Abdulle, by whom are you
14 employed, and in what capacity?

15 A. I work for the Division of Public Utilities
16 as a technical consultant.

17 Q. Have you been involved on behalf of the
18 Division in this docket, particularly the stipulation
19 before us now?

20 A. Yes, I did.

21 Q. Do you have comments in support of the
22 stipulation that you would like to present on behalf
23 of the Division?

24 A. Yes, I do.

25 Q. Please proceed.

1 THE REPORTER: Before you start, I'm having
2 trouble hearing you.

3 THE WITNESS: Is this better now?

4 THE REPORTER: Thank you.

5 THE WITNESS: Generally the Division supports
6 the stipulation that is before you today. Regarding
7 the rate design phase of the 09-035-23, the Division
8 and the other parties have filed their respective
9 direct testimonies on March 23, 2010.

10 The rate design testimonies that were filed
11 were not very different from each other for the
12 nonresidential class.

13 THE REPORTER: For the? I'm sorry.

14 THE WITNESS: For the nonresidential classes.
15 On March 25, the Division and other parties met for
16 settlement discussions on rate designs of all
17 nonresidential classes and reached the agreement that
18 is outlined in the stipulation document before you.

19 The terms of the stipulation call for,
20 Schedule 6, the parties agreed to apply the
21 Commission-ordered increase in revenue requirement by
22 applying a uniform percentage to demand charges and
23 energy charges, and to increase the customer service
24 charge from \$27 to \$45 per month.

25 For Schedules 8 and 9, the stipulated rate

1 designs will increase the customer charge from \$25
2 and -- to \$55, and from \$183 to \$200, respectively.
3 The remaining charges are increased by approximately
4 the same percentage to achieve the Commission ordered
5 revenue requirement.

6 These rates will collect the Commission
7 ordered revenue increase for these two schedules. And
8 these rate designs agreed upon on Schedules 8 and 9
9 are the same as the ones proposed by Mr. Neal Townsend
10 of UAE.

11 For Schedules 10 and 23, the stipulated rate
12 design applies the rate changes uniformly to demand
13 and energy charges and to increase the customer
14 service charges.

15 For Schedule 25, an issue of moving its
16 customers to a more appropriate rate schedule in the
17 next rate case was raised. The parties agreed to
18 address this issue in the next general rate case.

19 The Division believes that the stipulation
20 and its terms, taken as a whole, are just and
21 reasonable and are in the public, public interest.
22 Therefore, the Division recommends the Commission to
23 approve the stipulation and its terms.

24 Thank you. That concludes my summary.

25 CHAIRMAN BOYER: Thank you Dr. Abdulle.

1 Are there other parties who wish to speak in
2 favor of the stipulation?

3 MR. PROCTOR: The Office, Mr. Gimble has a
4 statement of support.

5 CHAIRMAN BOYER: Very well.

6 MR. PROCTOR: Mr. Gimble has been sworn as
7 well.

8 CHAIRMAN BOYER: Mr. Gimble?

9 MR. GIMBLE: Thank you. This stipulation
10 settles rate design issues relating to all schedules
11 except for the residential class. These included
12 three schedules that the Office represents in its
13 mandate to advocate on behalf of smaller commercial
14 customers: Schedules 10, 23, and 25.

15 The stipulation reflects the rate design
16 supported by the Office for Schedules 10 and 23.

17 Terms of Schedule 12, paragraph 12 requires
18 the parties to address the issue of moving Schedule 25
19 customers to an appropriate general service schedule
20 in the next rate case, and the Company to show the
21 impacts on existing customers resulting from any
22 proposal.

23 The Office supports this provision, and views
24 it as the next step towards accomplishing our
25 recommendation that Schedule 25 be eliminated, and

1 affected customers moved to an appropriate general
2 service schedule.

3 The Office submits that the stipulations is
4 in the public interest and recommends the Commission
5 approve it as filed. That concludes my summary.

6 CHAIRMAN BOYER: Thank you Mr. Gimble.

7 Other parties?

8 MR. DODGE: Mr. Chairman, UAE supports the
9 stipulation. Mr. Townsend's testimony will be entered
10 in the record in due course. And as to Schedules 6,
11 8, and 9, it largely follows his recommendation. So
12 that testimony will be introduced in support of it,
13 but we did not file separate testimony.

14 CHAIRMAN BOYER: Okay, thank you.

15 Mr. Dodge?

16 MR. DODGE: Mr. Chairman, we supported the
17 stipulation by signing it, and continue to support it,
18 and would urge you to approve it.

19 CHAIRMAN BOYER: Thank you.

20 Ms. Smith on the phone?

21 MS. SMITH: Yes, your Honor. Wal-Mart is a
22 signatory to the stipulation and urges that the
23 Commission adopt it.

24 CHAIRMAN BOYER: Thank you Ms. Smith.

25 Are there parties who -- oh, I guess

1 everybody is accounted for -- who oppose approval of
2 the stipulation?

3 Okay, there are none. Okay, we're gonna take
4 just a very short recess. Oh, Commissioner questions,
5 I beg your pardon.

6 Commissioner Allen?

7 COMMISSIONER ALLEN: Thank you, Mr. Chair. I
8 have kind of a global question. And I think it's
9 gonna be for the Company, but anyone else who might be
10 able to inform this would be helpful.

11 It's kind of obscure, in that I want to talk
12 about traffic signal systems. In prior cases we've
13 also dealt with streetlighting, and I want to know if
14 the Company is aware of political subdivisions --
15 managers of those political subdivisions in your
16 service area.

17 Are you communicating with them? Are they
18 aware that we're having these cases and they affect
19 their rates? They seem to be no shows in these cases.

20 MR. TAYLOR: We have our customer community
21 managers, who interact with specific leaders in all of
22 the cities where we, where we serve. They communicate
23 what's going on in the regulatory process as well. So
24 I'm certain that they are aware that these rate
25 proceedings are going on.

1 And if there are any significant changes to
2 those particular tariffs, those would be addressed
3 with those, those city managers and other specific
4 personnel in some detail so they understood what was
5 happening.

6 COMMISSIONER ALLEN: Okay, great. That's
7 what I wanted to know, if they were tuned in. Thank
8 you.

9 CHAIRMAN BOYER: Okay. Commissioner Campbell
10 and Commissioner Boyer don't have any questions. So
11 we'll take a, like a five-minute recess, and we'll
12 reconvene then.

13 (A recess was taken from 9:23 to 9:31 a.m.)

14 CHAIRMAN BOYER: Okay, we're back on the
15 record. We have conferred among the three of us and
16 have decided to approve the stipulation as filed. So
17 that will enable us to proceed with the case in chief
18 on the residential portion of the rate design. We'll
19 include the -- in the -- in our final order an order
20 approving the stipulation at that time.

21 Okay. Now Mr. Taylor is here all ready to
22 go, so Ms. Hogle?

23 MR. REEDER: Mr. Chairman, may I be excused
24 from any further proceedings in this case? I no
25 longer have a dog in this hunt.

1 CHAIRMAN BOYER: You may, Mr. Reeder.

2 MR. REEDER: Thank you very much.

3 CHAIRMAN BOYER: Thank you for joining us
4 thus far.

5 Okay, Ms. Hogle?

6 MS. HOGLE: Thank you, Mr. Chairman.

7 DAVID L. TAYLOR,

8 called as a witness, having been duly sworn,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MS. HOGLE:

12 Q. Can you please state your name and position
13 for the record, please?

14 A. Yeah, my name is David L. Taylor. I am the
15 manager of regulatory affairs for the State of Utah
16 for Rocky Mountain Power.

17 Q. Mr. Taylor, you are aware that Mr. Griffith,
18 Mr. Bill Griffith filed rebuttal testimony, update
19 testimony, and surrebuttal testimony, and accompanying
20 exhibits in the rate design phase of this case,
21 correct?

22 A. Yes, I'm aware of that.

23 Q. And we've informed the parties and the
24 Commission that Mr. Griffith is ill and did not travel
25 to Salt Lake City based on his doctor's advice,

1 therefore cannot testify today?

2 A. That's correct.

3 Q. Are you aware of any changes that need to be
4 made to his testimony?

5 A. I'm not aware of any corrections.

6 Q. And you're prepared to sponsor his testimony
7 here today?

8 A. As best I can, yes.

9 MS. HOGLE: At this time, Mr. Chairman, Rocky
10 Mountain Power would like to offer Mr. Griffith's
11 testimony, his rebuttal testimony and accompanying
12 exhibits, his updated testimony and accompanying
13 exhibits, and his surrebuttal testimony for the
14 record.

15 CHAIRMAN BOYER: Thank you. Are there
16 objections to the admission of Mr. Griffith's
17 testimony together with exhibits?

18 MS. SCHMID: No objection.

19 MS. HAYES: No.

20 CHAIRMAN BOYER: Very well, they are
21 admitted. Thank you.

22 (Mr. Griffith's Direct, Rebuttal, Updated, and
23 Surrebuttal Testimony and Exhibits were
24 admitted.)

25 Q. (By Ms. Hogle) Mr. Taylor, have you prepared

1 a summary of his testimony today?

2 A. I have.

3 Q. Please proceed.

4 A. Thank you. First of all let me, let me
5 apologize for Mr. Griffith not, not being here. So I
6 guess for today you're stuck with me, the second
7 string on this issue. And I'll, I'll do my best to
8 represent him. And as indicated, I'm adopting his
9 testimony.

10 The Company filed four rounds of rate design
11 testimony in this case. We filed our direct testimony
12 at the time the initial revenue requirement finding
13 was made. And that included rate design testimony
14 from, from Mr. Griffith.

15 We also filed update direct testimony after
16 the final order on revenue requirement and rate spread
17 was offered by the Commission. And after that we've
18 also filed rate design rebuttal and rate design
19 surrebuttal testimony.

20 Because of the stipulation on nonresidential
21 schedules I will only summarize the Company's
22 testimony as it relates to rate design for residential
23 rate design and the decoupling mechanism that was
24 proposed by the Division of Public Utilities.

25 First of all I'll briefly summarize the

1 Company's rate design proposal, then I'll summarize
2 our reaction and response to the decoupling proposal
3 from the DPU, and finally I will briefly summarize the
4 Company's response to the rate design proposals of the
5 other parties.

6 In our direct case the Company proposed to
7 apply all of the rate increase for the residential
8 class in this case to the customer charge and leave
9 the energy charges unchanged. Throughout the
10 subsequent rounds of testimony the size of that change
11 has been modified as both the revenue requirement and
12 the rate spreads have been finally determined, but the
13 proposal remains the same to apply all of the
14 residential rate increase to the customer charge.

15 Based on the final revenue requirement spread
16 ordered by the Commission that was issued in February,
17 the proposal from the Company is to increase the
18 customer charge from \$3 to \$4.45, or an increase of
19 \$1.45 per month per customer.

20 Now, there's numerous and sometimes
21 conflicting objectives in rate design. The Company
22 believes that basing rates on cost has been and should
23 continue to be the overarching principle. We also
24 believe this has been the main objective from the
25 Commission over the years as well.

1 The current residential customer charge of \$3
2 is significantly below cost, and fails to recover the
3 fixed cost of serving residential customers.

4 Specifically, it fails to recover the fixed cost of
5 distribution facilities and the billing and customer
6 service obligations that we have with those customers.

7 Now granted, there's been some increase to
8 the customer charge over the last few years, and those
9 increases have certainly been steps in the right
10 direction.

11 However, as provided in the Company's
12 testimony and exhibits, an analysis of these fixed
13 costs of serving residential customers show that those
14 fixed costs are in excess of \$23 per month, per
15 customer. That leaves over \$20 of those costs that
16 are to be collected through volumetric rates.

17 Now, there are several reasons why it's not
18 appropriate to collect the majority of these fixed
19 costs through the volatile energy components of rates.
20 Number one, doing so gives the utility an incentive,
21 in fact almost a mandate, to sell kilowatt hours. You
22 have to sell more and more kilowatt hours to make sure
23 that those fixed costs are recovered.

24 Second, it doesn't give customers clear price
25 signals about the cost of serving them when the cost

1 of one type of service is pushed into a different
2 billing element.

3 Third, it creates intraclass inequities and
4 subsidies within the residential class. And fourth,
5 it creates significant revenue volatility that can
6 lead to either an over collection or an under
7 collection of those fixed costs.

8 Now, these reasons were valid even when the
9 residential rate in Utah was flat, with all kilowatt
10 hours having the same charge. In 2001 an inverted
11 rate design was adopted for the summer period in Utah.
12 And in recent years that summer rate has become more
13 steeply inverted.

14 This trend has pushed more and more of those
15 residential costs, including these fixed costs, into
16 the summer tail block. This trend magnifies the
17 problems associated that I just -- those four issues
18 that I just mentioned before.

19 It also shifts more and more of the cost
20 responsibility for those fixed costs, the cost of
21 serving all residential customers, in, into -- onto
22 less than half of our customers. Only those customers
23 who consume more than a thousand kilowatt hours per
24 month during the summertime.

25 Several parties in this case have proposed to

1 push this trend even further and make the summer tail
2 block even more steeply inverted. This proposal, in
3 our view, would push residential rates in Utah further
4 away from costs, while Rocky Mountain Power's proposal
5 would move those rates closer to cost.

6 Let me now move on to Rocky Mountain Power's
7 support of the DPU's decoupling proposal. We believe
8 that the proposal to allow the collection of
9 distribution fixed costs on a revenue per customer
10 basis is reasonable.

11 This is true if the mechanism allows for
12 growth or decline in customers to be recognized in
13 that calculation. And upon our understanding of the
14 DPU's clarification, their proposal does that. As the
15 number of customers change, the allowable distribution
16 fixed cost recovery would change as well.

17 Rocky Mountain Power believes that a pilot
18 program is appropriate as was proposed by the DPU.
19 And while we support the proposal, the Company did
20 recommend a few minor modifications, or changes, or
21 clarifications to the proposal as made by the DPU.

22 The primary one was, the Division has
23 recommended that the decoupling rate change twice a
24 year. That there be a two -- a true up every six
25 months. The Company would recommend that that true up

1 only happen once a year.

2 We already have seasonal rates with two rate
3 changes per year. Laying over two more on top of that
4 I think would be unnecessary, and perhaps putting more
5 rate changes in front of customers than would be
6 necessary.

7 We would recommend that we make that rate
8 change at the beginning of one of those seasonal
9 periods so it would be concurrent with another rate
10 change happening at that same time.

11 Rocky Mountain Power believes that the
12 proposed cap of 2 1/2 percent of those fixed costs on
13 an annual basis to be amortized and spread back to
14 customers mitigates the concern for rate shock. And I
15 believe that's one of the main reasons why the
16 Division is recommending two adjustments per year.

17 With the limitation of 2 1/2 percent of those
18 fixed distribution costs, that really amounts to less
19 than 1 percent maximum price change at any one time.
20 And so we think that mitigates that issue. And
21 dealing with it once a year would certainly avoid an
22 issue of rate shock.

23 Let me now address some of the concerns that
24 were raised about applying this mechanism to the
25 residential class only. The OCS has raised that

1 question about why should the decoupling only apply to
2 the residential class.

3 The Company agrees with the Division and
4 other parties in the case that the decoupling proposal
5 is appropriate for the residential customers only.
6 And there are good reasons for this, so let me just
7 state a couple of them.

8 First, nonresidential rate schedules or
9 commercial and industrial schedules in Utah contain
10 generally three-part rates: They have a customer
11 charge, they have a demand charge, and they have an
12 energy charge. In some cases they have a facilities
13 charge as well.

14 And these greatly are designed to recover
15 mainly these fixed type of costs that we're dealing
16 with here in the decoupling mechanism for the
17 residential class.

18 Secondly, both Questar's GS rate and Rocky
19 Mountain Power's residential rate are two-part rates:
20 They have a customer charge, or a monthly fixed
21 charge, and a volumetric charge. And the volumetric
22 charge collects the majority of the cost in both
23 rates.

24 And neither Questar nor Rocky Mountain
25 Power's residential rate has a demand charge. So for

1 that reason, I think it's appropriate that this apply
2 to the residential class in Utah only.

3 Further questions were raised about the need
4 for decoupling. And I think that -- I believe there
5 are several reasons why the decoupling mechanism
6 that's proposed makes even more sense and is more
7 applicable to Rocky Mountain Power than it is for, for
8 Questar, where it's already been approved.

9 First, the Rocky Mountain Power customer
10 charge is \$3 a month, and Questar's current monthly
11 customer charge is \$5 a month. So their fixed charge
12 collection already exceeds that of Rocky Mountain
13 Power.

14 Second, Rocky Mountain Power's residential
15 summer rate is steeply inverted. And the Questar rate
16 is flat for the majority of their users, and it's
17 declining for very -- fairly large users.

18 And third, Questar's GS rate already has a
19 temperature normalization adjustment built into it,
20 and so any fluctuations in usage due to temperature
21 variations are already taken into account and
22 modifications made for that in the Questar rate.

23 Rocky Mountain Power's rate do not have any
24 such mechanism.

25 So as a result of these differences, Rocky

1 Mountain Power's residential revenues are more
2 volatile and certainly more sensitive to temperature
3 variations than those of Questar. That puts the
4 recovery of Rocky Mountain Power's residential fixed
5 cost at more risk and makes the proposed decoupling
6 mechanism even more appropriate for Rocky Mountain
7 Power than for Questar.

8 The question has also arisen, is decoupling
9 unfair to small customers? I think both the OCS and
10 the Salt Lake Community Action Program have raised
11 this issue.

12 However, just the opposite is true. Any rate
13 adjustment under the decoupling proposal will be, due
14 to either an over collection or an under collection of
15 those fixed costs, will be passed through to the
16 customers on a volumetric basis.

17 As a result, larger residential customers
18 will pay a larger share of those decoupling
19 adjustments.

20 Now, bear in mind that these adjustments
21 relate to fixed distribution costs. The costs that do
22 not change with the level of consumption, and the
23 costs that are there needed to serve all of our
24 residential customers.

25 And so due to the low customer charge we

1 currently have, small customers currently pay far less
2 than their cost-based share of these costs. Even --
3 however, even if decoupling is adopted they will
4 continue to pay far less than their cost-based share
5 of these, of these fixed costs. Again, that's even
6 under the decoupling mechanism.

7 Moving on to a question is, if decoupling is
8 implemented, why is residential rate design still
9 important? Some parties have suggested that the
10 Company should be indifferent to rate design if the
11 decoupling mechanism is approved.

12 However, even if it is approved, the Company
13 still believes that basing rates on cost is important.
14 And we continue to support our proposal to increase
15 the customer charge.

16 As I indicated earlier, an appropriate
17 cost-based customer charge and cost-based kilowatt
18 hour charges are necessary to provide intra-class cost
19 responsibility equity among the customers within,
20 within the residential class.

21 And while decoupling would provide for these
22 fixed costs to be collected and -- from the customers
23 in total and returned to Rocky Mountain Power so it
24 might be equitable between Rocky Mountain Power and
25 the total group of residential customers, but it

1 doesn't take into account the inequities between those
2 customers within the class.

3 With customer usage -- with the customer
4 charge at less than full cost, and overstated usage
5 charges, small customers would continue to pay less
6 than their share of customer-related costs and larger
7 residential customers would continue to pay more than
8 their cost-based share of those charges.

9 So rate design is still important even within
10 a decoupling mechanism. Additionally, continued
11 disproportionately increases to the residential tail
12 block will only continue to create inequity among
13 customers in the class. I think I just said that.

14 Further, let me point out that this
15 decoupling mechanism does not address all fixed costs.
16 The pilot is defined as narrow. It addresses only
17 specific distribution fixed costs. And it has caps on
18 the amount of those costs that can be amortized or
19 passed back to customers either as refunds or
20 collections in any given year.

21 It doesn't include any of the fixed
22 generation costs, or transmission costs, or the costs
23 of the substations, which are also collected in
24 volumetric rates from customers.

25 So as a result, even with decoupling,

1 disproportionate increases to the tail block will
2 create additional revenue volatility and make it
3 increasingly difficult to collect those other
4 additional fixed costs other than just the
5 distribution piece.

6 Finally, there's been some rather dramatic
7 rate design proposals made by the parties in the case.
8 And if they're adopted and we go into this decoupling
9 pilot, if at the end of three years it's determined
10 that this pilot should not continue it may be quite
11 difficult to unravel some of those rate designs that
12 were put in place only with the presumption that
13 decoupling would continue.

14 Finally, let me just address briefly Rocky
15 Mountain Power's response to the rate design proposals
16 of some of the other parties. While Rocky Mountain
17 Power continues to encourage the Commission to approve
18 the -- our rate design proposal, we believe that the
19 rate design proposal from the Office of Consumer
20 Services is not unreasonable.

21 And it certainly ought to be considered a
22 preferred alternative if the Commission chooses not to
23 accept the Company's proposal.

24 U -- Utah Clean Energy, SWEEP, and WRA, and
25 to a lesser degree the DPU, it appears to us have

1 abandoned the objective of cost-based rates. And
2 rather than promoting rates that give good cost-based
3 price signals to customers, they appear to be
4 proposing rates with price signals that promote a
5 single objective. And that objective is conservation,
6 regardless of the cost to get there.

7 Now, the Company certainly doesn't have any
8 opposition to conservation. I, I think we have a
9 strong track record in promoting energy efficiency
10 programs. I think we have a strong track record.
11 We've encouraged our customers to use energy
12 appropriately and efficiently.

13 But we certainly don't believe that prices
14 should be pushed beyond cost just to achieve a single
15 objective; that is, pushing as high as you need to
16 make to get people to conserve. Again, the prices
17 ought to be based on cost. And give those signals, so
18 customers can make choices as to whether to conserve
19 or consume, based upon an appropriate price signal.

20 So in conclusion, the proposals of several of
21 the parties we believe pushes Utah residential rates
22 further away from cost. And Rocky Mountain Power's
23 proposal will move those rates closer to cost, so we
24 would encourage the Commission to adopt Rocky Mountain
25 Power's rate design proposal.

1 That concludes my summary.

2 CHAIRMAN BOYER: Thank you, Mr. Taylor.

3 Mr. Griffith should be pleased with your sponsorship.

4 And we do wish him a speedy recovery, of course.

5 Are there parties who wish to cross examine

6 Mr. Taylor?

7 Ms. Schmidt?

8 MS. SCHMID: Yes, the Division does have some
9 questions.

10 CROSS EXAMINATION

11 BY MS. SCHMID:

12 Q. Good morning Mr. Taylor.

13 A. Morning.

14 Q. Have you participated on behalf of the
15 Company in this docket?

16 A. I, I was -- I'm the case manager for this
17 docket.

18 Q. Perfect.

19 A. I also presented testimony at the front of
20 this case on, on the test period.

21 Q. Thank you. Did the Company propose
22 decoupling in its original application?

23 A. We did not.

24 Q. Why not?

25 A. We'd proposed making ongoing and continued

1 increases to the residential customer charge.

2 Q. Why does the Company now support decoupling?

3 A. Well, we agree with the issues raised by the
4 Division when they proposed decoupling. That the
5 current rate design, as it sits today, under-recovers
6 the fixed costs of serving residential customers. And
7 the decoupling mechanism is one way that you can
8 assure those revenue streams are collected at a time
9 when the customer charge is insufficient to do that.

10 Q. So is that understanding what has changed
11 between now and the Company filing its original
12 application?

13 A. I'm not sure I follow your question.

14 Q. What has changed between -- I'll restate the
15 question.

16 What has changed between the Company filing
17 its original application, which did not include
18 decoupling, and the Company now supporting decoupling?

19 A. Well, the main thing that changed is the
20 Division proposed it. And we reviewed it, made a few
21 suggestions, and then supported it. That's the main
22 thing that's changed.

23 Q. Thank you. Prior to the Division's filing of
24 its direct testimony did you have an understanding as
25 to why the Division was proposing decoupling?

1 A. There have been conversations with the
2 Division. They indicated they were planning to
3 propose one. As far as all of their reasons for
4 proposing, I, I don't know all of their reasons for
5 proposing it.

6 Q. Turning now to Mr. Griffith's rebuttal, which
7 you are adopting. Isn't it true that the Company
8 testified that the Company supports a
9 properly-designed decoupling mechanism for the
10 Company's residential customers in Utah as an interim
11 alternative to 80 percent fixed-cost recovery in
12 customer charge? And that's Mr. Griffith's rebuttal
13 at page 2, lines 2 to 6.

14 A. Yes, that's what his rebuttal says.

15 Q. Did the Company suggest changes to the DPU's
16 proposal? Regarding decoupling?

17 A. Well, we provided a few suggestions, such as
18 one rate true up a year. We provided -- asked for
19 clarification as to whether or not customer growth or
20 customer shrinkage was, was part of the calculation
21 for allowed revenues.

22 And I think a few other minor suggestions.
23 But I don't believe we made basic changes to the basic
24 concept.

25 Q. And isn't it true that the Company testified

1 that a decoupling mechanism that includes the
2 Company's proposed revisions described above may be a
3 good alternative? And I believe that was stated at
4 Mr. Griffith's rebuttal at page 9, line 10 to 18; is
5 that correct?

6 A. Yes, that's correct.

7 Q. Moving on now to customer charges. Does an
8 increased customer charge promote conservation?

9 A. No, I don't think the customer charge is
10 intended to promote conservation. The customer charge
11 is intended to reflect those fixed costs that are
12 associated with interacting with the customer,
13 regardless of the consumption level they have.

14 Q. Is achieving conservation or promoting
15 conservation one of the Company's objectives?

16 A. Giving proper price signals so customers can
17 choose to consume or conserve based upon how they
18 value electricity compared to its cost is an
19 objective. So included with that, appropriate
20 conservation would be included with that objective.

21 Q. Is a customer's total bill for electricity
22 likely to vary more or less over time if there is a
23 large customer charge?

24 A. The bill will vary less. As it should.

25 Q. Are customers' total bills likely to vary

1 more or less between high and low-use customers if
2 there is a large customer charge?

3 A. I'm not quite sure I follow the distinction
4 of that question. Can you say it one more time for
5 me, please?

6 Q. Yes. Let me restate it to see if I can be
7 more clear. If there is a high customer charge is
8 there likely to be a greater distinction or a greater
9 difference between high and low-use customers?

10 A. A higher customer charge, a more cost-based
11 customer charge, would make the difference in total
12 bill for a smaller customer and a larger customer
13 less.

14 Q. Is it fair to say that a high customer charge
15 rewards high-use customers?

16 A. No. I think it's fair to say that an
17 appropriately-based customer charge collects the
18 appropriate fixed costs from all customers. I don't
19 think that's a reward nor a punishment. I think
20 that's just a collection of those costs from those
21 customers that incur them.

22 Q. Is cost responsibility the only principle
23 involved in rate design?

24 A. Well, it's certainly not the only principle,
25 but I believe it's an overarching principle of basing

1 rates on cost.

2 Q. Does increasing the tail block rate promote
3 conservati on?

4 A. The higher your rate, the more that will
5 promote conservati on. Increasing the tail block at
6 the expense of other blocks means you will, you will
7 focus that on a smaller subset of your customers and
8 give a small -- a less of a price signal to your other
9 subset of customers. Clearly a higher rate will, will
10 encourage more conservati on than a less-high rate.

11 Q. Isn't it true that the Company is facing
12 increased demand in the summer due, in part, to
13 increased use of central air?

14 A. That is one of the drivers, yes.

15 Q. And so isn't it true that by increasing the
16 tail block for that summer usage, that those high-use
17 tail block customers may be incented to adopt
18 conservati on?

19 A. Again, the higher you push the rate, the more
20 likely someone is to conserve. But pushing the rate
21 beyond its cost is not -- that means, that means
22 conserving is more important than giving the right
23 price signal.

24 I don't believe that to be true. You give
25 them a price signal based on cost, then the customer

1 can decide whether they value electricity greater than
2 that cost, then they'll consume. If their value is
3 less than cost, they won't consume.

4 Q. If customers reduce their use isn't it true
5 that the Company may be able to avoid either
6 incremental investments in transmission and/or
7 incremental investments in energy?

8 A. Yes. And I believe our current tail block
9 already provides those appropriate price signals for
10 that.

11 Q. Turning back to what the Company indicated
12 was its desired outcome, sort of an 80 percent
13 fixed-cost recovery and customer charge -- and again,
14 that's what Mr. Griffith stated in his rebuttal --
15 what is straight fixed variable rate design?

16 A. A straight fixed variable would be that you
17 would collect your fixed costs through a fixed
18 component, and your variable costs through a usage
19 component.

20 Q. Once rates are established under straight
21 fixed variable is there an opportunity to increase
22 revenues dramatically if energy usage can be
23 increased, or increases?

24 A. You mean -- I'm, I'm still not quite sure I
25 track that question.

1 Q. If we are collecting fixed costs over here --
2 so all our fixed costs are recovered in a bucket of
3 prepaid or almost guaranteed recovery -- and then we
4 can increase the usage in the other bucket, isn't that
5 an opportunity for a company to dramatically increase
6 revenues?

7 A. No. I think at that point you -- if you
8 collect your fixed costs through a fixed charge, and
9 your usage -- and your variable costs through a usage
10 charge, then at that point the Company almost becomes
11 indifferent to the levels of usage.

12 Because if fixed costs aren't dependent upon
13 usage, and if your revenues then change as your costs
14 change, the Company becomes somewhat indifferent to
15 that level.

16 Q. And if the Company is indifferent, then it
17 has no incentive to increase conservation? Or promote
18 conservation?

19 A. I think we have all of the same reasons that
20 we have today.

21 MS. SCHMID: Thank you. Those are all my
22 questions.

23 CHAIRMAN BOYER: Thank you Ms. Schmid.
24 Mr. Proctor?

25 MR. PROCTOR: Thank you Mr. Chairman.

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CROSS EXAMINATION

BY MR. PROCTOR:

Q. Mr. Taylor, I'm gonna try to refer to Mr. Griffith's testimony wherever I can because my questions relate to that. So you'll have to bear with me -- and Commissioners as well -- as I go through this.

I just want to make certain that you have the page and the line numbers so we can --

A. That will be fine. I appreciate your help.

Q. You bet. Well, you know me, I'm always helpful.

Do I understand it correctly from page 11, line 11 of Mr. Griffith's testimony that it is Rocky Mountain --

A. Is this his direct testimony you're speaking of?

Q. His rebuttal, pardon me. I'm sorry.

A. Thank you.

Q. My questions will relate to the rebuttal and surrebuttal.

A. Okay.

Q. That if not all of the increase is placed on the customer charge for residential customers, that the Office's proposal would be the preferred

1 alternative?

2 A. That's correct.

3 Q. And on page 12 of his rebuttal testimony,
4 beginning at the very top, line 1, he described the
5 Company's understanding of the Division's two
6 proposals: One, with the decoupling proposal as the
7 Division had designed it. Which included a 11 percent
8 increase in the third summer tail block -- or the
9 summer tail block.

10 And the second proposal was with no
11 decoupling. Then they proposed an increase in the
12 customer charge and a tail block -- summer tail block
13 increase of 8 percent. Do you see that?

14 A. I do.

15 Q. And on page -- on line 13 of the same page,
16 12, neither of those proposals were then acceptable to
17 the Company; is that correct?

18 A. That's correct.

19 Q. Are either of those proposals acceptable to
20 the Company today?

21 A. No.

22 Q. Are you aware -- well, let me ask it this
23 way. Did you review or read Dr. Powell's surrebuttal
24 testimony?

25 A. I did.

1 Q. And is your understanding the same as mine,
2 and that is that the Division continues to insist to
3 this day that there be an 11 percent increase on the
4 summer tail block?

5 A. I believe the Division stands by the
6 proposals they made here.

7 Q. And so therefore the Company does not agree
8 with the Division's decoupling proposal, correct?

9 A. We don't agree with the rate design that they
10 have proposed within decoupling.

11 Q. Okay. Now, were you aware that in the last
12 two days of December of 2009 that the Division
13 contacted Rocky Mountain Power to discuss the power
14 company's response or reaction to a decoupling
15 proposal?

16 A. I know that the Division has had a number of
17 conversations with Company personnel about decoupling.
18 And had suggested that they were considering proposing
19 one in their testimony.

20 Q. Were you present at a meeting on January the
21 13th of 2010 in which the mechanism that the Division
22 was developing was discussed?

23 A. I don't specifically recall that date and
24 that meeting, but I've reviewed the mechanism. And
25 I've had conversations with some of the DPU people

1 about, about the mechanism. I don't recall that
2 specific date, no.

3 Q. Exhibit 8.4 to Ms. Beck's surrebuttal
4 testimony is a response from the Division of Public
5 Utilities to Utah Clean Energy and SWEEP asking about
6 meetings between the Division and the Company. And
7 one of them is referencing a January 13, 2010, meeting
8 at which you were present with Mr. Larsen and
9 Mr. Griffith was on the phone. Do you recall that
10 meeting?

11 A. I don't --

12 MS. HOGLE: Asked and answered. Objection.

13 THE WITNESS: I don't remember the date, but
14 I don't dispute that those conversations were held.

15 Q. (By Mr. Proctor) Do you remember any of the
16 content of those conversations on that day,
17 January 13th?

18 A. You know really, I'm sorry, I don't.

19 Q. You don't have to apologize.

20 A. No, I don't. I remember we talked about the
21 proposal. And, and that's all I remember.

22 Q. Do you have any recollection presently of a
23 conversation on February 16th, again with -- a phone
24 conversation -- yourself, Mr. Griffith, and Mr. Zhang,
25 is that correct?

1 A. Zhang is how that's pronounced.

2 Q. Zhang?

3 A. Actually, while I believe -- I was not
4 actually participating in that meeting, even though my
5 name I think is listed in that response. I was at the
6 Neighborhood Meeting in Washington DC at that time, so
7 that call I don't think I personally participated in.

8 Q. Okay. All right. Thank you.

9 A. I don't think there was any deception
10 intended, but I was not in that particular meeting.

11 Q. No, I'm not suggesting there was, Mr. Taylor.
12 Not at all.

13 So in Mr. Griffith's rebuttal testimony what
14 were the modifications that were proposed to the
15 Division's decoupling proposal?

16 A. Well, he propose -- we suggested, one, that
17 rather than two true ups a year we thought that one
18 true up a year would be adequate. We, we questioned
19 the level of reporting that the Division had suggested
20 within the proposal.

21 And I believe we had some questions about
22 their calculations to make certain that the
23 calculations were doing what our understanding of the
24 proposal was supposed to. Primarily whether or not
25 the fixed cost recovery reflected changes to the

1 number of customers.

2 Q. Well, did the Company propose an increase to
3 the customer charge if decoupling were adopted by the
4 Commission on a pilot basis?

5 A. I'm -- in relation to just the discussion on
6 decoupling, I don't know that we talked about rate
7 design at all. As we talked about our reflection to
8 the Division's rate design proposals, one that was
9 within and one that was not within a decoupling
10 mechanism, we had comments on that. And we disagreed
11 with that proposal.

12 Q. So if this Commission were to adopt a
13 decoupling proposal, is it the Company's position that
14 it's either the Division's or none? Is that what
15 you're proposing?

16 A. We're proposing that the Commission adopt
17 decoupling, and within decoupling they adopt the rate
18 design proposal that we have laid out. That doesn't
19 mean that if the Commission chooses to adopt some
20 other rate design, that does not have us remove our
21 support for decoupling.

22 Q. So under the Company's proposal your
23 decoupling would consist of putting 100 percent of the
24 rate increase for residential customers into the
25 monthly customer charge?

1 A. That's correct.

2 Q. And how much would that monthly customer
3 charge go up?

4 A. As I mentioned before, it would go from \$3 to
5 \$4.45. Still significantly less than the \$23-plus
6 that our exhibits show the fixed costs are.

7 Q. Would there be any modifications under your
8 decoupling proposal to any of the tail blocks, summer
9 tail blocks?

10 A. Our proposal is to change the customer charge
11 only, and leave the energy charges the kilowatt hour
12 charges unchanged.

13 Q. So under your decoupling proposal there would
14 be no conservation or efficiency incentive built into
15 pricing in the tail blocks?

16 A. I disagree with that. I think the tail
17 block's already steeply inverted.

18 Q. More -- and should not be increased any more?

19 A. I would argue against making it more steeply
20 inverted.

21 Q. Do you believe it is excessively inverted?

22 A. I think it's at the limit. And perhaps even
23 excessively steeply inverted.

24 Q. Prior to recommending or requesting that the
25 customer service charge be \$4.45, did the Company

1 apply the Commission methodology and determine what
2 the customer service charge would be given the rate
3 increase that they recently announced?

4 A. No. Our, our proposal goes beyond the
5 Commission policy that has been set probably 20 years
6 ago for how customer charge is calculated.

7 Q. Okay.

8 A. That, that policy, however, does not include
9 all of the customer-related costs, and certainly
10 doesn't include the other fixed costs associated with
11 serving residential customers. But yes, we
12 acknowledge that that goes beyond the long-held
13 Commission policy for establishing customer charges.

14 Q. So you're abandoning the 20-year-old policy?

15 A. We're asking them to reconsider it. And,
16 and, and adopt a customer charge that's more cost
17 based than what's been in the past.

18 Q. The Office of Consumer Services, your
19 preferred alternative, that is preferred because it in
20 fact addresses both the summer tail block and the
21 customer service charge, correct?

22 A. Well, I think it was a fairly reasoned
23 proposal.

24 Q. Just as a side question, Mr. Griffith spoke
25 of a Oregon decoupling program in the '90s that

1 utilized annual rate changes?

2 A. That's correct.

3 Q. Is that program still in effect?

4 A. No. That program ended at the end of its
5 pilot.

6 Q. And when was that?

7 A. That was about three years after it was
8 implemented.

9 Q. So 1995 --

10 A. Approximately. Approximately that time.

11 Q. -- something like that?

12 A. That was about the same time that, that
13 restructuring was being dealt with in Oregon. And I
14 think for that reason people focussed on something
15 else, and no one proposed pushing that program to
16 continue beyond the pilot.

17 Q. And the Company hasn't proposed any
18 decoupling in Oregon, have they?

19 A. We have not since that time.

20 Q. The old Oregon program, did that include all
21 customer classes or just the residential?

22 A. It included all customer classes.

23 Q. On page 8 of Mr. Griffith's rebuttal
24 testimony a question was asked at line 19, and it's --
25 I'm in particular concerned about his answer that

1 begins on line 23, carries over to the next page.

2 The Division's proposal included I believe
3 what the Division refers to as a comprehensive review
4 at the end of the first year of the pilot program.

5 And the Company -- Mr. Griffith stated:

6 "The Company believes that the term
7 comprehensive review is perhaps
8 overstated."

9 And then makes this statement, and this is on
10 the top page 9:

11 "The Company would submit a filing
12 most likely with a decoupling rate
13 change which could trigger review of the
14 program at the end of the first year."

15 Would that filing then be discretionary with
16 the Company?

17 A. I highly doubt that any of these reports
18 would become discretionary.

19 Q. My question though is, is that what the
20 Company is proposing?

21 A. I'm not -- I don't believe we're proposing
22 that those reports at end of the first year be
23 discretionary.

24 Q. Use of the phrase "most likely," would the --
25 making the decoupling rate change be discretionary?

1 A. I believe the reason for saying "most likely"
2 is, if there is a difference between allowing
3 collective distribution fixed costs, then that would
4 trigger the need for a rate change. So most likely
5 means if there is a need, then it would be included as
6 part of that filing.

7 Q. Did Mr. Griffith again address the question
8 of this end-of-first-year review in his surrebuttal
9 testimony?

10 A. I don't recall. If you do, you can take me
11 there and we can talk about it.

12 Q. Well, I hope I can get to it quickly.

13 MR. PROCTOR: Mr. Chairman, if I could just
14 have a moment?

15 Q. (By Mr. Proctor) Yes. Mr. Taylor -- thank
16 you. Page 4, at line 87. And this is in reference to
17 additional comments on the rate design proposals.

18 "As presented in the DPU's proposal,
19 decoupling would be a three-year pilot
20 program for residential customers."

21 And this is the sentence I'm concerned about:

22 "In addition, at the end of the
23 first year the Company would be able to
24 recommend continuation or not of the
25 pilot program."

1 In saying that, was Mr. Griffith anticipating
2 that the Company would unilaterally make that
3 decision?

4 A. I believe the word is "recommend." I don't
5 believe the Company ever gets to unilaterally make
6 decisions as it results to rates or, or programs, or
7 other tariff issues in the State of Utah.

8 Q. Was Mr. Griffith anticipating a particular
9 filing in that regard?

10 A. Well, I think there would be a report, as he
11 talks about, at the end of the first year. And as
12 part of that report would probably be some assessment
13 of the decoupling program and whether or not they
14 thought it ought to continue.

15 Q. Would the -- does the Company anticipate that
16 there would be participation by the state agencies and
17 interveners?

18 A. Certainly.

19 Q. And they would anticipate -- the Company
20 would also anticipate the Company filing testimony
21 with its recommendation?

22 A. Whether we got to the point of testimony,
23 that would be a different issue. But I certainly
24 would anticipate there would be participation in the
25 discussion at the end of the first year as to whether

1 the program should continue.

2 Q. Were you anticipating an informal review of
3 the pilot program?

4 A. I don't know that we've thought about it in
5 that level of detail.

6 Q. Okay. Thank you.

7 Now Mr. Griffith, on page 12 at line 15.

8 A. Is this back in rebuttal?

9 Q. This is back in rebuttal. Yeah, keep me
10 straight. Thank you, Mr. Taylor. He stated:

11 "In the 2007 general rate case the
12 DPU proposed a \$4 monthly customer
13 charge, and the DPU's reversal in this
14 case is disappointing."

15 How much was the increase that the DPU
16 proposed in the 2007 case?

17 A. Are you talking about overall rate increase?

18 Q. No, no, the -- of the cus -- to the customer
19 charge. Do you recall?

20 A. I believe, I believe that would have been
21 from \$2 to \$4. But I, I, I don't recall specifically.

22 Q. So they were proposing, at that point, a
23 hundred percent crease?

24 A. I think that's correct.

25 Q. And what percentage of increase are you now

1 proposing?

2 A. About a 50 percent. Not quite 50 percent.

3 Q. All right. The next page, on page 13,

4 Mr. Griffith is discussing the SWEEP proposal. And on
5 line 6 he defines SWEEP's proposal as increasing the
6 summer tail block price by 34 percent.

7 Is that a increase in the thousand kilowatt
8 hours plus? Because they added a tail block.

9 A. I believe that's to their new tail block
10 that's for even higher usage.

11 Q. So the average of the two, the third and then
12 their new fourth, is the 34 percent?

13 A. I believe the 34 percent applies only to
14 their highest tail block. But I, I could be corrected
15 if you've done a different calculation.

16 Q. No. I, I was trying to determine how
17 Mr. Griffith did the calculation.

18 A. I believe it's, it's their new tail block,
19 which is for usage I think over 2,000 kilowatt hours.

20 Q. Okay. And SWEEP, in its rebuttal testimony,
21 did they adopt the decoupling proposal that the
22 Division had put forth?

23 A. They are supportive of the decoupling
24 proposal.

25 Q. Does that at all change the Company's view of

1 the SWEEP proposal as being particularly disturbing?

2 A. No. Again, we believe that even within
3 decoupling, rate design still needs to be reasonably
4 cost based.

5 Q. Now, Mr. Griffith was quite critical of
6 SWEEP's proposal too, because it was based on some
7 incorrect information. Billing determinants, for
8 example. Do you understand that those have been
9 corrected?

10 A. I believe they have. And on those type of
11 issues I'm sure it could be resolved. That means just
12 making sure that if, if rates like that are
13 implemented we actually do have some chance to correct
14 our revenue requirement.

15 Q. Did --

16 A. I believe those have been corrected.

17 Q. Have you reviewed the corrected numbers?

18 A. I have not.

19 Q. So you don't know, for example, whether or
20 not at this point in time the Company would be
21 satisfied with the accuracy and the completeness of
22 the SWEEP proposal?

23 A. We would, we would have to check. But
24 regardless of the accuracy, we still are not
25 supportive of it. We think it pushes the energy rate

1 well beyond cost.

2 Q. On -- and finally on -- with respect to the
3 rebuttal testimony, on Exhibit WRG-1-R? It's the
4 first exhibit to his rebuttal testimony. And it's the
5 tariff that you -- the Company prepared. Residential
6 fixed cost decoupling tariff. Do you see that?

7 A. Yeah. Actually this was, this was our
8 suggested corrections or amendments to the Division's
9 tariff that they had provided.

10 Q. All right. The first paragraph, last line,
11 says:

12 "It would recover distribution fixed
13 cost per residential customer authorized
14 by the Public Service Commission without
15 regard to the level of kWh sales."

16 Are distribution fixed costs defined
17 somewhere, either in the Company's testimony or in
18 another tariff?

19 A. They are. In a couple of places at least.
20 If you go to Mr. Griffith's update testimony? And you
21 go to WRG-2-U?

22 Q. Okay.

23 A. Now, this lays out the calculation. Whether
24 or not they're defined in the tariff, I'd have to go
25 back and read and see if they're defined. But this,

1 this is the definition that's being used in the
2 calculation.

3 Q. And for what purpose would Mr. Griffith have
4 described distribution fixed costs in his updated
5 testimony?

6 A. For what purpose would he have described it?

7 Q. Yeah.

8 A. To, to, number one, support what we think an
9 ultimate fixed type of charge from residential
10 customers ought to include. And second, as support
11 for the calculation in the DPU's proposal.

12 Q. When did he file his updated testimony?

13 A. Actually, let me retract a little bit. This
14 was filed before we responded to the decoupling
15 proposal. This was presented primarily in support of
16 our customer charge recommendation.

17 Q. What's --

18 A. These are also the charge -- the costs that
19 have been used to develop the distribution fixed costs
20 in the decoupling proposal.

21 Q. And what is the date of the update?

22 A. I believe it was filed February 11th --
23 March 11th, but let me. It was March 11th, yes.
24 Prior to our filing a rebuttal.

25 Q. But after you had had conversations with the

1 Division on at least the 13th of January, and some on
2 the 16th of January -- or excuse me, 16th of February,
3 in which the Division's proposed decoupling
4 proposal -- or decoupling was discussed?

5 A. Chronologically, that's correct. However,
6 this exhibit was merely an update of the exhibits
7 filed in our direct case reflecting the Commission's
8 revenue requirement. If you go back to Mr. Griffith's
9 direct testimony I believe you can find a similar
10 exhibit that was based upon our filed cost of service.

11 Q. Well, and that's the one that calculated, I
12 think it's \$23-something as being total fixed cost.

13 A. It's the same number.

14 Q. Right.

15 A. This was just updating that exhibit to
16 reflect the final revenue requirement and rate spread
17 ordered by the Commission.

18 Q. But you did testify it was also for the
19 purpose of, of examining and describing the Company's
20 position on the Division's proposal, did you not?

21 A. I said that --

22 Q. Just moments ago?

23 A. -- and then I retracted my statement and said
24 this was filed in support of our, of our customer
25 charge. These numbers were also used by the Division

1 to develop their fixed costs.

2 Q. And in --

3 A. And we, yeah, then we supported that.

4 Q. In chronology it was filed after you had
5 received and read the Division's direct testimony
6 describing their decoupling proposal?

7 A. That, that is true, but this table didn't
8 change other than the numbers trued up.

9 Q. Mr. Taylor, if you could turn to
10 Mr. Griffith's surrebuttal testimony now. And in
11 particular, page 1, beginning with the answer that
12 begins on line 14. Are you there?

13 A. I am.

14 Q. Thank you.

15 "The Company agrees with the DPU and
16 other parties that its decoupling
17 proposal is appropriate for the
18 residential customer class only."

19 Now, in your opening -- or summary you
20 mentioned some of the reasons why, in the Company's
21 view, it is appropriate to apply to one class only; is
22 that correct?

23 A. Yes.

24 Q. One of the reasons was that in -- a
25 residential customer does not have a demand charge.

1 And -- nor facilities charges. And that any other
2 class, commercial or -- and others, there is a demand
3 charge and a -- in some cases a facilities charge,
4 correct?

5 A. That's correct.

6 Q. What are facilities charges?

7 A. In, in Rate Schedules 8 and 9 the demand
8 charge only applies to on-peak demand. And since
9 there are local delivery facilities -- whether they be
10 localized transmission, whether they be local
11 distribution facilities -- that are not affected by
12 the time of use, those facilities charges collect
13 those on a total peak basis, not an on-peak
14 measurement.

15 Q. So would it be fair to state that those are
16 large customers who may have their own generation and
17 who don't always take power from Rocky Mountain Power?

18 A. Well, that's not true. You, you must be
19 speaking of the Backup Rate Schedule 31. Those
20 facilities charges also apply I believe to Rate
21 Schedules 8 and 9. Those customers are not
22 self-generating under that schedule.

23 Q. But there is a on-peak charge that is
24 different than --

25 A. That's right. The facilities charge is

1 different than the on-peak demand charge. On-peak
2 demand is only measured at, at the peak load during
3 those on-peak hours. The facilities measures their --
4 the customer's peak any hour of the month.

5 Q. So if it's off peak can we say that there is
6 no demand charge?

7 A. That's correct. The demand charge is only
8 billed during the on-peak period.

9 Q. So for some customers then, nonresidential
10 customers, there is no demand charge at least on
11 occasion?

12 A. That's because the demand is to pick up the
13 peak during the demand -- the peak period. In the
14 off-peak period there were just energy charges plus
15 that facility's charge if it happens to exceed their
16 on-peak measurement.

17 Q. How is the facility's charge determined? Is
18 it a function of usage, energy, or is it a --

19 A. It's a function --

20 Q. -- fixed fee?

21 A. It's a function of peak demand.

22 Q. And the other item you mentioned is because
23 in both Questar Gas Company's decoupling -- the GS-1
24 class -- and in Rocky Mountain Power's residential
25 class, the charges are largely volumetric?

1 A. That's correct.

2 Q. Can you describe then the composition of
3 Questar's GS-1 class?

4 MS. HOGLE: Objection. He's not a Questar
5 representative and he may not know the answer.

6 MR. PROCTOR: Well, again, it's a speaking
7 objection. He can answer, Yes, I know -- I can, or
8 no, I can't. It's not a question of him being an
9 expert.

10 THE WITNESS: I'll share with you what I
11 know. I believe that --

12 MR. PROCTOR: Let --

13 CHAIRMAN BOYER: All right. Mr. Taylor can
14 answer whether or not he knows first, and then we'll
15 go from there.

16 THE WITNESS: I'm not an expert on the rate,
17 but I believe that their GS rate covers the vast
18 majority of their customers. Both residential and
19 nonresidential customers.

20 Q. (By Mr. Proctor) Mr. Griffith does mention
21 the Questar decoupling, the CET -- which some people
22 don't like, but in any event -- their decoupling
23 propose -- program. Do you recall Mr. Griffith's
24 discussion of that?

25 A. Yes.

1 Q. And the intent, as the Company understands it
2 before the Division, was to develop a Rocky Mountain
3 Power decoupling proposal that was consistent with
4 Questar?

5 A. That's our understanding.

6 Q. And what did the Company do -- Mr. Griffith
7 in particular, if you know -- to identify and define
8 what the Questar decoupling mechanism was all about?

9 A. I believe we relied on the representations
10 from the Division.

11 Q. Now, there --

12 A. I don't know that we've done a personal
13 extensive review of Questar's decoupling proposal or
14 the history of it.

15 Q. Again, on Ms. Beck's surrebuttal Exhibit 8.4
16 there's a reference to a January 13, 2010, meeting.
17 And I believe you, you were there.

18 A. I was probably there, yes.

19 Q. And there's a statement that says:
20 "Explanation of Questar decoupling mechanism." Do you
21 recall that explanation being given at the time?

22 A. My memory is being refreshed here as we talk
23 about that a little bit. If this was the meeting, I
24 do remember sitting with some of the DPU personnel and
25 talking about the Questar proposal. And how there

1 would need to be some additional calculations for
2 Rocky Mountain Power, since Rocky Mountain Power
3 doesn't have a separate non-gas tariff rate.

4 So we'd have to segregate what those costs
5 are, which we'd have to identify the portions of the
6 bundled rate that we were referring to. That's
7 the extent of the discussion I remember about the
8 Questar decoupling mechanism.

9 Q. So are you -- you're familiar with -- well,
10 let me ask this. Are you a Questar customer?

11 A. I am.

12 Q. Are you familiar with the fact that there is
13 a commodity part of your bill and a non-gas
14 distribution part of your bill?

15 A. Yes, I'm familiar with that.

16 Q. And do you -- are you aware of the percentage
17 of the total bill that is made up by the commodity
18 portion?

19 A. You would think as a, as a utility employee
20 and someone who's spent the bulk of their career
21 designing rates that I would pay more attention to my
22 gas bill. But I look at how many decatherms I
23 consumed and what the bill is, and I pay it.

24 So I don't know the breakdown between the
25 non-gas and gas portion. I probably should, but I

1 don' t.

2 Q. Well, you sound like an excellent utility
3 customer.

4 Are there other reasons why it would be
5 appropriate to apply the Division's decoupling
6 proposal to only the residential customer class?
7 Other than the two we've talked about: The volumetric
8 rates for a single class -- Questar's and Rocky
9 Mountain Power's -- and then the presence of demand
10 and facility charges.

11 A. I think those are the primary reasons. I, I
12 don't know any other particular reason.

13 Q. Mr. Taylor, before you came here to testify
14 on Mr. Griffith's behalf did you have a chance to
15 speak with him about his testimony?

16 A. I've talked to him about it over the last
17 week, yes.

18 Q. Okay.

19 A. And I was involved as it was being prepared.

20 Q. So when he made the statement that the
21 decoupling proposal is appropriate for the residential
22 customer class only -- this is page 1, line 15 of his
23 surrebuttal -- do you know what, what the Company
24 intended by that?

25 A. Well, I've, I've listened to the -- as we've

1 described the word "only" here. And I guess the
2 question is, does it mean that that's the only class
3 that should have a decoupling mechanism, or does it
4 mean it's okay that this would only apply to them?

5 I think it means it's okay for this one to
6 apply just to the residential class. I don't think
7 that means that someone couldn't suggest something for
8 other classes at some other time. I don't know that
9 we've explored that.

10 Q. Now, you're in a position where you're
11 overseeing Mr. Griffith's preparation of testimony.
12 In the course of that did -- was there consideration
13 given to applying the decoupling on a broader basis to
14 other than just the residential class?

15 A. Well, first of all we were responding to the
16 Division's proposal. And we did not consider
17 recommending that it be expanded beyond the
18 residential class. And I think the primary reasons
19 are the ones that are laid out in Mr. Griffith's
20 testimony.

21 Q. Is it also possible that the Company had
22 discussions with industrial customers, for example,
23 and those industrial customers were opposed to
24 applying a decoupling proposal to them and therefore
25 the Company decided not to?

1 A. I think over the years there have been
2 discussions about whether decoupling would be applied
3 in Utah, and to what classes it would be applied. I'm
4 aware that those classes are not -- would not be
5 excited about that.

6 I don't know that that was a deciding factor
7 in, in how we supported the Division's recommendation.

8 Q. Well, on line 17 of the same page 1 of the
9 surrebuttal it talks about:

10 "While many mechanisms throughout
11 the country focus on total revenue
12 decoupling, the DPU's decoupling
13 proposal specifically focuses on
14 residential fixed cost recovery."

15 Is fixed cost recovery an issue for the
16 Company in other than residential classes?

17 A. Not nearly to the extent that it is with
18 residential.

19 Q. So the answer is yes, it is an issue?

20 A. To a limited degree.

21 Q. Well --

22 A. Not to the same extent.

23 Q. And can you give me the degrees of
24 non-recovery in residential versus other classes?

25 A. I'm not quite sure -- can you be more

1 speci fi c?

2 Q. Quanti fy the di fference. You know, you
3 under-recover 20 percent from residenti al , 10 percent
4 from industri al . Is there any?

5 A. Let me answer the questi on as best I can, all
6 right? Our, our rates for large industri al and large,
7 medi um, and smaller general service classes are more
8 closely ali gned wi th the cost components of those
9 rates.

10 The customer charges are more closely ali gned
11 wi th customer-related costs. The demand charges are,
12 are reasonably ali gned wi th, wi th the demand component
13 of those rates. And energy charges are more
14 reasonably ali gned.

15 They're not perfect. General ly you continue
16 to collect some of those demands and other rate costs
17 through kilowatt hour charges. But they are certainly
18 way closer ali gned than in the residenti al class,
19 where we only have \$3 of this -- \$23 is just
20 distri buti on fixed costs, let al one other fixed costs
21 that might be there.

22 So I don't know if that helped answer your
23 questi on or not.

24 Q. Well , I'm looking in parti cular at the
25 Company' s response to Data Request 28.2. The questi on

1 was:

2 "Please provide the Company's
3 estimates of over/under-recovery of
4 Schedule 1, residential revenues for the
5 past 14 years, broken down as follows:
6 Estimates -- estimate of the summer
7 period, non-summer period, and the
8 spreadsheets."

9 And the answer was -- and by the way, did you
10 assist in preparing the answer to this?

11 A. I did not.

12 Q. The answer was:

13 "Analyses have not been conducted
14 prior to 2005 and are not readily
15 available. The Company commenced
16 preparing this analysis for the
17 residential class in 2005 because of
18 serious concern of -- over the excessive
19 reliance on volumetric rates to recover
20 the Company's fixed costs."

21 And then you referred to a forecast versus
22 actual residential service. Isn't it true that during
23 all that period of time you did, in fact, recover the
24 fixed costs from the residential customers on a
25 volumetric basis?

1 A. Well, I think that that answer speaks for
2 itself. The answers show that for those particular
3 time periods, looking at the, at the summer period,
4 actual co -- actual revenues compared to the projected
5 revenues and the differences, sometimes they were
6 positive, sometimes they were negative.

7 So I'm not sure what your, what your question
8 is, did we or did we not collect our fixed costs.

9 Q. Well, you've also in your summary -- and
10 Mr. Griffith has mentioned it as well -- that the
11 Company has suffered under what they characterize as a
12 "chronic under-earning." Do you attribute part of
13 that to the failure to recover fixed costs?

14 A. I don't believe that would have been the
15 primary driver of that, that, that chronic
16 under-earning. In some of those years where they show
17 that the collections were less than projection that
18 may have been one of the contributing factors, but
19 there were many others.

20 Q. And on a class basis do you believe that the
21 failure to recover fixed costs is a contributor to
22 under-earning of a class -- on a class basis?

23 A. No, because when we do class cost of service
24 we always do it on a normalized basis. And so all of
25 the variances that would appear due to weather

1 variations or something like that would be, would be
2 pulled out of that analysis.

3 And we would only be comparing
4 cost -- revenues to cost of service on a normalized
5 basis. So I don't see that that -- you could draw
6 that conclusion.

7 Q. On page 2 of Mr. Griffith's surrebuttal,
8 beginning at line 29, the question was asked of him
9 concerning Ms. Beck, and Ms. Beck's questions that
10 using the same design in Rocky Mountain Power's
11 decoupling mechanism as, as is used in Questar. And
12 the question was:

13 "Are there reasons to use a similar
14 mechanism for both utilities?"

15 His answer was yes. Later on -- or further
16 down, on line 30 -- 36, he state -- he gives:

17 "Second, both Questar's GS rate and
18 Rocky Mountain Power's residential rates
19 are two-part rates with low monthly
20 fixed charges and volumetric charges.
21 The volumetric charges collect the
22 majority of costs. Neither has a demand
23 charge."

24 Once again, is it your understanding, either
25 as a customer, a utility executive, or as an expert,

1 that Questar's GS class covers 90 percent or more of
2 its total customer numbers?

3 A. I've already stated that my understanding is
4 it collects the vast -- the vast majority of the
5 customers are on that schedule.

6 Q. And you have within the same schedule the
7 lowest user of, of gas and a facility such as a
8 thousand room hotel. Is that?

9 A. I'll accept that as being correct.

10 Q. Do you understand that there's a difference
11 in the monthly charge between the various sizes of
12 class -- of customers?

13 A. I suspect that's true.

14 Q. Do you know how that -- do you have any idea
15 how it is that that monthly charge -- difference in
16 monthly charges would be calculated or determined?

17 A. I suspect that Questar makes similar
18 calculations that we do with the elements of the rate
19 that they think are driven by the number of customers.
20 And those type of costs are included in that fixed
21 rate.

22 Q. When you talk in terms of Questar having a
23 flat rate, is that -- are you speaking in terms of
24 their distribution on gas, or are you talking in terms
25 of their commodity cost?

1 A. I think both.

2 Q. But on page 3, at line 49 and 50,
3 Mr. Griffith distinguishes Questar from Rocky Mountain
4 power and states that:

5 "Rocky Mountain Power's residential
6 revenues are more volatile."

7 Can you quantify the volatility between the
8 two?

9 A. Well, I can quantify our volatility was
10 provided in the data response that you just referred
11 to. Beyond -- and for that reason they're subject to
12 more volatility, for the reasons described.

13 Q. And they're certainly more sensitive to
14 temperature variations than those of Questar. That's
15 what Mr. Griffith said on page -- on line 51 and 52,
16 correct?

17 A. That's correct.

18 Q. So would not an increase in the summer tail
19 block deal, to some extent, with that sensitivity to
20 temperature variations in the cause of volatility?

21 A. Yeah. It would make it more sensitive to
22 temperature and make it more volatile.

23 Q. Now, on page 3 also the question was asked of
24 Mr. Griffith concerning an ROE adjustment in the
25 context of decoupling. And on line 68 Mr. Griffith

1 stated -- well, "Do you agree with her proposal?"

2 Ms. Beck was proposing that, in fact, that
3 needs to be considered. Mr. Griffith's answer was:

4 "No. First of all, cost of
5 capital" --

6 A. Excuse me, are we back in his rebuttal
7 testimony?

8 Q. Surrebuttal. I'm sorry, did I say rebuttal?

9 A. No, no. I just -- what page are we on?

10 Q. Oh, page 3, line 68.

11 A. Thank you.

12 Q. You need to interrupt me more carefully so I
13 don't go rambling. More quickly.

14 A. I'm, I'm with you now.

15 Q. All right. The proposal was to consider an
16 effect of decoupling on ROE. And he said:

17 "No, you don't need to do that.

18 First of all, cost of capital was
19 resolved in Phase I of this proceeding."

20 You've already testified the Company did not
21 propose decoupling in its direct testimony initially
22 file -- when you initially filed the case, correct?

23 A. That's correct.

24 Q. And you didn't consider it at all throughout
25 the course of the revenue requirement and cost of

1 service phase of the case?

2 A. We did not.

3 Q. And you certainly didn't disclose any
4 possibility for decoupling in any of the testimony you
5 filed up to the -- this rate design, correct?

6 A. There had been no proposal on the table to
7 discuss.

8 Q. Do you recall whether the Division of Public
9 Utilities, during the revenue requirement, ROE re --
10 amount, and cost of service, disclosed any possibility
11 of a decoupling proposal?

12 A. You'd have to ask them that question. I
13 don't have any recollection whether they did or they
14 didn't.

15 Q. Did you read the testimony?

16 A. I probably did, but it's been a long time
17 ago.

18 CHAIRMAN BOYER: Mr. Proctor, I know you've
19 hit your stride and rhythm now, but we're going to
20 have to take a recess to let our reporter rest her
21 fingers here soon. Do you have much more?

22 MR. PROCTOR: I have maybe three, and I
23 promise.

24 CHAIRMAN BOYER: Okay, let's, let's hear
25 them.

1 Q. (By Mr. Proctor) Page 4 of Mr. Griffith's
2 surrebuttal. Well, two.

3 On page 5 of Mr. Griffith's surrebuttal,
4 again on line 95. And it's in reference to just
5 additional comments. And he says that:

6 "Continued disproportionate
7 increases in the tail block rate make it
8 increasingly more difficult to recover
9 fixed costs and are not acceptable to
10 the Company."

11 Does the, does the Company consider the
12 Division's tail block rate increase and decoupling --
13 in its decoupling proposal disproportionate?

14 A. Yes.

15 (Pause.)

16 MR. PROCTOR: Can I have just a moment?

17 (Pause.)

18 MR. PROCTOR: Mr. Taylor, thank you.

19 CHAIRMAN BOYER: Thank you, Mr. Proctor.

20 Ten minutes be sufficient?

21 We'll take a ten-minute recess.

22 (A recess was taken from 10:46 to 10:59 a.m.)

23 CHAIRMAN BOYER: Okay, we're back on the
24 record.

25 Ms. Hayes, have you cross examination for

1 Mr. Taylor?

2 MS. HAYES: Please. Thank you.

3 CROSS EXAMINATION

4 BY MS. HAYES:

5 Q. You mentioned earlier in your testimony that
6 cost recovery is an overarching principle of the rate
7 design. And I just wanted to ask a couple questions
8 about short-run marginal costs versus long-run
9 marginal costs.

10 Specifically, whether it's true that there is
11 a difference between short-run marginal costs and
12 long-run marginal costs. That is, long-run marginal
13 costs include the fixed variable costs of generation,
14 while short-run marginal costs include only variable
15 costs?

16 A. There is a difference, yes.

17 Q. Okay. Could -- you stated earlier, in
18 response to Ms. Schmid's questioning, that air
19 conditioning load is driving up long-run costs. That
20 is, the need to build new generation.

21 Shouldn't rates be designed based on long-run
22 marginal costs rather than short-run marginal costs,
23 in order to achieve -- in order to achieve the goal of
24 efficient use of electricity?

25 A. Well, first I responded to Ms. Schmid that

1 that was one of the, one of the things that were
2 push -- pushing the costs of the Company up.

3 In response to your second question, should
4 rates be designed on short-run or long-run marginal
5 costs, that's always a debate. However, in this case
6 I believe our residential tail block already is at or
7 beyond long-run marginal costs, so I don't know why
8 that's even an issue here.

9 Q. Okay. And then last one. Are you aware that
10 according to the Company's marginal cost study for
11 Oregon, the 10-year estimate of the marginal cost of
12 demand and energy is 16.7 cents per kilowatt hour?

13 A. Actually, that's not true. And it's gonna
14 take me a minute to answer your question, so --

15 Q. Okay.

16 A. -- I'm gonna ask your indulgence. I have
17 gone back to the data response that we provided to
18 Mr. Collins -- Dr. Collins, where he asked for any
19 marginal cost studies.

20 We sent him marginal cost studies for Oregon
21 and for California. So it was, it was SWEEP Data
22 Request 2.1. I'm turning now to the Oregon marginal
23 cost study that we provided. And I apologize that
24 none of you have this in front of you.

25 But if you go to the table that, that, that

1 Dr. Collins says he was referring to in the Oregon
2 marginal cost, it says that our 10-year marginal cost
3 is 11.35 cents, and our 20-year long-run marginal cost
4 of demand and energy is 11.13 cents.

5 So the number that Dr. Collins quotes in his
6 testimony is incorrect. It's not the number we sent
7 him for Oregon. Now, where did he get his number?
8 I've tried to determine that. So we also sent him a
9 California marginal cost study.

10 And if you go to the same table in the Oregon
11 marginal cost study, it shows that the Oregon long-run
12 demand and en -- or the California long-run demand and
13 energy cost is 16.7 cents, as Dr. Collins quotes.

14 So apparently Dr. Collins put Oregon's title
15 on the California marginal cost study and called it
16 Oregon.

17 Now, let me explain the difference between
18 Oregon and California, and why there's such a
19 difference between those numbers. If you go to the
20 underlying data behind that, the very largest number
21 in all the calculation of that long-run demand and
22 energy cost for Oregon is the cost of poles,
23 conductors, and substations. The distribution cost.
24 That accounts for about 7 cents of that 16 cents.

25 So for -- first of all, it's not -- what's

1 stated in his testimony is not the Oregon long-run
2 marginal cost, as he has referenced it. And, and the
3 bigger number that relates to California, the reason
4 it's higher than that number is it has all of these
5 distribution costs.

6 Which I don't believe are the generation, the
7 demand, and energy price signal that you're, that
8 you're trying to send. It relates to fixed
9 distribution costs. So that was a long answer to
10 your -- to a short "no."

11 Q. Okay. Thank you.

12 CHAIRMAN BOYER: Thank you Ms. Hayes.

13 Mr. Michel, questions of Mr. Taylor?

14 MR. MICHEL: Thank you, Mr. Chairman.

15 CROSS EXAMINATION

16 BY MR. MICHEL:

17 Q. Good morning Mr. Taylor. Could you turn to
18 page 9 of Mr. Griffith's rebuttal testimony? Are you
19 there?

20 A. I believe I am.

21 Q. And I'd like to direct your attention to
22 page -- to lines 12 and 13, where you say:

23 "A reasonable decoupling mechanism
24 can be an acceptable interim alternative
25 to including the fixed cost in the

1 customer charge component of rates."

2 Do you see that?

3 A. I do.

4 Q. Is it the Company's position that a
5 decoupling mechanism should only be an interim
6 measure?

7 A. I believe that that statement indicates that
8 the Company believes the rate design ought to reflect
9 those costs. And if, you know, the residential
10 customer charge included the level of costs we're
11 talking about, a decoupling mechanism wouldn't be
12 needed.

13 But since it's rather unlikely we're going to
14 get to that level, certainly during my career, I think
15 a decoupling mechanism is a proposal that would --
16 that has merit to be applied currently.

17 Q. Currently and for the long term? With what
18 you know today?

19 A. From what I know today -- and we will look at
20 this as we go through this. Again, if it's approved,
21 we'll look at it through the three-year pilot and make
22 determinations along the way if it's performing as
23 people anticipate it will and meeting the objectives
24 that they wanted it to meet.

25 Q. Okay. Let me, just to boil this down, it's

1 not the Company's intent that this only be a one, or
2 two, or three-year proposal. You haven't, you haven't
3 landed on a conclusion as to the length of time it
4 should be in effect?

5 A. Yeah, we've not concluded whether it should
6 end or continue at the end of the pilot.

7 Q. Okay. Now, I believe you had stated earlier
8 that the Company has calculated its distribution fixed
9 costs to be in excess of \$23 for the residential
10 class. Is that; is that right?

11 A. Yes, that's correct.

12 Q. And you've proposed that the fixed charge in
13 the residential rate go from \$3 to \$4.45?

14 A. That, that's correct.

15 Q. Now -- so under your proposal the Company
16 would still under-recover fixed costs on the order of
17 \$19, um.

18 A. Under --

19 Q. Go ahead.

20 A. Under even the Company's proposal that \$19
21 would be reflected in the volumetric charges, yes.

22 Q. And if that customer stopped using
23 electricity, the Com -- the Company would forego
24 roughly \$19 in that month of fixed costs recovery?

25 A. That's correct.

1 Q. And the Division has proposed a decoupling
2 mechanism that would essentially make the Company
3 whole for its lost fixed -- distribution fixed cost
4 recovery in the event a customer reduced its usage.
5 Is that your understanding?

6 A. That's my understanding, yes.

7 Q. So is it fair to say that the, as far as the
8 Company's exposure to lost fixed cost recovery, the
9 Division's proposal, even with the adjustment to the
10 tail block, is financially better for the Company than
11 the Company's original proposal? As far as risk, risk
12 exposure at least?

13 A. Well, that, that's a complicated question.
14 Their, their proposal provides revenue assurance of
15 those distribution fixed costs. That's not the only
16 risk in exposure that comes from creating the --
17 making the residential tail block increasingly more
18 steeply inverted.

19 It does address the issue of collecting those
20 distribution fixed costs.

21 Q. All right. But it goes a lot further than
22 the Company's original proposal as far as protecting
23 the Company from that fixed cost recovery exposure;
24 isn't that right?

25 A. That -- on that particular issue, yes.

1 Q. All right. So that even though the Division
2 has included no adjustment to the Company's customer
3 charge or -- financially the Company would still be a
4 lot better off with the Division's proposal than its
5 original -- than the Company's original proposal?

6 A. We would collect those dis -- we'd have more
7 assurance of collecting those distribution fixed
8 costs. Extrapolating that to say we're financially
9 better off, there's too many other elements in that
10 question to, to know the answer to that.

11 Q. Well, wasn't the purpose of the Company
12 adjusting its customer charge, or proposal to adjust
13 the customer charge from \$3 to \$4.45 expressly to
14 protect the Company from lost fixed cost recovery?

15 A. Yes. And to, and to not put additional costs
16 into the steeply-inverted tail block.

17 Q. Okay. In Mr. Griffith's -- excuse me a
18 minute, Mr. Taylor.

19 (Pause.)

20 Q. (By Mr. Michel) In Mr. Griffith's testimony,
21 rebuttal testimony, he had indicated his
22 interpretation of WRA's high-usage surcharge as being
23 a ratchet. In other words, once it attained a level it
24 would not reduce for the remainder of that year,
25 regardless of the customer's usage. Do you recall

1 that testimony?

2 A. I do.

3 Q. And are you aware that, that there is -- that
4 it's been clarified that Mr. Curl's proposal is not a
5 ratchet?

6 A. I'm aware of that clarification.

7 Q. Okay.

8 A. Yes. We're still not certain that it would
9 produce the revenues over the year that they indicate
10 it will, but I understand that he says it is not a
11 ratchet.

12 Q. Okay.

13 (Pause.)

14 Q. (By Mr. Michel) And if you could turn to
15 page 15 of Mr. Griffith's rebuttal? And at lines 9
16 and 10 you're discussing WRA's rate design proposal.
17 And you indicate that a decoupling proposal will be
18 more appropriate than WRA's approach. Do you see
19 that?

20 A. I see that.

21 Q. Now, it's true, is it not, that the
22 Commission could adopt both the Division's decoupling
23 proposal and Mr. Curl's high-usage surcharge?

24 A. They could do that. I believe the rate
25 design could be independent of the proposal to go to

1 decoupling.

2 Q. Okay.

3 MR. MICHEL: I think that's all I have.

4 Thank you, Mr. Taylor.

5 CHAIRMAN BOYER: Okay. Thank you,

6 Mr. Michel.

7 Mr. Dodge, cross examination?

8 MR. DODGE: Yes. I think I have a few
9 questions, Mr. Chairman. Thank you.

10 CROSS EXAMINATION

11 BY MR. DODGE:

12 Q. Mr. Taylor, first of all, on the issue --
13 well, on page 3 of the surrebuttal you were asked
14 about the Q&A relating to Ms. Beck's testimony on ROE.
15 And the answer was basically cost of capital was
16 resolved in Phase I.

17 You understand, don't you, that the gist of
18 the complaint there is that nobody had a chance in
19 Phase I to address any REO implications of decoupling
20 because they were unaware of it, do you not?

21 A. I'm aware of that, yes.

22 Q. Secondly, you discussed marginal cost issues.
23 Has the Company done a marginal cost study in Utah in
24 the recent past?

25 A. We have not prepared a specific marginal cost

1 study for Utah for a number of years. We do have
2 avoided costs for Utah which, for the generation
3 component, is essentially the same thing.

4 Q. And is there a chance that, that marginal
5 costs at the residential level would vary
6 significantly between Utah and Oregon, as they do
7 between Oregon and California?

8 A. Probably the most significant difference
9 between any two states is the distribution cost
10 included in those studies. I would expect that the
11 generation component and the transmission component
12 would be fairly similar.

13 Q. Do you view it, as a long-time participant in
14 Utah regulatory matters for your company, as a settled
15 matter of public policy by this Commission whether --
16 excuse me, how marginal cost analysis should weigh in
17 on rate design issues?

18 A. I'm not sure there's any such thing as a
19 settled policy. I think that the Commission views
20 that if it has merit, it can be considered in the
21 designing of rates.

22 Q. But my specific question was how it would be
23 considered. Have you seen any specific guidance on
24 how marginal cost, as opposed to embedded cost, would
25 or should be analyzed in setting rate design -- in

1 making rate design issue -- question -- excuse me, in
2 making rate design decisions?

3 A. I'm not aware that the Commission has given
4 any guidance on this is -- will be weighed more than
5 this just so that it can be considered in the process.

6 Q. And as a long-time expert in this field do
7 you, or to your knowledge does the Company have a view
8 on how marginal cost information should be used in
9 determining proper rate design? At least let's, let's
10 limit it now to the residential class.

11 A. Oh, I think, I think a long-run marginal cost
12 has a place in giving price signals. My biggest
13 concern is proponents want to push our rates beyond
14 that.

15 Q. Beyond the long-run marginal costs?

16 A. Yes.

17 Q. And then finally -- I thought maybe someone
18 else would put you on the spot on this, but what the
19 heck, I will.

20 If the Company had to choose between the
21 Company's rate design and the Division's decoupling --
22 without decoupling, and the Division's decoupling plus
23 its rate design, which does the Company prefer? If
24 those are your only options?

25 A. I'm not sure I'm in a position to answer that

1 questi on.

2 Q. Okay. Fair enough.

3 MR. DODGE: Thank you. No further questi ons.

4 CHAIRMAN BOYER: Thank you, Mr. Dodge.

5 Ms. Smith, are you still with us, Ms. Smith?

6 MR. PROCTOR: I think she was just here --

7 SPEAKER UNKNOWN: I think she was only
8 interested in the first part.

9 CHAIRMAN BOYER: Interested in the first
10 part? Okay, good.

11 Let's turn now to the commi ssi oners.

12 Commi ssi oner Al len, any questi ons?

13 Commi ssi oner Campbel l?

14 COMMI SSI ONER CAMPBELL: Morni ng Mr. Tayl or.

15 THE WITNESS: Morni ng.

16 COMMI SSI ONER CAMPBELL: In your summary you
17 made the statement, I believe, that your billing and
18 distri buti on costs are not recovered in the customer
19 charge. Is it your understanding that under the
20 Commi ssi on method of cal culati on that it does include
21 billing?

22 THE WITNESS: I'm, I'm in -- I was
23 referenci ng the current \$3 rate does not include that.
24 I understand the Commi ssi on's formul a allows for
25 billing costs, yes.

1 COMMISSIONER CAMPBELL: So if the customer
2 charge were at the full calculation that the
3 Commission uses billing would be covered, wouldn't it?

4 THE WITNESS: Yes, it would.

5 COMMISSIONER ALLEN: Let me, let me ask you
6 this. So the main difference between the Commission's
7 formula and the Company's method is distribution
8 plant; is that right?

9 THE WITNESS: There's more than that. But
10 that is the biggest, the biggest difference. But
11 there are, there are additional customer service costs
12 that are not included in the Commission's formula as
13 well.

14 COMMISSIONER CAMPBELL: Do you have a \$23
15 customer charge in any of your other states?

16 THE WITNESS: No. We have a \$20 customer
17 charge in Wyoming, but that's the largest one.

18 COMMISSIONER CAMPBELL: What do you have in
19 Idaho and Oregon?

20 THE WITNESS: Idaho does not have a customer
21 charge. And if you'll let me turn to my notes here, I
22 might have that information.

23 Idaho has a \$10.64 minimum bill. That's
24 different than customer charge. Oregon has an \$8
25 customer charge. And California has a customer charge

1 close to \$6.

2 COMMISSIONER CAMPBELL: Okay. You talked
3 about the importance of cost-based rates? Let me ask
4 you this. Do you think that an inverted block rate
5 structure or time-of-use pricing more closely would
6 match your costs?

7 THE WITNESS: Oh, I think time-of-use rate
8 would be a more effective tool to matching costs than
9 an inverted block rate.

10 COMMISSIONER CAMPBELL: Thank you.

11 CHAIRMAN BOYER: Okay. Since we're talking
12 about inverted block rates, there's been a lot of
13 discussion about that and you've made your position
14 fairly clear. How have the existing summer inverted
15 block rates worked in Utah to reduce customer usage?

16 THE WITNESS: There are a lot of variables,
17 so it's very hard to answer that question precisely.

18 CHAIRMAN BOYER: That's why I'm asking you.

19 THE WITNESS: I think the general observation
20 is that residential electric use is rather inelastic.
21 And at the level of prices we have here in Utah it's
22 not been an awful lot of impact on customer usage.

23 CHAIRMAN BOYER: Is there a price point at
24 which it would make a difference, do you think, in
25 your opinion?

1 THE WITNESS: Well, now you're asking for
2 pure speculation. If you're asking me what's the
3 equivalent of \$4 a gallon of gasoline --

4 CHAIRMAN BOYER: That's exactly my question.

5 THE WITNESS: This is strictly Dave Taylor's
6 personal opinion.

7 CHAIRMAN BOYER: We won't hold you to it.

8 THE WITNESS: It's in the range of 25 cents a
9 kilowatt hour. And there's no basis for that, other
10 than just my gut opinion. And I can't see any reason
11 why we would push rates that far beyond cost just to
12 achieve that objective.

13 CHAIRMAN BOYER: Okay. Thank you,
14 Mr. Taylor.

15 Ms. Hogle, any redirect?

16 MS. HOGLE: Just a few questions.

17 REDI RECT EXAMI NATION

18 BY MS. HOGLE:

19 Q. Mr. Taylor, there's been a lot of discussion
20 about promoting energy conservation efficiency by
21 increasing the tail block rate, correct?

22 A. There has been a lot of discussion, yes.

23 Q. Okay. Are there other ways to achieve energy
24 conservation?

25 A. Well, the Company runs an awful lot of DSM

1 programs, which have proven to be rather effective.

2 Q. Thank you. On Mr. Proctor -- Proctor's
3 questions regarding the Company's discussions with the
4 Division on decoupling, has anyone from the Office
5 ever called you during this rate case to discuss a
6 number of issues related to the case?

7 A. Yeah, I've had a number of phone calls with
8 Dan Gimble as the case has progressed asking just
9 about specific information or different things, even
10 as recently as the last week.

11 Q. And do you think that any of those phone
12 calls or discussions were inappropriate, or warranted
13 you conferencing any other parties in the case?

14 A. I don't think so. I just responded to
15 particular questions that he had. And there
16 weren't -- he didn't ask questions that I thought were
17 of a sensitive enough nature that we would need to
18 announce to the world what I had shared with him.

19 Q. Thank you. One more question. Other than
20 the volatile nature of the inverted block rates, why
21 does the Company care so much that the Commission not
22 approve further increases to the inverted block rate?

23 A. Well, I, I just think you need to give
24 reasonable prices to your customers. And I think
25 we're, we're concerned about the rates that we charge

1 our customers. And so we have that concern, as well
2 as whether the Company collects its revenue
3 requirement.

4 MS. HOGLE: Thank you.

5 CHAIRMAN BOYER: Thank you Mr. Taylor. You
6 may step down.

7 Before we turn to the next witness, I
8 received a note that -- with a request in it that we
9 accommodate the schedules of a couple of witnesses.
10 One is Dr. Collins, who's teaching tomorrow. I guess
11 in the morning hours; is that correct?

12 DR. COLLINS: Yes, that's correct. I can
13 either go on this afternoon or I can go on tomorrow
14 afternoon.

15 CHAIRMAN BOYER: Tomorrow afternoon? Okay.
16 And then Mr. Cavanaugh.

17 SPEAKER UNKNOWN: Yes. I just received word
18 that he's a little bit late, and he's on his way here.

19 CHAIRMAN BOYER: So he will be here this
20 afternoon, but only this afternoon, is that what
21 you're saying? All right. Well, we'll make every
22 effort to accommodate his schedule.

23 And then Mr. Curl has to leave tomorrow at
24 five or by five, I think. Is that correct,
25 Mr. Michel?

1 MR. MICHEL: Yes, it is.

2 CHAIRMAN BOYER: We'll bear those in mind as
3 we proceed.

4 Since Mr. Cavanaugh is not here now, let's
5 turn to the Division. Ms. Schmidt?

6 MS. SCHMID: Thank you. The Division would
7 like to call Dr. William Artie Powell as its witness.

8 WILLIAM A. POWELL, Ph.D.,

9 called as a witness, having been duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. SCHMID:

13 Q. Good morning.

14 A. Good morning.

15 Q. Dr. Powell, have you previously been sworn in
16 this proceeding?

17 A. I have.

18 Q. Thank you. As a brief refresher, could you
19 please state your name, position, and business
20 address?

21 A. My name is Artie Powell. I work for the
22 Division of Public Utilities. I'm the manager of the
23 energy section. And my address is 160 East 300 South,
24 I believe, in Salt Lake.

25 Q. Thank you. Have you participated on behalf

1 of the Division in this docket?

2 A. I have.

3 Q. Did you prepare or cause to be prepared under
4 your direction what's been marked for identification
5 as DPU Exhibit 11.0 Phase II, as well as DPU 11.0-SR
6 Phase II?

7 A. Yes, that's correct.

8 Q. Do you have any changes or corrections?

9 A. Yes, I do.

10 Q. Please walk us through those.

11 A. Yeah. If you could turn to my direct
12 testimony. Most of these are fairly minor
13 corrections, but I think they'll avoid some confusion.
14 On page 2, at line 39.

15 And I printed this out this morning on a
16 different printer than I originally wrote the
17 testimony so if the line numbers or pages are
18 different, let me know. But there it says charge to
19 \$3.40, that should be \$3.25.

20 Q. Okay.

21 A. And then let's see. On page 21 of my direct
22 testimony, and again at line 384. If we could clarify
23 the last phrase in that sentence that reads: "The
24 allowed revenue will reflect that change." That
25 should read: "The allowed revenue will not reflect

1 that change."

2 And then one last change. On the last page
3 of my direct testimony, page 23. In Footnote 15
4 there. Refer to a study by several authors. And that
5 should read: The Lawrence Berkeley National
6 Laboratory.

7 So take out the first "e" in Lawrence. And
8 if you would insert "National" between Berkeley and
9 Laboratory. Just to make sure that their credit is
10 correct.

11 Q. Do these changes affect, materially, any of
12 the positions you take in your testimony?

13 A. No, they don't. But I have a couple of
14 corrections we need to make in my surrebuttal
15 testimony too, if I could.

16 Q. Okay.

17 A. The first one is due to the miracle of
18 cutting and pasting. On the first page of my
19 testimony there, in line 2 that should be my
20 surrebuttal rate design testimony, not direct.
21 Obviously.

22 And then a couple of minor corrections that I
23 think will help clarify or help avoid some confusion.
24 On page 22, at line 422? Thank you Mr. Barrow for
25 pointing this one out to me. That should read:

1 "Either of the Division's rate designs," instead of
2 "rat designs," sorry about that. Relying too much on
3 spell checkers.

4 Well, let's go page 23. There are a couple
5 of typos there that I'll correct since we're on that
6 page. Or one typo. On page -- or on line 446,
7 starting there it says: "Reciprocal benefit to," that
8 one's fairly obvious. Instead of "ti" put "to" there.

9 But right at the bottom of that page 452 --
10 line 452 there's a sentence: "Thus the Company will
11 under -- over collect its allowed revenue." And then
12 the next sentence starts with the word "By." Just
13 strike the word "By" and capitalize the word
14 "Adjusting," and I think that sentence will be
15 clearer.

16 And then one last change that I'd like to
17 make. And this is on page 26, lines 500 to 505.
18 There's two sentences there. The first sentence
19 begins with: "Unlike Questar Gas," and then the
20 second sentence on line 502 starts with: "However,
21 although Questar has the same."

22 The concept embedded in those two sentences
23 was a lot clearer when I was thinking about it, and it
24 didn't translate well to the written page there. So I
25 would just suggest we just strike those. It doesn't

1 add to anything that we're getting at in that
2 particular question and answer.

3 MR. PROCTOR: Excuse me, Mr. Chairman. I,
4 I'm lost, my numbering I believe is different.

5 THE WITNESS: It's a little bit different?
6 Okay. Page 26, at line 500, there's a sentence that
7 starts: "Unlike Questar gas, the Company does have."

8 MR. PROCTOR: "Different summer and winter
9 rate structures," okay. And --

10 THE WITNESS: Yeah. Strike that sentence and
11 the following sentence. The one that begins:
12 "However, although Questar has the same"? It, it was
13 lost in translation.

14 MR. PROCTOR: Okay. Thank you very much.

15 THE WITNESS: Okay.

16 Q. (By Ms. Schmid) Are these all the
17 corrections or changes that you have?

18 A. Yes, I believe so.

19 Q. Do these corrections or changes materially
20 alter the positions endorsed by the Division as set
21 forth in your testimony?

22 A. No, they do not.

23 Q. If asked the same questions as in your
24 testimony would the answers, as corrected today, be
25 the same if you were asked those questions today,

1 rather than on the date when the testimony was
2 prepared and filed?

3 A. Yes.

4 MS. SCHMID: Accordingly, the Division
5 requests admittance of DPU Exhibit No. 11.0 Phase II,
6 and DPU Exhibit 11.0-SR Phase II of Dr. Powell.

7 CHAIRMAN BOYER: Are there any objections to
8 the admission of Dr. Powell's testimony exhibits?
9 They are admitted.

10 (Exhibit Nos. DPU 11.0 Phase II and 11.0-SR
11 Phase II were admitted.)

12 MS. SCHMID: Thank you.

13 Q. (By Ms. Schmid) Dr. Powell, do you have a
14 summary to provide today?

15 A. Yes, I do.

16 Q. Please proceed.

17 A. Okay. Good afternoon, or -- it's getting
18 close to afternoon, so I'll try to be as brief as I
19 can here. But I want to thank the Commissioners for
20 this opportunity to testify.

21 The Division today is sponsoring two
22 witnesses in this phase of the case: Dr. Abdulle, who
23 testified earlier in support of the stipulation for
24 the nonresidential rate schedules, and myself.

25 The primary objective in this phase of the

1 case was to promote conservation while balancing the
2 interests of the Company and its customers. In that
3 regard the Division has proposed two rate design
4 proposals, one with decoupling and one without.

5 Our proposal with decoupling includes the
6 decoupling mechanism, which is similar to Questar's
7 conservation enabling tariff. And is limited in two
8 respects. First, it's applied only to -- or we're
9 proposing only to apply to the residential class. And
10 it applies only to the Company's distribution fixed
11 costs.

12 We've also proposed that it be a three-year
13 pilot program, with a comprehensive review at the end
14 of the first year. And what the Division has in mind
15 is something similar to what transpired in the Questar
16 case when we were evaluating its decoupling program.

17 We've also proposed caps on the annual
18 accruals and the annual amortization amounts of
19 5 percent and 2 1/2 percent, respectively. And these
20 are the same caps and limits that are in place right
21 now for the Questar conservation enabling tariff.

22 The customer charge would remain at its
23 current level of \$3 per month. The first block --
24 block would also remain at its current level, while
25 the second and third block rates would increase, with

1 the largest increase going to the third block.

2 I might add that the Company's witness,
3 Mr. Taylor, indicated that they objected to our
4 proposal of having the Company file twice a year for
5 adjustments in the decoupling rate. And instead would
6 prefer to have a true up once a year. The Division is
7 agreeable to that.

8 The Company has also raised an issue of
9 whether or not the pilot program would cover inverted
10 rates, as proposed by the Division. And the Division
11 is willing to consider that as part of a pilot
12 program.

13 If the Commission decides not to adopt
14 decoupling in this particular case the Division has
15 proposed an alternative rate design which would
16 increase the customer charge to \$3.25 per month. And
17 increases each block rate, again with the largest
18 increase going to the third block.

19 Dr. Abdulle provides detail of each rate
20 design in his testimony and can answer technical
21 questions in that respect.

22 I'd like to briefly just respond to the
23 testimony from other parties. Other parties have
24 raised four primary criticisms or concerns with the
25 decoupling mechanism as proposed by the Division,

1 which include: The ability to reduce the Company's
2 rate of return, the timing, the fact that it was
3 limited to the residential class, and a fourth issue,
4 that the residential class is not under-earned, so
5 decoupling is not necessary at this time.

6 First with respect to the rate of return.
7 The Division does not believe that decoupling
8 significantly reduces the Company's overall risk
9 profile. And I've talked about this extensively, both
10 here and in the Questar proceedings.

11 Additionally, the Division's preferred rate
12 design which we proposed in this case increases the
13 tail block rate substantially, which would offset any
14 reduction from the implementation in terms of the
15 Company's risk due to the decoupling. Or decrease in
16 the Company's risk due to implementing the decoupling.

17 The Division also believes that these issues
18 can be explored over the pilot, and if appropriate
19 brought forward in the Company's next general rate
20 case, as was done in the Questar proceedings.

21 The Division -- as the Division stated in its
22 rebuttal testimony and surrebuttal testimony, we
23 believe that bringing the decoupling forward at this
24 time was appropriate because decoupling is primarily a
25 rate design issue.

1 We've limited our proposal to the residential
2 class for several reasons. Over the past 15 years, in
3 the discussions and my experience dealing with Rocky
4 Mountain Power and its predecessors, the Company has
5 always identified the residential class as that class
6 where that revenue is at risk, for the various reasons
7 that have been discussed already on the record today.

8 It's the only class that has the inverted
9 block rates. That -- what's the word? Create that
10 risk or make that risk more apparent. And the lack of
11 demand -- demand components in the class rate designs
12 make the inverted -- that may -- or let me back up a
13 minute.

14 The other rate schedules already have rate
15 design components that help in terms of collecting
16 fixed costs.

17 In terms of the surrebuttal testimony that
18 has been filed recently, the issue has been raised of
19 whether or not the Division has done anything
20 inappropriate in terms of communicating with the
21 Company, prior to filing its testimony, its intent to
22 pursue a decoupling mechanism in this case.

23 In preparation of its testimony the Division
24 exchanged information with the Company in informal and
25 formal data requests. This exchange included two

1 meetings -- that were spoken of earlier on the
2 record -- with company representatives.

3 The purpose of the first meeting was to
4 explain to the Company how Questar's CET tariff
5 worked. That the intent of the Division to pursue and
6 recommend to the Commission a similar decoupling
7 mechanism for the Company. To explain other rate
8 implications or designs that we would be pursuing in
9 conjunction with the decoupling, namely an increase in
10 the tail block rate to promote conservation.

11 And I know Mr. Taylor indicated on the stand
12 that he did not recall that discussion, but the
13 Division's personnel that participated in that
14 particular phone conference and meeting with the
15 Company, their recollection is different. That we did
16 try to describe what our intent was in terms of the
17 rate design and the inverted block rate.

18 And finally, the purpose of that first
19 meeting was also to discuss what data the Division
20 would need in order to construct the details of the
21 mechanism before formulating any formal data request.

22 In preparation for the second meeting the
23 Division shared drafts of the tariff language and
24 spreadsheets detailing the mechanics of how the
25 decoupling mechanism would work, and solicited

1 comments from the Company.

2 However, as Mr. Taylor indicated, those
3 comments were very limited. And many of those dis --
4 or not many but a few -- some of those comments and
5 suggestions from the Company were not adopted as part
6 of the Division's final proposal.

7 The Division considers these meetings
8 appropriate, and as not different from the Division or
9 any other party in the case discussing with a company
10 adjustments prior to filing testimony to ensure that
11 data and calculations are as accurate as possible.
12 And that the adjustments are consistent with past
13 Commission orders.

14 Exchanging information in this manner is
15 efficient use of the Division as well as the
16 Commission's limited resources. Furthermore, this
17 exchange of information is consistent with State
18 statute that promotes or encourages settlement.

19 While it should be obvious from the Company's
20 continued lack of full support for the Division's rate
21 design proposals in this case it would have been much
22 simpler, at least from our point of view, if a total
23 agreement between the Company and the Division could
24 have been reached prior to filing testimony.

25 The Division is a separate entity from the

1 Commission for a purpose -- for a reason. At least in
2 part so that it is not bound by the same ex parte
3 rules that constrain the Commission in developing its
4 own position.

5 Therefore the Division requests that the
6 Commission disregard or dismiss the Office's
7 complaints on this matter. For to do so otherwise
8 would, in the Division's opinion, make it infinitely
9 more difficult to regulate the utilities in the state
10 in an effective and efficient manner.

11 The Division believes its rate design
12 proposals are fair to both the Company and its
13 customers, and will result in just and reasonable
14 rates. We know that the Company did not propose
15 decoupling in its original application.

16 The Division proposed decoupling with the
17 belief that the Company would agree with or at least
18 would not oppose its rate design principles in this
19 case.

20 And although the Company is somewhat
21 agreeable with decoupling, the Company rejects the
22 rate design principles or features that the Division
23 believes are a necessary condition for that decoupling
24 to go forward.

25 The Company's preferred rate design in fact,

1 we believe, weakens the rationale for decoupling.
2 Because the Division's primary objective in this case
3 is to promote conservation and efficiency, the
4 Division does not at this time support decoupling for
5 the Company unless there is a substantial increase in
6 the third block rate.

7 The Division-proposed decoupling in this case
8 is a way to balance ratemaking objectives, including
9 cost recovery for the Company, and promoting
10 conservation.

11 In a case where the Commission decides not to
12 adopt our proposed decoupling mechanism or a similar
13 mechanism for the Company, the Division has proposed
14 an alternative rate design which we believe balances
15 our ratemaking objectives between the Company and its
16 customers.

17 And that concludes my summary. Thank you.

18 CHAIRMAN BOYER: Thank you, Dr. Powell.

19 Ms. Hogle, cross examination for Mr. -- for
20 Dr. Powell?

21 MS. HOGLE: I don't have any for Dr. Powell.
22 I will have some for Dr. Abdulle.

23 CHAIRMAN BOYER: Okay.

24 Mr. Proctor, cross examination for
25 Dr. Powell?

1 MR. PROCTOR: Yeah. It's gonna be some time.
2 I think Mr. Cavanaugh is here. Would it be
3 appropriate to just put him on and let him go, and
4 then we could take up with cross examination after
5 lunch?

6 MS. HAYES: I think we have time to finish
7 with Dr. Powell.

8 MS. SCHMID: And also, since Dr. Powell has
9 presented his summary I believe it would be more
10 cohesive if, while he's on the stand, if he were asked
11 the cross examination questions.

12 MS. HOGLE: I agree, Commissioner. We think
13 that the proceedings should proceed until lunch time.

14 CHAIRMAN BOYER: Well, how about if we begin
15 with cross examination by parties other than
16 Mr. Proctor, then, and then we'll resume with
17 Mr. Proctor in the afternoon.

18 We do want to accommodate Mr. Cavanaugh's
19 schedule, though, because he does have a flight this
20 afternoon.

21 MS. SCHMID: If I may, I suggest that cross
22 examination go in the traditional order. I believe
23 that there will be sufficient time to accommodate
24 Mr. Cavanaugh's need to leave at a time certain.

25 CHAIRMAN BOYER: It's Cavanaugh?

1 I'm told it's Cavanaugh. I apologize.

2 MS. SCHMID: I apologize.

3 CHAIRMAN BOYER: I apologize. And I heard
4 you speak before, but I -- put kind of a Latin accent
5 there, I guess.

6 MR. CAVANAUGH: Exactly.

7 CHAIRMAN BOYER: Let's do this. Let's -- we
8 are gonna break for lunch soon. But let's, let's go
9 to Ms. Hayes first, and we'll see how far we get. And
10 then if Mr. Proctor has extensive cross examination
11 we'll take that up after the lunch break.

12 And then we'll go -- we'll hear from
13 Mr. Cavanaugh, Cavanaugh, Cavanaugh. Now I'm really
14 confused. Cavanaugh.

15 Okay. Ms. Hayes, cross examination?

16 MS. HAYES: No questions.

17 CHAIRMAN BOYER: Okay.

18 Mr. Michel, cross examination of Dr. Powell?

19 MR. MICHEL: Thank you, Mr. Chairman. Just
20 one question.

21 CROSS EXAMINATION

22 BY MR. MICHEL:

23 Q. Dr. Powell, you had indicated that the
24 Division's decoupling proposal was conditioned on a
25 significant, I guess increase to the, to the tail

1 block.

2 You're aware that there are several rate
3 design proposals in this case to effectuate a
4 conservation -- or to effectuate conservation among
5 customers: There's WRA, SWEEP, the Division has one.

6 Is it correct that so long as the Commission
7 does institute some kind of conservation rate design
8 associated with higher usage, that the Division would
9 advocate a decoupling mechanism along with that? Or
10 does it have to be only the Division's proposal that
11 would, that would trigger a decoupling mechanism?

12 A. There's always one question you haven't
13 thought about. In general I would agree with I think
14 what you're trying to ask, is that the Division would
15 be comfortable -- or maybe "comfortable" is not quite
16 the right word.

17 The Division would be willing to work with a
18 alternative rate design and decoupling together, as
19 long as that rate design was designed to promote
20 conservation and efficiency.

21 With that said, we do prefer our rate design
22 as opposed to those that have been proposed by other
23 parties in the case.

24 MR. MICHEL: Understood. Thank you.

25 CHAIRMAN BOYER: Mr. Dodge, cross examination

1 for Dr. Powell?

2 MR. DODGE: Yes. Thank you, Mr. Chairman.

3 CROSS EXAMINATION

4 BY MR. DODGE:

5 Q. Dr. Powell, I believe in your direct and your
6 surrebuttal testimony you acknowledge that there, that
7 there is a reduction in risk to the Company from
8 decoupling. I believe you challenge whether there's a
9 shifting of risk.

10 Without getting into that particular
11 argument, you acknowledge that if there's a reduction
12 in risk some parties may argue that that reduction in
13 risk should be reflected in determination of the ROE.
14 You accept that, do you not?

15 A. Yes. I, I recognize that some parties will
16 or want to argue that there's a reduction in risk,
17 yes. And they should make an adjustment to the
18 return, yes.

19 Q. And in fact this is not a new argument or a
20 new disagreement that the Division's had with UAE,
21 among others. We had a similar disagreement over
22 whether the risk-reducing characteristics of Questar's
23 decoupling should be reflected in the ROE; is that
24 correct?

25 A. That is correct.

1 Q. And you recite some of the same testimony you
2 filed in the Questar case in your testimony here. You
3 recall, I'm sure, that the Commission agreed with UAE
4 and disagreed with the Division that the decoupling
5 proposal did not decrease risk in a way that should be
6 reflected in the ROE. Is that accurate?

7 A. Can you restate that? I'm not -- I think I,
8 I know what you're trying to ask, but I'm not quite
9 sure that's what you just asked me.

10 Q. What I meant to ask, and I may not have, is
11 the Commission's order in the Questar docket
12 ultimately agreed with UAE that the decoupling did
13 reduce Questar's risk and should be considered by the
14 Commission in determining the appropriate ROE. Is
15 that your understanding?

16 A. There's two parts to your question. I do
17 agree with the first part of that question. But I'm
18 not sure I -- that's not my recollection of what the
19 order said as far as the second part of your question.

20 Q. And we can get it if it's necessary.

21 A. Right, you could. But it's just not my
22 recollection.

23 Q. Do you recall if they specifically said, We
24 agree with UAE that there is a reduction in risk, and
25 we disagree with the Division's conclusion on that

1 point?

2 A. No, I don't agree with the way you just
3 stated that.

4 Q. Okay. Well, maybe we --

5 A. I can clarify why, if you want me to.

6 Q. Sure, please.

7 A. I do agree that the Commission indicated that
8 they believe the risk for Questar was reduced as a
9 result of implementing the decoupling mechanism.

10 However, the Division also recognized that --
11 just as we have here in this case -- that, under
12 circumstances that I've outlined in my testimony in
13 this case, there would be a reduction to the Company's
14 risk profile.

15 Q. And yet the Division said because you
16 couldn't quantify it accurately -- adequately you did
17 not recommend a specific adjustment to ROE for the
18 decoupling, correct?

19 A. In this case or the Questar case?

20 Q. In the Questar case.

21 A. It -- yes, that's true. And I did some
22 analysis in the Questar case that indicated that the
23 reduction in risk was statistically insignificant.

24 Q. Ultimately do you recall the Commission's
25 order saying, We've taken that reduction in risk in

1 consideration in reducing the Questar ROE from some 11
2 point something to a 10.0?

3 A. I don't remember the order stating that
4 explicit like that. But I do believe that the
5 Commission took that into account when they set the
6 ROE, yes.

7 Q. And you've defended the fact that the
8 Division only surfaced the proposal in rebuttal -- or
9 in its direct testimony -- I should say on a side
10 note, I agree with you it's the first time you could
11 have surfaced it.

12 But you do recognize, do you not, that
13 because of that timing -- the way the case was
14 bifurcated and the timing when it was first
15 surfaced -- all parties lost the ability even to argue
16 to the Commission that the ROE implications of
17 decoupling should be considered in setting the ROE in
18 this docket, correct?

19 A. No, I don't agree with that statement.

20 Q. You believe that we should have divined the
21 Division's intent and argued that there is an ROE
22 implication of the decoupling that the Division might
23 later recommend; is that your position?

24 A. No, but that's a completely different
25 question. If you want to restate your first question,

1 I'll try to answer it again. But the way you stated
2 it, I do not agree with the way it was stated.

3 Q. You didn't agree with the question, or you
4 think the answer to the question was no?

5 A. I think the answer to your question that you
6 asked me was no.

7 Q. Okay. Let me try and restate it.

8 A. Okay.

9 Q. You understand, do you not, that the timing
10 that actually occurred in this case, including the way
11 the case was bifurcated and the timing of the Division
12 filing its proposal after the ROE had already been
13 determined, effectively precluded parties in this
14 docket from even arguing in the ROE phase of this case
15 that it should be taken into consideration in
16 determining the ROE?

17 A. Yes, I'll agree with that statement.

18 Q. Thank you. Throughout your testimony,
19 Dr. Powell, I believe you testify that the proposed
20 rate design will promote conservation. Do you know
21 that as an empirical fact?

22 A. Can you explain what you mean by "empirical
23 fact"?

24 Q. Do you know -- can you demonstrate to this
25 Commission that in fact the Division's rate design

1 will cause conservation?

2 A. As much as I know any rate design would, so.
3 I'm still not quite clear on exactly what you're
4 asking me. I mean, do I understand that higher rates
5 will encourage conservation, is that what you're
6 asking me?

7 Q. I'm asking you can you -- have you
8 demonstrated or can you demonstrate right now for the
9 Commission the level to which the rate design you're
10 proposing will promote -- or will cause conservation
11 in Rocky Mountain Power's Utah jurisdiction?

12 A. Yes, I did provide some evidence in response
13 to people's rebuttal testimony in my surrebuttal
14 testimony.

15 Q. Okay, we'll get to that. Let me start with
16 in your direct testimony when you made the proposal,
17 you and Dr. Abdulle, to do -- for decoupling and an
18 inverted rate design proposal, the Division did not
19 feel it necessary to demonstrate that the rate design
20 proposed would in fact cause conservation; is that
21 correct? You did not submit any evidence to that
22 effect?

23 A. We argued that higher rates encourage
24 conservation. So yes, we did supply evidence in that
25 regard.

1 Q. In argument, did you supply any dock -- any
2 studies, analysis, or anything beyond just opinion
3 that in fact it would cause conservation?

4 A. Well, it was based on economic theory. It
5 was not based on just simply opinion.

6 Q. My question remains. Did you produce any
7 kind of evidence or study, beyond your mere statement
8 that it will cause conservation, that in fact it will?

9 A. No.

10 Q. And in your --

11 A. As my professor used to tell me, that's
12 intuitively obvious.

13 Q. And then let me ask you the question that one
14 of the commissioners posed. At what point is the
15 tipping point? When does the \$4 gas start causing
16 conservation to actually occur in the electric
17 context? Do you know the answer to that?

18 A. I believe that anytime you increase rates,
19 that will encourage conservation.

20 Q. Encourage is different from cause. And you
21 stated cause throughout your testimony. And I'm
22 trying -- I'm challenging you on that.

23 Do you have any evidence, setting aside right
24 now your surrebuttal testimony, did you produce any
25 evidence in support of your rate designs that it will

1 in fact cause conservation? Or the extent to which it
2 will cause conservation?

3 A. Not to the extent.

4 Q. Or that it will cause it, other than your
5 statements to that effect?

6 A. That's true.

7 Q. Now, in surrebuttal, in response to criticism
8 of certain parties that you had not done any kind of
9 analysis, you basically supply a study that suggests
10 inelasticity of demand but some demand response
11 nevertheless. Or response to pricing.

12 Is that a fairly accurate summary of what you
13 said, at the very general level?

14 A. At a general level, yes.

15 Q. And you, and you supplied that again because
16 people had criticized your lack of evidence in the
17 first -- in the direct testimony, correct?

18 A. Yes.

19 Q. Do you believe that that testimony supplied
20 in surrebuttal can be adequately dem -- adequately
21 subjected to other parties' response, and objection,
22 and disagreement on the specifics?

23 A. Sure. Yes.

24 Q. You think, even though nobody had a chance to
25 respond to your surrebuttal or produce different

1 studies, that that's adequate for this Commission to
2 make a finding, a factual determination, that there
3 will in fact be conservation at a specified level
4 because of your rate design?

5 MS. SCHMID: Objection, asked and answered.

6 MR. DODGE: I don't believe I've asked it.

7 Is that your testimony, is my question.

8 CHAIRMAN BOYER: Yeah.

9 MR. DODGE: I don't believe I asked it that
10 way.

11 CHAIRMAN BOYER: Overruled.

12 You may answer that, Dr. Powell.

13 THE WITNESS: Can you restate that again for
14 me, please?

15 Q. (By Mr. Dodge) Yes. Is it your testimony
16 that you believe, from the Division's perspective,
17 that it's adequate for a party -- I'll restate it
18 actually, as opposed to trying to say the same one.

19 Do you believe, as a policy expert of the
20 Division, it's appropriate for a party to place in --
21 only in surrebuttal an attempt to factually
22 demonstrate something like the extent to which a
23 proposal will cause conservation, when other parties
24 don't have an adequate chance to respond to that in
25 their testimony?

1 A. Depending on the availability of the
2 information, yes.

3 Q. So the -- okay. Well, that's good to know
4 that's the Division's position. We may find some more
5 surprises in surrebuttal.

6 But I'm trying to get at whether your
7 testimony is it doesn't matter, and so I don't need to
8 demonstrate it. Or whoops, we should have
9 demonstrated it and we're gonna try in surrebuttal.
10 Can you tell me which of those is closer to your
11 views?

12 A. Well, I'll answer your question this way, and
13 hopefully it will answer it. If not, ask it again,
14 please. But I believe that the concept of elasticity
15 and higher prices promoting conservation is well
16 enough understood that I did not try to quantify that
17 in my direct testimony.

18 Q. So sitting here today, even with the benefit
19 of your surrebuttal, can you tell this Commission how
20 much energy will be saved from the conser -- from the
21 rate design and decoupling proposal that you
22 suggested?

23 A. My best estimate is in my surrebuttal
24 testimony. Which I provided -- it's in Table 1. On
25 my copy it's page 17.

1 On average you're looking at between 2 and
2 3 percent response, given the Division's rate design
3 proposal.

4 Q. And so let's start with this is based
5 entirely on one RAND Corporation report that you
6 didn't attach to your testimony, correct?

7 A. That's correct.

8 Q. So if we, if we first of all assume that that
9 hearsay is acceptable and that the Division --
10 Commission can make a finding based on it, would you
11 now tell us exactly how many kilowatt hours will be
12 saved assuming that elasticity?

13 A. I'm waiting for my attorney to object.

14 Q. The question is can you tell us, not what is
15 it.

16 A. And what I'm asking her to object to is the
17 word "hearsay."

18 Q. Well, it is hearsay. And you may not
19 understand that legal concept, but an out-of-court
20 declara -- statement, even though you repeat it, is
21 still hearsay.

22 MS. SCHMID: Objection, Counsel is asking the
23 witness questions of a legal interpretive nature.

24 MR. DODGE: Well, what he was objecting to is
25 my reference to it as hearsay, and I haven't heard

1 Counsel say that's not hearsay. It is hearsay. And
2 any lawyer here knows it's hearsay. And so my comment
3 was, if we get past the hearsay issue, can he still
4 quantify it.

5 CHAIRMAN BOYER: Okay. To the extent that
6 asking Dr. Powell if that study is hearsay or not,
7 he's probably gonna qualify the answer to that.

8 MR. DODGE: Okay. I will --

9 CHAIRMAN BOYER: Even though he has a Ph.D.
10 However, as to the rest of the question, can
11 you -- you know, can you answer it. You may, if you
12 can.

13 Q. (By Mr. Dodge) Can you tell us how many
14 kilowatt hours will be saved by this -- your rate
15 design? Your proposed rate design?

16 A. The answer is no. I -- you'd have to
17 translate the 2 to 3 percent rate response here into
18 the kilowatt hours, and I, I don't have that.

19 Q. Into which kilowatt hours? The kilowatt
20 hours in the last tail block, or total kilowatt hours
21 in the residential class?

22 A. This would be in the tail block.

23 Q. And so how many kilowatt hours will be in the
24 tail block, say in the first year after this goes into
25 effect, without the decoupling. Or excuse me, the

1 inverted block increase, and how much will without it?
2 Or with it in place, excuse me.

3 A. On average it would be 2 to 3 percent less
4 than what is in the tail block at this time.

5 Q. And the question is, you don't know what that
6 is, right?

7 A. I don't know the kilowatt hours.

8 Q. And you didn't feel it important to quantify
9 that to try and decide whether it was all worth the
10 effort to go through decoupling and a steeply-inverted
11 tail block that may or may not be way above marginal
12 cost or above marginal cost, you didn't feel any of
13 that was important for the Commission to understand?

14 MS. SCHMID: Objection, argumentative.

15 MR. DODGE: Let me try and restate it without
16 arguing.

17 CHAIRMAN BOYER: I'll sustain that.

18 Q. (By Mr. Dodge) Did you consider it important
19 for the Commission to understand those, those
20 considerations?

21 A. I think it's important for the Commission to
22 understand those considerations. I did not translate
23 it into kilowatt hours at this time. Two to three
24 percent would demand response. And everything that
25 I've ever read is a substantial response.

1 Q. That economic theory would have suggested
2 that raising the tail block to 10 cents would have
3 done -- or ten mill -- no, cents would have done the
4 same thing, right?

5 A. No, that's not correct.

6 Q. Did you not claim that the lower end of your
7 elasticity was -- well, what was the range of
8 elasticity in the study that you didn't attach?

9 A. It's identified on the lines entitled:
10 Short-Run Elasticity and Long-Run Elasticity.

11 Q. And how much was the price change when we
12 went to the 10 cents tail block?

13 A. I'm not sure what you're referring to. The
14 10 cents in the last rate case?

15 Q. Well, yeah. The question is when we, when we
16 adopted the 10 cents tail block it was with the
17 expectation it would provoke conservation. You heard
18 Mr. Taylor say he doesn't think it has.

19 Would this same economic theory that
20 suggested it would have then, and it -- and the
21 economic theory didn't come true and you're just
22 trying harder, or what? I mean, how can we trust your
23 economic theory to produce results?

24 A. There's several parts to your question. Let
25 me -- if I don't answer every part, let's come back to

1 it. Economic theory suggests or shows that when you
2 increase prices, people react to those prices. The
3 degree to which they react is contained in the concept
4 of elasticity.

5 So yes, when we went to the 10 cents tail
6 block there was conservation. Now, was that
7 substantial conservation? In my mind, in the past,
8 there has never been an adequate change in the rates
9 from the first block, to the second block, to the
10 third block to promote significant conservation.

11 And the reason for that is because, as
12 illustrated here in this table, the demand for
13 electric -- electricity is relatively inelastic. And
14 therefore, in order to get a substantial response,
15 you're gonna have to move that price a substantial
16 amount.

17 Q. And the Division --

18 A. Now, did that, did that answer?

19 Q. That was fine.

20 A. Okay.

21 Q. The Division's policy then is, in this regard
22 cost causation should be disregarded and not even
23 marginal cost analysis done, simply to try and provoke
24 a reduction in usage in the tail block. Is that
25 basically the Division's position?

1 A. No, that's not our position. And as we
2 explained in our testimony, cost causation is one
3 principle that we're trying to balance here. I would
4 say that there has been some misconceptions stated on
5 the record here today about marginal costs.

6 There is a difference between long-run and
7 short-run marginal costs. But we have to remember
8 that marginal cost is, by definition, a mathematical
9 concept. In fact, it is the limit of the change in
10 the Company's total cost given a small change in the
11 price.

12 The limit comes into effect that that price
13 change goes to zero. So your denominator is actually
14 zero in that case. That is not what the Company calls
15 a marginal cost study. What the Company provides as a
16 marginal cost study is really incremental cost, where
17 the change in the price is not infinitesimally small.

18 If we think that the accuracy of the marginal
19 cost study coming from the Company is gonna make a
20 distinction between 11 cents, or 10 cents, or
21 12 cents, we're gonna be greatly disappointed. The
22 margin of error on that study will swamp the
23 differences in the tail block rates proposed by the
24 various parties in this case.

25 Q. And so in summary, you don't believe a

1 marginal or an incremental cost study is necessary or
2 even appropriate in considering rate design of this
3 type?

4 A. No. As a matter of fact, we supported the
5 Office's recommendation that the Company complete a
6 marginal cost study for the next general rate case.
7 Because we believe that that marginal cost study will
8 give us an indication of the directional movement in
9 those prices.

10 But if you think those -- that again, if the
11 marginal cost study is gonna clarify or make a strong
12 distinction between 11 cents, or 10 cents, or whatever
13 somebody might propose, I -- they're gonna be
14 disappointed. The margin of error on that incremental
15 cost study will be a lot wider than 1 or 2 cents.

16 Q. But back to my question. The Division didn't
17 feel it important to have that in place before
18 recommending the -- a fairly significant increase in
19 the tail block, correct?

20 A. The Division is aware of the marginal cost
21 studies that the Company has proposed -- or has done
22 in other jurisdictions, and relied on the results of
23 those studies as part of its recommendation.

24 MR. DODGE: I have no further questions,
25 thank you.

1 CHAIRMAN BOYER: Okay. Thank you, Mr. Dodge.
2 We'll take a 90-minute recess. We'll come
3 back and let Mr. Proctor complete his cross
4 examination. Then we'll talk about Mr. Cavanaugh and
5 Dr. Collins' schedules. Thank you.

6 (A luncheon recess was taken from
7 12:06 to 1:39 p.m.)

8 CHAIRMAN BOYER: And now we'll commence with
9 Mr. Proctor's cross examination of Dr. Powell.

10 MR. PROCTOR: Thank you, Mr. Chairman.

11 CROSS EXAMINATION

12 BY MR. PROCTOR:

13 Q. Dr. Powell, I have just one initial question
14 quickly about the extent to which the Division
15 considered and evaluated the impact of its decoupling
16 proposal in this rate case upon Rocky Mountain Power's
17 ROE. Did you perform any such evaluation?

18 A. On how the decoupling mechanism would affect
19 the return for the Company?

20 Q. To determine -- try and determine whether it
21 would or would not.

22 A. No, we didn't perform that study.

23 Q. Now, when -- on June 27, 2008, this
24 Commission issued a Report and Order on Revenue
25 Requirement in Questar's general rate case. And that

1 included, if I crawl -- recall correctly, a decision
2 on the Questar CET, correct?

3 A. State that again. What?

4 Q. The report and order on Questar's general
5 rate case included also an order upon the CET,
6 Questar's CET proposal?

7 A. I believe it did.

8 Q. And on page 14 of that order, in which it's
9 Docket No. 07-057-13, the Commission said this about
10 the conclusions that you and Mr. Hevert reached in
11 connection with the impact of the CET on the Company's
12 rate of return. And I'll quote it from you -- to you:

13 "We discount their analysis as based
14 on limited data and subjective opinion,
15 insufficient to unquestionably establish
16 there is no effect."

17 With that in mind, Dr. Powell, did you even
18 consider whether or not you should perform such an
19 evaluation with respect to the decoupling proposed in
20 this case?

21 A. Could I take a look at that order?

22 Q. You can ignore my note here. It's
23 underlined.

24 CHAIRMAN BOYER: Dr. Powell, why don't we
25 identify for the record what exactly you're reading

1 from, and at which point.

2 THE WITNESS: This is -- appears to be the
3 Report and Order on Revenue Requirement, dated
4 June 27, 2008, In the Matter of the Application of
5 Questar Gas Company to File a General Rate Case,
6 Docket No. 07-057-13.

7 CHAIRMAN BOYER: Okay, thank you. And you're
8 reading at which page and line?

9 THE WITNESS: I'm reading at page 14, and it
10 looks like it's the second paragraph -- full paragraph
11 on that page.

12 (Pause.)

13 THE WITNESS: And do you recall, Mr. Proctor,
14 if Mr. McKenna here was the UAE witness?

15 MR. PROCTOR: I do not know.

16 MR. DODGE: Yes.

17 THE WITNESS: Is that correct?

18 MR. DODGE: Yes.

19 THE WITNESS: Okay. Okay, what was your
20 question again?

21 Q. (By Mr. Proctor) Given that decision on
22 Questar's CET request, did the Division consider
23 whether a similar evaluation should be performed on
24 this decoupling proposal as applicable to Rocky
25 Mountain Power?

1 A. Yes, we did consider that, but I rejected
2 that. I respectfully disagree with the Commission's
3 conclusion there. My analysis in that case was
4 neither subjected nor limited. And I believe that
5 Mr. McKenna's model that he used, that the Commission
6 relied on, was extremely flawed.

7 Q. Under that circumstance then, Dr. Powell, did
8 you provide any data or any opinion with respect to
9 the decoupling proposal from the Division in this
10 particular rate case and its potential impact or lack
11 of impact on the ROE?

12 A. Yes, I think we did.

13 Q. What data did you provide?

14 A. We provided opinion. You said data or
15 opinions, and we did provide opinions.

16 Q. And --

17 A. And arguments in that regard.

18 Q. But no data?

19 A. No data.

20 Q. You mentioned in your summary that the
21 Company has always indicated that residential class
22 was at greatest risk for under-recovery. Do you
23 remember -- do you recall saying that?

24 A. Where was that at again?

25 Q. In your summary given today, this morning.

1 A. I don't believe I said that in my summary
2 this morning.

3 Q. Did you do believe, however, that the
4 residential class is at a greater risk for
5 under-recovery than the other classes?

6 A. I believe the residential class is more
7 volatile in terms of its recovery.

8 Q. Does that provide for a greater risk, and
9 therefore a need for a decoupling proposal?

10 A. Given the rate design that the Division is
11 proposing in this case, yes, I think that's true.

12 Q. Do you know whether or not there are any
13 studies that try to estimate the over or
14 under-recovery of revenues for the other rate classes?
15 In particular, 6, 8, 9, 10, and 23?

16 A. Just the cost of service studies that are
17 provided in rate cases.

18 Q. Do those estimate the annual over and
19 under-recovery of those revenues? The cost of service
20 study itself?

21 A. I think they estimate how the classes perform
22 based on their -- the rate of return index. I'm not
23 sure if that's exactly what you're asking. If it's
24 not, please clarify what you're asking.

25 Q. Well, the cost of service studies are

1 normalized, are they not?

2 A. That's true.

3 Q. And so on a non-normalized basis, just simply
4 looking at revenues compared to the assigned -- actual
5 revenues compared to what was anticipated to be
6 received from rates, have you compared the residential
7 recovery, over or under, with those from the other
8 classes?

9 A. No, I can't -- I have not.

10 Q. Do you know if that information is even
11 available?

12 A. No, I don't.

13 Q. Dr. Powell, I want to turn to your
14 surrebuttal testimony, beginning at page 7. The
15 question at line 145, and your answer that begins on
16 line 147.

17 A. I think we've got different --

18 Q. We may be struggling with that.

19 A. -- pages and lines.

20 Q. Yeah. I'll, I'll read the question for you,
21 and then --

22 A. Okay.

23 Q. -- wait for you to find it. The question
24 was:

25 "Do you have any final remarks about

1 risk shifting under the Division's
2 proposed decoupling mechanism?"

3 A. Okay, I'm there.

4 Q. Are you there? And you provided some
5 comments. One in particular was:

6 "As of December 2009 the CET, which
7 applies only to DNG costs for the GS
8 class, covers approximately 27 percent
9 of Questar Gas's total revenue."

10 Is that correct?

11 A. That's correct.

12 Q. Now, total revenue, or is that total GS
13 revenue?

14 A. I believe that's the total revenue for the
15 Company.

16 Q. And so it would be a higher percentage of the
17 GS class revenue, correct?

18 A. That's correct.

19 Q. And the GS class is the one that is subject
20 to decoupling under the CET program, correct?

21 A. That's correct.

22 Q. Now, in the case of the Division's proposal
23 you propose to apply decoupling only to the
24 residential class, correct?

25 A. Correct.

1 Q. And your mechanism applies to 30 percent of
2 the Company's residential revenue. Is that the
3 distribution cost, the fixed distribution cost that
4 Mr. Taylor referred to this morning?

5 A. Hang on one second. Yes.

6 Q. And that 30 percent of the residential class
7 equals 39 percent of the Company's total tariff
8 revenue. Do you see that?

9 A. Yes.

10 Q. When, when you say "total tariff revenue" do
11 you mean the Company as a whole, or only residential?

12 A. The company as a whole. Utah, the Utah piece
13 of that.

14 Q. So of the, the Company as a whole, you are
15 not applying decoupling to 61 percent of the revenue,
16 correct?

17 A. That's correct.

18 Q. But when you compare --

19 A. And say that again, now.

20 Q. Well, I'm trying to figure out where -- the
21 other 61 percent of the total rev -- of the total
22 company tariff revenue would consist of what?

23 A. That's, that's correct.

24 Q. Okay.

25 A. Well, it's other fixed costs and variable

1 costs.

2 Q. Okay. So to compare the class that was
3 decoupled with Questar and the class that you propose
4 to decouple here, the DNG class -- or costs in the
5 Questar GS class is 27 percent of the total revenue,
6 and in this case the fixed distribution costs for the
7 class you're decoupling here is 30 percent of the
8 residential revenue, correct?

9 A. That's correct.

10 Q. So your number that you provide on what is
11 line -- the next page, line 154, you conclude that the
12 decoupling mechanism here is only about 11 percent of
13 the total company revenue?

14 A. Correct.

15 Q. And that would be fixed and non-fixed, just
16 total revenue?

17 A. That's correct.

18 Q. Correct? But when you look at just the class
19 that you're decoupling here and the class that is
20 decoupled under Questar's program, they're about
21 equal. In fact, they're within 1 percent -- 3 percent
22 of each other, right?

23 A. In terms of the percentage of their total
24 company revenue?

25 Q. Yes.

1 A. Yes, that's correct.

2 Q. Now, did you try to follow the Questar model
3 to the greatest extent possible in this particular
4 case? In developing your decoupling proposal for
5 Rocky Mountain Power?

6 A. We used -- I wouldn't characterize it that
7 way. We used the decoupling mechanism or the
8 conservation enabling tariff that Questar has as the
9 basis for our proposal in this case, that's true.

10 Q. Did you consider the Questar GS class
11 includes a wide variety of different customers, both
12 residential and commercial, of various sizes?

13 A. Yes. We're well aware of that.

14 Q. And did you make any adjustments in your
15 proposal to Rocky Mountain Power because it is limited
16 only to residential class?

17 A. Yes. We limited this to only the
18 distribution fixed costs as opposed to their total
19 fixed costs, which would be what the Questar model
20 does.

21 Q. And you can distinguish that with Questar
22 because it's reason -- readily distinguishable from
23 the commodity that they actually provide to the
24 consumer, correct?

25 A. That's correct.

1 Q. Now, on page, on page 9 of your test -- your
2 surrebuttal testimony the question that's asked on
3 line 164 from me is:

4 "Ms. Wolf argues that it would have
5 been more appropriate to consider the
6 decoupling mechanism early in the
7 proceeding."

8 Do you see that?

9 A. Yes.

10 Q. Okay. On -- if you'll go down to the
11 paragraph that begins: "Nevertheless"?

12 A. Okay.

13 Q. And further down, on line, line 180:

14 "The Division's proposal in this
15 case contains the same provisions"?

16 A. Right. It's 181 on my copy.

17 Q. All right. What provisions were you talking
18 about that you had incorporated in this proposal?

19 A. There's a couple that are -- or one in
20 general that's named in that same sentence that says:

21 "Parties have the right to review
22 the decoupling mechanism, and can
23 propose changes that they believe are
24 appropriate."

25 Other features of the decoupling mechanism

1 that we adopted from Questar were, for instance, the
2 caps. On the annual accruals or amortizations, the
3 concept that it's a pilot program. And that we would
4 have a full -- or a comprehensive review at the end of
5 the first year.

6 Q. When you referred to the Division's proposal
7 contains the same provisions parties have the right to
8 review the decoupling mechanism, did you intend to
9 include or exclude the effective ROE upon -- of the
10 DPU's decoupling proposal in this case?

11 A. I'm not, I'm not quite following. Did we?

12 Q. In, in the parties' right to review the
13 decoupling mechanism -- and you're, you're drawing an
14 analogy between Questar's decoupling proposal and the
15 one here, correct?

16 A. Correct.

17 Q. Did you intend to include, within your
18 proposal, the opportunity for parties to review the
19 decoupling mechanism in relationship to effect upon
20 ROE?

21 A. Yes, if parties can bring that up at any time
22 over the course of the pilot.

23 Q. Now, parties that did not intervene in this
24 case, you have suggested -- I -- it's about five lines
25 down, 184 in mine:

1 "Parties that have not intervened at
2 this point will have an opportunity to
3 offer sworn or unsworn testimony at a
4 public witness hearing which parties
5 will have little, if any, opportunity to
6 rebut."

7 Are you suggesting that this afternoon at
8 5:00 is an adequate time for someone who may have had
9 an interest in decoupling to come and provide
10 testimony, sworn or unsworn?

11 A. I stand by what I said there. They will have
12 that opportunity to come this afternoon and, and make
13 whatever comments or statements they want to make.

14 Q. Based upon your experience in the field of
15 rate regulation, do you believe that that's an
16 adequate opportunity for people to address such
17 issues?

18 A. Yes.

19 Q. Could not the Division have explained that --
20 or asked the Commission to provide another period for
21 an intervention, in the event that parties who would
22 have intervened earlier had they known about
23 decoupling now learn about it and wish to be involved?

24 MS. SCHMID: Objection, I believe that calls
25 for a legal conclusion and this witness is an

1 economist, not an attorney.

2 MR. PROCTOR: There's nothing legal about
3 asking the Commission to do so.

4 CHAIRMAN BOYER: I, I think we'll overrule
5 the objection.

6 You can answer that, Dr. Powell.

7 THE WITNESS: You asked me that could we
8 have?

9 Q. (By Mr. Proctor) Could you have asked?

10 A. Sure.

11 Q. Did you consider that as you were designing
12 your proposal?

13 A. I think it was considered. It wasn't
14 discussed among the parties but I did think about it,
15 yes.

16 Q. If you'll turn to -- again, I -- and I
17 apologize, Dr. Powell, it's my page 11. The question
18 is:

19 "Ms. Wolf and Ms. Beck argue that
20 it's inappropriate to consider the
21 Division's proposal at this time, since
22 the revenue requirement portion of the
23 case is concluded."

24 Do you see that?

25 A. Could you read where you're at again? I

1 think I found it.

2 Q. "Ms. Wolf and Ms. Beck argue that it
3 is inappropriate to consider the
4 Division's proposal at this time."

5 A. Yes.

6 Q. You have that?

7 A. I have that.

8 Q. And the second part of that was:

9 "In particular they argue that other
10 factors, such as reduction in the
11 Company's risk profile and commensurate
12 reduction in the Company's return,
13 cannot be taken into account."

14 The question that was asked of you is:

15 "Do you believe this argument is
16 valid?"

17 Your answer was no. Do you still believe
18 that to be the case, Dr. Powell?

19 A. Yes.

20 Q. Now, you mentioned that the Questar Gas
21 decoupling proposal -- well, excuse me.

22 The Questar Gas decoupling proposal was
23 considered by this Commission, and the Division, and
24 others for approximately two years; is that correct?

25 A. That's correct. At least two years.

1 Q. Was evidence presented in the Questar Gas
2 proceeding that pertained to issues such as the risk
3 profile? And the impact of the CET upon the risk
4 profile?

5 A. Yes.

6 Q. Did the Division present such evidence?

7 A. Yes.

8 Q. And that would be the evidence that was
9 referred to by the Commission in the order, that part
10 that you read, correct?

11 A. That's correct.

12 Q. Next if you would turn to page 13 of your
13 testimony, sir. And the question is:

14 "Ms. Wolf objects to implementing a
15 decoupling mechanism primarily to secure
16 stable revenues for the Company."

17 Do you see that?

18 A. I do. It's on page 14 of my copy.

19 Q. On line 268 through 270 you state that:

20 "The Division's primary purpose is
21 to provide sufficient flexibility in
22 designing rates that it will promote
23 conservation, namely, increasing the
24 tail block rate relative to the first
25 and second block rates."

1 Now, is that particular proposal supported by
2 Rocky Mountain Power?

3 A. No, it's not.

4 Q. And has the Division changed its position at
5 all as to that proposal to increase the tail block
6 being an absolute requirement of any decoupling
7 proposal?

8 A. No, with the caveat the response that I gave
9 earlier today in response to one of Mr. Michel's
10 questions about whether or not the -- some of the
11 other rate design proposals that have been proposed
12 would work in -- within the decoupling mechanism. And
13 that's loosely paraphrasing what he asked.

14 Q. Well, what --

15 A. And my response was is that we would work
16 with that.

17 Q. So what rate design proposals that have been
18 presented in this particular phase of the case would
19 work with -- for the Division and its decoupling
20 proposal?

21 A. The proposal -- Dr. Collins proposed a four
22 tier blocking on the residential class. And --

23 Is it Mr. Curl?

24 MR. MICHEL: Yes.

25 THE WITNESS: Mr. Curl provided the, the name

1 that he referred to it slips my mind, but it was the,
2 um.

3 Q. (By Mr. Proctor) Usage surcharge?

4 A. Everybody's giving me -- yeah, the usage
5 surcharge, thank you.

6 MR. PROCTOR: Is that correct -- I want to be
7 accurate about that, Mr. Chairman, if I could ask
8 Mr. Michel.

9 Is that the phrase you used?

10 THE WITNESS: The phrasing slips my mind.

11 MR. PROCTOR: Yeah.

12 MR. MICHEL: It was referred to as a
13 "high-usage surcharge."

14 THE WITNESS: High-usage surcharge.

15 Q. (By Mr. Proctor) That's even better. And
16 that would include the -- Utah Clean Energy and
17 SWEEP's proposal for a 34 percent increase in the
18 third and fourth tail blocks?

19 A. That's correct.

20 Q. And what percentage increase would result
21 from the high-usage surcharge?

22 A. I don't know that off the top my head.

23 Q. So those two tail block increases would be
24 acceptable to the, to the Division to then institute a
25 decoupling pilot?

1 A. Again, the word "acceptable" is like -- when
2 I started to answer Mr. Michel's question earlier I
3 used the word "comfortable," and I backtracked from
4 that.

5 If that -- if the Commission were to order
6 one of those alternative rate designs, then we would
7 obviously work with that rate design, and believe that
8 decoupling would be appropriate in that case. We
9 still prefer the rate design that we proposed.

10 Q. Would you approach such a decoupling proposal
11 in -- with those two other rate designs cautiously and
12 perhaps skeptically?

13 A. No more so than what we are right now with
14 our own proposal.

15 Q. Has the Division been critical in particular
16 of Dr. Collins' analysis of the Company's rate
17 structure and their proposed rate design?

18 A. Yes.

19 Q. And has one of those criticisms been the
20 underlying data that he used was, at least initially,
21 incorrect?

22 A. That was not a criticism that I raised. And
23 I don't believe Dr. Abdulle raised that particular
24 criticism.

25 Q. But certainly the Company did?

1 A. Yes, the Company did.

2 Q. Now, further down on that page, and it's line
3 277 for me, the paragraph begins: "Additionally,
4 Ms. Wolf's objection seems to imply."

5 A. I'm there.

6 Q. Okay. The third sentence says:

7 "There is a strong link between
8 prices and behavior, as economic theory
9 and reality show."

10 Is your reference to a strong link
11 there -- link there between prices and demand for
12 energy?

13 A. Yes.

14 Q. If you could turn to the next question, which
15 is:

16 "Ms. Beck argues that elasticity
17 studies should be conducted to determine
18 whether there is a strong link."

19 Do you see that?

20 A. Right.

21 Q. Your answer included the statement:

22 "I do not believe that it would be
23 useful or provide information that is
24 not already readily available from other
25 studies which generally indicate the

1 demand for electricity is relatively
2 inelastic."

3 A. That's correct.

4 Q. First of all, which studies were you
5 referring to?

6 A. One of those studies is a study that I cited
7 later in my testimony.

8 Q. The RAND study?

9 A. The RAND study, yes.

10 Q. Are there others?

11 A. Yes, there are.

12 Q. Did you review them in anti -- in preparation
13 for your testimony here?

14 A. Yes, I did.

15 Q. Did you cite to them here?

16 A. I did not.

17 Q. Do you have the cites available now?

18 A. I may have several of those papers in my
19 office, or the cites, yes. I think I mentioned in my
20 testimony that the RAND study, especially with regards
21 to the long-run elasticity, was fairly conservative.

22 In other words, other studies have found,
23 especially with regards to the long-run elasticity, a
24 larger demand response. Although it's still
25 inelastic.

1 Q. Well, I need some clarification. And it may
2 just be my misunderstanding, Dr. Powell. But you said
3 there's a strong link between prices and behavior in
4 connection with price and demand -- or energy use on
5 page -- my page 13. And then you said that it's
6 relatively inelastic, however, in the answer we just
7 spoke about. Is there an inconsistency there?

8 A. I don't see an inconsistent resp -- myself,
9 no.

10 Q. What is the consistency that you see?

11 A. Economic theory demonstrates and reality
12 demonstrates that the demand curve is downward
13 sloping. There's a strong link there between price
14 and the quantity demanded. The responsiveness is
15 measured by the elasticity, and just indicates the
16 degree about what that response will be.

17 Q. On the next --

18 A. But whether the --

19 Q. I'm sorry.

20 A. The demand is inelastic or elastic doesn't
21 change the fact that economic theory still proffers a
22 strong link between those two.

23 Q. Well, on page 15 -- that would be the next
24 page -- in the paragraph that says:

25 "Studies have shown that the demand

1 for electricity is relatively
2 inelastic" --

3 A. Right.

4 Q. -- "that is the coefficient," and so forth.
5 Do you see that?

6 A. Yes.

7 Q. And it's that -- at that point is where you
8 cite to the RAND Corporation study?

9 A. A little bit after that, I believe, yes.

10 Q. The sentence immediately following the
11 footnote says:

12 "Given these small elasticities,
13 relatively large changes in the price
14 will be necessary to evoke a demand
15 response."

16 Is --

17 A. I'm at line 303, yes.

18 Q. Thank you. Is the Division's proposed
19 10.9 percent increase in the tail block rate large
20 enough to evoke a demand response?

21 A. Yes, I believe so.

22 Q. Did you quantify that through analysis or
23 evaluation?

24 A. Again, these were some of the questions that
25 Mr. Dodge were asking. And I would refer to Table 1,

1 where I've summarize what I've said in my testimony
2 about the demand response.

3 Q. And that Table 1 is primarily, if not
4 exclusively taken from the RAND study?

5 A. It's exclusively taken from the RAND study.

6 Q. And did you provide a copy of that study?

7 A. No.

8 Q. What part in particular of that study are you
9 referring to?

10 A. I believe the results of the RAND study and
11 where these numbers can be found is in one of the
12 appendices.

13 Q. Did you read the entire study, sir?

14 A. It's been some time, but yes.

15 Q. By some time, how long ago?

16 A. Probably a year ago.

17 Q. It was published in 2005?

18 A. I believe so, yes.

19 Yes, according to the footnote there where I
20 reference the paper, yes, 2005.

21 Q. Did you review that study as you prepared
22 this surrebuttal testimony?

23 A. Yes.

24 Q. And on your Table 1 you use a lower bound,
25 upper bound, and a midpoint for short-run elasticity.

1 Do you recall where those numbers come from?

2 A. Just what I stated earlier.

3 MR. PROCTOR: May I approach?

4 CHAIRMAN BOYER: You may.

5 Q. (By Mr. Proctor) Mr. Powell, the Office
6 recently did read the study, and I'm giving you a copy
7 of it.

8 MR. PROCTOR: It's 122 pages, Mr. Chairman.
9 And I'll be glad to produce more dead trees if you
10 would like, but.

11 MS. SCHMID: Do you happen to have a copy for
12 Division counsel?

13 MR. PROCTOR: I don't.

14 MS. SCHMID: Do you have a copy of the
15 pertinent provisions that you're going to ask about?

16 MR. PROCTOR: I can -- no, I don't.
17 Honestly, I don't.

18 Mr. Chairman, if -- he's the one who cited
19 it. He did not attach it. We can take a break and
20 copy that, if you would like.

21 CHAIRMAN BOYER: I don't think that will be
22 necessary. Let's see where the questioning goes. And
23 then if Ms. Schmid needs look at it, we can do it at
24 that point in time. We have the citation, so we're
25 not asking for a copy of it.

1 Q. (By Mr. Proctor) Dr. Powell, if you'll look
2 on page 76 to the study?

3 A. Hang on one second.

4 Q. You bet.

5 (Pause.)

6 THE WITNESS: Okay, what page were you
7 referring to?

8 Q. (By Mr. Proctor) Seventy-six. It's Table
9 D-4 and Table D-5.

10 A. All right.

11 Q. And these are estimated short run -- short
12 and long-run price elasticities for residential
13 electricity market by region; is that correct?

14 A. That's correct.

15 Q. And is this where you acquired the numbers
16 that you utilized in your table in your surrebuttal
17 testimony?

18 A. When I was preparing my testimony I do not
19 believe I pulled them from these particular tables,
20 no.

21 Q. What tables did you prepare -- pull them
22 from?

23 A. Let me check to make sure we're in a
24 different spot. Hang on. No, they are. It's
25 Appendix D, I'm sorry.

1 Q. So you --

2 A. You're correct.

3 Q. So the Table D-4 and the D-5 in the body of
4 the report are the same as those in the appendix?

5 A. I don't recall --

6 Q. Or is this the appendix?

7 A. This is the appendix.

8 Q. Oh.

9 A. And that's what I was checking on to make
10 sure. I think, if my recollection is correct, the
11 report -- the body of the report doesn't contain any
12 of the analysis. It's just a description of the
13 analysis, and then all the results are contained in
14 the appendix. So we're in the same spot.

15 Q. Okay. And utilizing the midpoint for short
16 and long-run elasticity you calculated then the, the
17 demand elasticity that would come from both the --
18 from the Commission -- or excuse me, from the
19 Division's proposed tail block increase and from the
20 Office-proposed tail block increase; is that correct?

21 A. If -- that's correct, if I could clarify what
22 you --

23 Q. Absolutely, please.

24 A. -- just stated? The, the Tables 4 and 5 are
25 the price elasticity of demands. What I calculated in

1 the table in my testimony was the demand response,
2 based on these elasticities, and given the price
3 changes that the Office and the Division are
4 proposing.

5 Q. So for --

6 A. But that's, that's correct. I think that's
7 what you meant.

8 Q. Yeah, yeah. I just want to make certain that
9 everyone's clear exactly what numbers you used and
10 what the results were.

11 A. Right.

12 Q. So using the regional demand response or the
13 elasticity from the RAND study, you determined that if
14 the Office's proposal was adopted there would be a
15 negative .59 percent demand response. And with the
16 11 percent proposed by the Division to the tail block
17 it would be a negative 2.3 percent demand response.
18 Is that correct?

19 A. That's the short-run response, that's
20 correct.

21 Q. Did you utilize the same elasticity results
22 in the RAND study for Utah?

23 A. For Utah specific? No.

24 Q. Could you turn to page 82 of the RAND study,
25 please? And also 83.

1 A. I'm at page 82. Table D-10?

2 Q. Correct. State level results for short-run
3 price elasticity.

4 A. Correct.

5 Q. What is the midpoint for Utah?

6 A. The coefficient, or the midpoint, is in the
7 first column of numbers. And it's .12.

8 Q. And the long-run price elasticity for Utah,
9 the first -- the coefficient is what?

10 A. Point 12 also. That's out of Table D-11.

11 Q. Okay. Now, if you were to apply then the
12 elasticity determined by the RAND Corp -- the same
13 study you used for Utah, what impact would that have
14 on your calculated demand response for both short-term
15 and long-run elasticity?

16 A. Can you say that again?

17 Q. If you used Utah's coefficient --

18 A. Okay.

19 Q. -- what --

20 A. What would the response be?

21 Q. What would the demand responses be?

22 A. The quantity demanded would actually go up.
23 So in other words, what these particular studies show
24 here in these tables is is that the study or the model
25 that the RAND Corporation used was not a sufficiently

1 specified model to make a distinction, or to come up
2 with a statistically valid estimate of the
3 elasticities for Utah.

4 Q. Okay.

5 A. And that's why I didn't use these particular
6 tables. They're statistically insignificant. And
7 after reading the study I concluded that part of the
8 reason was that because of the specifications of the
9 models --

10 Q. Where --

11 A. -- were not adequate.

12 Q. Excuse me, Dr. Powell, I'm sorry. Are you
13 finished? I --

14 A. Yes.

15 Q. I interrupted, I don't mean to do that.

16 Where within the study does -- is there a discussion
17 of the, if I may say, error of the state's specific
18 elasticities?

19 A. I don't recall where that's discussed in the
20 RAND study itself, but it's based on a common
21 interpretation of statistics. The 95 percent interval
22 for Utah here -- hang on one second.

23 Yeah. If you look at the last two columns,
24 the last -- the 95 percent confidence interval goes
25 from a minus .02 to a positive 2.6. So statistically

1 speaking, any of the -- any number in between those
2 two end points is statistically insignificantly
3 different from zero.

4 Q. And where is that determination of
5 insignificance within the RAND report?

6 A. I don't recall if it's in the RAND report or
7 not.

8 Q. Would the --

9 A. But that -- any basic statistics book will
10 explain how to interpret that confidence interval.

11 Q. Would the regional elasticity have come from
12 the specific states within that region?

13 A. Say that again now. The?

14 Q. Would they have calculated the regional
15 elasticity utilizing the elasticities determined for
16 each state?

17 A. No.

18 Q. Within the region?

19 A. No.

20 Q. They'd have a different data set?

21 A. The data would be the same, I would assume,
22 that they're using. And I think, if I recall
23 correctly, it is. But the specification of models are
24 different.

25 So in some models, even in the regional

1 models, some of the estimates of elasticities for the
2 different regions are not statistically significant.
3 Therefore, they explored alternative specifications of
4 those models.

5 And the numbers that I used came from the
6 models where the estimates of the elasticities were
7 statistically significant.

8 Q. Did not the RAND study also conclude that
9 there are significant differences in the elasticity
10 values for different utilities?

11 A. I don't recall that. Can you point to where
12 that?

13 Q. Page 49?

14 A. And approximately where are you at?

15 Q. It's the second paragraph under Chapter 6,
16 Utility Level Analysis.

17 A. Okay.

18 Q. "We did discover a few interesting?
19 things in this analysis."

20 A. Right.

21 Q. "First, there is a lot of variation
22 in elasticities among the utilities."

23 A. Okay.

24 Q. "Which was not expected." And so on. Did
25 you read that as you were preparing your evaluation?

1 A. Yes, I did.

2 Q. And did you --

3 A. Did I read the --

4 Q. Did you --

5 A. -- this particular paragraph?

6 Q. Yes.

7 A. I don't recall if I read this in preparation
8 of this testimony here. I, like I said, I read this
9 report a year ago or so. And I reviewed it as I was
10 preparing my testimony.

11 Q. May the Commission assume, then, that you did
12 not consider any particular utilities within the
13 West -- the Mountain Region to determine whether or
14 not there was such a variation that it would -- one
15 would have to question the regional elasticities?

16 A. Yes, I did. And in particular that's why I,
17 in Table 1 in my testimony I reported not only the
18 midpoint but the ranges. That is the range of demand
19 response that one could expect, given the information
20 from the RAND report.

21 Q. Which utilities in particular, other than
22 Rocky Mountain Power, did you look at?

23 A. I didn't look at any particular utility.

24 Q. So you're back just simply relying upon the
25 regional numbers?

1 A. That's correct.

2 Q. Did you attach or reference in your
3 surrebuttal testimony any of the calculations that you
4 did in order to determine that the state-specific
5 elasticities for Utah were, in fact, unreliable or
6 inaccurate?

7 A. No. I think that's obvious from the study.

8 Q. Well, so the answer -- no, you didn't provide it?

9 A. Right.

10 Q. And did you reference in your surrebuttal
11 anything about the fact that there were even
12 state-specific elasticities?

13 A. No, I did not.

14 Q. On page 17, it's my page 17, it's the second
15 paragraph to the answer. The question being:

16 "Ms. Beck argues that neither the
17 Company nor the Division have shown a
18 link between conservation and the
19 Company's earnings."

20 That's 319 is the question. It's the first
21 question following your Table 1.

22 A. Table. I have the question.

23 Q. The second paragraph to your answer begins
24 with: "Additionally, keep in mind"?

25 A. Okay.

1 Q. On the second sentence is:

2 "Other studies have found much
3 larger estimates."

4 What other studies are you referring to
5 there?

6 A. Other studies that have done estimates on
7 elasticities.

8 Q. Did you cite those studies?

9 A. I did not.

10 Q. Do you have the studies available with you
11 today?

12 A. I don't have them here available right now,
13 no.

14 Q. And further on in that answer in, the
15 sentence that begins: "Therefore, it is imperative
16 that," do you see that?

17 A. Yes.

18 Q. So the Division's position then is, because
19 there is a need to encourage conservation through
20 price, you would decouple the fixed costs. But there
21 must be a tail block -- summer use tail block increase
22 that, in your recommendation, is 11 percent, correct?

23 A. That's correct.

24 Q. If there is no 11 percent or greater tail
25 block increase is it the Division's position, then,

1 that decoupling is inappropriate?

2 A. We didn't address it in that terms. I think
3 what I've said in my testimony and in my summary today
4 was if there's not a substantial increase in the tail
5 block, then we don't support decoupling for Rocky
6 Mountain Power.

7 Would a 10 percent increase be substantial?
8 Probably. Would a 4 percent increase in the tail
9 block be substantial? Given the estimates of
10 elasticities, no, I wouldn't, I would not support
11 decoupling.

12 But where the exact break point is there, I'd
13 have to think about that.

14 Q. Didn't you consider that as you prepared your
15 testimony?

16 A. We did in designing our rate design proposal.
17 But I didn't, I did not specifically go back -- once
18 we decided on the increase that we have proposed I
19 didn't go back and evaluate say at 10 percent, support
20 or not support decoupling, and ratchet it back down to
21 no increase, say. And figure out where that break
22 point was.

23 Q. But in your surrebuttal testimony, however,
24 that's in fact what you're saying. Is there has to be
25 a certain threshold above which decoupling is

1 appropriate, and below which it is not, correct?

2 A. I would agree with that, yes.

3 Q. And in fact you used the word "imperative,"
4 correct?

5 A. I did.

6 Q. So if the Commission were to agree with
7 either the Company or the Office, decoupling would not
8 be imperative?

9 A. I would agree with that.

10 Q. In fact, would it be the Division's position
11 that it would be inappropriate if the Company's
12 proposal or the Office's proposal was accepted?

13 A. I'm thinking about the word "inappropriate."
14 Do you have another word that you want to use, or are
15 you sticking with that one?

16 Q. I'd like to say that that was a well thought
17 out word, but it's not. Let's try it, inappropriate.

18 A. Okay.

19 Q. Inappropriate under the standards that the
20 Division applies as it's evaluating rate policy and
21 rate design, how's that?

22 A. I was gonna say, asked and answered. I was
23 thinking of something similar to that. And I think
24 the answer is yes, that we would -- let me start over.

25 We would not support decoupling unless

1 there's a substantial increase in that third tail
2 block rate. And that -- absent that substantial
3 increase, decoupling with either the Office's or the
4 Company's proposed rate design would not, in our
5 opinion, be balancing the objectives that we were
6 trying to balance. Does that clear your?

7 Q. That's helpful, Dr. Powell. At least to me.
8 I hope it is to everyone. So under that circumstance,
9 that, that's why the Division decided, Well, let's --
10 there's no reason to consider this any further,
11 because let's not reinvent the wheel.

12 It's either decoupling with a tail block
13 increase the size that you had recommended, or no
14 decoupling. And so you -- that's the end of your
15 analysis and evaluation of the decoupling proposal and
16 that's what ended up in your direct testimony on rate
17 design, isn't it?

18 MS. SCHMID: Objection to the form of the
19 question.

20 THE WITNESS: I was asking --

21 CHAIRMAN BOYER: Maybe you could break that
22 down into three or four elements.

23 MR. PROCTOR: Three or four different
24 questions?

25 Q. (By Mr. Proctor) The Division's position is,

1 There's no reason to reinvent the wheel because we
2 already did all this work in Questar, isn't it?

3 A. I would agree with that, yes.

4 Q. Well, in fact that's what you said, "There's
5 no need to reinvent the wheel." I believe it's
6 page 18.

7 A. Did I use that phrase?

8 Q. Yeah, I think you did. It's on line 370 for,
9 for my copy.

10 A. Three seventy.

11 Q. The answer was -- or the question was:

12 "Ms. Beck also argues that the
13 Division's proposal did not -- does not
14 consider" --

15 A. We're getting way off of pages and numbers,
16 so here.

17 Q. We were on about two pages ago.

18 A. Okay. I'm at line 372.

19 Q. Okay.

20 A. "The Division sees no need to reinvent the
21 wheel." Yes, I did say that.

22 Q. And that answer was in response to a question
23 about considering full scope of alternatives to the
24 decoupling proposal. Did the --

25 A. That's correct.

1 Q. Did the Division consider any alternative
2 other than the decoupling proposal that is in your
3 testimony?

4 A. We have held those discussions and
5 alternatives were considered, yes.

6 Q. What were those alternatives?

7 A. Frequent rate cases. The fact that we have
8 the 20-month forecast for the test year. And my
9 favorite, straight fixed variable. Which I was out
10 voted on.

11 Q. Who voted for it?

12 A. Me. I just wanted to get that on the record.

13 Q. Do you want to identify who didn't vote for
14 it? No?

15 A. About everybody else.

16 Q. So as you approached the particular rate
17 design including a decoupling you didn't do any
18 evaluation or analysis pertaining to intra-class rate
19 impact comparisons between a rate design proposal with
20 the Division's decoupling or without the Division's
21 decoupling?

22 A. I'm not sure I'm following that entirely.

23 Q. Intra-class, let's say between a low-income
24 customer and a --

25 A. Oh, okay.

1 Q. -- high user.

2 A. I believe that Dr. Abdulle did some of that
3 analysis, and that question might be better addressed
4 to him.

5 Q. Did you look at your decoupling proposal
6 comparing the -- Rocky Mountain Power's test year
7 revenue and expense forecasts and where their revenue
8 requirement would be with and without your decoupling
9 proposal?

10 A. Yeah, again, I'm not quite following that.
11 I'm not sure --

12 Q. Did you --

13 A. Say -- yeah, can you rephrase it?

14 Q. Did -- at any point did you prepare any
15 analysis or evaluation which compared Rocky Mountain
16 Power's test year revenue and expense forecast in this
17 rate case and what they would be with and without the
18 Division's revenue decoupling proposal?

19 A. I didn't perform that analysis, no.

20 Q. Did anybody in the Division?

21 A. I can't recall if Dr. Abdulle has that in his
22 testimony or not.

23 Q. And, and you've already answered that you
24 didn't do any comparison as to what the ROE would be
25 with or without the decoupling proposal?

1 A. What the actual ROE would be for the Company?

2 Q. Actual.

3 A. Going forward? No.

4 MR. PROCTOR: Could you just give me a
5 moment, Mr. Chairman?

6 (Pause.)

7 Q. (By Mr. Proctor) Dr. Powell, on page 20 of
8 your surrebuttal -- and this is line 414 on mine, so
9 it's probably one or -- above or below on yours. The
10 statement that is made in the middle of the paragraph:

11 "First, the Office's proposal
12 violates the principle of gradualism."

13 Do you see that?

14 A. I do. It's on line 415 in my particular
15 copy.

16 Q. Okay.

17 A. And I, I apologize, I don't know why our
18 lines and pages are so different.

19 Q. No reason to apologize, Dr. Powell, it
20 happens for some reason all the time.

21 What is the Office's proposal that violates
22 the principle of gradualism?

23 A. I believe this particular question and answer
24 is referring to the customer charge.

25 Q. Now --

1 A. The question is -- starts on page -- or at
2 line 407.

3 Q. Right.

4 "Ms. Beck argues that by
5 implementing decoupling the balance of a
6 low cost first block would be
7 jeopardized. Do you agree with this
8 argument?"

9 A. Right.

10 Q. Now, in this particular case the Division's
11 proposal is to leave the customer charge at \$3; is
12 that correct?

13 A. That is correct.

14 Q. And the Office's proposal is to raise it by
15 75 cents, I believe?

16 A. I, I believe that's correct. It's in that
17 range, yes.

18 Q. And that would be, according to the Division,
19 a violation of the gradualism principle?

20 A. Correct.

21 Q. Did the DPU support a dollar increase from \$2
22 to \$3 in the last general rate case for Rocky Mountain
23 Power?

24 A. In the 2008 rate case?

25 Q. Yes.

1 MS. SCHMID: If you recall.

2 THE WITNESS: I, you know, I don't recall
3 what our proposal was.

4 Q. (By Mr. Proctor) You executed the
5 settlement, and that raised the customer service by a
6 dollar?

7 A. Yes.

8 Q. Do you recall -- but you don't recall what
9 the Division's proposal was?

10 A. I don't recall what the Division's proposal
11 was.

12 Q. And in the 2007 case the Division supported
13 increasing the customer charge from \$2 to \$4, did it
14 not?

15 A. I believe it did.

16 Q. And in the 2006 case the Division supported
17 raising the customer charge from 98 cents to \$3.75
18 correct?

19 A. I, I remember it was 98 cents, and I remember
20 that we proposed raising it a lot. But if it was -- I
21 mean, subject to check I'll, I'll take your word that
22 it -- or representation that it was 3.75.

23 Q. Dr. Abdulle's direct testimony, Exhibit 4.1
24 in the 2006 case. And in the 2007 it was again
25 Dr. Abdulle's direct, line 244, Exhibit 9.2.

1 A. Like I said.

2 Q. Okay.

3 A. Subject to check, I'll take your
4 representation.

5 Q. Now, does the Division's proposal in this
6 particular case to leave the customer service charge
7 at \$3 depend at all upon the adoption of a decoupling
8 proposal and the higher third -- tail block rate
9 increase?

10 A. Yes. And that's why we proposed the
11 alternative rate design where we do raise the customer
12 charge.

13 Q. And how much is that customer charge going up
14 under the alternative design?

15 A. I think it's 25 cents to \$3.25.

16 MR. PROCTOR: Dr. Powell, thank you very
17 much.

18 Thank you Mr. Chairman.

19 CHAIRMAN BOYER: Thank you Mr. Proctor.

20 Commissioner Allen, questions for Dr. Powell?

21 COMMISSIONER ALLEN: Thank you Mr. Chair.

22 Yes, Dr. Powell, I have a couple questions.

23 And they deal just in the realm of the genesis of your
24 positions and whether or not there's a sense of
25 urgency with where you're going with your

1 recommendations.

2 As I read your testimony and I listened to your
3 summary it occurred to me that the concept of
4 conservation is used quite a bit. The term is used
5 throughout your testimony.

6 And I'm just wondering if you feel that
7 you've balanced that assertion with the other
8 requirements that we have to operate under in
9 Title 54, all of the things that we have to consider
10 as a Commission.

11 How did you -- do you, do you get a sense
12 that you have a new -- is there a new manifest that
13 has to do with conservation that is driving this as a
14 policy, speaking as a policy person from the Division?
15 Is this something -- you're gonna be promoted? Did it
16 come out of the Questar case?

17 I'm just curious about the genesis of this
18 sort of assertion that conservation is a very
19 important issue in this design.

20 THE WITNESS: To answer your question on a
21 general level, yes, we believe that it balances
22 adequately or appropriately the different aspects of
23 conservation and the other factors that -- under
24 Title 54 that both the Division, and the Commission,
25 and others are charged with.

1 Taking into account the kind of the second
2 part of your question there, does this -- if I could
3 rephrase it, does this represent a shift somewhat in
4 the Division's policy? And the answer is yes.

5 And it is in response to what we see, maybe
6 not as an immediate urgency, but certainly an urgency
7 where we need to start promoting conservation, energy
8 efficiency, as a cost-effective alternative to
9 resources that the Company's gonna have to
10 require -- acquire over the next several years.

11 And so it does tie in to State policies also
12 in promoting, in general, renewable energy,
13 conservation, energy efficiency --

14 COMMISSIONER ALLEN: So you feel --

15 THE WITNESS: -- and those type of measures.

16 COMMISSIONER ALLEN: I didn't mean to
17 interrupt you. So you feel that you're operating well
18 within the mandates that have come down from the
19 legislature and from our policy makers when you did
20 that?

21 THE WITNESS: Yes.

22 COMMISSIONER ALLEN: Okay. And then to
23 follow up just a little bit. The window now, is it,
24 is this because -- it's kind of come at us after
25 things got rolling here.

1 Is there a sense of urgency in terms of a
2 time window because we have a rate case open now that
3 this is a convenient and opportune time, or if it were
4 delayed would we have unintended consequences of
5 creating a tariff that could still be effective.

6 THE WITNESS: Pulling together a couple of
7 different pieces of information, the Company just
8 filed recently its update to its 2008 IRP. And if my
9 recollection serves me, that update shows that we're
10 about -- someplace in the neighborhood of 2,000
11 megawatts short starting, I want to say in 2014, 2015
12 range.

13 So I believe that we have some time. And
14 that's why I said maybe it's not an absolute immediate
15 urgency. But certainly the longer we delay trying to
16 promote conservation as much as we possibly can, the
17 less benefits we're gonna receive. And the more
18 likely we're gonna wind up having to pay more and more
19 for those resources in the future.

20 COMMISSIONER ALLEN: Okay. So you're also
21 using the recent IRP to form your recommendations?

22 THE WITNESS: That's true, yes.

23 COMMISSIONER ALLEN: All right. That's
24 helpful, thank you.

25 CHAIRMAN BOYER: Commissioner Campbell?

1 COMMISSIONER CAMPBELL: Good afternoon
2 Dr. Powell.

3 THE WITNESS: Good afternoon.

4 COMMISSIONER CAMPBELL: Do you know if your
5 proposal for the third, for the third block places the
6 rate above long-run marginal costs?

7 THE WITNESS: I think it places it in the
8 neighborhood of probably what long-run marginal costs
9 are. But I would caution that -- I think Mr. Taylor
10 mentioned this in his response to some questions this
11 morning.

12 It's debatable whether or not rates should be
13 set at -- or prices in general, even in a
14 non-regulated company, whether they should be set at
15 long-run marginal costs or short-run marginal costs.

16 Long-run marginal costs certainly is a goal
17 that can be looked at. But if we're not careful,
18 setting prices or rates at long-run marginal costs
19 could actually set rates below the short-run marginal
20 costs, that would impair the Company's ability to
21 earn. And might have adverse consequences in terms of
22 bond ratings and other things.

23 COMMISSIONER CAMPBELL: Would you, would you
24 ever advocate setting rates above long-run or
25 short-run marginal costs?

1 THE WITNESS: No. Again -- and I agree with
2 Mr. Taylor's response when he said that cost causation
3 is not the only principle of ratemaking. It's
4 probably an overarching or a very prominent one, but
5 certainly there are situations where other ratemaking
6 principles could take precedence.

7 And I think that's what the Division is
8 representing in its testimony at this time. We're
9 putting more emphasis on conservation than that cost
10 causation. So even if the price is above slightly
11 what long-run marginal costs are, we think that's
12 appropriate at this time.

13 COMMISSIONER CAMPBELL: How large above
14 marginal cost would you go?

15 THE WITNESS: Um.

16 COMMISSIONER CAMPBELL: For this objective.

17 THE WITNESS: I'd say --

18 COMMISSIONER CAMPBELL: For this objective.
19 For con -- for the conservation objective how far
20 above marginal cost, whether they're short run or long
21 run, would you go?

22 THE WITNESS: I have argued in the past that
23 when we went to the inverted block rate -- maybe not
24 in terms of in front of the Commission, but in the
25 discussions that we have internally in the Division --

1 that the inverted block rates that we were proposing
2 in those early cases, if you will, were not -- the
3 difference in the prices between say the second block
4 and the third block, or as we move from case to case,
5 were not strong enough, given the inelastic nature of
6 the elasticity -- or the demand for electricity, to
7 provoke a response.

8 With that said, I think within, personally,
9 10 to 15 percent, just to give a rough ballpark, of
10 how much above marginal cost I would be willing to go.

11 COMMISSIONER CAMPBELL: Is price elasticity
12 also dependent upon income?

13 THE WITNESS: Yes, it is.

14 COMMISSIONER CAMPBELL: So if one were to
15 assume that those in the third block, as a rule or on
16 average, were of higher income than those in the lower
17 box -- blocks, what would that do to your elasticity
18 estimates?

19 THE WITNESS: I believe if you look at the
20 Rand report they took into account the impact that
21 income has. And so it's taken into account in terms
22 of those numbers.

23 So I, I would expect, given -- if you
24 increase the tail block rate by approximately
25 11 percent, that we can expect someplace in the

1 neighborhood of say 1 1/2 to 3 percent response in the
2 short run, with the long-run responses being larger.

3 COMMISSIONER CAMPBELL: Has the DPU
4 considered whether time-of-day pricing would be a
5 better -- would better target conservation objectives
6 as it relates to power delivery here in Utah?

7 THE WITNESS: We've had some of those
8 internal discussions in the past, yes. And I think we
9 have different opinions on where we might go with
10 time-of-day rates at this point in time.

11 COMMISSIONER CAMPBELL: Have you looked at
12 other states, whether those time-of-day prices are
13 mandatory or voluntary? Are there states -- are there
14 other states that have mandatory time-of-day rates?

15 THE WITNESS: I believe there are, but off
16 the top of my head I can't identify which states do.
17 But it seems like I have read reports where there's a
18 mix between states on mandatory versus voluntary.

19 COMMISSIONER CAMPBELL: All right, thank you.

20 CHAIRMAN BOYER: Dr. Powell, just one
21 question. Does the Division have a position on
22 time-of-use rates for Schedule 2? On and off-peak
23 rates?

24 THE WITNESS: Not that were articulated here.
25 So my answer is I don't believe so, no.

1 CHAIRMAN BOYER: Okay. Before we go to
2 redirect, Ms. Schmid, just to let the parties know
3 where we're -- where our plans are, we intend to take
4 a short recess at around 3:00 to rest our reporter.

5 But I'm becoming increasingly concerned that
6 we get Mr. Cavanaugh's testimony in so that he can
7 catch his flight, which leaves at around 5:30. So
8 maybe parties could pace themselves accordingly. And
9 with that caution, Ms. Schmid, redirect?

10 MS. SCHMID: Thank you. I have just a few
11 redirect questions.

12 REDI RECT EXAMI NATION

13 BY MS. SCHMID:

14 Q. Dr. Powell, UAE, and the Office, and the
15 Commissioners asked questions pertaining to the timing
16 of the Division's proposal and rate -- or return on
17 equity proceedings. During what phase of a rate case
18 is the return on equity discussed and decided upon?

19 A. During the revenue requirement phase of the
20 case.

21 Q. When is rate design discussed?

22 A. During the rate design phase of the case.

23 MS. SCHMID: Brilliant lawyering.

24 Q. (By Ms. Schmid) So could it be considered
25 speculative if during the first part of a case, during

1 which time the ROE was designed and then later decided
2 upon, if it was addressed in terms of whether
3 decoupling was in existence, because decoupling would
4 not have been adopted yet?

5 A. You're asking if in an earlier phase of the
6 case -- yeah, can you restate that? I'm not.

7 Q. In the ROE phase of the case would it be
8 speculative or premature to advocate an ROE as if
9 there were decoupling where there was no decoupling
10 present yet?

11 A. Well, it would be speculative.

12 Q. You had a correction or something that you
13 wished to restate regarding questions from UAE.

14 A. Yes.

15 Q. Do you want to address that briefly?

16 A. Yes. In response to one of Mr. Dodge's
17 questions earlier I made some comments around marginal
18 cost and a marginal cost study that the Company might
19 perform for the next general rate case.

20 In trying to define marginal cost I believe I
21 actually defined the price elasticity of demand. But
22 the concept that I was trying to portray there is the
23 same that I, I hopefully was successful in arguing.

24 And that is that marginal cost is the
25 change in the Company's total cost with respect to the

1 quantity -- change in the quantity demanded. Or
2 excuse me, the output of the Company. And that
3 concept is a mathematical definition which requires,
4 by definition, that the denominator approach zero.

5 And that's not what the marginal cost study
6 is all about. Or that's not what the Company tries to
7 estimate when it estimates or does a marginal cost
8 study. What they really estimate is an incremental
9 change in their output, and then how does that
10 affect -- or what is the response in terms of their
11 cost.

12 And my point was is that, given that
13 distinction, the Company's marginal cost study is not
14 gonna be able to make a distinction between say
15 10 cents and 11 cents on a tail block rate.

16 Q. Thank you. You were also asked questions
17 regarding Table 1 in your surrebuttal on page 17. It
18 was inferred -- it was implied that the study -- the
19 table was incomplete or not as useful as it could have
20 been because it was done in terms of percentages
21 rather than kilowatt hours.

22 How would one take Table 1 and turn -- use
23 that information to determine the kilowatt hours
24 affected?

25 MR. PROCTOR: Well, objection. Mr. Chairman,

1 the long professorial statement doesn't relate to the
2 question, it's just argument. The latter question is
3 all that's there. I think that Counsel should ask the
4 question only.

5 CHAIRMAN BOYER: I think that's a valid
6 objection, Ms. Schmid.

7 MS. SCHMID: Thank you.

8 CHAIRMAN BOYER: And he is your witness. And
9 you needn't lead him.

10 Q. (By Ms. Schmid) With regard to Table 1, how
11 would you convert the percentages to absolute
12 kilowatt -- or to kilowatt hours?

13 A. One could look up the billing determinants in
14 Mr. Griffith's testimony and just do a multiplication.

15 Q. Did anyone ask for a copy of the RAND study?

16 A. No. And I did give a full side in the
17 footnote to that study.

18 Q. You were asked questions about the effects of
19 decoupling. Will revenue requirement be changed by
20 decoupling?

21 A. No.

22 Q. Will -- when -- pardon me. When rates are
23 trued up does the revenue requirement change?

24 A. The revenue requirement does not change.

25 Q. Is decoupling necessary for Rocky Mountain

1 Power with the current rate structure?

2 A. With their current rate structure? No.

3 Q. Is the Division's decoupling proposal
4 intended to correct under-earnings of the Company in
5 the past, or under-earning in the, in the present?

6 A. It's not meant to correct their
7 under-earnings. But it was meant to avoid putting any
8 more pressure on the Company. Or making it more
9 difficult for the Company to earn its allowed rate of
10 return.

11 And that's what I referenced in my summary
12 this morning was is that, yes, we are offering
13 decoupling on the one side, but remember we're
14 substantially increasing that tail block rate on the
15 other side.

16 Q. Are the past under-earnings relevant in this
17 proceeding?

18 A. The Division is concerned about the history
19 of under-earnings of the Company, yes. But again,
20 that was not the purpose of the rate design proposal
21 that we're stressing here.

22 Q. If rates are made more inclining is the DPU
23 concerned of future revenue volatility risk?

24 A. Yes. And that was the purpose for proposing
25 the decoupling mechanism along with the increase in

1 tail block rate.

2 Q. We had -- you were asked many questions
3 pertaining to energy conservation. Could you
4 distinguish between energy conservation and energy
5 efficiency?

6 A. Energy efficiency I generally associate with
7 the demand-side management programs that the Company
8 sponsors, such as rebates or subsidies on insulation
9 and those types of things.

10 Conservation is people changing their
11 behavior. For instance, turning off the lights when
12 they're not necessary or, or when you leave a room.

13 Q. And finally, you were asked several questions
14 in which you answered that it was your opinion that a
15 proposition was supported by an economic theory or
16 that -- I'm sorry?

17 Or that it would be obvious from the studies.
18 Could you tell us a little bit about your background
19 in economic theory and in statistics, just so we can
20 understand where your opinion comes from a little bit
21 better?

22 MR. PROCTOR: Mr. Chairman, the Office would
23 object. No one has challenged Dr. Powell's expertise.
24 It's certainly his right to offer an opinion based
25 upon hypotheticals or anything else.

1 This is just simply trying to bolster his
2 credentials, which no one questions. I believe it's
3 well beyond the scope of cross, but it's probably not
4 necessary.

5 MS. SCHMID: May I respond?

6 CHAIRMAN BOYER: You may, Ms. Schmid.

7 MS. SCHMID: First of all I'd like to
8 categorize that as a speaking objection, which
9 apparently is an objectionable form of an objection.

10 Second, I believe that the tenor of the
11 questions implied that without a study, an opinion was
12 not -- should not be weighted as much as if a study
13 were available. Therefore I think that it is
14 important, relevant, and appropriate to ask about
15 Dr. Powell's background.

16 I'm not asking for a lengthy discourse from
17 him, just a few brief sentences.

18 CHAIRMAN BOYER: Well, we hold Dr. Powell in
19 high regard. We've qualified him as an expert witness
20 many times over. And I expect that that's not
21 necessary in this proceeding.

22 MS. SCHMID: In that case I will withdraw the
23 last question. Thank you, those are all my redirect
24 questions.

25 CHAIRMAN BOYER: Thank you.

1 Thank you Dr. Powell, you may step down.

2 We'll take a ten-minute or so recess, and
3 then we'll begin Mr. Cavanaugh.

4 (A recess was taken from 2:57 to 3:13 p.m.)

5 CHAIRMAN BOYER: We're back on the record and
6 we're going to hear from Mr. Cavanaugh now. You
7 weren't here this morning, Mr. Cavanaugh, but we've --
8 the Commissioners have all read the prefilled
9 testimony, so a short summary will be sufficient. And
10 then we'll have some opportunity for cross examination
11 and redirect.

12 I don't believe you were sworn in this
13 proceeding.

14 MR. CAVANAUGH: No.

15 (Mr. Cavanaugh was sworn.)

16 CHAIRMAN BOYER: Thank you, please be seated.
17 And since your testimony is fairly narrowly focused I
18 think we'll be able to get your testimony on the
19 record and you on the plane.

20 MR. CAVANAUGH: Okay.

21 CHAIRMAN BOYER: Ms. Hayes?

22 MS. HAYES: Thank you.

23 RALPH CAVANAUGH,

24 called as a witness, having been duly sworn,
25 was examined and testified as follows:

DI RECT EXAMI NATION

BY MS. HAYES:

Q. Mr. Cavanaugh, would you state your name and business address for the record?

A. Ralph Cavanaugh, 111 Sutter Street, San Francisco, California.

Q. By whom are you employed, and in what capacity?

A. I'm the energy program co-director of the Natural Resources Defense Council.

Q. Have you participated in this docket for Utah Clean Energy and SWEEP?

A. Yes.

Q. Did you file rebuttal testimony marked for identification as SWEEP and UCE Exhibit 3.0?

A. Yes.

Q. Do you have any changes or corrections to this testimony?

A. No.

Q. So if you were asked the same questions today as set forth in your prefiled testimony would your answers today be the same?

A. Yes.

MS. HAYES: UCE would move to admit the testimony of Ralph Cavanaugh as marked.

1 CHAIRMAN BOYER: Any objection to the
2 admission of Mr. Cavanaugh's testimony?

3 MS. SCHMID: No objection.

4 CHAIRMAN BOYER: The -- okay, it is admitted.
5 (Exhibit No. SWEEP and UCE Exhibit 3.0 was
6 admitted.)

7 CHAIRMAN BOYER: You're not a Ph.D. are you,
8 Mr. Cavanaugh, or are you?

9 THE WITNESS: No, I'm not.

10 CHAIRMAN BOYER: Okay. Didn't want to miss a
11 title if you had an appropriate one.

12 Okay, pardon the interruption Ms. Hayes.

13 MS. HAYES: No problem. Thank you.

14 Q. (By Ms. Hayes) Do you have a summary of your
15 testimony that you would like to present to the
16 Commission?

17 A. Yes.

18 Q. Proceed.

19 A. Commissioners, I'm here primarily to support
20 the decoupling proposal advanced in this proceeding by
21 the Division of Public Utilities. I do so with a
22 sense of historical context.

23 Four years ago I encouraged the Commission,
24 in a very unusual role, to approve a similar
25 experiment with decoupling. The unusual role was that

1 I was a witness for Questar Gas. The only time in my
2 career that I've done. That a wholly uncompensated
3 witness, of course.

4 And what I encouraged you to do was a
5 three-year experiment, with an effort to remove the
6 historic link between a utility's financial health and
7 increased use of energy on its system.

8 I'm here again to ask you to do the same
9 thing in the context of another, very carefully framed
10 three-year experiment. With, like the Questar
11 experiment, strict limits on the rate impact that can
12 result from the decoupling mechanism. And with the
13 aim in mind, very much the aim in mind of ensuring
14 that we deliver significant customer benefits.

15 This is not about decoupling as an end in
16 itself. It's about decoupling as a way of getting the
17 business model closer to right for our utilities so
18 they can be active partners with their customers in
19 what is I think an objective for everyone in Utah:
20 Let's get all the cost effective efficiency we can.
21 Let's substitute it for more production wherever we
22 can do so at lower cost.

23 As you know, Commissioners, a longstanding
24 problem in mobilizing utilities as energy efficiency
25 partners has been that their financial health is tied

1 directly to increases in the use of electricity and
2 natural gas. And that's because we recover so much of
3 their fixed costs through variable charges on
4 electricity and natural gas.

5 The proposal here, as in the Questar case, is
6 for at least a limited test period to eliminate that
7 linkage. Not by raising the fixed charge to
8 customers. That's one possible solution to the
9 problem, but of course that would reduce their reward
10 for saving energy.

11 The solution that we favor, that the Division
12 favors, is to leave the customer charge where it is,
13 the fixed charge, and use very small annual true ups
14 in rates -- limited, remember, to no more than about
15 one percent of the residential bill -- to eliminate
16 the linkage between the recovery of authorized
17 distribution fixed costs and the consumption of energy
18 on the system.

19 The reason, Commissioners, that I think it's
20 so important to do this was very well illustrated in
21 the exchanges this morning as people thought about
22 what would the likely impact be of inverted rates.
23 Rates that are steep -- more steeply inclined to
24 reward customers for saving energy.

25 And you heard there's lots of uncertainty

1 about that. And I submit that one reason there's lots
2 of uncertainty about it is you never want to think
3 about the impact of those inverted rates in isolation.
4 You want to think about what would they accomplish if
5 they were a motivated utility, educating its
6 customers, providing programs that would let them take
7 advantage of the energy savings opportunities.

8 What if a motivated utility were doing all it
9 could to maximize the savings from those inverted
10 rates. And, Commissioners, if you don't have
11 decoupling, the motivated utility that helps its
12 customers exceed expectations on savings is
13 automatically going to lose money because of reduced
14 fixed cost recovery as the sales drop.

15 If you're concerned that we can't measure and
16 predict with certainty what those improved price
17 signals will do in terms of customer consumption, it's
18 a very good reason to have decoupling. If consumers
19 use more than expected, the utility will have to give
20 the extra revenue back to consumers.

21 And if utilities help their customers do
22 dramatically better than expected in saving energy,
23 they'll be made whole for the lost fixed costs.

24 The objection has been raised that the test
25 we're asking for in this case, unlike in the Questar

1 case where energy efficiency was just getting started,
2 Rocky Mountain Power has a strong track record on
3 efficiency. I think they do too, and I'm not here to
4 complain about it.

5 I am here to point out, as I said in my
6 testimony, right now they're saving about -- the
7 savings they're achieving through their programs is
8 equivalent to about one percent of annual electricity
9 consumption on their system. One percent.

10 That's pretty good, Commissioners, by
11 national standards, but I hope it doesn't exhaust the
12 ambition of anyone here. I hope no one here thinks
13 that all cost effective energy efficiency in Utah is
14 captured by that one percent.

15 And my hope is that we can help and encourage
16 Rocky Mountain Power to do better. And make sure it's
17 not penalized if it does, in fact, do better.

18 The final point I wanted to make by way of
19 overview goes to another issue that was discussed a
20 fair amount this morning. If we adopt decoupling for
21 Rocky Mountain Power should we reduce their authorized
22 rate of return because, boy, this is a great deal for
23 them?

24 Commissioners, this is a three-year pilot
25 program. Involving only distribution fixed cost

1 revenue. With a strict rate collar of, again, about
2 one percent a year. It is not a sweeping change in
3 the financial structure of the business.

4 It matters a lot for energy efficiency. But
5 I push back hard at the argument that it's a
6 fundamental change in the overall risk profile of
7 Pacifi Corp, or in this case of Rocky Mountain Power.
8 And Commissioners, I'll tell you the reason I --
9 viscerally why I think it's wrong to see this as,
10 quote, a great deal for the utility.

11 If you look at the record of electric
12 decoupling nationally -- this is probably the most
13 important part of my job right now -- you'll see that
14 about ten states have decoupling for one or more of
15 their electric utilities.

16 The rest do not. Primarily because electric
17 utilities have been anything but sold on the
18 proposition that decoupling was a great deal for their
19 shareholders.

20 Commissioners, historically, and certainly
21 over the 30 years I've been doing this, electric
22 utilities generally have done very well by letting
23 their financial health be tied to increases in
24 electricity use.

25 Since 1973 electricity use in this country

1 has more than doubled. Gas use, about flat. For
2 electric utility management it's a big step to break
3 the link between financial health and sales. Yes,
4 it's less likely that you'll under-recover if
5 consumption suddenly drops, but you're giving up all
6 of that upside from increased consumption.

7 Commissioners, we urge you, in approving a
8 pilot program that requires Rocky Mountain Power to
9 give up a significant part of that upside, not to
10 impose a reduction in rate of return. This sends a
11 signal to the utility that being a partner with your
12 customers on energy efficiency is part of an
13 inherently less profitable business.

14 We think that's the wrong signal. We think
15 the direction in terms of customer benefit needs to be
16 driven by energy efficiency benefit. Which we hope
17 will be a central focus of the pilot test that we're
18 recommending. Thank you Commissioners.

19 CHAIRMAN BOYER: Thank you Mr. Cavanaugh.

20 Ms. Hogle, questions for Mr. Cavanaugh?

21 MS. HOGLE: I have none.

22 CHAIRMAN BOYER: Ms. Schmid?

23 MS. SCHMID: No questions.

24 CHAIRMAN BOYER: Mr. Proctor?

25 MR. PROCTOR: No questions.

1 CHAIRMAN BOYER: Mr. Michel?

2 MR. MICHEL: No questions.

3 CHAIRMAN BOYER: Mr. Dodge?

4 MR. DODGE: No questions, thank you.

5 CHAIRMAN BOYER: Any redirect, Ms. Hayes?

6 MS. HAYES: No, thank you.

7 COMMISSIONER CAMPBELL: Are you gonna ask us?

8 CHAIRMAN BOYER: Well -- yeah, okay.

9 Commi ssi oners?

10 COMMISSIONER CAMPBELL: No.

11 CHAIRMAN BOYER: Perfunctory.

12 Mr. Cavanaugh, thank you so much for being

13 here.

14 THE WITNESS: Thank you Mr. Chairman.

15 CHAIRMAN BOYER: And safe travels.

16 THE WITNESS: Very good.

17 CHAIRMAN BOYER: Okay, let's get back on

18 track now and hear from Dr. Abdulle. While we're

19 get -- while we have the Division's position in mind

20 here we'll get the rest of their position and go from

21 there.

22 MS. SCHMID: Thank you very much.

23 CHAIRMAN BOYER: We'll do -- and we'll do

24 Dr. Collins tomorrow afternoon. That was his request,

25 and that was my intention anyway.

1 Is that okay, Dr. Collins?

2 Very well. Is Dr. Abdulle sworn?

3 MS. SCHMID: Have you been sworn?

4 DR. ABDULLE: Yes.

5 MS. SCHMID: Yes, he has been sworn in this
6 docket.

7 CHAIRMAN BOYER: Welcome Dr. Abdulle.

8 ABDINASIR ABDULLE, Ph. D.,

9 called as a witness, having been duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MS. SCHMID:

13 Q. Good afternoon. Have you participated on
14 behalf of the Division in this docket?

15 A. Yes, I did.

16 Q. You participated in Phase I and -- as well as
17 Phase II?

18 A. Yes, I did.

19 Q. Did you prepare or cause to be prepared under
20 your direction DPU Exhibit No. 15.0 Phase II, which is
21 narrative testimony, and its accompanying
22 Exhibits 15.1 through 15.19?

23 A. Yes, I did.

24 Q. And that's your direct testimony. And then
25 corrections to testimony filed on March 2nd of this

1 year correcting DPU Exhibit 15.0 Phase II on page 15,
2 another correction on 17, a correction to 15.6, and a
3 correction to 15.8?

4 A. Yes, I did.

5 Q. Also did you prepare or cause to be prepared
6 and filed DPU Exhibit No. 15.R Phase II, which is your
7 rebuttal testimony, consisting of narrative, and
8 Exhibits 15.1SR through 15.8 -- sorry, 15.1, 15.2, and
9 15.3SR. And then it also included, I believe, 15.5,
10 15.6, 15.7, and 15.8, corrected?

11 A. Yes.

12 Q. Do you have any other corrections to your
13 testimony?

14 A. Yes, I do. In general let me put it this
15 way. In my direct testimony, Exhibit 15.9. If I can
16 find it. Which is the Residential Fixed Cost
17 Decoupling Tariff.

18 The second -- the last page after the --
19 under the amortization of monthly accruals. The
20 last -- the sentence that starts: Through the
21 remainder of the pilot program they can't remain
22 amortized? The revenue accruals on a net basis, I
23 have there 5 percent. The correct number is
24 2.5 percent. Other than that, it is the corrections
25 you already indicated.

1 Q. If asked the same questions would you provide
2 the same answers as corrected here today?

3 A. Yes, I will.

4 MS. SCHMID: The Division requests the
5 admission of DPU Exhibit No. 15.0 Phase II, the direct
6 testimony of Dr. Abdinasiir Abdulle, with accompanying
7 Exhibits 15.1 through 15.19. Corrected testimony as
8 previously indicated. Rebuttal testimony, consisting
9 of 15.0SR, 1 -- 15.1SR, 15.2SR, 15.3SR, and also
10 containing Corrected Exhibits 15.5, 15.6, 15.7, and
11 15.8.

12 CHAIRMAN BOYER: Any objection to the
13 admission of Dr. Abdulle's testimony as corrected and
14 with exhibits? They are admitted.

15 (Exhibit Nos. DPU 15.0 Phase II through 15.19
16 Phase II with corrected testimony, DPU 15.0R
17 Phase II, and DPU 15.0SR Phase II through
18 15.3SR Phase II with corrected testimony were
19 admitted.)

20 Q. (By Ms. Schmid) Dr. Abdulle, do you have a
21 summary to provide today?

22 A. Yes, I do.

23 Q. Please proceed.

24 A. In this rate case the Division has proposed a
25 pilot decoupling mechanism that decouples Rocky

1 Mountain Power's recovery of its distribution fixed
2 cost from its energy sales, and a rate design that
3 encourages energy efficiency for the residential
4 class.

5 One of the Division's primary rate design
6 objectives is to promote energy efficiency.

7 THE REPORTER: Sir, can you pull the
8 microphone closer to you, please? Thank you.

9 THE WITNESS: Better now?

10 Achievement of this objective requires a
11 significant increase of the tail block rate to send a
12 strong price signal to the high-use customers.
13 However, a significant increase in the tail block rate
14 will expose the Company to the risk of under
15 collecting its distribution fixed cost.

16 It was the need to increase the tail block
17 rate significantly to encourage customers to use
18 energy efficiently while making the -- while making
19 sure that the Company collects its Commission allowed
20 distribution fixed costs that motivated the Division
21 to propose a decoupling mechanism along with a rate
22 design with a high tail block rate.

23 The proposed decoupling mechanism is expected
24 to remove disincentives the Company faces to promote
25 inclining block rates that promote energy efficiency.

1 The proposed decoupling mechanism works as
2 follows. Rocky Mountain Power will calculate the
3 difference between the actual monthly revenues the
4 Company collects to cover its distribution fixed
5 costs. Which we calculated by multiplying the actual
6 kilowatt hours by the fixed cost recovery rate and the
7 Commission approved allowed monthly revenue, which
8 would be calculated by multiplying the monthly allowed
9 revenue per customer by the customer count.

10 The difference will go into a balancing
11 account. Every 6 months the balancing account in
12 this -- the balance in this account will be amortized
13 using the kilowatt hours of the next 12 months.

14 The dollars in the balancing account at the
15 end of 6 months will be distributed evenly over the
16 total kilowatt hours of the 12 months. The resulting
17 dollars per kilowatt hour would be added to the fixed
18 cost, fixed cost recovery rate per customer to obtain
19 the kilowatt hours -- the per kilowatt charge for the
20 next 6 months.

21 This will result in the volumetric rates
22 changing slightly, up or down, once every six months,
23 thus resulting in more stable rates. However, to
24 avoid any serious swings in rates during the pilot
25 program, the Division proposes a 2.5 percent cap on

1 the amount of additional charge or refund.

2 Additionally, the Division proposes a 5
3 percent cap on the amount that can be accrued to the
4 balancing account in any given 12 months.

5 The Division chose to apply this pilot
6 program just to the residential class because of its
7 unique characteristics. The residential class is the
8 only class among the major classes where there are no
9 separate energy and demand charges and it is the only
10 one where inclining block rates are applied.

11 These characteristics make the residential
12 class ideal for a decoupling pilot project. The
13 specific decoupling mechanism is expected to stabilize
14 the rates, and will have a negative bill impact --
15 will not have a negative bill impact on the low
16 customers -- low-use customers.

17 Along with the decoupling mechanism, the
18 Division proposes a rate design that encourages energy
19 efficiency. Specifically, the Division proposes
20 keeping the residential customer charge at its current
21 level of \$3, elimination of the minimum charge,
22 raising the current first and second summer block
23 rates and winter energy charge by 1 percent each, and
24 increasing the summer third block rate by
25 10.91 percent.

1 This rate design proposal, while sending a
2 strong price signal to the high-use customers, is
3 expected to induce all customers to use energy more
4 efficiently. Therefore, the proposed decoupling
5 mechanism and the accompanying rate design is expected
6 to encourage energy efficiency while making sure that
7 the Company collects its distribution fixed costs.

8 If the Commission chooses not to accept this
9 rate design, or any other rate design that places a
10 substantial increase onto the third block, on high-use
11 customers, then the Division does not recommend
12 revenue decoupling for the residential class. This is
13 a point that has been mentioned by Dr. Powell, who was
14 our policy witness.

15 If the Commission chooses not to adopt the
16 proposed decoupling mechanism, the Division proposes
17 an alternative rate design in which the Division
18 proposes the customer charge to be increased from its
19 current level of \$3 to \$3.25. The elimination of
20 minimum charge. The first, second block -- summer
21 blocks and the winter rate be increased 1 percent,
22 same as the one before. But the third block be
23 increased by about 8 percent. Seven -- to be exact,
24 7.96 percent.

25 This rate design moves the customer charge

1 gradually toward its cost-based level, increases the
2 summer third block rate high enough to send the
3 appropriate price signal, and induces all customers to
4 use energy more efficiently.

5 And that concludes my summary.

6 CHAIRMAN BOYER: Thank you Dr. Abdulle.

7 Ms. Hogle, questions for Dr. Abdulle?

8 MS. HOGLE: Just a couple.

9 CROSS EXAMINATION

10 BY MS. HOGLE:

11 Q. Mr. Abdulle, do you know what the
12 2 1/2 percent cap is equivalent to in annual dollar
13 amounts?

14 A. I don't recall it from the top of my head.

15 Q. Does \$5 million sound familiar to you?

16 A. Yeah. Subject to check.

17 Q. And is the 2 1/2 percent cap symmetrical?

18 A. Uh-huh.

19 MS. HOGLE: Thank you. That's all I have.

20 CHAIRMAN BOYER: Thank you Ms. Hogle.

21 Mr. Proctor, questions of Dr. Abdulle?

22 MR. PROCTOR: Yes.

23 CROSS EXAMINATION

24 BY MR. PROCTOR:

25 Q. Doctor, do you have your surrebuttal

1 testimony before you?

2 A. Yes.

3 Q. I hope my page and line numbers are the same
4 as yours, but I suspect they're not.

5 A. Let's hope so.

6 Q. I'm looking at page 3, line 31.

7 A. Okay.

8 Q. Do you see? And it's the beginning of the
9 an -- the question was:

10 "Please comment on the issue that
11 the proposed decoupling mechanism
12 singles out the residential class."

13 And your answer, which begins on page -- on
14 line 28. Are we in the same place?

15 A. We are on the same question.

16 Q. Okay. Can the decoupling proposal that the
17 Division has advanced in this case be applied to
18 commercial customers' schedules other than Schedule 1?

19 A. It could be applied in all schedules.

20 However, we did not choose to do that because it's
21 just a pilot project and we did not want to cover the
22 whole world. We covered this simply because of its
23 specific characteristics.

24 Q. Could you apply a pilot program to -- with
25 the decoupling proposal that the Division has made to

1 classes other than Schedule 1?

2 A. A pilot project could be applied to any
3 class.

4 Q. In your preparation of all the testimony you
5 submitted to the Commission did you -- in preparing it
6 did you consider applying the Division's decoupling
7 proposal to other classes?

8 A. No, I did not consider.

9 Q. On page 4 of your surrebuttal testimony, at
10 line 47. It's right after the parenthetical: "A
11 symmetrical risk of over collection"? Do you see
12 that?

13 A. Yes, I do.

14 Q. Now, you use the phrase "high tail block
15 rates." And that was in the context of saying that
16 the Division believed that you could not institute
17 high tail block rates without implementing decoupling.
18 Have I fairly stated your testimony?

19 (Pause.)

20 THE WITNESS: Say it again, please.

21 Q. (By Mr. Proctor) The Division's position is
22 that you cannot -- one cannot institute a high tail
23 block rate without also implementing decoupling?

24 A. No, that's not what the sentence is saying.

25 Q. Well, tell me what that sentence says.

1 A. That -- this sentence is saying that if you
2 put a high tail block rate without a decoupling you
3 are just increasing the risk. The risk increases of
4 not being able to collect the fixed cost.

5 Q. All right. Well, it says what it says. Can
6 you quantify for me, please, what is a high tail block
7 rate as that phrase is used in that sentence?

8 A. High tail block rate is used here
9 qualitatively, not quantitatively. So if it's not a
10 quantitative number I cannot put a number on it.

11 Q. Well, in what way does the phrase "high tail
12 block rate" represent a quality? If it's not a
13 number?

14 A. The way it's written here it's not a
15 numerical number. But what the intention here is
16 high, when you increase from where it is right now by
17 a certain percentage. Say for example what we are
18 proposing now, which is 10.9 percent, that's what I'm
19 referring to high increases.

20 Q. So anything at or above the Division's
21 recommendation for a 10.9 percent tail block rate
22 increase would be considered high?

23 A. Yes, but not only that.

24 Q. In other words, it could be a high tail block
25 rate that requires decoupling if it's below

1 10.9 percent?

2 A. Eight -- from 8.9 percent, 9 percent, I'm
3 considering them as high also.

4 Q. You consider them high?

5 A. Yes.

6 Q. Now, as the amount of the high tail block is
7 less than 10.9 percent, does that not reduce the
8 demand response to the price in that third tail block?

9 A. Let me see if I understand the question. If
10 the rate is not -- is increased by less than
11 10.9 percent, that would reduce the demand response?

12 Q. Is that true?

13 A. Reduce relative to what?

14 Q. Well, in -- later on in your testimony you
15 refer to the fact that an elasticity study targeted
16 specifically at Utah might be interesting, but would
17 not add significantly to our understanding of price
18 elasticity for electricity which we know from the
19 existing literature to be relatively inelastic.

20 And that is on page 13, beginning at line 218
21 to 221. So what I'm trying to determine, Doctor, is
22 you state that you have to have decoupling with a high
23 rate. A high rate could be some increase. But do you
24 not also recognize that a lower increase in that tail
25 block will also decrease the demand response?

1 A. I asked earlier, I responded to your question
2 with a question when I was saying relative to what.
3 But let me say it the way I understand it. When we're
4 saying a reduction in demand response, that is, if we
5 are charging less than 8 percent but the reference
6 is -- the base point is the 10.9 percent, we're going
7 down.

8 That's the way it is. But if we are looking
9 at, at where it is now, anything above where it is
10 right now will decrease the demand response.

11 Q. In the sense that it will have an impact upon
12 that third tail block, and it will reduce the demand
13 for energy in that third tail block?

14 A. Uh-huh.

15 Q. Regardless of how high you raise the price?

16 A. Yes.

17 Q. And so your conservation goal could also be
18 served by an increase less than 10.9 percent and you
19 wouldn't need decoupling; isn't that true?

20 A. The thing is, if -- in terms of magnitude we
21 can reduce it by 1 percent, or 10 percent, or
22 15 percent. So by doing those things when we're
23 saying demand went down by 1 percent, it's a
24 reduction. When we're saying it went down by
25 100 percent, it's a reduction.

1 We're trying to get a conservation level that
2 is significant. That is tangible. And the higher we
3 raise the, the tail block, the stronger the price
4 we're sending to the high-use customers, and hopefully
5 the more they conserve.

6 Q. So your answer to my question, Dr. Abdulle,
7 is that is true. You can raise the tail -- third tail
8 block, acquire a conservation effect, and you don't
9 need decoupling. Your answer to the question is
10 that's true?

11 A. Can you restate it, please?

12 Q. Well, I have three times now, Dr. Abdulle.

13 MS. SCHMID: Objection, argumentative.

14 MR. PROCTOR: That's true, it was.

15 Q. (By Mr. Proctor) You said -- you testified
16 that a high tail block rate is anything above what it
17 is now, correct?

18 A. Yes -- higher block rate is whatever it is
19 above now.

20 Q. And that any increase in the third tail block
21 is going to have the effect of reducing demand within
22 that tail -- third tail block, correct?

23 A. Yes.

24 Q. And a decoupling is only necessary, according
25 to your testimony, if the increase in the third tail

1 block is 10.9 percent or greater, correct?

2 A. No.

3 Q. Why are you not proposing a decoupling with
4 your 8 percent increase?

5 A. Why -- the whole intention of us proposing
6 the decoupling mechanism was to have the ability to
7 raise the tail block as high as we can. While also
8 sending price signals to the lower -- to the lower
9 usage, like the first and second block.

10 That was the intention. So the intention is
11 not to minimize the raise in the tail block. It is to
12 get as much as we can on that side. To have that
13 ability.

14 Q. So your decoupling proposal then is intended
15 to maximize the elasticity or demand response
16 throughout the residential rate --

17 MS. SCHMID: Objection, I believe that these
18 questions would have been better addressed to
19 Dr. Powell, who's the Division's policy witness.

20 MR. PROCTOR: I believe I get to ask my
21 questions of the witness that's before me. If he
22 doesn't know, he can say.

23 CHAIRMAN BOYER: We'll overrule that
24 objection. You may proceed.

25 Q. (By Mr. Proctor) So the intent, then, of the

1 Division's proposal was to affect not only the third
2 tail block but also the first and second?

3 A. The intent was to affect the tail block
4 mostly. But we are never ignoring the fact that every
5 consumer uses electricity and needs to use it more
6 efficiently as -- than they probably are doing now.

7 Q. Does the Division's rate design and
8 decoupling proposal include any increase in the first
9 and second blocks?

10 A. Yes.

11 Q. How much?

12 A. One percent.

13 Q. In each?

14 A. Yes.

15 Q. And 10 -- 11 percent, or almost 11 percent in
16 the third?

17 A. Yes.

18 MR. PROCTOR: Thank you very much. I have no
19 further questions.

20 CHAIRMAN BOYER: Thank you Mr. Proctor.

21 Ms. Hayes, have you any questions of
22 Dr. Abdulle?

23 MS. HAYES: No, thank you.

24 CHAIRMAN BOYER: Mr. Michel?

25 MR. MICHEL: No.

1 CHAIRMAN BOYER: Mr. Dodge?

2 MR. DODGE: No questions, thank you.

3 CHAIRMAN BOYER: Commissioner Allen?

4 Commissioner Campbell?

5 Let me ask -- try to rephrase Mr. Proctor's
6 question, Dr. Abdulle. What would you expect the
7 result to be if you increased the tail block by say --
8 arbitrarily say 5 percent, without decoupling? What
9 would the result be? What would the risks be to the
10 Company, to the customer?

11 THE WITNESS: If we increase -- any increase
12 to the third block, that may have any impact upon how
13 customers respond. If customers respond to that by
14 reducing their consumption, then the Company will not
15 be able to collect all of its fixed cost because it
16 was collected in a volumetric rate.

17 CHAIRMAN BOYER: Thank you.

18 Ms. Schmid, any redirect?

19 MS. SCHMID: None.

20 CHAIRMAN BOYER: Okay. Thank you,

21 Dr. Abdulle. You may step down.

22 Okay. Now Ms. Hayes, should we proceed with
23 Dr. Collins this afternoon? He's still here and he
24 has a class in the morning. Or should we --

25 DR. COLLINS: I actually have class this

1 evening, so.

2 CHAIRMAN BOYER: Do you?

3 DR. COLLINS: (Moves head up and down.)

4 CHAIRMAN BOYER: So you'd prefer to go
5 tomorrow afternoon?

6 DR. COLLINS: I would.

7 CHAIRMAN BOYER: Okay. Well, let's move now
8 then to the Committee.

9 MR. PROCTOR: Mr. Chairman, I -- to make
10 certain that we complete Ms. Beck today I, I would
11 propose that in the event -- in the unlikely event
12 that we haven't completed her examination by 5:00 that
13 we just carry on through that time that the public
14 witness and -- given the event that a public witness
15 appears. But we could complete her that way this
16 evening. Would that be acceptable to you, to the
17 commissioners?

18 CHAIRMAN BOYER: We could do that. I was
19 thinking as an alternative we hear from Mr. Gimble
20 tonight, and then Ms. Beck in the morning.

21 MR. PROCTOR: Give me a moment.

22 (Pause.)

23 MR. PROCTOR: We'll call Ms. Beck.

24 CHAIRMAN BOYER: Okay.

25 Have you been sworn, Ms. Beck?

1 MS. BECK: I don't think so.

2 CHAIRMAN BOYER: I know you testified in the
3 Questar case.

4 (Ms. Beck was sworn.)

5 CHAIRMAN BOYER: Thank you. Please be
6 seated.

7 MICHELE BECK,

8 called as a witness, having been duly sworn,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. PROCTOR:

12 Q. Would you state your name --

13 MR. PROCTOR: And may I do this while I'm
14 handing out documents, Mr. Chairman?

15 CHAIRMAN BOYER: Yes, that's fine.

16 Q. (By Mr. Proctor) Would you state your name
17 and by whom you're employed?

18 A. My name is Michele Beck. I'm the director of
19 the Office of Consumer Services.

20 Q. And in what capacity do you serve the Office
21 of Consumer Services?

22 A. I am the director.

23 Q. Could you describe your involvement in this
24 particular case? In the sense of did you direct that
25 testimony be prepared, and did you prepare testimony

1 yourself?

2 A. Yes. I would say I have overseen the case in
3 chief, with probably more of an emphasis on the cost
4 of service and rate design phases. And then after we
5 saw the proposal for decoupling in direct testimony I
6 have sponsored the Office's rebuttal and response to
7 the decoupling issue.

8 Q. In particular with respect to the rate
9 design, did you prepare and file rebuttal testimony on
10 March 23, 2010, marked as OCS-8R, consisting of
11 12 pages?

12 A. Yes, I did.

13 Q. Do you have any corrections or amendments
14 that you wish to make to the rebuttal testimony?

15 A. No, not that I'm aware of.

16 Q. And did you also prepare and file surrebuttal
17 testimony on April 7th consisting of ten pages, with
18 exhibits at this point marked 8.1-SR through 8.4-SR?

19 A. Yes, I did.

20 CHAIRMAN BOYER: Mr. Proctor, would you bring
21 your mike a little closer, please?

22 MR. PROCTOR: Well, turning it on would help
23 too.

24 CHAIRMAN BOYER: Turning it on would work as
25 well.

1 Q. (By Mr. Proctor) Do you have a correction to
2 make to that particular testimony?

3 A. Yes, I do. And let me just speak of it in
4 the general sense and ask the Commission for direction
5 on how they want me to amend. On page 2, line 57, I
6 say I have attached a resolution. But -- I apologize,
7 but I actually did not attach it.

8 And so it is the first reference to an
9 attachment, so if I had correctly attached it I would
10 have called it 1. But instead I already have a 1
11 through 4. It might be the simplest correction to
12 call it 5.

13 Now, we did distribute to the full service
14 list electronically and provided hard copies to the
15 Commission on Thursday when I realized that the
16 attachment had been left off.

17 We have copies again today that say Exhibit
18 OCS-8.blank, so that we could respond to your
19 preference. Do we just call this one 8.5, or do we
20 renumber everything?

21 CHAIRMAN BOYER: Eight point five would be
22 just fine.

23 THE WITNESS: Thank you. In addition I have
24 noted that in the body of my testimony I referenced
25 most exhibits in a simple fashion, calling them

1 Exhibit 1, 2, 3, and 4. But then we entitled them in
2 a more complex fashion, calling them OCS 8.1-SR,
3 8.2-SR.

4 Does the Commission -- I have those
5 identified. Does the Commission wish that I correct
6 that on the record? Because I'm happy to if that
7 would be helpful.

8 CHAIRMAN BOYER: Why don't you do that.

9 THE WITNESS: Okay. On page 2, line 57, it
10 should say: "I have attached," and then insert there
11 "as Exhibit OCS-8.5-SR-Beck." And then the rest can
12 stay as is.

13 On page 4, line 114, it says right now:
14 "Consumption as shown in Exhibit 1." Strike one and
15 say: "Exhibit OCS-8.1-SR-Beck."

16 On the next page, page 5.

17 CHAIRMAN BOYER: Ms. Beck, did you mean
18 8.5-SR, or 8.1?

19 THE WITNESS: No, this one is 1. This is the
20 true 1. The 5 came out of order, as you recall,
21 because I left it off.

22 CHAIRMAN BOYER: Very well.

23 THE WITNESS: Page 5, line 129, it says: "I
24 have attached these responses as Exhibits 2 and 3."
25 It should instead read: "Exhibits OCS-8.2-SR-Beck and

1 OCS-8.3-SR-Beck."

2 And then on Page 7, within Footnote 3 it
3 says: "This discovery is responses attached as
4 Exhibit 4." It should read: "Exhibit
5 OCS-8.4-SR-Beck."

6 And then finally on page 8, on line 218, I
7 cited that quote to the Exhibit OCS-8.4-SR-Beck. And
8 a similar citation should be added to the end of
9 line 225, which is a second quote from the same
10 source. So at the end of 225 insert parenthetically:
11 "Exhibit OCS-8.4-SR-Beck."

12 I do apologize for my sloppy citations.

13 Q. (By Mr. Proctor) That concludes all the
14 corrections and amendments that you wish to make?

15 A. Yes, it does.

16 Q. If I were to ask you the questions asked of
17 you in the written testimony, would your answers
18 remain the same?

19 A. Yes, they would.

20 Q. Have you prepared a summary of your
21 testimony, Ms. Beck?

22 A. I have.

23 MR. PROCTOR: Oh, and before I do that I
24 would offer into evidence the Beck testimony as we've
25 identified it all.

1 CHAIRMAN BOYER: Any objection to Ms. Beck's
2 testimony being admitted as amended?

3 MS. SCHMID: None.

4 CHAIRMAN BOYER: They are admitted.

5 (Exhibit Nos. OCS-8R, OCS-8-SR, and OCS-8.1-SR
6 through OCS-8.5-SR were admitted.)

7 Q. (By Mr. Proctor) Could you provide the
8 summary, please?

9 A. Yes, I'd be happy to. Within my testimony
10 the Office has identified four reasons, each of which
11 by itself is a reason why the Commission should reject
12 the Division's proposal for decoupling.

13 The first is that the manner in which this
14 proposal was developed and the timing in which it was
15 presented within this case does not allow for a full
16 presentation and evaluation of associated issues.
17 There's several related points to this.

18 As has been noted, and crossed and
19 summarized, the timing precluded the possibility of
20 any ROE adjustment. We accept that. We accept that
21 it's a rate design proposal, and that the revenue
22 requirement has already been set.

23 However, the Commission itself has recognized
24 risk reduction in the one existing decoupling program
25 here in Utah. And we don't believe that it is

1 appropriate to preclude the examination of this
2 potential risk reduction.

3 The timing also precluded the Office from
4 securing additional expert analysis and testimony of
5 any kind. For example, we may have wanted to bring in
6 our own expert to speak to the question of elasticity.
7 Of course, it wasn't presented until surrebuttal.

8 But had it been included in the original
9 direct testimony there still would not be sufficient
10 time, because as a State agency we're subject to the
11 procurement processes of the State of Utah.

12 And not -- and which includes not having
13 these kind of staff sitting around on retainer. And
14 it includes a posting of these types of RFPs for two
15 weeks. So there simply would not have been time from
16 the moment of receiving the testimony to bring in any
17 kind of expert testimony on this.

18 This also ended up precluding any meaningful
19 discussion of alternatives. We mentioned them,
20 referenced them, but are not in a position to be able
21 to provide a flushed-out alternative.

22 For example, we can't propose a design that
23 does not insulate the Company against all economic
24 downturns instead of one that does insulate the
25 Company. Also that doesn't harm commercial

1 industrial, but does still insure recovery from
2 residential.

3 Another example here is that if the weather
4 is a primary driver of the variability in revenue
5 recovery -- and it would certainly appear so, based on
6 the testimony here to date regarding multiple opinions
7 that the tail blocks haven't been high enough yet to
8 induce conservation, and we have seen some variability
9 already -- then we should look at a weather adjustment
10 that is designed and applied symmetrically.

11 We've also mentioned the need to try and tie
12 any decoupling program to incremental DSM achievement.
13 And then of course, once again, the ROE issue.

14 I'd like to note that the Office's objection
15 to the Division's discussions, as also been discussed
16 today, are not that they were improper, per se. In
17 particular, we do not object to gathering data, asking
18 questions, and other follow up between only two out of
19 multiple parties in any proceeding.

20 But we do see a big difference between those
21 kinds of data gathering and follow-up questions and
22 the development of a major new pub -- proposal done
23 outside of a public and inclusive process. So the
24 problem here would be if the Division -- if the
25 Commission accepts the Division's proposal based on

1 the history of limited party involvement, not the mere
2 fact they had the conversations.

3 The second reason, which by itself would be
4 reason to reject the proposal, is that it is
5 inequitable and discriminatory by being applied only
6 to one class of customers.

7 The Division and Company have both responded
8 to some of the concerns we raised by reiterating the
9 reasons initially presented by the Division. Our
10 primary reasons to assert that applying to one class
11 only would be inequitable and discriminatory relate to
12 the fact that it is not certain all major classes are
13 paying cost of service rates.

14 And we have an issue of ongoing underearnings
15 problem claimed by the Company. One that has not been
16 fully explored or understood. Until we have
17 confidence that all of the major customer classes are
18 paying true or close-to-true cost of service, and a
19 good understanding of the reasons for underearning, it
20 would be discriminatory and burdensome to guarantee
21 revenue from one class while knowingly allowing other
22 classes either to fluctuate with variables such as
23 weather and economy, or pay what is known to be less
24 than full cost of service.

25 The third reason, which again I believe by

1 itself is reason to reject this proposal, is that it
2 constitutes a remedy to the problem before determining
3 the cause. Again, this ties back to the underearnings
4 question. And, and the outstanding issues of data
5 and -- relating to cost of service.

6 I would note that UAE, in support of this
7 issue, is the only other party that spoke to the issue
8 of the underearnings and the need to resolve it.

9 The Office also notes the Company is
10 presuming a greater problem associated with this
11 residential class, but appears not to be tracking
12 information equally for all classes to be able to make
13 a conclusion supported by analysis and evidence. And
14 that we confirmed in the answer to one of our
15 discovery and was in my surrebuttal.

16 So again, we have a problem, this apparent
17 increased variability of revenue recovery, without --
18 I mean we have a remedy without knowing if it is a
19 problem. We don't know that the variability is
20 greater for the residential class.

21 And the fourth of the primary reasons that
22 the Commission should reject this proposal is that the
23 burden of proof has not been met by the moving
24 parties. Neither the Division nor any of the parties
25 who support the Division's proposal have presented

1 substantial evidence that decoupling will result in
2 the stated and intended outcome upon which the
3 Commission can base a decision.

4 Again, we submit that we cannot simply use
5 Questar as an example. Other parties have cited
6 certain limited similarities or characteristics that
7 would allow application of the Questar design to RMP.
8 I have decided -- have cited many more differences.

9 Questar had a very different pre-decoupling
10 history with respect to its support for DSM programs.
11 Questar did not have a history of underearning.
12 Questar did not face generation resource shortages in
13 the near future.

14 Which of course relates to another
15 difference. Questar is a natural gas distribution
16 only company, with the small exception of the Wexpro
17 gas, whereas Rocky Mountain Power is a vertically
18 integrated electric company.

19 Apply -- the application of decoupling to
20 a single customer class of Questar encompasses the
21 vast majority of all customers, as opposed to a much
22 more limited application here. And finally, there may
23 be significant differences in the comparison of
24 marginal costs and marginal revenues of the two
25 companies that simply has not been explored and is not

1 on the record.

2 Also in this -- as support that the evidence
3 is not in the record is that we don't have confidence
4 that the proposal will result in the intended outcome.
5 Already we see that the Company still supports a
6 residential rate design proposal that places all of
7 the class revenue increase on the fixed customer
8 charge.

9 If the intended outcome is increased
10 conservation, then why not tie the design to
11 achievement of new incremental conservation?

12 The parties seem to agree that demand is
13 inelastic, yet do not demonstrate that any of the new
14 proposals result in material differences. The
15 Division has cited one single study out of what
16 certainly are multiple studies out there. And the
17 results are maybe not as straightforward as the
18 Division's simple citation would imply.

19 Now, the part -- some parties have
20 characterized the Office as anti-DSM, or at least not
21 interested in the continuance of the DSM program? To
22 the contrary, we support it as a least cost risk way
23 of meeting increasing needs. We simply do not support
24 extreme changes to the rate design without better
25 evidence that the intended outcomes will indeed

1 result.

2 So in addition to those four reasons that are
3 very clear reasons for rejection we've raised two
4 other major concerns. The first is that the proposal
5 is inconsistent with the stated rate design objectives
6 of various parties.

7 Now, we do understand that there are
8 different principles behind rate design. And that
9 these principles need to be balanced. Other parties
10 have accused us of not acknowledging this need to
11 balance. But -- and that's simply because we don't
12 agree with their view of how to balance them.

13 I'm not going to do the same. I agree that
14 there are different ways you can balance these
15 principles. But I do not think decoupling can in any
16 way be viewed as simple and easy to understand, which
17 has been suggested in this record.

18 And finally, the Office has raised concerns
19 that the proposal could result in interclass
20 inequities for low-use and low-use -- low-income
21 customers.

22 Now, again, we understand that the
23 amortization is going to be recovered on a per kWh
24 basis. And if you consume fewer kWh, you pay more.
25 But our concern -- I mean pay less, I said that wrong.

1 But our concern is whether those low-use and
2 low-income customers have the same ability to
3 conserve.

4 In general, if you're conserving at about the
5 average rate, then you're not going to be harmed. If
6 you're conserving below what the average rate of
7 conservation for the class is, you end up paying more
8 per kWh.

9 And we believe that those who are in the
10 low-income and low-usage categories are not going to
11 have the same ability to conserve, because either they
12 don't have access to the programs or possibly because
13 they've already implemented these measures.

14 So we think that this issue of intra-class
15 inequity needs to be further explored. And rather
16 than monitoring such things during a pilot, it is our
17 view that the Commission must have a strong assurance
18 that the rate design is expected to result in just and
19 reasonable rates before implementing any new rate
20 design, pilot or not.

21 Just implementing it as a pilot and checking
22 then to see if the outcome is or is not just and
23 reasonable we don't think would be a responsible
24 action. So for these reasons, we recommend that the
25 Commission reject the proposal for decoupling.

1 CHAIRMAN BOYER: Thank you Ms. Beck.

2 MR. PROCTOR: Ms. Beck is available for
3 cross.

4 CHAIRMAN BOYER: Thank you.

5 Ms. Hogle, questions for Ms. Beck?

6 MS. HOGLE: I have a few.

7 CROSS EXAMINATION

8 BY MS. HOGLE:

9 Q. Ms. Beck, you just stated in your summary,
10 and it's also in your surrebuttal testimony -- and
11 this is regarding decoupling. If you want to follow
12 along with me, you can. I'm talking about your
13 surrebuttal testimony, page 4, line 96.

14 That one of the differences between Questar
15 and Rocky Mountain Power is that Questar had a very
16 different pre-decoupling history with respect to its
17 support for demand-side management programs, correct?

18 A. Correct.

19 Q. So in your view is promotion of energy
20 conservation the only benefit to decoupling that this
21 Commission should consider?

22 A. I think it, it is not. And that's -- is
23 precisely what I'm referencing, is benefits. And not
24 just benefits, but identifying whether the benefit
25 accrues to the Company or the benefit accrues to the

1 customer.

2 Q. Thank you. And isn't it a benefit to
3 decoupling that this Commission should weigh, is that
4 it allows the utility to recover its fixed costs?

5 A. Absolutely. The Commission should weigh it,
6 and they should weigh it in the contents -- context of
7 an overall examination of what the Company has or has
8 not been able to recover, and the reasons why.

9 Q. Thank you. So allowing the utility to
10 recover its fixed costs is also an important
11 consideration that this Commission should weigh; is
12 that correct?

13 A. It's one thing of many that should be
14 examined.

15 MS. HOGLE: Thank you.

16 I have no further questions.

17 CHAIRMAN BOYER: Thank you Ms. Hogle.

18 Ms. Hayes, questions of Ms. Beck?

19 MS. HAYES: No, thank you.

20 CHAIRMAN BOYER: Mr. Michel?

21 MR. MICHEL: Just a couple. Thank you,
22 Mr. Chairman.

23 MS. SCHMID: Pardon me, the Division does
24 have some questions.

25 CHAIRMAN BOYER: Oh, I'm sorry. We've got to

1 keep our order here -- even order. Ms. Schmid, pardon
2 that.

3 CROSS EXAMINATION

4 BY MS. SCHMID:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Do you have your surrebuttal testimony in
8 front of you?

9 A. I do.

10 Q. Could you please turn to what in my copy is
11 page 8? And page 9? Do you see the sentence at
12 line 239 in my copy and 240, which states:

13 "For example, the timing has
14 precluded the possibility of an ROE
15 adjustment"?

16 A. I do see that.

17 Q. Do you know when Rocky Mountain Power is
18 planning on filing its next rate case?

19 A. By settlement they have agreed not to file
20 before January 1, 2011.

21 Q. Do you believe that it is likely that Rocky
22 Mountain Power will file a rate case soon after the
23 expiration of the stay out period?

24 A. Yes, I do.

25 Q. So there will be an opportunity to address

1 return on equity in the next few months; is that
2 correct?

3 A. It will be addressed then, after rates
4 have -- and -- but rates will not go into effect until
5 September of 2011, so we will have seen a year of
6 rates without an ROE adjustment.

7 Q. Do you recall that in the Questar case the
8 decoupling proposal was adopted prior to a rate case?

9 A. Yes, I do.

10 Q. Could you now turn please to your rebuttal
11 testimony, lines 132 and 134?

12 A. Yes.

13 Q. Do you see the sentence that states:

14 "The design proposed by the Division
15 appears explicitly to only address
16 benefits (revenue assurance) to the
17 Company and makes no attempt to provide
18 any commensurate benefit to consumers"?

19 A. I see that.

20 Q. Do you recall the testimony of Dr. Powell,
21 the last page of his direct, in which he stated that
22 consumers receive a benefit from having a financially
23 healthy utility?

24 A. I recall it. I'd like to turn to it if you
25 can wait.

1 Q. Of course.

2 A. You said it was on the last page?

3 Q. Yes.

4 A. Yes.

5 Q. Do you believe that it's a benefit for
6 consumers if there is a financially healthy utility
7 providing their electric service?

8 A. I, I do believe that. I also noticed that
9 Dr. Powell said it was an empirical question to
10 determine, and I haven't seen that analysis.

11 Q. Do you recall the provisions in Dr. Powell's
12 testimony -- throughout his testimony where he was
13 giving his opinion on these things?

14 A. I mean, I've read it several times. Maybe
15 you'd like to direct me to something specific.

16 Q. I just will direct -- rather than take the
17 time this afternoon, the Commission has Dr. Powell's
18 testimony and can read it in its entirety.

19 If decoupling is in place -- pardon me. If
20 decoupling is in place when rates are adjusted --
21 sorry, let's try that again.

22 If decoupling is in place when rates are
23 adjusted do those rates only go up, or can they go
24 down?

25 A. They can also go down.

1 Q. When might those rates go down?

2 A. They would go down if, if residential
3 consumers consumed more than was anticipated, causing
4 the Company to over collect. Most likely that would
5 occur in a really hot summer.

6 Q. In the absence of decoupling what happens
7 when actual use of -- actual usage of electricity
8 greatly exceeds the cus -- pardon me, Company's
9 forecast?

10 A. The company retains the earnings.

11 Q. And so the Company over earns?

12 A. I don't want to be the advocate on behalf of
13 the Company, but I don't think there's been any
14 suggestion that the Company has over earned in recent
15 years.

16 Q. But if usage exceeds forecast, the Company
17 will earn more than it anticipated; is that correct?

18 A. Assuming that the marginal cost was lower
19 than -- the mar -- I mean, excuse me, the marginal
20 revenue was higher than the marginal cost. Did I say
21 that right? Okay.

22 Q. Makes sense to me. Okay.

23 A. So it is a potential.

24 Q. Could you say, then, that perhaps the ability
25 to keep revenues in excess of forecast revenues

1 creates an incentive to under forecast demand in a
2 rate case?

3 A. It would certainly be a potential. It has
4 not been demonstrated to be the case.

5 Q. If there is an under forecast, is there -- do
6 you believe there's a customer benefit in returning
7 that excess money, if I can call it that, to the
8 customers?

9 A. I'm sorry, the answer to that question is
10 simple, but I'm back on the previous question because
11 again I think that, that this idea of over and
12 under-recovering just because of a hot summer is such
13 a small percentage of what we're setting revenues on.

14 So I want to say that I think it's a very low
15 likelihood. But to the extent that, for any reason,
16 the Company over-recovered -- over-recovers revenues,
17 then yes, that would be a benefit to the customer to
18 return it to them.

19 Q. Do you believe that there's a customer
20 benefit when the Company over collects its revenues,
21 such as in the case of abnormally high temperatures?

22 A. No.

23 Q. In your surrebuttal testimony you discuss the
24 Division discussing decoupling with the Company prior
25 to the Division sharing its proposal with others. Do

1 you recall that?

2 A. Yes, I do.

3 Q. That -- those sorts of statements?

4 A. Uh-huh. I've turned to it.

5 Q. Thank you. Is it true that the Company best
6 understands how the Company works?

7 Could I restate the question?

8 A. Yeah, why don't you restate the question.

9 Q. Does the Company have the best information
10 available as to how the Company works?

11 A. Certainly I would -- let me give you an
12 answer.

13 Q. Okay.

14 A. I think the Com -- the Company certainly has
15 access to the maximum amount of information regarding
16 that company. And so if we're talking about the
17 Company's internal accounting procedures, then I would
18 agree with that.

19 I think when you're talking about how it
20 works, in many respects rate design is working by
21 causing consumer behavior. And I don't believe that
22 the Company necessarily has the best information on
23 that aspect.

24 Q. That was a good clarification. And I agree
25 with that.

1 So isn't it true, then, that the Division
2 could gain understanding from the Company, and only
3 from the Company, about certain aspects of
4 implementing decoupling?

5 A. Okay, I don't think that was quite a
6 question, but I'm gonna answer it anyway. Probably
7 against the advice of counsel. It -- I think you
8 meant to ask me if they would get that information
9 by -- through discussions with the Company.

10 And I'm going to say yes. And I'm gonna
11 further say we don't object to the discussions.

12 MR. PROCTOR: I would have wanted you to
13 answer that question.

14 Q. (By Ms. Schmid) Does the Office believe that
15 energy conservation is important?

16 A. Yes.

17 Q. Does the Office believe that a high customer
18 charge sends a conver -- conservation price signal?

19 A. No.

20 Q. Does the Office support the inverted block
21 rate design?

22 A. To some extent, yes. We, at this point,
23 believe it would be a good time to reevaluate and make
24 sure that we are proposing -- "we" not meaning the
25 Office, but we as a regulatory community are proposing

1 and imposing rate designs that accomplish goals.

2 Rather than just throwing out a proposal --
3 let's raise it a little, let's not raise it a
4 little -- and hoping that they achieve these goals.

5 Q. What is the increase that the Office is
6 proposing to the customer charge?

7 A. It is in Mr. Gimble's testimony, but I can
8 tell you that it's 75 cents.

9 Q. What percentage increase is that?

10 A. Three dollars twenty-five cents -- a
11 25 percent increase?

12 MS. SCHMID: Thank you. Those are all my
13 questions.

14 CHAIRMAN BOYER: Thank you Ms. Schmid. And I
15 apologize for asking over you.

16 Mr. Michel. Now I really mean it.

17 MR. MICHEL: Thank you Mr. Chairman.

18 CROSS EXAMINATION

19 BY MR. MICHEL:

20 Q. Good afternoon Ms. Beck.

21 A. Good afternoon.

22 Q. You're not thrilled with decoupling?

23 A. No.

24 Q. Not surprised. Could you turn to page 11 of
25 your rebuttal?

1 THE REPORTER: Sir, can you pull the
2 microphone closer to yourself and speak up, please?

3 Q. (By Mr. Michel) And at line 325 -- well,
4 you're talking about the summary and recommendations
5 of the Office here. At line 325 you say if decoupling
6 is to be explored there a variety of mechanisms and so
7 on. Do you think the Commission should explore
8 decoupling?

9 A. I don't oppose the decoupling -- the Commission
10 exploring decoupling. I don't think they should,
11 because I believe that we have a particularly heavy
12 workload right now and the justification hasn't been
13 presented. But certainly if we're going to pursue it
14 we should explore all avenue -- all aspects.

15 Q. So you don't believe the Commission should
16 explore decoupling?

17 A. Let me clarify. I don't advocate that the
18 Commission explore decoupling. Because I think that,
19 given everyone's limited resources, there are plenty
20 of other work areas to pursue. But I don't explicitly
21 oppose it, if done in the correct forum.

22 Q. Okay. Do you advocate the Commission not
23 exploring decoupling? Do you think they should not
24 explore it is what I'm --

25 A. I'm -- I mean, that's my -- that would be my

1 primary recommendation.

2 Q. Let's say the Commission doesn't accept your
3 recommendation to not explore it, but does decide to
4 embark on some further analysis of this issue.

5 A. Uh-huh.

6 Q. You've heard the phrase "paralysis by
7 analysis"? Are you familiar with that?

8 A. I am familiar with that.

9 Q. Okay. What kind of things could the
10 Commission do to assure that a further exploration of
11 this issue just doesn't find its way into years of
12 analysis and no action, ever, one way or the other on
13 this?

14 A. I think that's a great question, because I've
15 observed a lot of studies and task forces take up a
16 lot of our time without resulting in action. So I
17 appreciate the question very much.

18 I think here's where I'm going to
19 respectfully differ with some things that the
20 Commission has said. I'm gonna turn to them to say
21 this so that my back is not to them. And here's where
22 I think that it would be very helpful for the
23 Commission to give more specific guidance than they do
24 typically, rather than leaving things wide open to
25 allow full creativity.

1 You know, we'll still promise to bring all
2 the creativity we have. But it would be helpful to
3 these kinds of exploration processes to have a process
4 that's a little bit better defined with the types of
5 expected outcomes from the Commission's view.

6 And I think then we could have a productive
7 process and examination. So sorry to turn my back,
8 but.

9 Q. That's all right. You've got to face one or
10 the other, and I would, I would be facing them as well
11 if I had a choice. Would you recommend a Phase III of
12 this proceeding, with a specific time limit?

13 A. Well, again, it's not my primary
14 recommendation.

15 Q. If the Commission were to go down this path
16 that you don't recommend?

17 A. Right. I certainly think it would be
18 preferable for the, for the Commission to launch a
19 well-defined examination than to accept a proposal
20 that has not been supported by the evidence.

21 Q. And should that well-defined proceeding -- or
22 procedure include a, an end date --

23 A. I --

24 Q. With recommendations, and possibly testimony,
25 and?

1 A. I believe that would be part of the
2 definition for me of well defined.

3 Q. And in the event that that proceeding or
4 procedure did not result in a consensus, would you
5 recommend that there be an opportunity for this
6 issue -- or a requirement that this issue be taken up
7 by the Commission within a certain time frame so that
8 it doesn't just disappear?

9 A. I don't ever want to be in the position of
10 imposing requirements on the Commission. I don't
11 think I have the ability to do that. But I think if
12 the Commission -- that would all be up to the
13 Commission in terms of what they want.

14 But certainly the part of your question that
15 I want to support is, if we're moving forward, all
16 parties should have an opportunity to present a full
17 case regarding decoupling.

18 Q. And would you oppose that being a Phase III
19 of this case so that it does stay on track?

20 A. I don't -- I guess I don't quite agree with
21 the premise of your question. I don't know that
22 defining it as Phase III, or a new docket, or -- would
23 make it more or less likely to stay on track.

24 Q. But one of those alternatives would be -- you
25 would recommend one of those alternatives if the

1 Commission was heading down this, either establishing
2 a new docket or continuing this docket with time --
3 with specific time frames?

4 A. Well, again, to be clear, my preference is no
5 decoupling.

6 Q. I understand.

7 A. But what you're suggesting here within your
8 question is a preferable alternative to -- and really
9 I think it's the only one available to the
10 Commission -- to the idea of granting an unsupported
11 proposal.

12 MR. MICHEL: Okay. And I guess I would also
13 like to be clear that -- or ask the Commission not to
14 read into my questions that WRA supports the
15 procedure. I'm simply exploring this issue with the
16 witness.

17 And that's all the --

18 CHAIRMAN BOYER: So noted. Thank you,
19 Mr. Michel.

20 MR. MICHEL: That's all the questions I have.
21 Thank you, Ms. Beck.

22 CHAIRMAN BOYER: Mr. Dodge?

23 MR. DODGE: No questions, thank you.

24 CHAIRMAN BOYER: Commissioner Allen?

25 COMMISSIONER ALLEN: I think I have one.

1 So Ms. Beck, you said you would like a little
2 more guidance from the Commission. Are you talking in
3 terms of just potential acceptable programs, or are
4 you talking about our goal set, or are you asking us
5 to be more proactive players in the regulatory
6 environment in general? I'm just curious.

7 THE WITNESS: Well -- and certainly I believe
8 your question and I believe my, my response that
9 triggered your question exceed the scope of this
10 docket.

11 I think that, that especially on the issues
12 of sort of open-ended dockets exploring topics, and
13 task forces, those kinds of things, it would be
14 helpful to the party to have a better idea of the
15 expectations of the Commission.

16 And sometimes it -- maybe it goes back to
17 the, the term that Mr. Michel referenced in his
18 question of analysis paralysis. That when you've got
19 a wide-open field it's hard to, you know, get down and
20 really be productive.

21 And some definition may help to, you know.
22 It would keep parties from, you know, starting by, by
23 arguing the far extremes and slowly, slowly, slowly.
24 If you say this is the scope, we will all stay within
25 that scope.

1 COMMISSIONER ALLEN: So if say, for
2 instance -- and I'm not saying we're going to do this.
3 But say, for instance, we decided to put decoupling
4 into a separate docket and carry it forward in a
5 different way. Am I hearing that you would also like
6 to see "and other items as follows"?

7 THE WITNESS: Or maybe just a listing of the
8 items that the Commission is particularly interested
9 in getting evidence on. And again, not to preclude
10 creativity. You could take that list -- not be
11 inclusive, allowing others to bring in other things.
12 But it's always helpful if we know what you're looking
13 for.

14 If you say, We need more evidence on this,
15 then it allows us to bring to you what you need. And
16 then I think the other definition part of it is also
17 sort of the end game. You know, an open docket with a
18 topic, without understanding where it's gonna go. Is
19 it gonna be an adjudicated proceeding? Is it just a
20 report? Is it multiple reports? That's the other
21 thing that I think could be helpful to us.

22 COMMISSIONER ALLEN: I see. So one possible
23 example would be, We'd like to discuss decoupling and
24 whether or not social indexing and peer pressure is an
25 effective way to effect conservation. In other words

1 something like, We would like to know if we can get
2 more information about how people respond to seeing
3 how their bill compares to people in their nine area
4 zip code, or things like that.

5 THE WITNESS: Exactly.

6 COMMISSIONER ALLEN: You'd like us to be very
7 specific?

8 THE WITNESS: I think, yeah. And again, not
9 precluding people from bringing other things in. But
10 certainly I think when you, when you all want
11 something, it would be helpful to know.

12 COMMISSIONER ALLEN: Great.

13 THE WITNESS: And then we can bring it.

14 COMMISSIONER ALLEN: Thank you.

15 CHAIRMAN BOYER: Commissioner Campbell?

16 COMMISSIONER CAMPBELL: So if we are better
17 at defining expected outcomes, will you, will you
18 never say that we prejudged an issue?

19 THE WITNESS: Will I never say that you
20 prejudged an issue?

21 COMMISSIONER CAMPBELL: I -- that was a poor
22 question. But obviously --

23 THE WITNESS: I will do my best.

24 COMMISSIONER CAMPBELL: Obviously our concern
25 is, is on the one hand yeah, we have -- we want, we

1 want answers to certain issues. But on the other
2 hand, we want to make sure that we haven't missed
3 something that we have -- that we get all the evidence
4 the parties want to present before us.

5 And we don't want parties to perceive that we
6 have closed minds --

7 THE WITNESS: Right.

8 COMMISSIONER CAMPBELL: -- and that we've
9 already prejudged the outcome.

10 THE WITNESS: Well, I can tell you this --

11 COMMISSIONER CAMPBELL: And that we're just
12 going through a process to give us the answer we want.

13 THE WITNESS: Well, right. No, I -- and now
14 I do understand your question. I think that you could
15 provide definition in such a way that it does not
16 indicate that you're prejudging. And certainly, you
17 know, using words like "including but not limited to."
18 Which I would anticipate you would use.

19 And I can tell you that I personally would do
20 my very best never to say that.

21 COMMISSIONER CAMPBELL: Thank you. Let me,
22 let me ask you a question on the -- you draw
23 distinctions between this and the Questar decoupling
24 case. I'm a little, little confused. You've included
25 the resolution that your national organization has on

1 decoupling. And let me just ask you this.

2 If we were to proceed with a docket on
3 exploring decoupling for this utility --

4 THE WITNESS: Uh-huh.

5 COMMISSIONER CAMPBELL: -- is it the
6 Committee's position -- or the Office's position that
7 that's a waste of time, because you never, no way, no
8 how, ever could see any decoupling method to be
9 applied to this utility?

10 THE WITNESS: Well, if you agree not to
11 prejudge my answers here, I'd like to not box
12 ourselves in. I think what we would do is we would
13 look at -- explore all these issues. And we would
14 say -- for example, there's been a lot of discussion
15 about the over collection.

16 My experience is that over collection tends
17 to happen with hot summer months. And a hot summer
18 versus a cool summer. So we might say, Well, this is
19 the primary -- and I'm not making this conclusion, we
20 haven't done the analysis.

21 But as an example we can say, This seems to
22 be the biggest variable concern. So maybe we would
23 alternatively recommend a weather adjustment. Or
24 maybe we would say there's -- a need for decoupling
25 has not been evidenced, but if you are going to do it

1 this would be the design that you would want -- you
2 know, you would want to incorporate these kind of
3 design elements to minimize customer harm.

4 That, that we might -- we might be able to
5 provide some secondary recommendations and, and much
6 more technical analysis to show you kind of where
7 we're coming from on this. So it wouldn't be a
8 complete waste of time.

9 Although you did hear me earlier say that, as
10 on a preference, I think we have plenty of work to do
11 and it hasn't been demonstrated as necessary. If you
12 feel differently, though, then I think we could
13 make -- have a productive outcome.

14 CHAIRMAN BOYER: Ms. Beck, I don't want to
15 put words in your mouth, but you seem not at all
16 concerned that the Company has any disincentives to
17 pushing out demand-side management even further than
18 they've done so far. Is that fair to say?

19 THE WITNESS: I wouldn't -- no, I wouldn't
20 say it exactly that way. But let me clarify it for
21 you, because I can see how you would get that
22 understanding.

23 I don't think we are at the point where we've
24 bumped up against the limit. I think there are -- you
25 know, for example, already we have pushed back from

1 customers at the level that they're spending. Already
2 we know that the existing DSM programs, many of which
3 are excellent, are not fully utilized by customers. I
4 don't think we've reached a saturation rate.

5 So I, I'm not suggesting that there's no
6 disincentive. I just think we haven't captured all of
7 the savings that's out there right now how they are in
8 existence. And so until we reach that limit we don't
9 need to give them additional incentive.

10 The current structure there's still more,
11 more relatively-low-hanging fruit out there that
12 doesn't require additional incentives.

13 CHAIRMAN BOYER: And as we approach those
14 limits is there a risk that the Company will
15 under-recover their costs because of reduced usage per
16 customer?

17 THE WITNESS: There's a risk, but I think we
18 need to understand the bigger picture of
19 under-recovery in this -- with this particular utility
20 before we take more extreme measures.

21 CHAIRMAN BOYER: Are there other ways of
22 protecting the Company, short of decoupling? That is,
23 protecting them from the risk of under-recovery as a
24 result of reduced volumetric sales?

25 THE WITNESS: Well, I think we need to

1 understand exactly what we want to protect them from.
2 They're under-recovering right now, or at least that's
3 what they're indicating in public forums. So how much
4 of that is due to existing factors? How much of that,
5 for example, is due to MSP? How much of that is due
6 to other issues?

7 So I really think we need to understand that.
8 And then we need to understand what are we protecting
9 them from? Are we protecting them from under-recovery
10 or -- and customers from over-recovery due to weather?
11 Are we protecting them from economic downturn? Or do
12 we just want to protect them from, from the lower
13 recovery due to increased conservation?

14 And there are different decoupling mechanisms
15 out there, and orders, that very explicitly address
16 that that we could examine.

17 CHAIRMAN BOYER: So your preference is that
18 we not explore decoupling. But if we did so, you
19 would urge that we do it on a much larger context?

20 THE WITNESS: Correct.

21 CHAIRMAN BOYER: Okay. Thank you, Ms. Beck.
22 Redirect, Mr. Proctor.

23 MR. PROCTOR: Yes, just very quickly.

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REDIRECT EXAMINATION

BY MR. PROCTOR:

Q. Ms. Beck, the question was asked with respect to the OGC, or Questar Gas decoupling being adopted prior to a rate case.

A. Uh-huh.

Q. Were you director of the Office and the Committee when that decoupling adoption took place?

A. Not at the time that the pilot was implemented, no.

Q. You've identified some reasons -- some differences between Rocky Mountain Power and Questar. One of those reasons was that Questar had no history of DSM programs; is that correct?

A. Correct.

Q. Do you know if that was the status of Questar at the time that the decoupling was adopted?

A. Right. That -- my understanding is that Questar did not have any DSM programs in place whatsoever. And that in fact the DSM programs came in at the same time as the, as the decoupling pilot.

Q. Do you understand that adopting the decoupling was conditioned expressly upon Questar's quick implementation of DSM programs?

A. That is my understanding.

1 Q. Has the Company, in this rate case, presented
2 any evidence to your knowledge that even suggests, let
3 alone makes the plain argument, that decoupling is
4 necessary to its financial health?

5 A. No, I don't think they did.

6 Q. The other question I have is with respect to
7 the Company providing -- being the source of the best
8 information. Does the Company always share its best
9 information?

10 A. Well, I think we certainly have gotten
11 responses to all of our, our discovery requests from
12 them. But we do have to be careful that we know what
13 we're asking for, and that we ask for it in the, in
14 the correct method.

15 So while we have some access to it, it's not
16 automatic. We do have to frame the questions in the
17 right way.

18 Q. They have been very responsive, have they
19 not, throughout this general rate case --

20 A. Yes.

21 Q. -- in providing information?

22 A. Yes. In my view I, I am unaware of major --
23 any problems with discovery with the Company.

24 Q. And since the Committee -- or excuse me, the
25 Office found out about the Division's decoupling

1 proposal, its details -- which was February 22nd, is
2 that the filing of their direct testimony?

3 A. That was the filing of their direct
4 testimony.

5 Q. Has the Office requested discovery of the
6 Company in that regard about the decoupling proposal?

7 A. Yes. Oh, oh, yes, we did. We sent two sets,
8 one set to which they replied promptly. Although it
9 did show that they were not tracking certain
10 information that we think would be necessary to really
11 compare whether or not the residential class was --
12 had more variability in revenue requirement.

13 And then the other set of responses they,
14 they raised objections to when we asked about
15 information sharing prior to the filing.

16 Q. Ms. Beck, there's been questions about
17 paralysis by analysis and so forth. In this
18 particular case, since the Division disclosed its
19 decoupling proposal on February 22nd, in your judgment
20 and in your experience has there been sufficient
21 analysis in this rate case, rate design phase, upon
22 which this Commission can make a substantive and
23 objective decision?

24 A. No, there isn't. There -- the timing
25 precluded the raising of many very material questions.

1 And as we saw at length today, some of the evidence
2 didn't come until surrebuttal.

3 MR. PROCTOR: Thank you Ms. Beck.

4 Thank you Commissioners.

5 CHAIRMAN BOYER: Thank you Ms. Beck, you may
6 step down.

7 Before we recess before the public witness
8 hearing at 5:00, Mr. Dodge, do you anticipate
9 Mr. Townsend testifying in this phase of the case?

10 MR. DODGE: Yes, Mr. Chairman, he will. He
11 had a 5:00 appointment today, so I told him it would
12 likely be in the morning when he --

13 CHAIRMAN BOYER: That will be fine.

14 MR. DODGE: He goes on.

15 CHAIRMAN BOYER: That will be fine.

16 And Ms. Wolf, you are in the audience as
17 well. Do you anticipate testifying as well?

18 MS. WOLF: Yes.

19 CHAIRMAN BOYER: Okay, very well.

20 All right, then we'll be in recess until
21 five. And then we'll reconvene tomorrow morning at
22 nine, beginning with Mr. Gimble.

23 MR. PROCTOR: Mr. Chairman, may I ask when do
24 you anticipate convening tomorrow afternoon? Because
25 I believe Mr. Col -- I would anticipate that we would

1 complete all the witnesses in the morning, except for
2 Dr. Collins. And I was wondering when you would
3 anticipate convening that afternoon.

4 CHAIRMAN BOYER: Well, the tradition has been
5 about 1:30.

6 MR. PROCTOR: And do we know whether or not
7 that's gonna accommodate his schedule?

8 MS. HAYES: That does accommodate his
9 schedule.

10 MR. PROCTOR: Okay. Thank you very much.

11 CHAIRMAN BOYER: Okay, thank you all. We'll
12 see you in 15 minutes.

13 (A recess was taken from 4:45 to 5:04 p.m.)

14 CHAIRMAN BOYER: Let the record reflect that
15 this is the time and place we've noticed for hearing
16 from members of the public on the rate design phase of
17 this rate case. And no one has appeared.

18 MS. SCHMID: Pardon me. The Division has
19 been informed, and I don't know if the Commission has
20 been informed as well, that Dianne Nielson, I believe
21 from the governor's office, or some -- I'm not quite
22 sure of her position, I apologize.

23 CHAIRMAN BOYER: Is coming over?

24 MS. SCHMID: Is coming to testify.

25 CHAIRMAN BOYER: Oh, is she?

1 MS. SCHMID: And Mr. Powl ick has j ust gone to
2 call her.

3 CHAI RMAN BOYER: Okay. He' s on the phone?
4 Well , let' s wai t a moment and see if she' s en route.

5 MS. SCHMID: Thank you.

6 CHAI RMAN BOYER: Thank you for bringi ng that
7 to my attention.

8 (Pause.)

9 CHAI RMAN BOYER: Well , why don' t we do thi s.
10 Inasmuch as she' s told us she' s comi ng, let' s recess
11 unti l she comes. And then we' ll reconvene at that
12 moment and hear from Dr. Ni el son.

13 (A recess was taken from 5:06 to 5:17 p.m.)

14 CHAI RMAN BOYER: Let thi s reflect that thi s
15 is a conti nuation of the time schedul ed for the
16 hearing of members of the publ ic on the rate desi gn
17 porti on of the Rocky Mountai n rate case.

18 And Dr. Di anne Ni el son is wi th us now, the
19 governor' s energy advi sor, who wi shes to be heard.

20 Dr. Ni el son, do you wi sh to give sworn or
21 unsworn testi mony?

22 DR. NI ELSON: I' ll give sworn testi mony,
23 that' s fi ne.

24 CHAI RMAN BOYER: Sworn testi mony?

25 DR. NI ELSON: Sure.

1 (Dr. Nielson was sworn.)

2 CHAIRMAN BOYER: Thank you, please be seated.
3 Make yourself at home.

4 DR. NIELSON: May I provide you with?

5 CHAIRMAN BOYER: Please.

6 Dr. Nielson, why don't you just state your
7 name, and for the record spell it. Because it's an
8 "e-n," right? Instead of an "o-n"? And tell us whom
9 you represent. Or is it "o-n"?

10 DR. NIELSON: It's "o-n." That's why I'm
11 spelling it.

12 CHAIRMAN BOYER: And two "n's" in Dianne?

13 DR. NIELSON: My name is Dianne Nielson.

14 It's D-i-a-n-n-e, middle initial R., Nielson,
15 N-i-e-l-s-o-n. And I am the energy advisor for the
16 State of Utah.

17 And I'm here today on my behalf as energy
18 advisor. And I appreciate the opportunity to provide
19 information and a recommendation to the Commission,
20 Mr. Chairman and Commissioners. This is an important
21 issue, and -- relating to energy conservation of
22 electricity in the Docket No. 09-035-023.

23 I recognize, as many others have in this
24 record, that Rocky Mountain Power has demonstrated a
25 commitment in reducing demand for electricity through

1 its demand-side management program. And it has also
2 been effective in its outreach program educating the
3 public about energy savings.

4 It's also important to recognize that the
5 actions of the Utah Public Service Commission have
6 supported these efforts in the past. And I hope that
7 the Commission will continue to strive to sustain
8 those efforts in energy efficiency and conservation.

9 I believe the Utah Division of Public
10 Utilities has properly recognized the limits of energy
11 efficiency incentives and rebate programs, and that
12 they have also recognized the effect of price signals.

13 The Division's proposal to implement a pilot
14 program for the residential sector to consist of its
15 proposed decoupling mechanism in conjunction with an
16 inverted tail block rate design is a reasonable
17 approach to energy conservation, recognizing that it
18 is a pilot program, and that the Commission should
19 include interim evaluation and comment during the term
20 of that pilot program and as part of the determination
21 at the conclusion of the study.

22 I thank you for this opportunity to provide a
23 comment on this matter. And I'd be happy to address
24 questions.

25 CHAIRMAN BOYER: Thank you Dr. Nielson. By

1 giving sworn testimony you do open yourself up to the
2 possibility of cross examination.

3 Ms. Hogle, have you any questions for
4 Dr. Nielson?

5 MS. HOGLE: I have none.

6 CHAIRMAN BOYER: Ms. Schmid?

7 MS. SCHMID: No questions.

8 CHAIRMAN BOYER: Mr. Proctor?

9 MR. PROCTOR: No.

10 CHAIRMAN BOYER: Ms. Hayes?

11 MS. HAYES: No.

12 CHAIRMAN BOYER: Mr. Dodge?

13 MR. DODGE: No.

14 CHAIRMAN BOYER: Commissioners?

15 COMMISSIONER: No.

16 CHAIRMAN BOYER: Thank you very much for
17 coming and for your recommendation.

18 DR. NIELSON: Thank you.

19 CHAIRMAN BOYER: We will adjourn until
20 tomorrow morning at 9 a.m. then. Thank you all.

21 (The hearing was recessed at 5:22 p.m.)

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\$	20:14, 20:16, 42:4, 74:3, 91:16, 131:2, 131:12, 131:14, 131:16, 132:5, 133:20, 134:12, 139:15, 170:7, 170:19, 185:9, 189:15, 216:21, 219:15	15 [11] - 12:23, 59:7, 71:22, 91:15, 103:3, 110:2, 156:23, 185:9, 205:1, 216:22, 263:12 15.0 [4] - 204:20, 205:1, 206:5, 206:15 15.0R [1] - 206:16 15.0SR [2] - 206:9, 206:17 15.1 [3] - 204:22, 205:8, 206:7 15.19 [3] - 204:22, 206:7, 206:15 15.1SR [2] - 205:8, 206:9 15.2 [1] - 205:8 15.2SR [1] - 206:9 15.3SR [3] - 205:9, 206:9, 206:18 15.5 [2] - 205:9, 206:10 15.6 [3] - 205:2, 205:10, 206:10 15.7 [2] - 205:10, 206:10 15.8 [4] - 205:3, 205:8, 205:10, 206:11 15.9 [1] - 205:15 15.R [1] - 205:6 15A [1] - 143:11 16 [1] - 85:24 16.7 [2] - 84:12, 85:13 160 [1] - 101:23 164 [1] - 145:3 16th [3] - 50:23, 64:2 17 [6] - 73:8, 127:25, 168:14, 189:17, 205:2 18 [3] - 11:23, 42:4, 173:6 180 [1] - 145:13 181 [1] - 145:16 184 [1] - 146:25 18th [1] - 14:12 19 [1] - 55:24 1973 [1] - 201:25 1995 [1] - 55:9 1:30 [1] - 263:5 1:39 [1] - 135:7	2,000 [2] - 60:19, 182:10 2.1 [1] - 84:22 2.3 [1] - 162:17 2.5 [2] - 205:24, 208:25 2.6 [1] - 164:25 20 [3] - 54:5, 74:3, 176:7 20-month [1] - 174:8 20-year [1] - 85:3 20-year-old [1] - 54:14 2001 [1] - 29:10 2005 [4] - 75:14, 75:17, 158:17, 158:20 2006 [2] - 178:16, 178:24 2007 [4] - 59:11, 59:16, 178:12, 178:24 2008 [4] - 135:23, 137:4, 177:24, 182:8 2009 [5] - 11:7, 11:12, 11:16, 49:12, 141:6 2010 [13] - 7:1, 11:23, 12:2, 12:5, 12:9, 12:17, 13:8, 13:9, 18:9, 49:21, 50:7, 69:16, 223:10 2011 [2] - 238:20, 239:5 2014 [1] - 182:11 2015 [1] - 182:11 21 [2] - 12:24, 102:21 218 [2] - 215:20, 226:6 22 [2] - 12:2, 103:24 221 [1] - 215:21 225 [2] - 226:9, 226:10 22nd [2] - 261:1, 261:19 23 [10] - 12:9, 18:9, 19:11, 20:14, 20:16, 56:1, 103:3, 104:4, 139:15, 223:10 23-plus [1] - 53:5 23-something [1] - 64:12 239 [1] - 238:12 23rd [1] - 11:7 240 [1] - 238:12 244 [1] - 178:25 25 [12] - 12:17, 15:6, 15:8, 15:12, 18:15, 19:15, 20:14, 20:18, 20:25, 98:8, 179:15, 245:11 26 [2] - 104:17, 105:6 268 [1] - 150:19	27 [4] - 135:23, 137:4, 141:8, 143:5 270 [1] - 150:19 277 [1] - 154:3 28 [1] - 212:14 28.2 [1] - 74:25 29 [1] - 77:8 2:57 [1] - 194:4 2nd [1] - 204:25
'			3	
'90s [1] - 54:25	10-year [2] - 84:11, 85:2 10.0 [1] - 121:2 10.9 [9] - 157:19, 214:18, 214:21, 215:1, 215:7, 215:11, 216:6, 216:18, 218:1 10.91 [1] - 209:25 100 [2] - 52:23, 216:25 10:46 [1] - 82:22 10:59 [1] - 82:22 11 [18] - 12:5, 13:25, 47:13, 47:14, 48:7, 49:3, 121:1, 133:20, 134:12, 143:12, 148:17, 162:16, 169:22, 185:25, 189:15, 219:15, 245:24 11.0 [2] - 106:5, 106:10 11.0-SR [3] - 102:5, 106:6, 106:10 11.13 [1] - 85:4 11.35 [1] - 85:3 11.O [1] - 102:5 111 [1] - 195:5 114 [1] - 225:13 11th [3] - 63:22, 63:23 12 [15] - 7:1, 15:5, 20:17, 48:3, 48:16, 59:7, 86:22, 133:21, 163:7, 163:10, 208:13, 208:16, 209:4, 223:11 122 [1] - 159:8 129 [1] - 225:23 12:06 [1] - 135:7 13 [9] - 15:14, 48:15, 50:7, 60:3, 69:16, 86:22, 150:12, 156:5, 215:20 132 [1] - 239:11 134 [1] - 239:11 13th [3] - 49:21, 50:17, 64:1 14 [5] - 65:12, 75:5, 136:8, 137:9, 150:18 145 [1] - 140:15 147 [1] - 140:16	3 [22] - 27:18, 28:1, 33:10, 53:4, 74:19, 88:13, 90:13, 95:23, 107:23, 128:2, 129:17, 130:3, 143:21, 177:11, 177:22, 179:7, 186:1, 209:21, 210:19, 225:1, 225:24, 226:2 3.0 [2] - 195:15, 196:5 3.75 [1] - 178:22 30 [5] - 77:16, 142:1, 142:6, 143:7, 201:21 300 [1] - 101:23 303 [1] - 157:17 31 [3] - 12:25, 66:19, 212:6 319 [1] - 168:20 32.4 [1] - 11:25 325 [2] - 246:3, 246:5 34 [4] - 60:6, 60:12, 60:13, 152:17 36 [1] - 77:16 370 [1] - 173:8 372 [1] - 173:18 384 [1] - 102:22 39 [2] - 102:14, 142:7 3:00 [1] - 187:4 3:13 [1] - 194:4		
0			4	
02 [1] - 164:25 07-057-13 [2] - 136:9, 137:6 09-035-023 [1] - 265:22 09-035-23 [2] - 7:10, 18:7			4 [9] - 11:16, 59:12, 98:3, 124:15, 161:24, 170:8, 178:13, 224:11, 225:1 4.1 [1] - 178:23 407 [1] - 177:2 414 [1] - 176:8 415 [1] - 176:14 422 [1] - 103:24 446 [1] - 104:6 452 [2] - 104:9, 104:10 47 [1] - 213:10 49 [2] - 79:2, 166:13 4:45 [1] - 263:13	
1				
1 [28] - 13:8, 31:19, 48:4, 75:4, 127:24, 134:15, 143:21, 157:25, 158:3, 158:24, 167:17, 168:21, 186:1, 189:17, 189:22, 190:10, 206:9, 209:23, 210:21, 212:18, 213:1, 216:21, 216:23, 224:10, 225:19, 225:20, 238:20 1/2 [6] - 31:12, 31:17, 107:19, 186:1, 211:12, 211:17 10 [20] - 19:11,				
2	2 [17] - 31:12, 31:17, 41:13, 59:21, 103:19, 107:19, 128:1, 129:17, 130:3, 134:15, 177:21, 178:13, 186:22, 211:12, 211:17, 225:1, 225:24			

5	<p>8.9 [1] - 215:2 80 [2] - 41:11, 45:12 82 [2] - 162:24, 163:1 83 [1] - 162:25 87 [1] - 57:16</p>	<p>abnormally [1] - 242:21 absence [1] - 241:6 absent [1] - 172:2 absolute [3] - 151:6, 182:14, 190:11 Absolutely [2] - 161:23, 237:5 accept [1] - 116:4 accept [8] - 37:23, 78:9, 118:14, 210:8, 227:20, 247:2, 248:19 acceptable [9] - 48:16, 48:19, 82:9, 86:24, 128:9, 152:24, 153:1, 221:16, 251:3 accepted [1] - 171:12 accepts [1] - 229:25 access [3] - 235:12, 243:15, 260:15 accommodate [6] - 100:9, 100:22, 115:18, 115:23, 263:7, 263:8 accompanying [6] - 24:19, 25:11, 25:12, 204:21, 206:6, 210:5 accomplish [2] - 199:4, 245:1 accomplishing [1] - 20:24 according [4] - 84:10, 158:19, 177:18, 217:24 Accordingly [1] - 106:4 accordingly [1] - 187:8 account [12] - 33:21, 36:1, 121:5, 149:13, 181:1, 185:20, 203:18, 204:2, 204:7, 185:21, 208:11, 208:12, 208:14, 209:4 accounted [1] - 22:1 accounting [1] - 243:17 accounts [1] - 85:24 accruals [4] - 107:18, 146:2, 205:19, 205:22 accrued [1] - 209:3 accrues [2] - 236:25 accuracy [3] - 61:21, 61:24, 133:18 accurate [5] - 112:11, 119:6, 120:16, 125:12, 152:7 accused [1] - 234:10 ach [1] - 83:23 achieve [6] - 19:4,</p>	<p>38:14, 83:23, 98:12, 98:23, 245:4 Achievement [1] - 207:10 achievement [2] - 229:12, 233:11 achieving [2] - 42:14, 200:7 acknowledge [3] - 54:12, 118:6, 118:11 acknowledging [1] - 234:10 acquire [2] - 181:10, 217:8 acquired [1] - 160:15 action [3] - 235:24, 247:12, 247:16 actions [1] - 266:5 active [1] - 197:18 Actual [1] - 176:2 actual [9] - 75:22, 76:4, 140:4, 176:1, 208:3, 208:5, 241:7 add [3] - 105:1, 108:2, 215:17 added [3] - 60:8, 208:17, 226:8 addition [3] - 57:22, 224:23, 234:2 additional [11] - 37:2, 37:4, 57:17, 70:1, 82:5, 90:15, 96:11, 209:1, 228:4, 257:9, 257:12 Additionally [5] - 36:10, 109:11, 154:3, 168:24, 209:2 address [22] - 11:19, 14:14, 15:7, 15:16, 19:18, 20:18, 31:23, 36:15, 37:14, 57:7, 89:19, 92:19, 101:20, 101:23, 147:16, 170:2, 188:15, 195:4, 238:25, 239:15, 258:15, 266:23 addressed [7] - 12:22, 13:7, 23:2, 175:3, 188:2, 218:18, 239:3 addresses [3] - 15:5, 36:16, 54:20 adequate [8] - 51:18, 126:1, 126:17, 126:24, 132:8, 147:8, 147:16, 164:11 adequately [4] - 120:16, 125:20, 180:22 adjourn [1] - 267:19 adjudicated [1] -</p>	<p>252:19 adjust [1] - 90:12 adjusted [2] - 240:20, 240:23 Adjusting [1] - 104:14 adjusting [1] - 90:12 adjustment [12] - 33:19, 34:13, 79:24, 89:9, 90:2, 118:17, 120:17, 227:20, 229:9, 238:15, 239:6, 255:23 adjustments [7] - 31:16, 34:19, 34:20, 108:5, 112:10, 112:12, 144:14 admission [5] - 25:16, 106:8, 196:2, 206:5, 206:13 admit [1] - 195:24 admittance [1] - 106:5 admitted [11] - 25:21, 25:24, 106:9, 106:11, 196:4, 196:6, 206:14, 206:19, 227:2, 227:4, 227:6 adopt [14] - 21:23, 38:24, 44:17, 52:12, 52:16, 52:17, 52:19, 54:16, 60:21, 91:22, 108:13, 114:12, 200:20, 210:15 adopted [12] - 29:11, 35:3, 37:8, 52:3, 112:5, 131:16, 146:1, 162:14, 188:4, 239:8, 259:4, 259:17 adopting [3] - 26:8, 41:7, 259:22 adoption [2] - 179:7, 259:8 advanced [2] - 196:20, 212:17 advantage [1] - 199:7 adverse [1] - 183:21 advice [2] - 24:25, 244:7 advisor [3] - 264:19, 265:15, 265:18 advocate [7] - 20:13, 117:9, 183:24, 188:8, 241:12, 246:17, 246:22 affairs [2] - 10:16, 24:15 affect [6] - 22:18, 103:11, 135:18, 189:10, 219:1, 219:3</p>
6	A			
<p>6 [10] - 13:9, 18:20, 21:10, 41:13, 60:5, 139:15, 166:15, 208:11, 208:15, 208:20 61 [2] - 142:15, 142:21 68 [2] - 79:25, 80:10</p>	<p>A.M [1] - 7:1 a.m [3] - 23:13, 82:22, 267:20 abandoned [1] - 38:1 abandoning [1] - 54:14 Abdinasir Abdulle [5] - 8:9, 17:4, 17:8, 204:8, 206:6 Abdulle [23] - 17:6, 17:13, 19:25, 106:22, 108:19, 114:22, 123:17, 153:23, 175:2, 175:21, 203:18, 204:2, 204:7, 206:20, 211:6, 211:7, 211:11, 211:21, 217:6, 217:12, 219:22, 220:6, 220:21 ABDULLE [1] - 204:4 Abdulle's [3] - 178:23, 178:25, 206:13 ability [9] - 109:1, 121:15, 183:20, 218:6, 218:13, 235:2, 235:11, 241:24, 249:11 able [12] - 7:20, 22:10, 45:5, 57:23, 189:14, 194:18, 214:4, 220:15, 228:20, 231:12, 237:8, 256:4</p>			
7				
<p>7 [1] - 85:24 7.96 [1] - 210:24 75 [2] - 177:15, 245:8 76 [1] - 160:2 7th [1] - 223:17</p>				
8				
<p>8 [12] - 11:12, 18:25, 19:8, 21:11, 48:13, 66:7, 66:21, 96:24, 139:15, 210:23, 216:5, 218:4 8.1 [1] - 225:18 8.1-SR [2] - 223:18, 225:2 8.2-SR [1] - 225:3 8.4 [2] - 50:3, 69:15 8.4-SR [1] - 223:18 8.5 [1] - 224:19 8.5-SR [1] - 225:18</p>				

<p>affected [4] - 15:12, 21:1, 66:11, 189:24</p> <p>afternoon [24] - 100:13, 100:14, 100:15, 100:20, 106:17, 106:18, 115:17, 115:20, 147:7, 147:12, 183:1, 183:3, 203:24, 204:13, 220:23, 221:5, 238:5, 238:6, 240:17, 245:20, 245:21, 262:24, 263:3</p> <p>agencies [1] - 58:16</p> <p>agency [1] - 228:10</p> <p>ago [8] - 54:6, 64:22, 81:17, 158:15, 158:16, 167:9, 173:17, 196:23</p> <p>agree [33] - 14:1, 15:7, 15:18, 15:23, 40:3, 49:7, 49:9, 80:1, 113:17, 115:12, 117:13, 119:17, 119:24, 120:2, 120:7, 121:10, 121:19, 122:2, 122:3, 122:17, 171:2, 171:6, 171:9, 173:3, 177:7, 184:1, 233:12, 234:12, 234:13, 243:18, 243:24, 249:20, 255:10</p> <p>agreeable [2] - 108:7, 113:21</p> <p>agreed [8] - 12:20, 13:19, 18:20, 19:8, 19:17, 119:3, 119:12, 238:19</p> <p>agreement [3] - 16:11, 18:17, 112:23</p> <p>agreements [1] - 16:5</p> <p>agrees [3] - 15:11, 32:3, 65:15</p> <p>ahead [1] - 88:19</p> <p>aim [2] - 197:13</p> <p>air [1] - 44:13</p> <p>air conditioning [1] - 83:18</p> <p>aligned [5] - 74:8, 74:10, 74:12, 74:14, 74:18</p> <p>allow [4] - 30:8, 227:15, 232:7, 247:25</p> <p>allowable [1] - 30:15</p> <p>allowed [8] - 41:21, 102:24, 102:25, 104:11, 191:9, 207:19, 208:7, 208:8</p> <p>allowing [4] - 57:2,</p>	<p>230:21, 237:9, 252:11</p> <p>allows [4] - 30:11, 95:24, 237:4, 252:15</p> <p>almost [4] - 28:21, 46:3, 46:10, 219:15</p> <p>alone [2] - 74:20, 260:3</p> <p>alter [1] - 105:20</p> <p>alternative [19] - 37:22, 41:11, 42:3, 48:1, 54:19, 86:24, 108:15, 114:14, 117:18, 153:6, 166:3, 174:1, 179:11, 179:14, 181:8, 210:17, 221:19, 228:21, 250:8</p> <p>alternatively [1] - 255:23</p> <p>alternatives [6] - 173:23, 174:5, 174:6, 228:19, 249:24, 249:25</p> <p>ambition [1] - 200:12</p> <p>amend [1] - 224:5</p> <p>amended [1] - 227:2</p> <p>amendments [3] - 62:8, 223:13, 226:14</p> <p>amortization [3] - 107:18, 205:19, 234:23</p> <p>amortizations [1] - 146:2</p> <p>amortized [4] - 31:13, 36:18, 205:22, 208:12</p> <p>amount [8] - 36:18, 81:10, 132:16, 200:20, 209:1, 209:3, 215:6, 243:15</p> <p>amounts [3] - 31:18, 107:18, 211:13</p> <p>analogy [1] - 146:14</p> <p>Analyses [1] - 75:13</p> <p>analysis [31] - 28:12, 75:16, 77:2, 93:16, 120:22, 124:2, 125:9, 132:23, 136:13, 138:3, 153:16, 157:22, 161:12, 161:13, 166:19, 172:15, 174:18, 175:3, 175:15, 175:19, 228:4, 231:13, 240:10, 247:4, 247:7, 247:12, 251:18, 255:20, 256:6, 261:17, 261:21</p> <p>Analysis [1] - 166:16</p> <p>analyzed [1] - 93:25</p> <p>announce [1] - 99:18</p>	<p>announced [1] - 54:3</p> <p>annual [9] - 31:13, 55:1, 107:17, 107:18, 139:18, 146:2, 198:13, 200:8, 211:12</p> <p>answer [59] - 55:25, 65:11, 68:5, 68:7, 68:14, 73:19, 74:5, 74:22, 75:9, 75:10, 75:12, 76:1, 77:15, 80:3, 84:14, 86:9, 90:10, 92:15, 94:25, 97:17, 105:2, 108:20, 122:1, 122:4, 122:5, 124:17, 126:12, 127:12, 127:13, 129:7, 129:11, 129:16, 131:25, 132:18, 140:15, 148:6, 149:17, 153:2, 154:21, 156:6, 168:15, 168:23, 169:14, 171:24, 173:11, 173:22, 176:23, 180:20, 181:4, 186:25, 212:13, 217:6, 217:9, 231:14, 242:9, 243:12, 244:6, 244:13, 254:12</p> <p>answered [5] - 50:12, 126:5, 171:22, 175:23, 192:14</p> <p>answers [7] - 76:2, 105:24, 195:22, 206:2, 226:17, 254:1, 255:11</p> <p>anti [2] - 155:12, 233:20</p> <p>anti-DSM [1] - 233:20</p> <p>anticipate [11] - 58:15, 58:19, 58:20, 58:24, 87:23, 254:18, 262:8, 262:17, 262:24, 262:25, 263:3</p> <p>anticipated [3] - 140:5, 241:3, 241:17</p> <p>anticipating [3] - 58:1, 58:8, 59:2</p> <p>anytime [1] - 124:18</p> <p>anyway [2] - 203:25, 244:6</p> <p>apologize [13] - 26:5, 50:19, 84:23, 116:1, 116:2, 116:3, 148:17, 176:17, 176:19, 224:6, 226:12, 245:15, 263:22</p> <p>apparent [3] - 12:11, 110:10, 231:16</p> <p>appear [4] - 9:7,</p>	<p>38:3, 76:25, 229:5</p> <p>appearance [1] - 9:13</p> <p>appearances [1] - 7:23</p> <p>appeared [1] - 263:17</p> <p>appearing [1] - 9:6</p> <p>appendices [1] - 158:12</p> <p>Appendix [1] - 160:25</p> <p>appendix [4] - 161:4, 161:6, 161:7, 161:14</p> <p>applicable [2] - 33:7, 137:24</p> <p>Applicate [1] - 232:19</p> <p>Application [2] - 7:6, 137:4</p> <p>application [7] - 39:22, 40:12, 40:17, 113:15, 232:7, 232:19, 232:22</p> <p>applied [11] - 73:2, 73:3, 87:16, 107:8, 209:10, 212:17, 212:19, 213:2, 229:10, 230:5, 255:9</p> <p>applies [7] - 19:12, 60:13, 66:8, 107:10, 141:7, 142:1, 171:20</p> <p>apply [17] - 15:20, 18:20, 27:7, 27:13, 32:1, 33:1, 54:1, 65:21, 66:20, 71:5, 72:4, 72:6, 107:9, 141:23, 163:11, 209:5, 212:24</p> <p>applying [7] - 18:22, 31:24, 72:13, 72:24, 142:15, 213:6, 230:10</p> <p>appointment [1] - 262:11</p> <p>appreciate [3] - 47:10, 247:17, 265:18</p> <p>approach [6] - 91:18, 153:10, 159:3, 189:4, 257:13, 266:17</p> <p>approached [1] - 174:16</p> <p>appropriate [35] - 15:8, 19:16, 20:19, 21:1, 28:18, 30:18, 32:5, 33:1, 34:6, 35:16, 38:19, 42:19, 43:18, 45:9, 65:17, 65:21, 71:5, 71:21, 91:18, 109:18, 109:24, 112:8, 115:3, 119:14, 126:20,</p>	<p>134:2, 145:5, 145:24, 153:8, 171:1, 184:12, 193:14, 196:11, 211:3, 228:1</p> <p>appropriately [3] - 38:12, 43:17, 180:22</p> <p>appropriately-based [1] - 43:17</p> <p>approval [3] - 14:14, 15:24, 22:1</p> <p>Approval [1] - 7:8</p> <p>approve [8] - 16:17, 19:23, 21:5, 21:18, 23:16, 37:17, 99:22, 196:24</p> <p>approved [6] - 14:9, 33:8, 35:11, 35:12, 87:20, 208:7</p> <p>approving [2] - 23:20, 202:7</p> <p>APRIL [1] - 7:1</p> <p>April [3] - 13:8, 13:9, 223:17</p> <p>arbitrarily [1] - 220:8</p> <p>area [2] - 22:16, 253:3</p> <p>areas [1] - 246:20</p> <p>argue [7] - 53:19, 118:12, 118:16, 121:15, 148:19, 149:2, 149:9</p> <p>argued [3] - 121:21, 123:23, 184:22</p> <p>argues [5] - 145:4, 154:16, 168:16, 173:12, 177:4</p> <p>arguing [4] - 122:14, 130:16, 188:23, 251:23</p> <p>argument [8] - 118:11, 118:19, 124:1, 149:15, 177:8, 190:2, 201:5, 260:3</p> <p>argumentative [2] - 130:14, 217:13</p> <p>arguments [1] - 138:17</p> <p>arisen [1] - 34:8</p> <p>articulated [1] - 186:24</p> <p>Artie [1] - 101:21</p> <p>aside [1] - 124:23</p> <p>aspect [1] - 243:23</p> <p>aspects [3] - 180:22, 244:3, 246:14</p> <p>assert [1] - 230:10</p> <p>assertion [2] - 180:7, 180:18</p> <p>assessment [1] - 58:12</p> <p>assigned [1] - 140:4</p>
--	---	---	--	--

<p>assist [1] - 75:10 associate [1] - 192:6 associated [6] - 29:17, 42:12, 54:10, 117:8, 227:16, 231:10 assume [4] - 128:8, 165:21, 167:11, 185:15 Assuming [1] - 241:18 assuming [1] - 128:12 assurance [4] - 89:14, 90:7, 235:17, 239:16 assure [2] - 40:8, 247:10 attach [5] - 128:6, 131:8, 159:19, 168:2, 224:7 attached [7] - 14:4, 14:6, 224:6, 224:9, 225:10, 225:24, 226:3 attachment [2] - 224:9, 224:16 attained [1] - 90:23 attempt [2] - 126:21, 239:17 attention [3] - 70:21, 86:21, 264:7 Attorney [1] - 8:7 attorney [3] - 8:19, 128:13, 148:1 attribute [1] - 76:12 audience [1] - 262:16 August [1] - 11:16 Authority [1] - 7:6 authorized [3] - 62:13, 198:16, 200:21 authorizing [1] - 11:24 authors [1] - 103:4 automatic [1] - 260:16 automatically [1] - 199:13 availability [1] - 127:1 available [10] - 75:15, 140:11, 154:24, 155:17, 169:10, 169:12, 193:13, 236:2, 243:10, 250:9 avenue [1] - 246:14 average [6] - 60:11, 128:1, 130:3, 185:16, 235:5, 235:6 avoid [6] - 31:21, 45:5, 102:13, 103:23,</p>	<p>191:7, 208:24 avoided costs [1] - 93:2 aware [21] - 13:17, 22:14, 22:18, 22:24, 24:17, 24:22, 25:3, 25:5, 48:22, 49:11, 70:16, 73:4, 84:9, 91:3, 91:6, 92:21, 94:3, 117:2, 134:20, 144:13, 223:15 awful [2] - 97:22, 98:25</p> <p style="text-align: center;">B</p> <p>background [2] - 192:18, 193:15 backtracked [1] - 153:3 Backup [2] - 12:25, 66:19 balance [8] - 114:8, 133:3, 172:6, 177:5, 208:12, 234:11, 234:12, 234:14 balanced [2] - 180:7, 234:9 balances [2] - 114:14, 180:21 balancing [6] - 107:1, 172:5, 208:10, 208:11, 208:14, 209:4 ball [1] - 185:9 Barrow [1] - 103:24 base [2] - 216:6, 232:3 based [32] - 24:25, 35:2, 35:4, 35:17, 36:8, 38:1, 38:2, 38:17, 38:19, 42:17, 43:10, 43:17, 44:25, 54:17, 61:4, 61:6, 64:10, 83:21, 97:3, 124:4, 124:5, 128:4, 128:10, 136:13, 139:22, 162:2, 164:20, 192:24, 211:1, 229:5, 229:25 Based [2] - 27:15, 147:14 basic [3] - 41:23, 165:9 basing [3] - 27:22, 35:13, 43:25 basis [16] - 30:10, 31:13, 34:16, 52:4, 66:13, 72:13, 75:25, 76:20, 76:22, 76:24, 77:5, 98:9, 140:3, 144:9, 205:22, 234:24</p>	<p>bear [3] - 34:20, 47:5, 101:2 became [1] - 14:11 BECK [1] - 222:1 Beck [30] - 77:9, 80:2, 148:19, 149:2, 154:16, 168:16, 173:12, 177:4, 221:10, 221:20, 221:23, 221:25, 222:4, 225:17, 226:21, 226:24, 236:1, 236:2, 236:5, 236:9, 237:18, 245:20, 250:21, 251:1, 256:14, 258:21, 259:3, 261:16, 262:3, 262:5 Beck's [5] - 50:3, 69:15, 77:9, 92:14, 227:1 become [2] - 29:12, 56:18 becomes [2] - 46:10, 46:14 becoming [1] - 187:5 beg [1] - 22:5 begin [4] - 7:24, 9:23, 115:14, 194:3 beginning [8] - 31:8, 48:4, 65:11, 77:8, 140:14, 212:8, 215:20, 262:22 begins [10] - 56:1, 65:12, 104:19, 105:11, 140:15, 145:11, 154:3, 168:23, 169:15, 212:13 behalf [12] - 8:7, 8:12, 9:20, 17:17, 17:22, 20:13, 39:14, 71:14, 101:25, 204:14, 241:12, 265:17 behavior [4] - 154:8, 156:3, 192:11, 243:21 behind [2] - 85:20, 234:8 belief [2] - 11:4, 113:17 believes [10] - 19:19, 27:22, 30:17, 31:11, 35:13, 56:6, 87:8, 109:17, 113:11, 113:23 below [6] - 28:2, 171:1, 176:9, 183:19, 214:25, 235:6 benefit [14] - 104:7, 127:18, 202:15, 202:16, 236:20,</p>	<p>236:24, 236:25, 237:2, 239:18, 239:22, 240:5, 242:6, 242:17, 242:20 benefits [5] - 182:17, 197:14, 236:23, 236:24, 239:16 Berkeley [2] - 103:5, 103:8 best [11] - 25:8, 26:7, 74:5, 127:23, 243:5, 243:9, 243:22, 253:23, 254:20, 260:7, 260:8 bet [2] - 47:11, 160:4 better [17] - 18:3, 89:10, 90:4, 90:9, 152:15, 175:3, 186:5, 192:21, 199:22, 200:16, 200:17, 218:18, 233:24, 248:4, 251:14, 253:16 Better [1] - 207:9 between [51] - 12:15, 35:24, 36:1, 40:11, 40:14, 40:16, 43:1, 43:9, 50:6, 57:2, 70:24, 78:11, 79:7, 83:11, 85:17, 85:19, 93:6, 93:7, 93:9, 94:20, 96:6, 103:8, 112:23, 114:15, 128:1, 133:6, 133:20, 134:12, 146:14, 154:7, 154:11, 156:3, 156:13, 156:22, 165:1, 168:18, 174:19, 174:23, 185:3, 186:18, 189:14, 192:4, 197:6, 198:16, 202:3, 208:3, 229:18, 229:20, 236:14, 254:23, 259:12 Beyond [2] - 79:11, 94:15 beyond [13] - 38:14, 44:21, 54:4, 54:12, 55:16, 62:1, 72:17, 84:7, 94:13, 98:11, 124:2, 124:7, 193:3 bifurcate [1] - 11:13 bifurcated [2] - 121:14, 122:11 big [2] - 202:2, 229:20 bigger [2] - 86:3, 257:18 biggest [4] - 94:12, 96:10, 255:22 Bill [1] - 24:18 bill [14] - 14:10,</p>	<p>42:21, 42:24, 43:12, 70:13, 70:14, 70:17, 70:22, 70:23, 96:23, 198:15, 209:14, 209:15, 253:3 billed [1] - 67:8 Billing [1] - 61:7 billing [9] - 14:23, 15:2, 28:5, 29:2, 95:17, 95:21, 95:25, 96:3, 190:13 bills [1] - 42:25 bit [10] - 63:13, 69:23, 100:18, 105:5, 157:9, 180:4, 181:23, 192:18, 192:20, 248:4 block [130] - 29:16, 30:2, 36:12, 37:1, 44:2, 44:5, 44:16, 44:17, 45:8, 48:8, 48:9, 48:12, 49:4, 54:20, 60:6, 60:8, 60:9, 60:14, 60:18, 79:19, 82:7, 82:12, 84:6, 89:10, 89:17, 90:16, 97:4, 97:9, 97:12, 97:15, 98:21, 99:20, 99:22, 107:24, 107:25, 108:1, 108:17, 108:18, 109:13, 110:9, 111:10, 111:17, 114:6, 117:1, 129:20, 129:22, 129:24, 130:1, 130:4, 130:11, 131:2, 131:12, 131:16, 132:6, 132:9, 132:10, 132:24, 133:23, 134:19, 150:24, 150:25, 151:5, 152:23, 157:19, 161:19, 161:20, 162:16, 169:21, 169:25, 170:5, 170:9, 172:2, 172:12, 177:6, 179:8, 183:5, 184:23, 185:1, 185:3, 185:4, 185:15, 185:24, 189:15, 191:14, 192:1, 207:11, 207:13, 207:16, 207:22, 207:25, 209:10, 209:22, 209:24, 210:10, 210:20, 210:22, 211:2, 213:14, 213:17, 213:23, 214:2, 214:6, 214:8, 214:12, 214:21, 214:24, 215:6, 215:8, 215:25, 216:12, 216:13,</p>
--	---	--	--	---

<p>217:3, 217:8, 217:16, 217:18, 217:20, 217:22, 218:1, 218:7, 218:9, 218:11, 219:2, 219:3, 220:7, 220:12, 244:20, 266:16</p> <p>block's [1] - 53:17</p> <p>blocking [1] - 151:22</p> <p>blocks [9] - 44:6, 53:8, 53:9, 53:15, 152:18, 185:17, 210:21, 219:9, 229:7</p> <p>blood [1] - 107:23</p> <p>Bob [1] - 9:5</p> <p>body [3] - 161:3, 161:11, 224:24</p> <p>boil [1] - 87:25</p> <p>bolster [1] - 193:1</p> <p>bond [1] - 183:22</p> <p>book [1] - 165:9</p> <p>bottom [1] - 104:9</p> <p>bound [3] - 113:2, 158:24, 158:25</p> <p>box [2] - 185:17, 255:11</p> <p>boy [1] - 200:22</p> <p>Boyer [1] - 23:10</p> <p>break [7] - 116:8, 116:11, 159:19, 170:12, 170:21, 172:21, 202:2</p> <p>breakdown [1] - 70:24</p> <p>brief [3] - 101:18, 106:18, 193:17</p> <p>briefly [6] - 10:19, 26:25, 27:3, 37:14, 108:22, 188:15</p> <p>Brilliant [1] - 187:23</p> <p>bring [8] - 146:21, 223:20, 228:5, 228:16, 248:1, 252:11, 252:15, 253:13</p> <p>bringing [3] - 109:23, 253:9, 264:6</p> <p>broader [1] - 72:13</p> <p>broken [1] - 75:5</p> <p>brought [1] - 109:19</p> <p>bucket [2] - 46:2, 46:4</p> <p>build [1] - 83:20</p> <p>built [2] - 33:19, 53:14</p> <p>bulk [1] - 70:20</p> <p>bumped [1] - 256:24</p> <p>bundled [1] - 70:6</p> <p>burden [1] - 231:23</p> <p>burdensome [1] - 230:20</p> <p>Bureau [2] - 13:11,</p>	<p>13:13</p> <p>business [5] - 101:19, 195:4, 197:17, 201:3, 202:13</p> <p>BY [23] - 10:5, 17:12, 24:11, 39:11, 47:2, 83:4, 86:16, 92:11, 98:18, 101:12, 116:22, 118:4, 135:12, 187:13, 195:2, 204:12, 211:10, 211:24, 222:11, 236:8, 238:4, 245:19, 259:2</p> <p style="text-align: center;">C</p> <p>calculate [1] - 208:2</p> <p>calculated [10] - 54:6, 64:11, 78:16, 88:8, 161:16, 161:25, 163:14, 165:14, 208:5, 208:8</p> <p>calculation [10] - 30:13, 41:20, 60:15, 60:17, 62:23, 63:2, 63:11, 85:21, 95:20, 96:2</p> <p>calculations [6] - 51:22, 51:23, 70:1, 78:18, 112:11, 168:3</p> <p>California [9] - 84:21, 85:9, 85:12, 85:15, 85:18, 86:3, 93:7, 96:25, 195:6</p> <p>cannot [6] - 25:1, 149:13, 213:22, 214:10, 232:4</p> <p>cap [5] - 31:12, 208:25, 209:3, 211:12, 211:17</p> <p>capacity [3] - 17:14, 195:8, 222:20</p> <p>capital [3] - 80:5, 80:18, 92:15</p> <p>capitalize [1] - 104:13</p> <p>caps [4] - 36:17, 107:17, 107:20, 146:2</p> <p>captioned [1] - 7:5</p> <p>captured [2] - 200:14, 257:6</p> <p>care [1] - 99:21</p> <p>career [3] - 70:20, 87:14, 197:2</p> <p>careful [2] - 183:17, 260:12</p> <p>carefully [2] - 80:12, 197:9</p> <p>carries [1] - 56:1</p> <p>carry [2] - 221:13,</p>	<p>252:4</p> <p>case [106] - 7:4, 7:5, 7:15, 9:20, 10:9, 11:14, 11:18, 11:24, 12:4, 12:10, 13:21, 15:25, 16:2, 23:17, 23:24, 24:20, 26:11, 27:6, 27:8, 29:25, 32:4, 37:7, 39:16, 39:20, 59:14, 59:16, 64:7, 80:22, 81:1, 84:5, 99:6, 99:8, 99:13, 106:22, 107:1, 107:16, 108:14, 109:12, 110:22, 112:9, 112:21, 113:19, 114:2, 114:7, 114:11, 117:3, 117:23, 119:2, 120:11, 120:13, 120:19, 120:20, 120:22, 121:13, 122:10, 122:11, 122:14, 133:14, 133:24, 136:20, 138:3, 139:11, 141:22, 143:6, 144:4, 144:9, 145:15, 146:10, 146:24, 148:23, 149:18, 151:18, 153:8, 177:10, 178:12, 178:16, 178:24, 179:6, 180:16, 185:4, 187:20, 187:22, 187:25, 188:6, 188:7, 193:22, 198:5, 199:25, 200:1, 201:7, 212:17, 222:3, 222:24, 223:2, 227:15, 239:7, 242:4, 242:21, 249:17, 249:19, 254:24, 261:18, 262:9</p> <p>cases [9] - 12:14, 22:12, 22:18, 22:19, 32:12, 66:3, 139:17, 174:7, 185:2</p> <p>catch [1] - 187:7</p> <p>categories [1] - 235:10</p> <p>categorize [1] - 193:8</p> <p>causation [4] - 132:22, 133:2, 184:2, 184:10</p> <p>causing [3] - 124:15, 241:3, 243:21</p> <p>caution [2] - 183:9, 187:9</p> <p>cautiously [1] - 153:11</p>	<p>CAVANAUGH [3] - 116:6, 194:14, 194:20</p> <p>Cavanaugh [19] - 100:16, 101:4, 115:2, 115:25, 116:1, 116:13, 116:14, 135:4, 194:3, 194:6, 194:7, 194:15, 195:3, 196:8, 202:19, 202:20, 203:12</p> <p>Cavanaugh's [4] - 115:18, 115:24, 187:6, 196:2</p> <p>caveat [1] - 151:8</p> <p>central [2] - 44:13, 202:17</p> <p>cents [27] - 84:12, 85:3, 85:4, 85:13, 85:24, 98:8, 131:2, 131:3, 131:12, 131:14, 131:16, 132:5, 133:20, 133:21, 134:12, 134:15, 177:15, 178:17, 178:19, 179:15, 189:15, 245:8, 245:10</p> <p>certain [17] - 12:17, 22:24, 47:8, 51:22, 91:8, 115:24, 125:8, 162:8, 170:25, 214:17, 221:10, 230:12, 232:6, 244:3, 249:7, 254:1, 261:9</p> <p>certainly [31] - 28:9, 31:21, 34:2, 37:21, 38:7, 38:13, 43:24, 54:9, 58:23, 74:17, 79:13, 81:3, 87:14, 153:25, 181:6, 182:15, 183:16, 184:5, 192:24, 201:20, 229:5, 233:16, 242:3, 243:14, 246:13, 248:17, 249:14, 251:7, 253:10, 254:16, 260:10</p> <p>Certainly [3] - 10:14, 58:18, 243:11</p> <p>certainty [1] - 199:16</p> <p>CET [10] - 68:21, 111:4, 136:2, 136:5, 136:6, 136:11, 137:22, 141:6, 141:20, 150:3</p> <p>Chair [2] - 22:7, 179:21</p> <p>Chairman [28] - 21:8, 21:16, 23:23, 24:6, 25:9, 46:25, 57:13, 86:14, 92:9, 105:3,</p>	<p>116:19, 118:2, 135:10, 152:7, 159:8, 159:18, 176:5, 179:18, 189:25, 192:22, 203:14, 221:9, 222:14, 237:22, 245:17, 262:10, 262:23, 265:20</p> <p>CHAIRMAN BOYER [165] - 7:3, 8:3, 8:10, 8:14, 8:19, 8:22, 9:1, 9:4, 9:9, 9:16, 9:23, 10:11, 16:20, 17:1, 17:7, 19:25, 20:5, 20:8, 21:6, 21:14, 21:19, 21:24, 23:9, 23:14, 24:1, 24:3, 25:15, 25:20, 39:2, 46:23, 68:13, 81:18, 81:24, 82:19, 82:23, 86:12, 92:5, 95:4, 95:9, 97:11, 97:18, 97:23, 98:4, 98:7, 98:13, 100:5, 100:15, 100:19, 101:2, 106:7, 114:18, 114:23, 115:14, 115:25, 116:3, 116:7, 116:17, 117:25, 126:8, 126:11, 129:5, 129:9, 130:17, 135:1, 135:8, 136:24, 137:7, 148:4, 159:4, 159:21, 172:21, 179:19, 182:25, 186:20, 187:1, 190:5, 190:8, 193:6, 193:18, 193:25, 194:5, 194:16, 194:21, 196:1, 196:4, 196:7, 196:10, 202:19, 202:22, 202:24, 203:1, 203:3, 203:5, 203:8, 203:11, 203:15, 203:17, 203:23, 204:7, 206:12, 211:6, 211:20, 218:23, 219:20, 219:24, 220:1, 220:3, 220:17, 220:20, 221:2, 221:4, 221:7, 221:18, 221:24, 222:2, 222:5, 222:15, 223:20, 223:24, 224:21, 225:8, 225:17, 225:22, 227:1, 227:4, 236:1, 236:4, 237:17, 237:20, 237:25, 245:14, 250:18, 250:22, 250:24,</p>
---	--	---	--	---

<p>253:15, 256:14, 257:13, 257:21, 258:17, 258:21, 262:5, 262:13, 262:15, 262:19, 263:4, 263:11, 263:14, 263:23, 263:25, 264:3, 264:6, 264:9, 264:14, 264:24, 265:2, 265:5, 265:12, 266:25, 267:6, 267:8, 267:10, 267:12, 267:14, 267:16, 267:19</p> <p>challenge [1] - 118:8 challenged [1] - 192:23 challenging [1] - 124:22 chance [6] - 61:13, 71:14, 92:18, 93:4, 125:24, 126:24 change [35] - 13:5, 27:10, 30:15, 30:16, 30:23, 31:8, 31:10, 31:19, 34:22, 46:13, 46:14, 53:10, 56:13, 56:25, 57:4, 60:25, 65:8, 102:24, 103:1, 103:2, 104:16, 131:11, 132:8, 133:9, 133:10, 133:13, 133:17, 156:21, 188:25, 189:1, 189:9, 190:23, 190:24, 201:2, 201:6 changed [7] - 40:10, 40:14, 40:16, 40:19, 40:22, 151:4, 190:19 changes [19] - 19:12, 23:1, 25:3, 30:20, 31:3, 31:5, 41:15, 41:23, 51:25, 55:1, 102:8, 103:11, 105:17, 105:19, 145:23, 157:13, 162:3, 195:17, 233:24 changing [2] - 192:10, 208:22 Chapter [1] - 166:15 characteristics [5] - 118:22, 209:7, 209:11, 212:23, 232:6 characterize [2] - 76:11, 144:6 characterized [1] - 233:20 charge [111] - 18:24, 19:1, 27:8, 27:14, 27:18, 28:1, 28:8, 29:10, 32:11, 32:12, 32:13, 32:20, 32:21,</p>	<p>32:22, 32:25, 33:10, 33:11, 34:25, 35:15, 35:17, 36:4, 40:1, 40:9, 41:12, 42:8, 42:9, 42:10, 42:23, 43:2, 43:7, 43:10, 43:11, 43:14, 43:17, 45:13, 46:8, 46:10, 47:24, 48:12, 52:3, 52:25, 53:3, 53:10, 53:25, 54:2, 54:6, 54:16, 54:21, 59:13, 59:19, 63:9, 63:16, 63:18, 64:25, 65:25, 66:3, 66:8, 66:23, 66:25, 67:1, 67:6, 67:7, 67:10, 67:15, 67:17, 77:23, 78:11, 78:15, 87:1, 87:10, 88:12, 90:3, 90:12, 90:13, 95:19, 96:2, 96:15, 96:17, 96:21, 96:24, 96:25, 99:25, 102:18, 107:22, 108:16, 176:24, 177:11, 178:13, 178:17, 179:6, 179:12, 179:13, 198:7, 198:12, 198:13, 208:19, 209:1, 209:20, 209:21, 209:23, 210:18, 210:20, 210:25, 233:8, 244:18, 245:6 charged [1] - 180:25 charges [31] - 18:22, 18:23, 19:3, 19:13, 19:14, 27:9, 35:18, 36:5, 36:8, 42:7, 53:11, 53:12, 54:13, 66:1, 66:6, 66:12, 66:20, 67:14, 67:25, 71:10, 74:10, 74:11, 74:13, 74:17, 77:20, 77:21, 78:16, 88:21, 198:3, 209:9 charging [1] - 216:5 check [5] - 61:23, 160:23, 178:21, 179:3, 211:16 checkers [1] - 104:3 checking [2] - 161:9, 235:21 chief [3] - 7:16, 23:17, 223:3 choice [1] - 248:11 choices [1] - 38:18 choose [3] - 42:17, 94:20, 212:20 chooses [4] - 37:22, 52:19, 210:8, 210:15</p>	<p>chose [1] - 209:5 chronic [2] - 76:12, 76:15 Chronologically [1] - 64:5 chronology [1] - 65:4 circulated [1] - 13:9 circumstance [2] - 138:7, 172:8 circumstances [1] - 120:12 citation [3] - 159:24, 226:8, 233:18 citations [1] - 226:12 cite [3] - 155:15, 157:8, 169:8 cited [6] - 155:6, 159:18, 226:7, 232:5, 232:8, 233:15 cites [2] - 155:17, 155:19 cities [1] - 22:22 city [1] - 23:3 claim [1] - 131:6 claimed [1] - 230:15 clarification [5] - 30:14, 41:19, 91:6, 156:1, 243:24 clarifications [1] - 30:21 clarified [1] - 91:4 clarify [8] - 102:22, 103:23, 120:5, 134:11, 139:24, 161:21, 246:17, 256:20 class [84] - 18:12, 20:11, 27:8, 29:4, 31:25, 32:2, 32:17, 33:2, 35:18, 35:20, 36:2, 36:13, 65:18, 65:21, 66:2, 67:24, 67:25, 68:3, 71:6, 71:8, 71:22, 72:2, 72:6, 72:14, 72:18, 74:18, 75:17, 76:20, 76:22, 76:23, 78:1, 78:12, 88:10, 94:10, 107:9, 109:3, 109:4, 110:2, 110:5, 110:8, 110:11, 129:21, 138:21, 139:4, 139:6, 141:8, 141:17, 141:19, 141:24, 142:6, 143:2, 143:3, 143:4, 143:5, 143:7, 143:18, 143:19, 144:10, 144:16, 151:22, 174:18, 174:23, 207:4, 209:6,</p>	<p>209:7, 209:8, 209:12, 210:12, 212:12, 213:3, 220:24, 220:25, 230:6, 230:10, 230:21, 231:11, 231:20, 232:20, 233:7, 235:7, 235:14, 261:11 classes [22] - 12:1, 18:14, 18:17, 55:21, 55:22, 72:8, 73:3, 73:4, 73:16, 73:24, 74:7, 139:5, 139:14, 139:21, 140:8, 209:8, 213:1, 213:7, 230:12, 230:17, 230:22, 231:12 clear [9] - 28:24, 43:7, 97:14, 123:3, 162:9, 172:6, 234:3, 250:4, 250:13 clearer [2] - 104:15, 104:23 Clearly [1] - 44:9 close [3] - 97:1, 106:18, 230:18 close-to-true [1] - 230:18 closed [1] - 254:6 closely [3] - 74:8, 74:10, 97:5 closer [8] - 30:5, 38:23, 74:18, 127:10, 197:17, 207:8, 223:21, 246:2 co [2] - 76:4, 195:9 co-director [1] - 195:9 code [1] - 253:4 coefficient [4] - 157:4, 163:6, 163:9, 163:17 cohesive [1] - 115:10 Col [1] - 262:25 collar [1] - 201:1 collect [15] - 14:8, 19:6, 28:18, 37:3, 45:17, 46:8, 66:12, 74:16, 76:8, 77:21, 90:6, 104:11, 214:4, 220:15, 241:4 collected [7] - 14:2, 14:10, 28:16, 35:22, 36:23, 40:8, 220:16 collecting [5] - 46:1, 89:19, 90:7, 110:15, 207:15 collection [10] - 29:6, 29:7, 30:8, 33:12, 34:14, 43:20,</p>	<p>213:11, 255:15, 255:16 collections [2] - 36:20, 76:17 collective [1] - 57:3 collects [8] - 32:22, 43:17, 78:4, 100:2, 207:19, 208:4, 210:7, 242:20 Collins [13] - 8:18, 84:18, 85:1, 85:5, 85:13, 85:14, 100:10, 151:21, 203:24, 204:1, 220:23, 263:2 COLLINS [4] - 100:12, 220:25, 221:3, 221:6 Collins' [2] - 135:5, 153:16 Column [4] - 14:5, 14:19, 14:21, 14:22 column [1] - 163:7 columns [1] - 164:23 Com [2] - 88:23, 243:14 comfortable [3] - 117:15, 153:3 coming [6] - 133:19, 256:7, 263:23, 263:24, 264:10, 267:17 commence [1] - 135:8 commenced [1] - 75:15 commensurate [2] - 149:11, 239:18 comment [4] - 129:2, 212:10, 266:19, 266:23 comments [12] - 16:8, 16:19, 17:21, 52:10, 57:17, 82:5, 112:1, 112:3, 112:4, 141:5, 147:13, 188:17 commercial [6] - 20:13, 32:9, 66:2, 144:12, 212:18, 228:25 Commission [122] - 11:8, 11:16, 11:19, 11:23, 12:8, 13:4, 13:10, 14:9, 15:24, 16:17, 18:21, 19:4, 19:6, 19:22, 21:4, 21:23, 24:24, 26:17, 27:16, 27:25, 37:17, 37:22, 38:24, 52:4, 52:12, 52:16, 52:19, 54:1, 54:5, 54:13, 64:17, 91:22, 93:15, 93:19, 94:3, 95:20,</p>
---	--	--	---	--

<p>96:3, 99:21, 108:13, 111:6, 112:13, 113:1, 113:3, 113:6, 114:11, 117:6, 119:3, 119:14, 120:7, 121:5, 121:16, 122:25, 123:9, 126:1, 127:19, 128:10, 130:13, 130:19, 130:21, 135:24, 136:9, 138:5, 147:20, 148:3, 149:23, 150:9, 153:5, 161:18, 167:11, 171:6, 180:10, 180:24, 184:24, 196:16, 196:23, 207:19, 208:7, 210:8, 210:15, 213:5, 224:4, 224:15, 225:4, 225:5, 227:11, 227:23, 229:25, 231:22, 232:3, 235:17, 235:25, 236:21, 237:3, 237:5, 237:11, 240:17, 246:7, 246:9, 246:15, 246:18, 246:22, 247:2, 247:10, 247:20, 247:23, 248:15, 248:18, 249:7, 249:10, 249:12, 249:13, 250:1, 250:10, 250:13, 251:2, 251:15, 252:8, 261:22, 263:19, 265:19, 266:7, 266:18</p> <p>Commission's [9] - 64:7, 95:24, 96:6, 96:12, 112:16, 119:11, 120:24, 138:2, 248:5</p> <p>Commission-ordered [1] - 18:21</p> <p>COMMISSIONER [1] - 267:15</p> <p>Commissioner [3] - 22:4, 23:10, 115:12</p> <p>Commissioner Allen [20] - 22:6, 22:7, 23:6, 95:12, 96:5, 179:20, 179:21, 181:14, 181:16, 181:22, 182:20, 182:23, 220:3, 250:24, 250:25, 252:1, 252:22, 253:6, 253:12, 253:14</p> <p>Commissioner Campbell [32] - 23:9, 95:13, 95:14, 95:16, 96:1, 96:14, 96:18, 97:2, 97:10, 182:25,</p>	<p>183:1, 183:4, 183:23, 184:13, 184:16, 184:18, 185:11, 185:14, 186:3, 186:11, 186:19, 203:7, 203:10, 220:4, 253:15, 253:16, 253:21, 253:24, 254:8, 254:11, 254:21, 255:5</p> <p>Commissioners [18] - 47:6, 106:19, 187:15, 194:8, 196:19, 197:23, 198:19, 199:10, 200:10, 200:24, 201:8, 201:20, 202:7, 202:18, 203:9, 262:4, 265:20, 267:14</p> <p>commissioners [3] - 95:11, 124:14, 221:17</p> <p>commitment [1] - 265:25</p> <p>Committee [3] - 221:8, 259:8, 260:24</p> <p>Committee's [1] - 255:6</p> <p>commodity [4] - 70:13, 70:17, 78:25, 144:23</p> <p>common [1] - 164:20</p> <p>communicate [1] - 22:22</p> <p>communicating [2] - 22:17, 110:20</p> <p>community [2] - 22:20, 244:25</p> <p>companies [1] - 232:25</p> <p>company [13] - 46:5, 93:14, 111:2, 112:9, 142:12, 142:22, 143:13, 143:24, 183:14, 232:16, 232:18, 241:10, 243:16</p> <p>Company [175] - 7:24, 9:21, 11:7, 14:2, 15:11, 20:20, 22:9, 22:14, 26:10, 27:6, 27:17, 27:21, 30:19, 30:25, 32:3, 35:10, 35:12, 38:7, 39:15, 39:21, 40:2, 40:11, 40:16, 40:18, 41:7, 41:8, 41:15, 41:25, 44:11, 45:5, 45:11, 46:10, 46:14, 46:16, 48:17, 48:20, 49:7, 49:17, 50:6, 52:2, 53:25, 55:17, 56:5, 56:6, 56:11, 56:16,</p>	<p>56:20, 57:23, 58:2, 58:5, 58:15, 58:19, 58:20, 61:20, 62:5, 65:15, 69:1, 69:6, 71:23, 72:21, 72:25, 73:16, 75:15, 76:11, 80:20, 82:10, 82:11, 84:2, 87:8, 88:8, 88:15, 88:23, 89:2, 89:10, 89:23, 90:3, 90:11, 90:14, 92:23, 94:7, 94:20, 94:23, 98:25, 99:21, 100:2, 104:10, 105:7, 107:2, 108:4, 108:8, 110:4, 110:21, 110:24, 111:4, 111:7, 111:15, 112:1, 112:5, 112:23, 113:12, 113:14, 113:17, 113:20, 113:21, 114:5, 114:9, 114:13, 114:15, 118:7, 133:14, 133:15, 133:19, 134:5, 134:21, 135:19, 138:21, 141:15, 142:11, 142:14, 150:16, 153:25, 154:1, 168:17, 171:7, 176:1, 182:7, 188:18, 189:2, 189:6, 191:4, 191:8, 191:9, 191:19, 192:7, 207:14, 207:19, 207:24, 208:4, 210:7, 220:10, 220:14, 228:23, 228:25, 230:7, 230:15, 231:9, 233:5, 236:25, 237:7, 239:17, 241:4, 241:11, 241:13, 241:14, 241:16, 242:16, 242:20, 242:24, 243:5, 243:6, 243:9, 243:10, 243:14, 243:22, 244:2, 244:3, 244:9, 256:16, 257:14, 257:22, 260:1, 260:7, 260:8, 260:23, 261:6</p> <p>Company's [59] - 11:4, 16:11, 26:21, 27:1, 27:4, 28:11, 37:23, 41:10, 42:2, 42:15, 48:5, 52:13, 52:22, 60:25, 62:17, 64:19, 65:20, 67:23, 74:25, 75:2, 75:20, 84:10, 87:4, 88:1, 88:20, 89:8, 89:11, 89:22, 90:2, 90:5, 94:21, 96:7, 99:3,</p>	<p>107:10, 108:2, 109:1, 109:8, 109:15, 109:16, 109:19, 112:19, 113:25, 120:13, 133:10, 136:11, 142:2, 142:7, 149:11, 149:12, 153:16, 168:19, 171:11, 172:4, 181:9, 183:20, 188:25, 189:13, 241:8, 243:17</p> <p>company's [1] - 49:14</p> <p>compare [3] - 142:18, 143:2, 261:11</p> <p>compared [6] - 42:18, 76:4, 140:4, 140:5, 140:6, 175:15</p> <p>compares [1] - 253:3</p> <p>comparing [2] - 77:3, 175:6</p> <p>comparison [2] - 175:24, 232:23</p> <p>comparisons [1] - 174:19</p> <p>complain [1] - 200:4</p> <p>complaint [1] - 92:18</p> <p>complaints [1] - 113:7</p> <p>complete [6] - 134:5, 135:3, 221:10, 221:15, 256:8, 263:1</p> <p>completed [1] - 221:12</p> <p>completely [1] - 121:24</p> <p>completeness [1] - 61:21</p> <p>complex [1] - 225:2</p> <p>complicated [1] - 89:13</p> <p>component [7] - 45:18, 45:19, 74:12, 87:1, 93:3, 93:11</p> <p>components [4] - 28:19, 74:8, 110:11, 110:15</p> <p>composition [1] - 68:2</p> <p>comprehensive [4] - 56:3, 56:7, 107:13, 146:4</p> <p>con [1] - 184:19</p> <p>concept [10] - 41:24, 104:22, 127:14, 128:19, 132:3, 133:9, 146:3, 180:3, 188:22, 189:3</p> <p>concern [8] - 31:14, 75:18, 94:13, 100:1, 234:25, 235:1,</p>	<p>253:24, 255:22</p> <p>concerned [8] - 55:25, 57:21, 99:25, 187:5, 191:18, 191:23, 199:15, 256:16</p> <p>concerning [2] - 77:9, 79:24</p> <p>concerns [5] - 31:23, 108:24, 230:8, 234:4, 234:18</p> <p>conclude [2] - 143:11, 166:8</p> <p>concluded [4] - 16:1, 88:5, 148:23, 164:7</p> <p>concludes [7] - 16:18, 19:24, 21:5, 39:1, 114:17, 211:5, 226:13</p> <p>conclusion [10] - 16:9, 38:20, 77:6, 88:3, 119:25, 138:3, 147:25, 231:13, 255:19, 266:21</p> <p>conclusions [1] - 136:10</p> <p>concurrent [1] - 31:9</p> <p>condition [1] - 113:23</p> <p>conditioned [2] - 116:24, 259:23</p> <p>conditions [2] - 15:19, 16:4</p> <p>conducted [2] - 75:13, 154:17</p> <p>conductors [1] - 85:23</p> <p>conference [1] - 111:14</p> <p>conferencing [1] - 99:13</p> <p>conferred [1] - 23:15</p> <p>confidence [4] - 164:24, 165:10, 230:17, 233:3</p> <p>confirmed [1] - 231:14</p> <p>conflicting [1] - 27:21</p> <p>confused [2] - 116:14, 254:24</p> <p>confusion [2] - 102:13, 103:23</p> <p>conjunction [2] - 111:9, 266:15</p> <p>connection [2] - 136:11, 156:4</p> <p>consensus [1] - 249:4</p> <p>consequences [2] - 182:4, 183:21</p>
---	---	--	--	---

<p>conser [1] - 127:20 conservation [73] - 38:5, 38:8, 42:8, 42:10, 42:14, 42:15, 42:20, 44:3, 44:5, 44:10, 44:18, 46:17, 46:18, 53:14, 98:20, 98:24, 107:1, 111:10, 114:3, 114:10, 117:4, 117:7, 117:20, 122:20, 123:1, 123:5, 123:10, 123:20, 123:24, 124:3, 124:8, 124:16, 124:19, 125:1, 125:2, 126:3, 126:23, 127:15, 131:17, 132:6, 132:7, 132:10, 150:23, 168:18, 169:19, 180:4, 180:13, 180:18, 180:23, 181:7, 181:13, 182:16, 184:9, 184:19, 186:5, 192:3, 192:4, 216:17, 217:1, 217:8, 229:8, 233:10, 233:11, 235:7, 236:20, 244:15, 244:18, 252:25, 258:13, 265:21, 266:8, 266:17 Conservation [1] - 192:10 conservation enabling tariff [3] - 107:7, 107:21, 144:8 conservative [1] - 155:21 conserve [7] - 38:16, 38:18, 42:17, 44:20, 217:5, 235:3, 235:11 conserving [3] - 44:22, 235:4, 235:6 consider [24] - 72:16, 80:15, 80:24, 82:11, 108:11, 130:18, 136:18, 137:22, 138:1, 144:10, 145:5, 148:11, 148:20, 149:3, 167:12, 170:14, 172:10, 173:14, 174:1, 180:9, 213:6, 213:8, 215:4, 236:21 consideration [4] - 72:12, 121:1, 122:15, 237:11 considerations [2] - 130:20, 130:22 considered [14] - 37:21, 80:3, 93:20,</p>	<p>93:23, 94:5, 119:13, 121:17, 135:15, 148:13, 149:23, 174:5, 186:4, 187:24, 214:22 considering [4] - 49:18, 134:2, 173:23, 215:3 considers [1] - 112:7 consist [3] - 52:23, 142:22, 266:14 consistency [1] - 156:10 consistent [3] - 69:3, 112:12, 112:17 consisting [4] - 205:7, 206:8, 223:10, 223:17 constitutes [1] - 231:2 constrain [1] - 113:3 construct [1] - 111:20 consultant [1] - 17:16 consume [6] - 29:23, 38:19, 42:17, 45:2, 45:3, 234:24 consumed [2] - 70:23, 241:3 consumer [3] - 144:24, 219:5, 243:21 consumers [6] - 199:18, 199:20, 239:18, 239:22, 240:6, 241:3 Consumers [2] - 11:1, 11:13 consumption [8] - 34:22, 42:13, 198:17, 199:17, 200:9, 202:5, 202:6, 220:14 Consumption [1] - 225:14 contacted [1] - 49:13 contain [3] - 16:3, 32:9, 161:11 contained [2] - 132:3, 161:13 containing [1] - 206:10 contains [2] - 145:15, 146:7 content [1] - 50:16 contents [1] - 237:6 context [7] - 79:25, 124:17, 196:22, 197:9, 213:15, 237:6, 258:19 continence [1] - 233:21</p>	<p>continuation [2] - 57:24, 264:15 continue [15] - 21:17, 27:23, 35:4, 35:14, 36:5, 36:7, 36:12, 37:10, 37:13, 55:16, 58:14, 59:1, 74:15, 88:6, 266:7 continued [3] - 36:10, 39:25, 112:20 Continued [1] - 82:6 continues [2] - 37:17, 49:2 continuing [1] - 250:2 contrary [1] - 233:22 contributing [1] - 76:18 contributor [1] - 76:21 convenient [1] - 182:3 convening [2] - 262:24, 263:3 conver [1] - 244:18 conversation [2] - 50:23, 50:24 conversations [7] - 41:1, 49:17, 49:25, 50:14, 50:16, 63:25, 230:2 convert [1] - 190:11 cool [1] - 255:18 copies [2] - 224:14, 224:17 copy [14] - 127:25, 145:16, 150:18, 158:6, 159:6, 159:11, 159:14, 159:20, 159:25, 173:9, 176:15, 190:15, 238:10, 238:12 Corp [1] - 163:12 Correct [10] - 141:25, 143:14, 143:18, 146:16, 163:2, 163:4, 177:20, 236:18, 258:20, 259:15 correct [106] - 24:21, 25:2, 42:5, 42:6, 48:2, 48:17, 48:18, 49:8, 50:25, 53:1, 54:21, 55:2, 59:24, 61:13, 64:5, 65:22, 66:4, 66:5, 67:7, 68:1, 78:9, 79:16, 79:17, 80:22, 80:23, 81:5, 88:11, 88:14, 88:25, 98:21, 100:11, 100:12, 100:24, 102:7,</p>	<p>103:10, 104:5, 117:6, 118:24, 118:25, 120:18, 121:18, 123:21, 125:17, 128:6, 128:7, 131:5, 134:19, 136:2, 137:17, 141:10, 141:11, 141:17, 141:18, 141:20, 141:21, 141:24, 142:16, 142:17, 142:23, 143:8, 143:9, 143:17, 144:1, 144:24, 144:25, 146:15, 149:24, 149:25, 150:10, 150:11, 152:6, 152:19, 155:3, 160:13, 160:14, 161:2, 161:10, 161:20, 161:21, 162:6, 162:18, 162:20, 168:1, 169:22, 169:23, 171:1, 171:4, 173:25, 177:12, 177:13, 177:16, 178:18, 191:4, 191:6, 205:23, 217:17, 217:22, 218:1, 225:5, 236:17, 237:12, 239:2, 241:17, 246:21, 259:14, 260:14 Corrected [2] - 206:7, 206:10 corrected [10] - 60:14, 61:9, 61:16, 61:17, 105:24, 205:10, 206:2, 206:13, 206:16, 206:18 correcting [1] - 205:1 correction [6] - 188:12, 205:2, 205:3, 224:1, 224:11 corrections [14] - 25:5, 62:8, 102:8, 102:13, 103:14, 103:22, 105:17, 105:19, 195:17, 204:25, 205:12, 205:24, 223:13, 226:14 correctly [4] - 47:13, 136:1, 165:23, 224:9 cost [110] - 11:14, 11:20, 27:22, 28:2, 28:3, 28:4, 28:25, 29:19, 29:20, 30:5, 30:16, 32:22, 34:5, 35:2, 35:4, 35:13,</p>	<p>35:17, 35:18, 36:4, 36:8, 38:1, 38:2, 38:6, 38:14, 38:17, 38:22, 38:23, 41:11, 42:18, 43:10, 43:22, 44:1, 44:21, 44:25, 45:2, 45:3, 45:13, 51:25, 54:16, 61:4, 62:1, 62:6, 62:13, 64:10, 64:12, 73:14, 73:15, 74:8, 76:23, 77:4, 78:25, 80:4, 80:18, 80:25, 81:10, 83:6, 85:13, 85:22, 85:23, 86:25, 89:3, 89:8, 89:23, 90:14, 92:15, 93:9, 93:24, 97:3, 98:11, 114:9, 132:22, 133:2, 133:10, 133:16, 134:1, 134:15, 139:16, 139:19, 139:25, 142:3, 177:6, 181:8, 184:2, 184:9, 188:25, 189:11, 197:20, 197:22, 199:14, 200:13, 200:25, 207:2, 207:15, 208:6, 208:18, 211:1, 214:4, 220:15, 223:3, 230:13, 230:18, 230:24, 231:5, 233:22 Cost [1] - 205:16 cost-based [10] - 35:2, 35:4, 35:17, 36:8, 38:1, 38:2, 43:10, 97:3, 211:1 cost-effective [1] - 181:8 costs [102] - 28:13, 28:14, 28:15, 28:19, 28:23, 29:7, 29:15, 29:20, 30:4, 30:9, 31:12, 31:18, 32:15, 34:15, 34:21, 34:23, 35:2, 35:5, 35:22, 36:6, 36:15, 36:17, 36:18, 36:22, 37:4, 40:6, 42:11, 43:18, 43:20, 45:17, 45:18, 46:1, 46:2, 46:8, 46:9, 46:12, 46:13, 53:6, 54:9, 54:10, 57:3, 62:16, 63:4, 63:18, 63:19, 65:1, 70:4, 74:11, 74:16, 74:20, 75:20, 75:24, 76:8, 76:13, 76:21, 77:22, 78:20, 82:9, 83:13, 83:15, 83:19, 84:2, 86:5, 86:9, 87:9, 87:10, 88:9, 88:16,</p>
--	---	---	--	---

<p>88:24, 89:15, 89:20, 90:8, 90:15, 95:18, 95:25, 96:11, 97:6, 97:8, 107:11, 110:16, 141:7, 142:25, 143:1, 143:4, 143:6, 144:18, 144:19, 169:20, 198:3, 198:17, 199:23, 207:20, 208:5, 210:7, 237:4, 237:10, 257:15 Council [1] - 195:10 Counsel [3] - 128:22, 129:1, 190:3 counsel [2] - 159:12, 244:7 count [1] - 208:9 country [2] - 73:11, 201:25 couple [12] - 32:7, 62:19, 83:7, 100:9, 103:13, 103:22, 104:4, 145:19, 179:22, 182:6, 211:8, 237:21 course [11] - 21:10, 39:4, 72:12, 80:25, 146:22, 197:3, 198:9, 228:7, 229:13, 232:14, 240:1 court [1] - 128:19 cover [3] - 108:9, 208:4, 212:21 covered [2] - 96:3, 212:22 covers [3] - 68:17, 78:1, 141:8 crawl [1] - 136:1 crease [1] - 59:23 create [2] - 36:12, 37:2 Create [1] - 110:9 creates [3] - 29:3, 29:5, 242:1 creating [2] - 89:16, 182:5 creativity [3] - 247:25, 248:2, 252:10 credentials [1] - 193:2 credit [1] - 103:9 critical [2] - 61:5, 153:15 criticism [3] - 125:7, 153:22, 153:24 criticisms [2] - 108:24, 153:19 criticized [1] - 125:16 cross [3] - 39:5, 193:3, 236:3</p>	<p>Cross examination [29] - 39:10, 47:1, 82:25, 83:3, 86:15, 92:7, 92:10, 114:19, 114:24, 115:4, 115:11, 115:15, 115:21, 116:10, 116:15, 116:18, 116:21, 117:25, 118:3, 135:3, 135:9, 135:11, 194:10, 211:9, 211:23, 236:7, 238:3, 245:18, 267:2 crossed [1] - 227:18 curious [2] - 180:17, 251:6 Curl [3] - 100:23, 151:23, 151:25 Curl's [2] - 91:4, 91:23 current [13] - 28:1, 33:10, 40:5, 45:8, 95:23, 107:23, 107:24, 191:1, 191:2, 209:20, 209:22, 210:19, 257:10 curve [1] - 156:12 cus [2] - 59:18, 241:8 customer [125] - 18:23, 19:1, 19:13, 22:20, 27:8, 27:14, 27:18, 27:19, 28:1, 28:5, 28:8, 28:15, 30:9, 32:10, 32:20, 33:9, 33:11, 34:25, 35:15, 35:17, 36:3, 36:6, 40:1, 40:9, 41:12, 41:19, 41:20, 42:7, 42:8, 42:9, 42:10, 42:12, 42:23, 43:2, 43:7, 43:10, 43:11, 43:12, 43:14, 43:17, 44:25, 45:13, 47:24, 48:12, 52:3, 52:25, 53:2, 53:10, 53:25, 54:2, 54:6, 54:9, 54:13, 54:16, 54:21, 55:21, 55:22, 59:12, 59:18, 62:13, 63:16, 64:24, 65:18, 65:25, 70:10, 71:3, 71:6, 71:22, 74:10, 74:11, 77:25, 78:2, 87:1, 87:10, 88:22, 89:4, 90:2, 90:12, 90:13, 95:18, 96:1, 96:11, 96:15, 96:16, 96:20, 96:24, 96:25, 97:15, 97:22, 107:22, 108:16, 174:24, 176:24, 177:11, 178:5, 178:13,</p>	<p>178:17, 179:6, 179:11, 179:13, 197:14, 198:12, 199:17, 202:15, 208:9, 208:18, 209:20, 210:18, 210:25, 220:10, 230:17, 232:20, 233:7, 237:1, 242:6, 242:17, 242:19, 244:17, 245:6, 256:3, 257:16 customer's [4] - 14:10, 42:21, 67:4, 90:25 customer-related [3] - 36:6, 54:9, 74:11 customers [101] - 9:6, 15:8, 15:12, 16:16, 19:16, 20:14, 20:19, 20:21, 21:1, 28:3, 28:6, 28:13, 28:24, 29:21, 29:22, 30:12, 30:15, 31:5, 31:14, 32:5, 34:9, 34:16, 34:17, 34:24, 35:1, 35:19, 35:22, 35:25, 36:2, 36:5, 36:7, 36:13, 36:19, 36:24, 38:3, 38:11, 38:18, 40:6, 41:10, 42:16, 43:1, 43:9, 43:15, 43:18, 43:21, 44:7, 44:9, 44:17, 45:4, 47:24, 52:1, 52:24, 54:11, 57:20, 63:10, 66:16, 66:21, 67:9, 67:10, 68:18, 68:19, 72:22, 72:23, 75:24, 78:5, 78:12, 78:19, 99:24, 100:1, 107:2, 113:13, 114:16, 117:5, 144:11, 197:18, 198:8, 198:24, 199:6, 199:12, 199:21, 202:12, 207:12, 207:17, 209:16, 210:2, 210:3, 210:11, 211:3, 217:4, 220:13, 230:6, 232:21, 234:21, 235:2, 242:8, 257:1, 257:3, 258:10 customers' [2] - 42:25, 212:18 cutting [1] - 103:18</p>	<p>D-4 [2] - 160:9, 161:3 D-5 [2] - 160:9, 161:3 Dan [1] - 99:8 data [19] - 79:10, 84:17, 85:20, 110:25, 111:19, 111:21, 112:11, 136:14, 138:8, 138:13, 138:14, 138:18, 138:19, 153:20, 165:20, 165:21, 229:17, 229:21, 231:4 Data [2] - 74:25, 84:21 date [7] - 49:23, 50:2, 50:13, 63:21, 106:1, 229:6, 248:22 dated [1] - 137:3 Dave [2] - 8:2, 98:5 David L. Taylor [4] - 10:1, 10:14, 24:7, 24:14 days [2] - 7:22, 49:12 DC [1] - 51:6 de [1] - 123:17 dead [1] - 159:9 deal [5] - 79:19, 179:23, 200:22, 201:10, 201:18 dealing [3] - 31:21, 32:15, 110:3 dealt [2] - 22:13, 55:13 deband [1] - 110:11 debatable [1] - 183:12 debate [1] - 84:5 decatherms [1] - 70:22 December [2] - 49:12, 141:6 deception [1] - 51:9 decide [3] - 45:1, 130:9, 247:3 decided [8] - 23:16, 72:25, 170:18, 172:9, 187:18, 188:1, 232:8, 252:3 decides [2] - 108:13, 114:11 deciding [1] - 73:6 decision [5] - 58:3, 136:1, 137:21, 232:3, 261:23 decisions [2] - 58:6, 94:2 declara [1] - 128:20 decline [1] - 30:12 declining [1] - 33:17 decoupe [1] - 246:9 decouple [2] - 143:4,</p>	<p>169:20 decoupled [2] - 143:3, 143:20 decouples [1] - 206:25 decoupling [302] - 12:13, 13:21, 15:17, 15:21, 26:23, 27:2, 30:7, 30:23, 32:1, 32:4, 32:16, 33:4, 33:5, 34:5, 34:8, 34:13, 34:18, 35:3, 35:6, 35:7, 35:11, 35:21, 36:10, 36:15, 36:25, 37:8, 37:13, 39:22, 40:2, 40:4, 40:7, 40:18, 40:25, 41:9, 41:16, 42:1, 48:6, 48:11, 49:8, 49:10, 49:14, 49:17, 51:15, 52:3, 52:6, 52:9, 52:13, 52:17, 52:21, 52:23, 53:8, 53:13, 54:25, 55:18, 56:12, 56:25, 57:19, 58:13, 60:21, 60:23, 61:3, 62:6, 63:14, 63:20, 64:3, 64:4, 65:6, 65:16, 67:23, 68:21, 68:22, 69:3, 69:8, 69:13, 69:20, 70:8, 71:5, 71:21, 72:3, 72:13, 72:24, 73:2, 73:12, 77:11, 79:25, 80:16, 80:21, 81:4, 81:11, 82:12, 82:13, 86:23, 87:5, 87:11, 87:15, 89:1, 91:17, 91:22, 92:1, 92:19, 94:21, 94:22, 99:4, 107:4, 107:5, 107:6, 107:16, 108:5, 108:14, 108:25, 109:5, 109:7, 109:15, 109:16, 109:23, 109:24, 110:22, 111:6, 111:9, 111:25, 113:15, 113:16, 113:21, 113:23, 114:1, 114:4, 114:7, 114:12, 116:24, 117:9, 117:11, 117:18, 118:8, 118:23, 119:4, 119:12, 120:9, 120:18, 121:17, 121:22, 123:17, 127:21, 129:25, 130:10, 135:15, 135:18, 136:19, 137:24, 138:9, 139:9, 141:2, 141:20,</p>
		D		
		D-10 [1] - 163:1 D-11 [1] - 163:10		

<p>141:23, 142:15, 143:7, 143:12, 143:19, 144:4, 144:7, 145:6, 145:22, 145:25, 146:8, 146:10, 146:13, 146:14, 146:19, 147:9, 147:23, 149:21, 149:22, 150:15, 151:6, 151:12, 151:19, 152:25, 153:8, 153:10, 170:1, 170:5, 170:11, 170:20, 170:25, 171:7, 171:25, 172:3, 172:12, 172:14, 172:15, 173:24, 174:2, 174:17, 174:20, 174:21, 175:5, 175:8, 175:18, 175:25, 177:5, 179:7, 188:3, 188:9, 190:19, 190:20, 190:25, 191:3, 191:13, 191:25, 196:20, 196:25, 197:12, 197:15, 197:16, 199:11, 199:18, 200:20, 201:12, 201:14, 201:18, 206:25, 207:21, 207:23, 208:1, 209:12, 209:13, 209:17, 210:4, 210:12, 210:16, 212:11, 212:16, 212:25, 213:6, 213:17, 213:23, 214:2, 214:25, 215:22, 216:19, 217:9, 217:24, 218:3, 218:6, 218:14, 219:8, 220:8, 223:5, 223:7, 227:12, 227:24, 229:12, 232:1, 232:9, 232:19, 234:15, 235:25, 236:11, 236:16, 236:20, 237:3, 239:8, 240:19, 240:20, 240:22, 241:6, 242:24, 244:4, 245:22, 246:5, 246:8, 246:10, 246:16, 246:18, 246:23, 249:17, 250:5, 252:3, 252:23, 254:23, 255:1, 255:3, 255:8, 255:24, 257:22, 258:14, 258:18, 259:4, 259:8, 259:17, 259:21, 259:23,</p>	<p>260:3, 260:25, 261:6, 261:19, 266:15 Decoupling [1] - 205:17 decrease [4] - 109:15, 119:5, 215:25, 216:10 deemed [1] - 16:1 defended [1] - 121:7 Defense [1] - 195:10 define [2] - 69:7, 188:20 defined [9] - 36:16, 62:16, 62:24, 62:25, 188:21, 248:4, 248:19, 248:21, 249:2 defines [1] - 60:5 defining [2] - 249:22, 253:17 definition [8] - 63:1, 133:8, 189:3, 189:4, 249:2, 251:21, 252:16, 254:15 degree [4] - 37:25, 73:20, 132:3, 156:16 degrees [1] - 73:23 delay [1] - 182:15 delayed [1] - 182:4 deliver [1] - 197:14 delivery [2] - 66:9, 186:6 dem [1] - 125:20 demand [69] - 18:22, 19:12, 32:11, 32:25, 44:12, 65:25, 66:2, 66:7, 66:8, 67:1, 67:2, 67:6, 67:7, 67:10, 67:12, 67:13, 67:21, 71:9, 74:11, 74:12, 77:22, 84:12, 85:4, 85:12, 85:21, 86:7, 110:11, 125:10, 130:24, 132:12, 154:11, 155:1, 155:24, 156:4, 156:12, 156:20, 156:25, 157:14, 157:20, 158:2, 161:17, 162:1, 162:12, 162:15, 162:17, 163:14, 163:21, 167:18, 185:6, 188:21, 192:7, 209:9, 215:8, 215:11, 215:25, 216:4, 216:10, 216:12, 216:23, 217:21, 218:15, 233:12, 236:17, 242:1, 256:17, 265:25, 266:1 demand-side [4] - 192:7, 236:17,</p>	<p>256:17, 266:1 demanded [3] - 156:14, 163:22, 189:1 demands [2] - 74:16, 161:25 demonstrate [6] - 122:24, 123:8, 123:19, 126:22, 127:8, 233:13 demonstrated [5] - 123:8, 127:9, 242:4, 256:11, 265:24 demonstrates [2] - 156:11, 156:12 denominator [2] - 133:13, 189:4 dependent [2] - 46:12, 185:12 describe [4] - 13:22, 68:2, 111:16, 222:23 described [6] - 42:2, 48:4, 63:4, 63:6, 72:1, 79:12 describing [2] - 64:19, 65:6 description [1] - 161:12 design [9] - 77:10, 179:14, 180:19, 228:22, 232:7, 233:10, 239:14, 256:1, 256:3 designed [8] - 32:14, 41:9, 48:7, 83:21, 84:4, 117:19, 188:1, 229:10 designing [5] - 70:21, 93:21, 148:11, 150:22, 170:16 designs [12] - 18:16, 19:1, 19:8, 37:11, 104:1, 104:2, 110:11, 111:8, 124:25, 153:6, 153:11, 245:1 desired [1] - 45:12 detail [3] - 23:4, 59:5, 108:19 detailing [1] - 111:24 details [2] - 111:20, 261:1 determinants [3] - 15:3, 61:7, 190:13 determination [4] - 118:13, 126:2, 165:4, 266:20 determinations [1] - 87:22 determine [11] - 54:1, 60:16, 85:8, 135:20, 154:17, 167:13, 168:4,</p>	<p>189:23, 215:21, 240:10 determined [8] - 27:12, 37:9, 67:17, 78:16, 122:13, 162:13, 163:12, 165:15 determining [4] - 94:9, 119:14, 122:16, 231:2 develop [3] - 63:19, 65:1, 69:2 developed [1] - 227:14 developing [3] - 49:22, 113:3, 144:4 development [1] - 229:22 Dianne [1] - 265:12 DIANNE [1] - 265:14 Dianne Nielson [3] - 263:20, 264:18, 265:13 differ [1] - 247:19 difference [21] - 12:14, 43:9, 43:11, 57:2, 74:2, 78:10, 78:15, 83:11, 83:16, 85:17, 85:19, 93:8, 96:6, 96:10, 97:24, 133:6, 185:3, 208:3, 208:10, 229:20, 232:15 differences [10] - 12:15, 33:25, 76:5, 133:23, 166:9, 232:8, 232:23, 233:14, 236:14, 259:12 different [36] - 18:11, 29:1, 58:23, 60:15, 66:24, 67:1, 96:24, 99:9, 102:16, 102:18, 105:4, 105:5, 111:15, 112:8, 121:24, 124:20, 125:25, 140:17, 144:11, 160:24, 165:3, 165:20, 165:24, 166:2, 166:10, 172:23, 176:18, 180:22, 182:7, 186:9, 232:9, 234:8, 234:14, 236:16, 252:5, 258:14 Different [1] - 105:8 differently [1] - 256:12 difficult [5] - 37:3, 37:11, 82:8, 113:9, 191:9 Direct [1] - 25:22 direct [37] - 11:8, 12:3, 12:6, 18:9,</p>	<p>26:11, 26:15, 27:6, 40:24, 47:16, 64:7, 64:9, 65:5, 80:21, 86:21, 102:11, 102:21, 103:3, 103:20, 118:5, 121:9, 123:16, 125:17, 127:17, 172:16, 178:23, 178:25, 204:24, 205:15, 206:5, 222:24, 223:5, 228:9, 239:21, 240:15, 240:16, 261:2, 261:3 DIRECT EXAMINATION [7] - 10:4, 17:11, 24:10, 101:11, 195:1, 204:11, 222:10 direction [5] - 28:10, 102:4, 202:15, 204:20, 224:4 directional [1] - 134:8 directly [1] - 198:1 director [4] - 195:9, 222:18, 222:22, 259:7 dis [2] - 90:6, 112:3 disagree [3] - 53:16, 119:25, 138:2 disagreed [2] - 52:10, 119:4 disagreement [3] - 118:20, 118:21, 125:22 disappear [1] - 249:8 disappointed [2] - 133:21, 134:14 disappointing [1] - 59:14 disclose [1] - 81:3 disclosed [2] - 81:10, 261:18 discount [1] - 136:13 discourse [1] - 193:16 discover [1] - 166:18 discovery [5] - 226:3, 231:15, 260:11, 260:23, 261:5 discretionary [4] - 56:15, 56:18, 56:23, 56:25 discriminatory [3] - 230:5, 230:11, 230:20 discuss [6] - 49:13, 81:7, 99:5, 111:19, 242:23, 252:23 discussed [11] - 7:11, 49:22, 64:4, 92:22, 110:7, 148:14,</p>
--	---	--	--	---

<p>164:19, 187:18, 187:21, 200:19, 229:15</p> <p>discussing [4] - 60:4, 91:16, 112:9, 242:24</p> <p>discussion [11] - 52:5, 58:25, 68:24, 70:7, 97:13, 98:19, 98:22, 111:12, 164:16, 228:19, 255:14</p> <p>discussions [14] - 12:18, 12:19, 18:16, 72:22, 73:2, 99:3, 99:12, 110:3, 174:4, 184:25, 186:8, 229:15, 244:9, 244:11</p> <p>disincentive [1] - 257:6</p> <p>disincentives [2] - 207:24, 256:16</p> <p>dismiss [1] - 113:6</p> <p>disproportionate [3] - 37:1, 82:6, 82:13</p> <p>disproportioned [1] - 36:11</p> <p>dispute [1] - 50:14</p> <p>disregard [1] - 113:6</p> <p>disregarded [1] - 132:22</p> <p>distinction [7] - 43:3, 43:8, 133:20, 134:12, 164:1, 189:13, 189:14</p> <p>distinctions [1] - 254:23</p> <p>distinguish [2] - 144:21, 192:4</p> <p>distinguishable [1] - 144:22</p> <p>distinguishes [1] - 79:3</p> <p>distribute [1] - 224:13</p> <p>distributed [1] - 208:15</p> <p>distribution [40] - 28:5, 30:9, 30:15, 31:18, 34:21, 36:17, 37:5, 57:3, 62:12, 62:16, 63:4, 63:19, 66:11, 70:14, 74:20, 78:24, 85:23, 86:5, 86:9, 88:8, 89:3, 89:15, 89:20, 90:7, 93:9, 95:18, 96:7, 107:10, 142:3, 143:6, 144:18, 198:17, 200:25, 207:1, 207:15, 207:20, 208:4, 210:7, 232:15</p>	<p>disturbing [1] - 61:1</p> <p>divined [1] - 121:20</p> <p>Division [140] - 16:24, 17:18, 17:23, 18:5, 18:7, 18:15, 19:19, 19:22, 30:22, 31:16, 32:3, 39:8, 40:4, 40:20, 40:25, 41:2, 48:7, 49:2, 49:5, 49:12, 49:16, 49:21, 50:6, 51:19, 56:3, 60:22, 64:1, 64:25, 69:2, 69:10, 89:1, 90:1, 99:4, 101:5, 101:6, 102:1, 105:20, 106:4, 106:21, 107:3, 107:14, 108:6, 108:10, 108:14, 108:25, 109:7, 109:17, 109:21, 110:19, 110:23, 111:5, 111:19, 111:23, 112:7, 112:8, 112:15, 112:23, 112:25, 113:5, 113:11, 113:16, 113:22, 114:4, 114:7, 114:13, 117:5, 117:8, 117:14, 117:17, 119:4, 120:10, 120:15, 121:8, 121:22, 122:11, 123:18, 126:20, 128:9, 132:17, 134:16, 134:20, 135:14, 137:22, 138:9, 139:10, 147:19, 149:23, 150:6, 151:4, 151:19, 152:24, 153:15, 159:12, 162:3, 162:16, 168:17, 171:20, 172:9, 173:20, 174:1, 175:20, 177:18, 178:12, 178:16, 180:14, 180:24, 184:7, 184:25, 186:21, 191:18, 198:11, 204:14, 206:4, 206:24, 207:20, 208:25, 209:2, 209:5, 209:18, 209:19, 210:11, 210:16, 210:17, 212:17, 212:25, 213:16, 229:24, 230:7, 230:9, 231:24, 233:15, 237:23, 239:14, 242:24, 242:25, 244:1, 261:18, 263:18</p>	<p>Division of Public Utilities [9] - 8:8, 10:23, 17:15, 26:24, 50:4, 81:8, 101:22, 196:21, 266:9</p> <p>Division's [78] - 17:3, 40:23, 48:5, 49:8, 51:15, 52:8, 52:14, 56:2, 62:8, 64:3, 64:20, 65:5, 71:5, 72:16, 73:7, 82:12, 89:9, 90:4, 91:22, 94:21, 94:22, 104:1, 109:11, 111:13, 112:6, 112:20, 113:8, 114:2, 116:24, 117:10, 118:20, 119:25, 121:21, 122:25, 126:16, 127:4, 128:2, 132:21, 132:25, 141:1, 141:22, 145:14, 146:6, 148:21, 149:4, 150:20, 157:18, 161:19, 169:18, 169:25, 171:10, 172:25, 173:13, 174:20, 175:18, 177:10, 178:9, 178:10, 179:5, 181:4, 187:16, 191:3, 203:19, 207:5, 213:6, 213:21, 214:20, 218:19, 219:1, 219:7, 227:12, 229:15, 229:25, 231:25, 233:18, 260:25, 266:13</p> <p>Division-proposed [1] - 114:7</p> <p>DNG [2] - 141:7, 143:4</p> <p>dock [1] - 124:1</p> <p>Docket [4] - 7:10, 136:9, 137:6, 265:22</p> <p>docket [19] - 11:9, 11:21, 17:18, 39:15, 39:17, 102:1, 119:11, 121:18, 122:14, 195:11, 204:6, 204:14, 249:22, 250:2, 251:10, 252:4, 252:17, 255:2</p> <p>dockets [1] - 251:12</p> <p>Doctor [2] - 211:25, 215:21</p> <p>doctor's [1] - 24:25</p> <p>document [1] - 18:18</p> <p>documents [1] - 222:14</p> <p>Dodge [15] - 9:2,</p>	<p>21:15, 92:7, 95:4, 117:25, 126:15, 129:13, 130:18, 135:1, 157:25, 203:3, 220:1, 250:22, 262:8, 267:12</p> <p>DODGE [22] - 9:3, 21:8, 21:16, 92:8, 92:11, 95:3, 118:2, 118:4, 126:6, 126:9, 128:24, 129:8, 130:15, 134:24, 137:16, 137:18, 203:4, 220:2, 250:23, 262:10, 262:14, 267:13</p> <p>Dodge's [1] - 188:16</p> <p>dog [1] - 23:25</p> <p>dollar [3] - 177:21, 178:6, 211:12</p> <p>dollars [3] - 208:14, 208:17, 245:10</p> <p>done [18] - 60:15, 69:12, 92:23, 109:20, 110:19, 125:8, 131:3, 132:23, 134:21, 169:6, 189:20, 197:2, 201:22, 229:22, 246:21, 255:20, 256:18</p> <p>doubled [1] - 202:1</p> <p>doubt [1] - 56:17</p> <p>down [26] - 75:5, 77:16, 87:25, 100:6, 145:10, 145:13, 146:25, 154:2, 170:20, 172:22, 181:18, 194:1, 208:22, 216:7, 216:23, 216:24, 220:21, 221:3, 240:24, 240:25, 241:1, 241:2, 248:15, 250:1, 251:19, 262:6</p> <p>downturn [1] - 258:11</p> <p>downturns [1] - 228:24</p> <p>downward [1] - 156:12</p> <p>DPU [24] - 27:3, 30:18, 30:21, 37:25, 49:25, 59:12, 59:15, 65:15, 69:24, 102:5, 106:5, 106:6, 106:10, 177:21, 186:3, 191:22, 204:20, 205:1, 205:6, 206:5, 206:15, 206:16, 206:17</p> <p>DPU's [8] - 30:7, 30:14, 41:15, 57:18,</p>	<p>59:13, 63:11, 73:12, 146:10</p> <p>DR [11] - 100:12, 204:4, 220:25, 221:3, 221:6, 264:22, 264:25, 265:4, 265:10, 265:13, 267:18</p> <p>drafts [1] - 111:23</p> <p>dramatic [1] - 37:6</p> <p>dramatically [3] - 45:22, 46:5, 199:22</p> <p>draw [2] - 77:5, 254:22</p> <p>drawing [1] - 146:13</p> <p>driven [2] - 78:19, 202:16</p> <p>driver [2] - 76:15, 229:4</p> <p>drivers [1] - 44:14</p> <p>driving [2] - 83:19, 180:13</p> <p>drop [1] - 199:14</p> <p>drops [1] - 202:5</p> <p>DSM [10] - 98:25, 229:12, 232:10, 233:20, 233:21, 257:2, 259:14, 259:19, 259:20, 259:24</p> <p>due [14] - 21:10, 33:20, 34:13, 34:25, 44:12, 76:25, 103:17, 109:15, 109:16, 258:4, 258:5, 258:10, 258:13</p> <p>duly [7] - 10:2, 17:9, 24:8, 101:9, 194:24, 204:9, 222:8</p> <p>during [13] - 29:24, 67:2, 67:8, 67:13, 75:22, 81:9, 87:14, 99:5, 187:25, 208:24, 235:16, 266:19</p> <p>During [3] - 187:17, 187:19, 187:22</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>early [2] - 145:6, 185:2</p> <p>earn [3] - 183:21, 191:9, 241:17</p> <p>earned [2] - 109:4, 241:14</p> <p>earning [4] - 76:12, 76:16, 76:22, 191:5</p> <p>earnings [6] - 168:19, 191:4, 191:7, 191:16, 191:19, 241:10</p>
--	--	---	--	--

<p>earns [1] - 241:11 East [1] - 101:23 easy [1] - 234:16 Economic [2] - 132:1, 156:11 economic [11] - 124:4, 131:1, 131:19, 131:21, 131:23, 154:8, 156:21, 192:15, 192:19, 228:23, 258:11 economist [1] - 148:1 economy [1] - 230:23 educating [2] - 199:5, 266:2 effect [15] - 14:16, 55:3, 80:16, 88:4, 123:22, 125:5, 129:25, 133:12, 136:16, 146:19, 217:8, 217:21, 239:4, 252:25, 266:12 effective [11] - 14:12, 97:8, 99:1, 113:10, 146:9, 181:8, 182:5, 197:20, 200:13, 252:25, 266:2 effectively [1] - 122:13 effects [1] - 190:18 effectuate [2] - 117:3, 117:4 efficiency [24] - 38:9, 53:14, 98:20, 114:3, 117:20, 181:8, 181:13, 192:5, 192:6, 197:20, 197:24, 200:1, 200:3, 200:13, 201:4, 202:12, 202:16, 207:3, 207:6, 207:25, 209:19, 210:6, 266:8, 266:11 efficient [3] - 83:24, 112:15, 113:10 efficiently [5] - 38:12, 207:18, 210:4, 211:4, 219:6 effort [3] - 100:22, 130:10, 197:5 efforts [2] - 266:6, 266:8 Eight [2] - 215:2, 224:21 either [15] - 29:6, 34:14, 36:19, 45:5, 48:19, 52:14, 62:17, 77:24, 100:13, 171:7, 172:3, 172:12, 230:22, 235:11, 250:1</p>	<p>Either [1] - 104:1 elastic [1] - 156:20 elasticities [14] - 157:12, 160:12, 162:2, 164:3, 164:18, 165:15, 166:1, 166:6, 166:22, 167:15, 168:5, 168:12, 169:7, 170:10 elasticity [30] - 127:14, 128:12, 131:7, 131:8, 132:4, 154:16, 155:21, 155:23, 156:15, 158:25, 161:16, 161:17, 161:25, 162:13, 162:21, 163:3, 163:8, 163:12, 163:15, 165:11, 165:15, 166:9, 185:6, 185:11, 185:17, 188:21, 215:15, 215:18, 218:15, 228:6 Elasticity [2] - 131:10 ele [1] - 10:20 electric [10] - 97:20, 124:16, 132:13, 201:11, 201:15, 201:16, 201:21, 202:2, 232:18, 240:7 Electric [4] - 7:7, 7:8, 7:9, 12:24 electricity [20] - 42:18, 42:21, 45:1, 83:24, 88:23, 132:13, 155:1, 157:1, 160:13, 185:6, 198:1, 198:4, 200:8, 201:24, 201:25, 215:18, 219:5, 241:7, 265:22, 265:25 electronically [1] - 224:14 element [1] - 29:2 elements [8] - 10:21, 12:21, 13:24, 15:25, 78:18, 90:9, 172:22, 256:3 eliminate [2] - 198:6, 198:15 eliminated [1] - 20:25 elimination [2] - 209:21, 210:19 embark [1] - 247:4 embedded [2] - 93:24, 104:22 emphasis [2] - 184:9, 223:3 empirical [3] - 122:21, 122:22, 240:9</p>	<p>employed [4] - 10:15, 17:14, 195:7, 222:17 employee [1] - 70:19 en [2] - 85:12, 264:4 EN [1] - 265:8 enable [1] - 23:17 encompasses [1] - 232:20 encourage [10] - 37:17, 38:24, 44:10, 123:5, 123:23, 124:19, 169:19, 200:15, 207:17, 210:6 Encourage [1] - 124:20 encouraged [3] - 38:11, 196:23, 197:4 encourages [3] - 112:18, 207:3, 209:18 end [24] - 15:1, 37:9, 55:4, 56:4, 56:14, 56:22, 57:8, 57:22, 58:11, 58:25, 88:6, 107:13, 131:6, 146:4, 165:2, 172:14, 197:15, 208:15, 226:8, 226:10, 235:7, 248:22, 252:17 end-of-first-year [1] - 57:8 ended [4] - 55:4, 172:16, 228:18, 251:12 endorsed [1] - 105:20 energy [66] - 18:23, 19:13, 27:9, 28:19, 32:12, 38:9, 38:11, 45:7, 45:22, 53:11, 61:25, 67:14, 67:18, 74:13, 84:12, 85:4, 85:13, 85:22, 86:7, 98:20, 98:23, 101:23, 127:20, 154:12, 156:4, 181:7, 181:12, 181:13, 192:3, 192:4, 195:9, 197:7, 197:24, 198:10, 198:17, 198:24, 199:7, 199:22, 200:1, 200:13, 201:4, 202:12, 202:16, 207:2, 207:3, 207:6, 207:18, 207:25, 209:9, 209:18, 209:23, 210:3, 210:6, 211:4, 216:13, 236:19, 244:15, 264:19, 265:15, 265:17, 265:21, 266:3, 266:8, 266:10,</p>	<p>266:17 Energy [3] - 10:25, 11:12, 192:6 ensure [1] - 112:10 ensuring [1] - 197:13 enter [2] - 7:23, 9:13 entered [2] - 10:22, 21:9 entire [1] - 158:13 entirely [2] - 128:5, 174:22 entirety [1] - 240:18 entitled [2] - 131:9, 225:1 entity [1] - 112:25 environment [1] - 251:6 equal [2] - 14:8, 143:21 equally [1] - 231:12 equals [1] - 142:7 equitable [1] - 35:24 equity [4] - 35:19, 187:17, 187:18, 239:1 equivalent [3] - 98:3, 200:8, 211:12 error [4] - 14:18, 133:22, 134:14, 164:17 especially [3] - 155:20, 155:23, 251:11 essentially [2] - 89:2, 93:3 establish [1] - 136:15 established [1] - 45:20 establishing [3] - 11:17, 54:13, 250:1 estimate [9] - 75:6, 84:11, 127:23, 139:13, 139:18, 139:21, 164:2, 189:7, 189:8 estimated [1] - 160:11 estimates [8] - 75:3, 166:1, 166:6, 169:3, 169:6, 170:9, 185:18, 189:7 Estimates [1] - 75:6 evaluate [1] - 170:19 evaluated [1] - 135:15 evaluating [2] - 107:16, 171:20 evaluation [10] - 135:17, 136:19, 137:23, 157:23, 166:25, 172:15,</p>	<p>174:18, 175:15, 227:16, 266:19 evening [2] - 221:1, 221:16 evenly [1] - 208:15 event [7] - 68:22, 89:4, 147:21, 221:11, 221:14, 249:3 events [1] - 10:20 evidence [22] - 15:20, 123:12, 123:21, 123:24, 124:7, 124:23, 124:25, 125:16, 150:1, 150:6, 150:8, 226:24, 231:13, 232:1, 233:2, 233:25, 248:20, 252:9, 252:14, 254:3, 260:2, 262:1 evidenced [1] - 255:25 evoked [2] - 157:14, 157:20 ex [1] - 113:2 exact [2] - 170:12, 210:23 exactly [8] - 98:4, 123:3, 128:11, 136:25, 139:23, 162:9, 256:20, 258:1 Exactly [2] - 116:6, 253:5 examination [5] - 221:12, 228:1, 237:7, 248:7, 248:19 examine [2] - 39:5, 258:16 examined [8] - 10:3, 17:10, 24:9, 101:10, 194:25, 204:10, 222:9, 237:14 examining [1] - 64:19 example [14] - 61:8, 61:19, 72:22, 214:17, 228:5, 228:22, 229:3, 232:5, 238:13, 252:23, 255:14, 255:21, 256:25, 258:5 exceed [3] - 67:15, 199:12, 251:9 exceeds [3] - 33:12, 241:8, 241:16 excellent [2] - 71:2, 257:3 except [2] - 20:11, 263:1 exception [2] - 12:12, 232:16 excess [4] - 28:14,</p>
---	--	---	---	---

<p>88:9, 241:25, 242:7 excessive [1] - 75:18 excessively [2] - 53:21, 53:23 exchange [2] - 110:25, 112:17 exchanged [1] - 110:24 exchanges [1] - 198:21 Exchanging [1] - 112:14 excited [1] - 73:5 exclude [1] - 146:9 exclusively [2] - 158:4, 158:5 excuse [11] - 64:2, 90:17, 93:16, 94:1, 129:25, 130:2, 149:21, 161:18, 189:2, 241:19, 260:24 Excuse [3] - 80:6, 105:3, 164:12 excused [1] - 23:23 executed [1] - 178:4 executive [1] - 77:25 exhaust [1] - 200:11 exhibit [5] - 14:5, 62:4, 64:6, 64:10, 64:15 Exhibit [25] - 50:3, 62:3, 69:15, 102:5, 106:5, 106:6, 106:10, 178:23, 178:25, 195:15, 196:5, 204:20, 205:1, 205:6, 205:15, 206:5, 206:15, 224:17, 225:11, 225:15, 226:4, 226:7, 226:11, 227:5 Exhibit 1 [3] - 14:4, 225:1, 225:14 Exhibit 2 [2] - 14:7, 14:20 Exhibit 4 [1] - 226:4 Exhibits [7] - 25:23, 204:22, 205:8, 206:7, 206:10, 225:24, 225:25 exhibits [11] - 24:20, 25:12, 25:13, 25:17, 28:12, 53:6, 64:6, 106:8, 206:14, 223:18, 224:25 existence [2] - 188:3, 257:8 existing [6] - 20:21, 97:14, 215:19, 227:24, 257:2, 258:4 expanded [1] - 72:17</p>	<p>expect [6] - 93:10, 167:19, 185:23, 185:25, 193:20, 220:6 expectation [1] - 131:17 expectations [2] - 199:12, 251:15 expected [10] - 166:24, 199:19, 199:22, 207:23, 209:13, 210:3, 210:5, 235:18, 248:5, 253:17 expense [3] - 44:6, 175:7, 175:16 experience [4] - 110:3, 147:14, 255:16, 261:20 experiment [4] - 196:25, 197:5, 197:10, 197:11 expert [9] - 68:9, 68:16, 77:25, 94:6, 126:19, 193:19, 228:4, 228:6, 228:17 expertise [1] - 192:23 expiration [1] - 238:23 explain [5] - 85:17, 111:4, 111:7, 122:22, 165:10 explained [2] - 133:2, 147:19 Explanation [1] - 69:20 explanation [1] - 69:21 explicit [1] - 121:4 explicitly [3] - 239:15, 246:20, 258:15 exploration [2] - 247:10, 248:3 explore [8] - 246:7, 246:14, 246:16, 246:18, 246:24, 247:3, 255:13, 258:18 explored [7] - 72:9, 109:18, 166:3, 230:16, 232:25, 235:15, 246:6 exploring [5] - 246:10, 246:23, 250:15, 251:12, 255:3 expose [1] - 207:14 exposure [4] - 89:8, 89:12, 89:16, 89:23 expressly [2] - 90:13, 259:23 extensive [2] - 69:13, 116:10</p>	<p>extensively [1] - 109:9 extent [12] - 70:7, 73:17, 73:22, 79:19, 125:1, 125:3, 126:22, 129:5, 135:14, 144:3, 242:15, 244:22 extra [1] - 199:20 Extrapolating [1] - 90:8 extreme [2] - 233:24, 257:20 extremely [1] - 138:6 extremes [1] - 251:23</p> <p style="text-align: center;">F</p> <p>face [2] - 232:12, 248:9 faces [1] - 207:24 facilities [11] - 28:5, 32:12, 66:1, 66:3, 66:6, 66:9, 66:11, 66:12, 66:20, 66:25, 67:3 facility [2] - 71:10, 78:7 facility's [2] - 67:15, 67:17 facing [2] - 44:11, 248:10 fact [34] - 28:21, 54:20, 70:12, 75:23, 80:2, 109:2, 113:25, 118:19, 121:7, 122:21, 122:23, 122:25, 123:20, 124:3, 124:8, 125:1, 126:3, 133:9, 134:4, 143:21, 156:21, 168:5, 168:11, 170:24, 171:3, 171:10, 173:4, 174:7, 200:17, 215:15, 219:4, 230:2, 230:12, 259:20 factor [1] - 73:6 factors [4] - 76:18, 149:10, 180:23, 258:4 factual [1] - 126:2 factually [1] - 126:21 fails [2] - 28:2, 28:4 failure [2] - 76:13, 76:21 fair [7] - 43:14, 43:16, 66:15, 89:7, 113:12, 200:20, 256:18 Fair [1] - 95:2 fairly [11] - 33:17,</p>	<p>54:22, 93:12, 97:14, 102:12, 104:8, 125:12, 134:18, 155:21, 194:17, 213:18 faith [1] - 16:12 familiar [6] - 70:9, 70:12, 70:15, 211:15, 247:7, 247:8 far [13] - 24:4, 35:1, 35:4, 41:3, 89:7, 89:11, 89:22, 98:11, 116:9, 119:19, 184:19, 251:23, 256:18 Farm [2] - 13:11, 13:12 fashion [2] - 224:25, 225:2 favor [4] - 7:13, 16:21, 20:2, 198:11 favorite [1] - 174:9 favors [1] - 198:12 features [2] - 113:22, 145:25 February [9] - 11:23, 12:2, 14:12, 27:16, 50:23, 63:22, 64:2, 261:1, 261:19 Federation [1] - 13:12 fee [1] - 67:20 few [13] - 28:8, 30:20, 40:20, 41:17, 41:22, 92:8, 98:16, 112:4, 166:18, 187:10, 193:17, 236:6, 239:1 fewer [1] - 234:24 field [3] - 94:6, 147:14, 251:19 figure [2] - 142:20, 170:21 File [1] - 137:5 file [9] - 21:13, 63:12, 80:22, 108:4, 195:14, 223:9, 223:16, 238:19, 238:22 filed [32] - 7:18, 11:7, 11:13, 12:2, 12:5, 12:9, 12:11, 13:10, 16:18, 18:8, 18:10, 21:5, 23:16, 24:18, 26:10, 26:11, 26:15, 26:18, 63:14, 63:22, 64:7, 64:10, 64:24, 65:4, 80:22, 81:5, 106:2, 110:18, 119:2, 182:8, 204:25, 205:6 filing [18] - 15:13, 40:11, 40:16, 40:23,</p>	<p>56:11, 56:15, 57:6, 58:9, 58:20, 63:24, 110:21, 112:10, 112:24, 122:12, 238:18, 261:2, 261:3, 261:15 final [8] - 16:7, 23:19, 26:16, 27:15, 64:16, 112:6, 140:25, 200:18 finally [9] - 27:3, 27:12, 62:2, 94:17, 111:18, 192:13, 226:6, 232:22, 234:18 Finally [3] - 15:23, 37:6, 37:14 financial [6] - 197:6, 197:25, 201:3, 201:23, 202:3, 260:4 financially [5] - 89:10, 90:3, 90:8, 239:22, 240:6 fine [7] - 47:10, 132:19, 222:15, 224:22, 262:13, 262:15, 264:23 fingers [1] - 81:21 finish [1] - 115:6 finished [1] - 164:13 First [13] - 7:12, 26:4, 26:25, 32:8, 33:9, 80:4, 80:18, 107:8, 109:6, 155:4, 166:21, 176:11, 193:7 first [49] - 16:9, 56:4, 56:14, 56:22, 57:8, 57:23, 58:11, 58:25, 62:4, 62:10, 68:14, 72:15, 83:25, 85:25, 92:12, 95:8, 95:9, 103:7, 103:17, 103:18, 104:18, 107:14, 107:23, 111:3, 111:18, 116:9, 119:17, 121:10, 121:14, 121:25, 125:17, 128:8, 129:24, 132:9, 146:5, 150:24, 163:7, 163:9, 168:20, 177:6, 187:25, 209:22, 210:20, 218:9, 219:2, 219:8, 224:8, 227:13, 234:4 five [7] - 23:11, 100:24, 146:24, 224:21, 245:10, 262:21 five-minute [1] - 23:11 fixed [107] - 28:3, 28:4, 28:12, 28:14,</p>
---	--	---	---	--

<p>28:18, 28:23, 29:7, 29:15, 29:20, 30:9, 30:16, 31:12, 31:18, 32:15, 32:20, 33:11, 34:4, 34:15, 34:21, 35:5, 35:22, 36:15, 36:17, 36:21, 37:4, 40:6, 41:11, 42:11, 43:18, 45:13, 45:17, 46:1, 46:2, 46:8, 46:12, 51:25, 53:6, 54:10, 57:3, 62:6, 62:12, 62:16, 63:4, 63:9, 63:19, 64:12, 65:1, 67:20, 73:14, 73:15, 74:20, 75:20, 75:24, 76:8, 76:13, 76:21, 77:20, 78:20, 82:9, 83:13, 86:8, 86:25, 88:8, 88:12, 88:16, 88:24, 89:3, 89:8, 89:15, 89:20, 89:23, 90:7, 90:14, 107:10, 110:16, 142:3, 142:25, 143:6, 143:15, 144:18, 144:19, 169:20, 198:3, 198:7, 198:13, 198:17, 199:14, 199:23, 200:25, 207:1, 207:15, 207:20, 208:4, 208:6, 208:17, 208:18, 210:7, 214:4, 220:15, 233:7, 237:4, 237:10</p> <p>Fixed [1] - 205:16</p> <p>fixed-cost [2] - 41:11, 45:13</p> <p>flat [4] - 29:9, 33:16, 78:23, 202:1</p> <p>flawed [1] - 138:6</p> <p>flexibility [1] - 150:21</p> <p>flight [2] - 115:19, 187:7</p> <p>fluctuate [1] - 230:22</p> <p>fluctuations [1] - 33:20</p> <p>flushed [1] - 228:21</p> <p>flushed-out [1] - 228:21</p> <p>focus [3] - 44:7, 73:11, 202:17</p> <p>focused [1] - 194:17</p> <p>focuses [1] - 73:13</p> <p>focussed [1] - 55:14</p> <p>follow [7] - 40:13, 43:3, 144:2, 181:23, 229:18, 229:21, 236:11</p> <p>follow-up [1] - 229:21</p>	<p>following [6] - 105:11, 146:11, 157:10, 168:21, 174:22, 175:10</p> <p>follows [11] - 10:3, 17:10, 21:11, 24:9, 75:5, 101:10, 194:25, 204:10, 208:2, 222:9, 252:6</p> <p>footnote [3] - 157:11, 158:19, 190:17</p> <p>Footnote [2] - 103:3, 226:2</p> <p>forces [2] - 247:15, 251:13</p> <p>forecast [8] - 75:21, 174:8, 175:16, 241:9, 241:16, 241:25, 242:1, 242:5</p> <p>forecasts [1] - 175:7</p> <p>forego [1] - 88:23</p> <p>form [3] - 172:18, 182:21, 193:9</p> <p>formal [2] - 110:25, 111:21</p> <p>formula [3] - 95:24, 96:7, 96:12</p> <p>formulating [1] - 111:21</p> <p>forth [6] - 14:3, 60:22, 105:21, 157:4, 195:21, 261:17</p> <p>forum [1] - 246:21</p> <p>forums [1] - 258:3</p> <p>forward [6] - 109:19, 109:23, 113:24, 176:3, 249:15, 252:4</p> <p>four [8] - 26:10, 29:17, 108:24, 151:21, 172:22, 172:23, 227:10, 234:2</p> <p>Four [1] - 196:23</p> <p>fourth [5] - 29:4, 60:12, 109:3, 152:18, 231:21</p> <p>frame [2] - 249:7, 260:16</p> <p>framed [1] - 197:9</p> <p>frames [1] - 250:3</p> <p>Francisco [1] - 195:6</p> <p>Frequent [1] - 174:7</p> <p>front [5] - 31:5, 39:19, 84:24, 184:24, 238:8</p> <p>fruit [1] - 257:11</p> <p>full [12] - 36:4, 96:2, 112:20, 137:10, 146:4, 173:23, 190:16, 224:13, 227:15, 230:24,</p>	<p>247:25, 249:16</p> <p>fully [2] - 230:16, 257:3</p> <p>function [3] - 67:18, 67:19, 67:21</p> <p>fundamental [1] - 201:6</p> <p>Furnace [1] - 12:24</p> <p>Furthermore [1] - 112:16</p> <p>future [3] - 182:19, 191:23, 232:13</p> <p style="text-align: center;">G</p> <p>gain [1] - 244:2</p> <p>gallon [1] - 98:3</p> <p>game [1] - 252:17</p> <p>Gary Dodge [1] - 9:3</p> <p>gas [12] - 70:3, 70:13, 70:22, 70:25, 78:7, 78:24, 124:15, 198:2, 198:4, 232:15, 232:17</p> <p>Gas [1] - 202:1</p> <p>Gas's [1] - 141:9</p> <p>gasoline [1] - 98:3</p> <p>gathering [2] - 229:17, 229:21</p> <p>General [1] - 137:5</p> <p>general [29] - 15:9, 15:13, 15:18, 16:4, 19:18, 20:19, 21:1, 59:11, 74:7, 97:19, 109:19, 117:13, 125:13, 125:14, 134:6, 135:25, 136:4, 145:20, 177:22, 180:21, 181:12, 183:13, 188:19, 205:14, 224:4, 235:4, 251:6, 260:19</p> <p>General's [1] - 8:7</p> <p>generally [4] - 32:10, 154:25, 192:6, 201:22</p> <p>Generally [2] - 18:5, 74:15</p> <p>generating [1] - 66:22</p> <p>generation [8] - 36:22, 66:16, 83:13, 83:20, 86:6, 93:2, 93:11, 232:12</p> <p>genesis [2] - 179:23, 180:17</p> <p>Gimble [7] - 20:3, 20:6, 20:8, 21:6, 99:8, 221:19, 262:22</p> <p>GIMBLE [1] - 20:9</p> <p>Gimble's [1] - 245:7</p> <p>gist [1] - 92:17</p>	<p>given [16] - 36:20, 54:2, 69:21, 72:13, 94:3, 128:2, 133:10, 138:25, 162:2, 167:19, 185:5, 185:23, 189:12, 209:4, 221:14, 246:19</p> <p>Given [4] - 137:21, 139:10, 157:12, 170:9</p> <p>glad [1] - 159:9</p> <p>global [1] - 22:8</p> <p>goal [4] - 83:23, 183:16, 216:17, 251:4</p> <p>goals [2] - 245:1, 245:4</p> <p>gonna [27] - 22:3, 22:9, 47:3, 84:13, 84:16, 115:1, 116:8, 127:9, 129:7, 132:15, 133:19, 133:21, 134:11, 134:13, 171:22, 180:15, 181:9, 182:17, 182:18, 189:14, 203:7, 244:6, 244:10, 247:20, 252:18, 252:19, 263:7</p> <p>governor's [2] - 263:21, 264:19</p> <p>gradualism [3] - 176:12, 176:22, 177:19</p> <p>gradually [1] - 211:1</p> <p>granted [2] - 14:2, 28:7</p> <p>granting [1] - 250:10</p> <p>great [5] - 23:6, 200:22, 201:10, 201:18, 247:14</p> <p>Great [1] - 253:12</p> <p>greater [9] - 43:8, 45:1, 139:4, 139:8, 169:24, 218:1, 231:10, 231:20</p> <p>greatest [2] - 138:22, 144:3</p> <p>greatly [3] - 32:14, 133:21, 241:8</p> <p>Griffith [26] - 24:17, 24:18, 24:24, 26:5, 26:14, 39:3, 45:14, 50:9, 50:24, 54:24, 56:5, 57:7, 58:1, 58:8, 59:7, 60:4, 60:17, 61:5, 63:3, 68:20, 69:6, 76:10, 79:3, 79:15, 79:24, 79:25</p> <p>Griffith's [26] - 25:10, 25:16, 25:22, 41:6, 41:12, 42:4, 47:4, 47:14, 51:13, 55:23, 62:20, 64:8,</p>	<p>65:10, 68:23, 71:14, 72:11, 72:19, 77:7, 80:3, 82:1, 82:3, 86:18, 90:17, 90:20, 91:15, 190:14</p> <p>group [2] - 9:6, 35:25</p> <p>Group [1] - 10:25</p> <p>growth [2] - 30:12, 41:19</p> <p>GS [11] - 32:18, 33:18, 68:17, 77:17, 78:1, 141:7, 141:12, 141:17, 141:19, 143:5, 144:10</p> <p>GS-1 [2] - 67:23, 68:3</p> <p>guarantee [1] - 230:20</p> <p>guaranteed [1] - 46:3</p> <p>guess [8] - 21:25, 26:6, 72:1, 100:10, 116:5, 116:25, 249:20, 250:12</p> <p>guidance [4] - 93:23, 94:4, 247:23, 251:2</p> <p>gut [1] - 98:10</p> <p style="text-align: center;">H</p> <p>half [1] - 29:22</p> <p>hand [2] - 253:25, 254:2</p> <p>handing [1] - 222:14</p> <p>Hang [3] - 142:5, 160:3, 160:24</p> <p>hang [1] - 164:22</p> <p>hanging [1] - 257:11</p> <p>happy [3] - 225:6, 227:9, 266:23</p> <p>hard [4] - 97:17, 201:5, 224:14, 251:19</p> <p>harder [1] - 131:22</p> <p>harm [2] - 228:25, 256:3</p> <p>harmed [1] - 235:5</p> <p>Hayes [13] - 8:15, 82:25, 86:12, 116:9, 116:15, 194:21, 196:12, 196:14, 203:5, 219:21, 220:22, 237:18, 267:10</p> <p>HAYES [16] - 8:16, 8:21, 25:19, 83:2, 83:4, 115:6, 116:16, 194:22, 195:2, 195:24, 196:13, 203:6, 219:23, 237:19, 263:8, 267:11</p> <p>head [4] - 152:22,</p>
---	--	---	---	--

<p>186:16, 211:14, 221:3 heading [1] - 250:1 health [5] - 197:6, 197:25, 201:23, 202:3, 260:4 healthy [2] - 239:23, 240:6 hear [11] - 7:12, 9:18, 15:1, 17:1, 81:24, 116:12, 194:6, 203:18, 221:19, 256:9, 264:12 heard [6] - 116:3, 128:25, 131:17, 198:25, 247:6, 264:19 hearing [8] - 7:4, 18:2, 147:4, 252:5, 262:8, 263:15, 264:16, 267:21 hearsay [10] - 128:9, 128:17, 128:18, 128:21, 128:25, 129:1, 129:2, 129:3, 129:6 heavy [1] - 246:11 heck [1] - 94:19 held [3] - 50:14, 54:12, 174:4 help [8] - 47:10, 103:23, 110:15, 199:21, 200:15, 223:22, 251:21 helped [1] - 74:22 helpful [11] - 22:10, 47:12, 172:7, 182:24, 225:7, 247:22, 248:2, 251:14, 252:12, 252:21, 253:11 helps [1] - 199:11 Hevert [1] - 136:10 High [2] - 152:14, 214:8 high [41] - 38:15, 43:1, 43:7, 43:9, 43:14, 43:15, 44:10, 44:16, 90:22, 91:23, 152:13, 152:21, 175:1, 193:19, 207:12, 207:22, 210:2, 210:10, 211:2, 213:14, 213:17, 213:22, 214:2, 214:6, 214:11, 214:16, 214:19, 214:22, 214:24, 215:3, 215:4, 215:6, 215:22, 215:23, 216:15, 217:4, 217:16, 218:7, 229:7, 242:21, 244:17 high-usage [4] - 90:22, 91:23, 152:13, 152:21</p>	<p>High-usage [1] - 152:14 high-use [6] - 43:15, 44:16, 207:12, 210:2, 210:10, 217:4 higher [16] - 43:10, 44:4, 44:9, 44:19, 60:10, 86:4, 117:8, 123:4, 123:23, 127:15, 141:16, 179:8, 185:16, 217:2, 217:18, 241:20 highest [1] - 60:14 highly [1] - 56:17 historic [1] - 197:6 historical [1] - 196:22 historically [1] - 201:20 history [8] - 10:19, 69:14, 191:18, 230:1, 232:10, 232:11, 236:16, 259:13 hit [1] - 81:19 Hogle [15] - 7:24, 8:3, 10:17, 16:7, 23:22, 24:5, 25:25, 98:15, 114:19, 202:20, 211:7, 211:20, 236:5, 237:17, 267:3 HOGLE [21] - 7:25, 9:22, 10:5, 24:6, 24:11, 25:9, 50:12, 68:4, 98:16, 98:18, 100:4, 114:21, 115:12, 202:21, 211:8, 211:10, 211:19, 236:6, 236:8, 237:15, 267:5 hold [3] - 13:19, 98:7, 193:18 Holly Rachel Smith [1] - 9:12 home [1] - 265:3 Honestly [1] - 159:17 hope [9] - 57:12, 172:8, 200:11, 200:12, 200:15, 202:16, 212:3, 212:5, 266:6 hopefully [4] - 7:22, 127:13, 188:23, 217:4 hoping [1] - 245:4 hot [4] - 241:5, 242:12, 255:17 hotel [1] - 78:8 hour [7] - 35:18, 53:11, 67:4, 74:17, 84:12, 98:9, 208:17 hours [24] - 28:21,</p>	<p>28:22, 29:10, 29:23, 60:8, 60:19, 67:3, 100:11, 128:11, 129:14, 129:18, 129:19, 129:20, 129:23, 130:7, 130:23, 189:21, 189:23, 190:12, 208:6, 208:13, 208:16, 208:19 hundred [1] - 59:23 hunt [1] - 23:25 hypotheticals [1] - 192:25</p> <p style="text-align: center;">I</p> <p>Idaho [3] - 96:19, 96:20, 96:23 idea [4] - 78:14, 242:11, 250:10, 251:14 ideal [1] - 209:12 identification [2] - 102:4, 195:15 identified [7] - 9:7, 110:5, 131:9, 225:5, 226:25, 227:10, 259:11 identify [5] - 69:7, 70:5, 136:25, 174:13, 186:16 identifying [1] - 236:24 ignore [1] - 136:22 ignoring [1] - 219:4 Ill [3] - 248:11, 249:18, 249:22 ill [1] - 24:24 illustrated [2] - 132:12, 198:20 immediate [2] - 181:6, 182:14 immediately [1] - 157:10 impact [16] - 97:22, 135:15, 136:11, 138:10, 138:11, 150:3, 163:13, 174:19, 185:20, 197:11, 198:22, 199:3, 209:14, 209:15, 216:11, 220:12 impacts [2] - 15:11, 20:21 impair [1] - 183:20 imperative [3] - 169:15, 171:3, 171:8 implement [1] - 266:13</p>	<p>implementation [3] - 14:1, 109:14, 259:24 implemented [5] - 35:8, 55:8, 61:13, 235:13, 259:10 implementing [9] - 109:16, 120:9, 150:14, 177:5, 213:17, 213:23, 235:19, 235:21, 244:4 implication [1] - 121:22 implications [3] - 92:19, 111:8, 121:16 implied [2] - 189:18, 193:11 imply [2] - 154:4, 233:18 importance [1] - 97:3 important [17] - 35:9, 35:13, 36:9, 44:22, 130:8, 130:13, 130:18, 130:21, 134:17, 180:19, 193:14, 198:20, 201:13, 237:10, 244:15, 265:20, 266:4 impose [1] - 202:10 imposing [2] - 245:1, 249:10 improper [1] - 229:16 improved [1] - 199:16 inaccurate [1] - 168:6 inappropriate [8] - 99:12, 110:20, 148:20, 149:3, 170:1, 171:11, 171:13, 171:17 Inappropriate [1] - 171:19 Inasmuch [1] - 264:10 inaudible [1] - 14:24 Inc [4] - 9:14, 11:1, 11:2 incented [1] - 44:17 incentive [5] - 28:20, 46:17, 53:14, 242:1, 257:9 incentives [2] - 257:12, 266:11 inclined [1] - 198:23 inclining [3] - 191:22, 207:25, 209:10 include [18] - 23:19, 36:21, 40:17, 54:8,</p>	<p>54:10, 55:20, 63:10, 83:13, 83:14, 95:20, 95:23, 109:1, 146:9, 146:17, 152:16, 219:8, 248:22, 266:19 Included [1] - 11:9 included [21] - 13:3, 20:11, 26:13, 42:19, 42:20, 48:7, 55:22, 56:2, 57:5, 78:20, 87:10, 90:2, 93:10, 96:12, 110:25, 136:1, 136:5, 154:21, 205:9, 228:8, 254:24 includes [5] - 42:1, 107:5, 144:11, 228:12, 228:14 including [7] - 7:18, 29:15, 86:25, 114:8, 122:10, 174:17, 254:17 inclusive [2] - 229:23, 252:11 income [7] - 174:23, 185:12, 185:16, 185:21, 234:20, 235:2, 235:10 incomplete [1] - 189:19 inconsistency [1] - 156:7 inconsistent [2] - 156:8, 234:5 incorporate [1] - 256:2 incorporated [1] - 145:18 incorrect [3] - 61:7, 85:6, 153:21 increase [72] - 11:24, 18:21, 18:23, 19:1, 19:7, 19:13, 27:17, 27:18, 28:7, 35:14, 45:21, 46:4, 46:5, 46:17, 47:23, 48:8, 48:11, 48:13, 49:3, 52:2, 59:15, 59:25, 60:7, 79:18, 107:25, 108:1, 108:16, 108:18, 111:9, 114:5, 116:25, 124:18, 130:1, 132:2, 134:18, 151:5, 152:17, 152:20, 157:19, 161:19, 161:20, 169:21, 169:25, 170:4, 170:7, 170:8, 170:18, 170:21, 172:1, 172:3, 172:13, 177:21, 185:24, 191:25, 207:11, 207:13, 207:16,</p>
---	---	---	--	---

<p>210:10, 214:16, 215:23, 215:24, 216:18, 217:20, 217:25, 218:4, 219:8, 220:11, 233:7, 245:5, 245:9, 245:11</p> <p>Increase [1] - 7:7</p> <p>increased [16] - 19:3, 42:8, 44:12, 44:13, 45:23, 53:18, 197:7, 202:6, 210:18, 210:21, 210:23, 215:10, 220:7, 231:17, 233:9, 258:13</p> <p>increases [15] - 28:9, 36:11, 37:1, 40:1, 45:23, 82:7, 99:22, 108:17, 109:12, 152:23, 198:1, 201:23, 211:1, 214:3, 214:19</p> <p>increasing [10] - 44:2, 44:15, 60:5, 98:21, 150:23, 178:13, 191:14, 209:24, 214:3, 233:23</p> <p>Increasing [1] - 44:5</p> <p>increasingly [4] - 37:3, 82:8, 89:17, 187:5</p> <p>incremental [8] - 45:6, 45:7, 133:16, 134:1, 134:14, 189:8, 229:12, 233:11</p> <p>incur [1] - 43:21</p> <p>indeed [1] - 233:25</p> <p>independent [1] - 91:25</p> <p>index [1] - 139:22</p> <p>indexing [1] - 252:24</p> <p>indicate [4] - 91:9, 91:17, 154:25, 254:16</p> <p>indicated [15] - 11:19, 26:8, 35:16, 41:2, 45:11, 90:21, 108:3, 111:11, 112:2, 116:23, 120:7, 120:22, 138:21, 205:25, 206:8</p> <p>indicates [2] - 87:7, 156:15</p> <p>indicating [1] - 258:3</p> <p>indication [1] - 134:8</p> <p>indifferent [4] - 35:10, 46:11, 46:14, 46:16</p> <p>induce [2] - 210:3, 229:8</p> <p>induces [1] - 211:3</p> <p>indulgence [1] - 84:16</p>	<p>Industrial [2] - 10:25, 11:12</p> <p>industrial [7] - 9:6, 32:9, 72:22, 72:23, 74:4, 74:6, 229:1</p> <p>inelastic [10] - 97:20, 132:13, 155:2, 155:25, 156:6, 156:20, 157:2, 185:5, 215:19, 233:13</p> <p>inelasticity [1] - 125:10</p> <p>inequitable [2] - 230:5, 230:11</p> <p>inequities [3] - 29:3, 36:1, 234:20</p> <p>inequity [2] - 36:12, 235:15</p> <p>inferred [1] - 189:18</p> <p>infinitely [1] - 113:8</p> <p>infinitesimally [1] - 133:17</p> <p>inform [1] - 22:10</p> <p>informal [2] - 59:2, 110:24</p> <p>information [25] - 61:7, 94:8, 96:22, 99:9, 110:24, 112:14, 112:17, 127:2, 140:10, 154:23, 167:19, 182:7, 189:23, 231:12, 243:9, 243:15, 243:22, 244:8, 253:2, 260:8, 260:9, 260:21, 261:10, 261:15, 265:19</p> <p>informed [5] - 13:13, 13:14, 24:23, 263:19, 263:20</p> <p>inherently [1] - 202:13</p> <p>initial [3] - 26:12, 135:13, 265:14</p> <p>insert [3] - 103:8, 225:10, 226:10</p> <p>insignificance [1] - 165:5</p> <p>insignificant [2] - 120:23, 164:6</p> <p>insignificantly [1] - 165:2</p> <p>insist [1] - 49:2</p> <p>instance [4] - 146:1, 192:11, 252:2, 252:3</p> <p>instead [5] - 104:1, 225:25, 228:24</p> <p>Instead [2] - 104:8, 265:8</p> <p>institute [4] - 117:7,</p>	<p>152:24, 213:16, 213:22</p> <p>insufficient [2] - 40:9, 136:15</p> <p>insulate [2] - 228:23, 228:24</p> <p>insulation [1] - 192:8</p> <p>insure [1] - 229:1</p> <p>integrated [1] - 232:18</p> <p>intend [3] - 146:8, 146:17, 187:3</p> <p>intended [11] - 7:12, 42:10, 42:11, 51:10, 71:24, 191:4, 218:14, 232:2, 233:4, 233:9, 233:25</p> <p>intent [8] - 69:1, 88:1, 110:21, 111:5, 111:16, 121:21, 218:25, 219:3</p> <p>intention [5] - 203:25, 214:15, 218:5, 218:10</p> <p>interact [1] - 22:21</p> <p>interacting [1] - 42:12</p> <p>interclass [1] - 234:19</p> <p>interest [5] - 11:5, 16:15, 19:21, 21:4, 147:9</p> <p>interested [3] - 95:8, 233:21, 252:8</p> <p>Interested [1] - 95:9</p> <p>interesting [2] - 166:18, 215:16</p> <p>interests [1] - 107:2</p> <p>interim [4] - 41:10, 86:24, 87:5, 266:19</p> <p>internal [2] - 186:8, 243:17</p> <p>internally [1] - 184:25</p> <p>interpret [1] - 165:10</p> <p>interpretation [2] - 90:22, 164:21</p> <p>interpretive [1] - 128:23</p> <p>interrupt [2] - 80:12, 181:17</p> <p>interrupted [1] - 164:15</p> <p>interruption [1] - 196:12</p> <p>interval [3] - 164:21, 164:24, 165:10</p> <p>intervene [1] - 146:23</p> <p>intervened [2] - 147:1, 147:22</p>	<p>interveners [2] - 12:2, 58:17</p> <p>Intervention [1] - 10:25</p> <p>intervention [1] - 147:21</p> <p>intra [3] - 35:18, 174:18, 235:14</p> <p>Intra [1] - 174:23</p> <p>intra-class [3] - 35:18, 174:18, 235:14</p> <p>Intra-class [1] - 174:23</p> <p>intraclass [1] - 29:3</p> <p>introduced [1] - 21:12</p> <p>intuitively [1] - 124:12</p> <p>inverted [30] - 29:10, 29:13, 30:2, 33:15, 53:17, 53:20, 53:21, 53:23, 89:18, 90:16, 97:4, 97:9, 97:12, 97:14, 99:20, 99:22, 108:9, 110:8, 110:12, 111:17, 123:18, 130:1, 130:10, 184:23, 185:1, 198:22, 199:3, 199:9, 244:20, 266:16</p> <p>investments [2] - 45:6, 45:7</p> <p>involved [4] - 17:17, 43:23, 71:19, 147:23</p> <p>involvement [2] - 222:23, 230:1</p> <p>Involving [1] - 200:25</p> <p>IRP [2] - 182:8, 182:21</p> <p>isolation [1] - 199:3</p> <p>issue [39] - 12:22, 15:7, 19:15, 19:18, 20:18, 26:7, 31:20, 31:22, 34:11, 58:23, 73:15, 73:19, 84:8, 89:19, 89:25, 92:12, 94:1, 108:8, 109:3, 109:25, 110:18, 129:3, 180:19, 200:19, 212:10, 223:7, 229:13, 230:14, 231:7, 235:14, 247:4, 247:11, 249:6, 250:15, 253:18, 253:20, 265:21</p> <p>issued [5] - 11:16, 11:23, 12:8, 27:16, 135:24</p> <p>issues [23] - 12:3,</p>	<p>12:19, 13:20, 13:21, 15:16, 15:20, 20:10, 29:17, 40:3, 58:7, 61:11, 92:22, 93:17, 99:6, 109:17, 147:17, 150:2, 227:16, 231:4, 251:11, 254:1, 255:13, 258:6</p> <p>item [2] - 14:10, 67:22</p> <p>items [2] - 252:6, 252:8</p> <p>itself [8] - 76:2, 139:20, 164:20, 197:16, 227:11, 227:23, 230:3, 231:1</p>
J				
<p>January [7] - 49:20, 50:7, 50:17, 64:1, 64:2, 69:16, 238:20</p> <p>jeopardized [1] - 177:7</p> <p>job [1] - 201:13</p> <p>joining [1] - 24:3</p> <p>judgment [1] - 261:19</p> <p>July [1] - 11:12</p> <p>June [3] - 11:7, 135:23, 137:4</p> <p>jurisdiction [1] - 123:11</p> <p>jurisdictions [1] - 134:22</p> <p>justification [1] - 246:12</p>				
K				
<p>keep [6] - 7:20, 59:9, 168:24, 238:1, 241:25, 251:22</p> <p>keeping [1] - 209:20</p> <p>key [4] - 10:20, 10:21, 13:22, 13:24</p> <p>kilowatt [30] - 28:21, 28:22, 29:9, 29:23, 35:17, 53:11, 60:7, 60:19, 74:17, 84:12, 98:9, 128:11, 129:14, 129:18, 129:19, 129:20, 129:23, 130:7, 130:23, 189:21, 189:23, 190:12, 208:6, 208:13, 208:16, 208:17, 208:19</p> <p>kind [14] - 22:8, 22:11, 116:4, 117:7,</p>				

<p>124:7, 125:8, 181:1, 181:24, 228:5, 228:13, 228:17, 247:9, 256:2, 256:6 kinds [3] - 229:21, 248:3, 251:13 knowing [1] - 231:18 knowingly [1] - 230:21 knowledge [2] - 94:7, 260:2 known [2] - 147:22, 230:23 knows [2] - 68:14, 129:2 Kroger Company [1] - 11:1 kWh [4] - 62:15, 234:23, 234:24, 235:8</p>	<p>lawyering [1] - 187:23 Laying [1] - 31:3 lays [1] - 62:23 lead [2] - 29:6, 190:9 leaders [1] - 22:21 learn [1] - 147:23 least [16] - 7:19, 62:19, 64:1, 67:10, 89:12, 94:9, 112:22, 113:1, 113:17, 149:25, 153:20, 172:7, 198:6, 233:20, 233:22, 258:2 leave [8] - 27:8, 53:11, 100:23, 115:24, 177:11, 179:6, 192:12, 198:12 leaves [2] - 28:15, 187:7 leaving [1] - 247:24 led [1] - 10:20 left [2] - 224:16, 225:21 legal [4] - 128:19, 128:23, 147:25, 148:2 legislature [1] - 181:19 length [3] - 88:3, 154:10, 262:1 lengthy [1] - 193:16 less [23] - 29:22, 31:18, 35:1, 35:4, 36:4, 36:5, 42:24, 43:13, 44:8, 44:10, 45:3, 53:5, 76:17, 130:3, 182:17, 202:4, 202:13, 215:7, 215:10, 216:5, 216:18, 230:23, 234:25 less-high [1] - 44:10 lesser [1] - 37:25 letting [1] - 201:22 Level [1] - 166:16 level [24] - 34:22, 42:13, 46:15, 51:19, 59:5, 62:15, 87:10, 87:14, 90:23, 93:5, 97:21, 107:23, 107:24, 123:9, 125:13, 125:14, 126:3, 163:2, 180:21, 209:21, 210:19, 211:1, 217:1, 257:1 levels [1] - 46:11 lighting [1] - 13:5 lights [1] - 192:11 likelihood [1] - 242:15 likely [15] - 42:22,</p>	<p>42:25, 43:8, 44:20, 56:12, 56:24, 57:1, 57:4, 182:18, 198:22, 202:4, 238:21, 241:4, 249:23, 262:12 limit [7] - 53:22, 94:10, 133:9, 133:12, 248:12, 256:24, 257:8 limitation [1] - 31:17 limited [17] - 73:20, 107:7, 109:3, 110:1, 112:3, 112:16, 136:14, 138:4, 144:15, 144:17, 198:6, 198:14, 230:1, 232:6, 232:22, 246:19, 254:17 limits [4] - 107:20, 197:11, 257:14, 266:10 line [63] - 14:10, 42:4, 47:9, 47:14, 48:4, 48:15, 55:24, 56:1, 57:16, 59:7, 60:5, 62:10, 65:12, 71:22, 73:8, 77:8, 77:16, 79:2, 79:15, 79:25, 80:10, 82:4, 102:14, 102:17, 102:22, 103:19, 103:24, 104:6, 104:10, 104:20, 105:6, 137:8, 140:15, 140:16, 143:11, 145:3, 145:13, 150:19, 154:2, 157:17, 173:8, 173:18, 176:8, 176:14, 177:2, 178:25, 212:3, 212:6, 212:14, 213:10, 215:20, 224:5, 225:9, 225:13, 225:23, 226:6, 226:9, 236:13, 238:12, 246:3, 246:5 lines [9] - 41:13, 86:22, 91:15, 104:17, 131:9, 140:19, 146:24, 176:18, 239:11 link [9] - 154:7, 154:11, 154:18, 156:3, 156:13, 156:22, 168:18, 197:6, 202:3 linkage [2] - 198:7, 198:16 list [2] - 224:14, 252:10 listed [1] - 51:5 listened [2] - 71:25, 180:2</p>	<p>listing [1] - 252:7 literature [1] - 215:19 load [2] - 67:2, 83:19 local [2] - 66:9, 66:10 localized [1] - 66:10 long-held [1] - 54:12 long-run [28] - 83:8, 83:12, 83:19, 83:21, 84:4, 84:7, 85:3, 85:11, 85:12, 85:21, 86:1, 94:11, 94:15, 133:6, 155:21, 155:23, 160:12, 161:16, 163:8, 163:15, 183:6, 183:8, 183:15, 183:18, 183:24, 184:11, 186:2 Long-run [2] - 131:10, 183:16 long-time [2] - 93:13, 94:6 longstanding [1] - 197:23 look [16] - 70:22, 87:19, 87:21, 136:21, 143:18, 159:23, 160:1, 164:23, 167:22, 167:23, 175:5, 185:19, 190:13, 201:11, 229:9, 255:13 looked [2] - 183:17, 186:11 looking [7] - 74:24, 76:3, 128:1, 140:4, 212:6, 216:8, 252:12 looks [1] - 137:10 loosely [1] - 151:13 lose [1] - 199:13 lost [7] - 89:3, 89:8, 90:14, 105:4, 105:13, 121:15, 199:23 low [17] - 34:25, 43:1, 43:9, 77:19, 174:23, 177:6, 209:15, 209:16, 234:20, 235:1, 235:2, 235:10, 242:14, 257:11 low-income [4] - 174:23, 234:20, 235:2, 235:10 low-usage [1] - 235:10 low-use [6] - 43:1, 43:9, 209:16, 234:20, 235:1 lower [9] - 131:6, 158:24, 185:16, 197:22, 215:24,</p>	<p>218:8, 241:18, 258:12 lowest [1] - 78:7 lunch [4] - 115:5, 115:13, 116:8, 116:11 luncheon [1] - 135:6</p> <hr/> <p style="text-align: center;">M</p> <p>magnifies [1] - 29:16 magnitude [1] - 216:20 main [5] - 27:24, 31:15, 40:19, 40:21, 96:6 Maintenance [1] - 12:25 major [6] - 209:8, 229:22, 230:12, 230:17, 234:4, 260:22 majority [7] - 28:18, 32:22, 33:16, 68:18, 77:22, 78:4, 232:21 makers [1] - 181:19 management [5] - 192:7, 202:2, 236:17, 256:17, 266:1 manager [4] - 10:15, 24:15, 39:16, 101:22 managers [3] - 22:15, 22:21, 23:3 mandate [2] - 20:13, 28:21 mandates [1] - 181:18 mandatory [3] - 186:13, 186:14, 186:18 manifest [1] - 180:12 manner [3] - 112:14, 113:10, 227:13 mar [1] - 241:19 March [9] - 12:5, 12:9, 12:17, 18:9, 18:15, 63:23, 204:25, 223:10 margin [2] - 133:22, 134:14 marginal [3] - 134:1, 232:24, 241:19 marginal cost [42] - 84:10, 84:11, 84:19, 84:20, 84:22, 85:2, 85:3, 85:9, 85:11, 85:15, 86:2, 92:22, 92:23, 92:25, 93:16, 93:24, 94:8, 94:11, 130:11, 130:12, 132:23, 133:8, 133:15, 133:16, 133:18, 134:6, 134:7, 134:11, 134:20,</p>
---	--	--	---	---

<p>184:14, 184:20, 185:10, 188:17, 188:18, 188:20, 188:24, 189:5, 189:7, 189:13, 241:18, 241:20 marginal costs [24] - 83:8, 83:9, 83:11, 83:12, 83:14, 83:22, 84:4, 84:7, 93:4, 94:15, 133:5, 133:7, 183:6, 183:8, 183:15, 183:16, 183:18, 183:19, 183:25, 184:11, 232:24 marked [5] - 102:4, 195:14, 195:25, 223:10, 223:18 market [1] - 160:13 Mart [3] - 9:14, 11:1, 21:21 match [1] - 97:6 matching [1] - 97:8 material [3] - 7:21, 233:14, 261:25 materially [2] - 103:11, 105:19 mathematical [2] - 133:8, 189:3 matter [5] - 93:15, 113:7, 127:7, 134:4, 266:23 Matter [2] - 7:5, 137:4 matters [2] - 93:14, 201:4 maximize [2] - 199:9, 218:15 maximum [2] - 31:19, 243:15 McKenna [1] - 137:14 McKenna's [1] - 138:5 mean [18] - 45:24, 52:19, 72:2, 72:4, 122:22, 123:4, 131:22, 142:11, 164:15, 178:21, 181:16, 225:17, 231:18, 234:25, 240:14, 241:19, 245:16, 246:25 meaning [1] - 244:24 meaningful [1] - 228:18 means [7] - 44:6, 44:21, 57:5, 61:11, 72:5, 72:7 meant [5] - 119:10, 162:7, 191:6, 191:7,</p>	<p>244:8 measure [2] - 87:6, 199:15 measured [2] - 67:2, 156:15 measurement [2] - 66:14, 67:16 measures [4] - 67:3, 181:15, 235:13, 257:20 mechanics [1] - 111:24 mechanism [66] - 26:23, 30:11, 31:24, 32:16, 33:5, 33:24, 34:6, 35:6, 35:11, 36:10, 36:15, 40:7, 41:9, 42:1, 49:21, 49:24, 50:1, 52:10, 69:8, 69:20, 70:8, 72:3, 77:11, 77:14, 86:23, 87:5, 87:11, 87:15, 89:2, 107:6, 108:25, 110:22, 111:7, 111:21, 111:25, 114:12, 114:13, 117:9, 117:11, 120:9, 135:18, 141:2, 142:1, 143:12, 144:7, 145:6, 145:22, 145:25, 146:8, 146:13, 146:19, 150:15, 151:12, 191:25, 197:12, 206:25, 207:21, 207:23, 208:1, 209:13, 209:17, 210:5, 210:16, 212:11, 218:6, 266:15 mechanisms [3] - 73:10, 246:6, 258:14 medium [1] - 74:7 meet [1] - 87:24 meeting [14] - 49:20, 49:24, 50:7, 50:10, 51:4, 51:10, 69:16, 69:23, 87:23, 111:3, 111:14, 111:19, 111:22, 233:23 Meeting [1] - 51:6 meetings [4] - 13:19, 50:6, 111:1, 112:7 megawatts [1] - 182:11 members [2] - 263:16, 264:16 memory [1] - 69:22 mention [1] - 68:20 mentioned [14] - 13:6, 29:18, 53:4, 65:20, 67:22, 76:10,</p>	<p>83:5, 138:20, 149:20, 155:19, 183:10, 210:13, 228:19, 229:11 mere [2] - 124:7, 230:1 merely [1] - 64:6 merit [2] - 87:16, 93:20 met [3] - 12:17, 18:15, 231:23 method [4] - 95:20, 96:7, 255:8, 260:14 methodology [1] - 54:1 Michel [16] - 8:23, 9:1, 86:13, 90:20, 91:14, 92:6, 100:25, 116:18, 152:8, 203:1, 219:24, 237:20, 245:16, 246:3, 250:19, 251:17 MICHEL [17] - 8:24, 86:14, 86:16, 92:3, 101:1, 116:19, 116:22, 117:24, 151:24, 152:12, 203:2, 219:25, 237:21, 245:17, 245:19, 250:12, 250:20 Michel's [2] - 151:9, 153:2 Michele Beck [2] - 222:7, 222:18 microphone [2] - 207:8, 246:2 middle [2] - 176:10, 265:14 midpoint [5] - 158:25, 161:15, 163:5, 163:6, 167:18 might [17] - 22:9, 35:24, 74:21, 96:22, 108:2, 121:22, 134:13, 175:3, 183:21, 186:9, 188:18, 215:16, 224:11, 241:1, 255:18, 256:4 mike [1] - 223:21 mill [1] - 131:3 million [2] - 11:25, 211:15 mind [11] - 34:20, 101:2, 107:14, 132:7, 136:17, 152:1, 152:10, 168:24, 197:13, 203:19 minds [1] - 254:6 mine [3] - 49:1,</p>	<p>146:25, 176:8 minimize [2] - 218:11, 256:3 minimum [3] - 96:23, 209:21, 210:20 minor [4] - 30:20, 41:22, 102:12, 103:22 minus [1] - 164:25 minute [6] - 23:11, 82:21, 84:14, 90:18, 110:13, 194:2 minutes [2] - 82:20, 263:12 miracle [1] - 103:17 misconceptions [1] - 133:4 miss [1] - 196:10 missed [1] - 254:2 misunderstanding [1] - 156:2 mitigates [2] - 31:14, 31:20 mix [1] - 186:18 mobile home [1] - 15:6 mobilizing [1] - 197:24 model [6] - 138:5, 144:2, 144:19, 163:24, 164:1, 197:17 models [6] - 164:9, 165:23, 165:25, 166:1, 166:4, 166:6 modifications [4] - 30:20, 33:22, 51:14, 53:7 modified [1] - 27:11 moment [7] - 57:14, 82:16, 176:5, 221:21, 228:16, 264:4, 264:12 moments [1] - 64:22 money [2] - 199:13, 242:7 monitoring [1] - 235:16 month [10] - 18:24, 27:19, 28:14, 29:24, 33:10, 33:11, 67:4, 88:24, 107:23, 108:16 monthly [13] - 32:20, 33:10, 52:25, 53:2, 59:12, 77:19, 78:11, 78:15, 78:16, 205:19, 208:3, 208:7, 208:8 months [10] - 30:25, 208:11, 208:13, 208:15, 208:16, 208:20, 208:22, 209:4, 239:1, 255:17 more or less [3] - 42:22, 43:1, 249:23</p>	<p>morning [24] - 9:5, 9:11, 9:17, 17:13, 39:12, 86:17, 100:11, 101:13, 101:14, 102:15, 138:25, 139:2, 142:4, 183:11, 191:12, 194:7, 198:21, 200:20, 220:24, 221:20, 262:12, 262:21, 263:1, 267:20 Morning [3] - 39:13, 95:14, 95:15 Most [2] - 102:12, 241:4 most [7] - 56:12, 56:24, 57:1, 57:4, 93:8, 201:12, 224:25 mostly [1] - 219:4 motion [2] - 11:13, 11:18 motivated [4] - 199:5, 199:8, 199:11, 207:20 Mountain [1] - 167:13 mouth [1] - 256:15 move [7] - 30:5, 30:6, 38:23, 132:15, 185:4, 195:24, 221:7 moved [1] - 21:1 movement [1] - 134:8 moves [1] - 210:25 Moves [1] - 221:3 moving [6] - 15:8, 15:12, 19:15, 20:18, 231:23, 249:15 Moving [2] - 35:7, 42:7 MSP [1] - 258:5 multiple [4] - 229:6, 229:19, 233:16, 252:20 multiplication [1] - 190:14 multiplying [2] - 208:5, 208:8 must [3] - 66:18, 169:21, 235:17</p>
N				
<p>n's [1] - 265:12 N-i-e-l-s-o-n [1] - 265:15 name [15] - 7:25, 10:6, 10:12, 24:12, 24:14, 51:5, 101:19, 101:21, 151:25, 195:3, 222:12,</p>				

<p>222:16, 222:18, 265:7, 265:13 named [1] - 145:20 namely [2] - 111:9, 150:23 names [1] - 9:7 narrative [2] - 204:21, 205:7 narrow [1] - 36:16 narrowly [1] - 194:17 National [2] - 103:5, 103:8 national [2] - 200:11, 254:25 nationally [1] - 201:12 Natural [1] - 195:10 natural [3] - 198:2, 198:4, 232:15 nature [4] - 99:17, 99:20, 128:23, 185:5 Neal Townsend [1] - 19:9 near [1] - 232:13 nearly [1] - 73:17 necessarily [1] - 243:22 necessary [17] - 31:6, 35:18, 109:5, 113:23, 119:20, 123:19, 134:1, 157:14, 159:22, 190:25, 192:12, 193:4, 193:21, 217:24, 256:11, 260:4, 261:10 need [37] - 14:17, 25:3, 33:3, 38:15, 57:4, 57:5, 70:1, 80:12, 80:17, 83:20, 99:17, 99:23, 103:14, 111:20, 115:24, 127:7, 139:9, 156:1, 169:19, 173:5, 173:20, 181:7, 207:16, 216:19, 217:9, 229:11, 231:8, 234:9, 234:10, 252:14, 252:15, 255:24, 257:9, 257:18, 257:25, 258:7, 258:8 needed [2] - 34:23, 87:12 needn't [1] - 190:9 needs [7] - 61:3, 80:3, 159:23, 202:15, 219:5, 233:23, 235:15 negative [5] - 76:6, 162:15, 162:17, 209:14, 209:15</p>	<p>negotiated [1] - 16:12 neighborhood [3] - 182:10, 183:8, 186:1 Neighborhood [1] - 51:6 net [1] - 205:22 never [7] - 132:8, 199:2, 219:4, 253:18, 253:19, 254:20, 255:7 Nevertheless [1] - 145:11 nevertheless [1] - 125:11 new [15] - 14:16, 60:9, 60:12, 60:18, 83:20, 118:19, 118:20, 180:12, 229:22, 233:11, 233:13, 235:19, 249:22, 250:2 next [23] - 7:21, 15:9, 19:17, 19:18, 20:20, 20:24, 56:1, 60:3, 100:7, 104:12, 109:19, 134:6, 143:11, 154:14, 156:17, 156:23, 181:10, 188:19, 208:13, 208:20, 225:16, 238:18, 239:1 Next [1] - 150:12 Nielson [7] - 264:12, 264:20, 265:1, 265:6, 265:14, 266:25, 267:4 NIELSON [6] - 264:22, 264:25, 265:4, 265:10, 265:13, 267:18 nine [2] - 253:3, 262:22 no 11 [1] - 169:24 nobody [2] - 92:18, 125:24 non [8] - 70:3, 70:13, 70:25, 73:24, 75:7, 140:3, 143:15, 183:14 non-fixed [1] - 143:15 non-gas [3] - 70:3, 70:13, 70:25 non-normalized [1] - 140:3 non-recovery [1] - 73:24 non-regulated [1] - 183:14 non-summer [1] - 75:7 None [2] - 220:19, 227:3</p>	<p>none [5] - 22:3, 52:14, 84:24, 202:21, 267:5 nonresidential [18] - 7:14, 9:20, 10:21, 12:16, 12:18, 12:21, 14:3, 15:19, 15:25, 16:16, 18:12, 18:14, 18:17, 26:20, 32:8, 67:9, 68:19, 106:24 nonuniform [1] - 12:1 normalization [1] - 33:19 normalized [4] - 76:24, 77:4, 140:1, 140:3 Nos [3] - 106:10, 206:15, 227:5 note [6] - 12:22, 100:8, 121:10, 136:22, 229:14, 231:6 noted [3] - 224:24, 227:18, 250:18 notes [2] - 96:21, 231:9 nothing [1] - 148:2 noticed [2] - 240:8, 263:15 Nucor [1] - 13:14 Nucor Steel [1] - 13:11 Number [1] - 28:20 number [22] - 30:15, 49:16, 52:1, 63:8, 64:13, 78:19, 85:5, 85:6, 85:7, 85:20, 86:3, 86:4, 93:1, 99:6, 99:7, 143:10, 165:1, 205:23, 214:10, 214:13, 214:15 numbering [1] - 105:4 numbers [17] - 47:9, 61:17, 64:25, 65:8, 78:2, 85:19, 102:17, 158:11, 159:1, 160:15, 162:9, 163:7, 166:5, 167:25, 173:15, 185:22, 212:3 numerical [1] - 214:15 numerous [1] - 27:20</p>	<p>objected [1] - 108:3 objecting [1] - 128:24 Objection [9] - 50:12, 68:4, 126:5, 128:22, 130:14, 147:24, 172:18, 217:13, 218:17 objection [16] - 25:18, 68:7, 125:21, 148:5, 154:4, 189:25, 190:6, 193:8, 193:9, 196:1, 196:3, 199:24, 206:12, 218:24, 227:1, 229:14 objectionable [1] - 193:9 objections [3] - 25:16, 106:7, 261:14 objective [16] - 27:24, 38:1, 38:5, 38:15, 42:19, 42:20, 98:12, 106:25, 114:2, 184:16, 184:18, 184:19, 197:19, 207:10, 261:23 objectives [9] - 27:21, 42:15, 87:23, 114:8, 114:15, 172:5, 186:5, 207:6, 234:5 objects [1] - 150:14 obligations [2] - 16:6, 28:6 obscure [1] - 22:11 observation [1] - 97:19 observed [1] - 247:15 obtain [1] - 208:18 obvious [5] - 104:8, 112:19, 124:12, 168:7, 192:17 obviously [2] - 153:7, 253:22 Obviously [2] - 103:21, 253:24 occasion [1] - 67:11 occur [2] - 124:16, 241:5 occurred [2] - 122:10, 180:3 OCS [3] - 31:25, 34:9, 225:2 OCS-8-SR [1] - 227:5 OCS-8.1-SR [1] - 227:5 OCS-8.1-SR-Beck [1] - 225:15 OCS-8.2-SR-Beck [1] - 225:25 OCS-8.3-SR-Beck</p>	<p>[1] - 226:1 OCS-8.4-SR-Beck [3] - 226:5, 226:7, 226:11 OCS-8.5-SR [1] - 227:6 OCS-8.5-SR-Beck [1] - 225:11 OCS-8.blank [1] - 224:18 OCS-8R [2] - 223:10, 227:5 off-peak [2] - 67:14, 186:22 offer [4] - 25:10, 147:3, 192:24, 226:24 offered [1] - 26:17 offering [1] - 191:12 Office [27] - 8:7, 20:3, 20:12, 20:16, 20:23, 21:3, 99:4, 159:5, 161:20, 162:3, 171:7, 187:14, 192:22, 227:10, 228:3, 231:9, 233:20, 234:18, 244:14, 244:17, 244:20, 244:25, 245:5, 246:5, 259:7, 260:25, 261:5 office [2] - 155:19, 263:21 Office of Consumer Services [4] - 37:19, 54:18, 222:19, 222:20 Office's [12] - 47:25, 113:6, 134:5, 162:14, 171:12, 172:3, 176:11, 176:21, 177:14, 223:6, 229:14, 255:6 Office-proposed [1] - 161:20 offset [1] - 109:13 old [1] - 55:20 ON [2] - 265:8, 265:9 on-peak [7] - 66:8, 66:13, 66:23, 67:1, 67:3, 67:8, 67:16 On-peak [1] - 67:1 once [7] - 31:1, 31:21, 90:23, 108:6, 170:17, 208:22, 229:13 Once [2] - 45:20, 77:24 one [103] - 14:17, 28:20, 29:1, 30:22, 31:8, 31:15, 31:19, 40:7, 41:3, 41:18, 42:15, 43:4, 44:14,</p>
---	---	---	--	--

<p>49:19, 50:7, 51:16, 51:17, 52:8, 52:9, 55:15, 63:8, 64:11, 65:21, 72:5, 76:18, 84:1, 84:9, 88:1, 96:17, 103:2, 103:17, 103:25, 104:6, 104:16, 105:11, 107:4, 116:20, 117:5, 117:12, 124:13, 126:18, 128:5, 133:2, 135:13, 141:19, 142:5, 145:19, 146:15, 151:9, 153:6, 153:19, 158:11, 159:18, 160:3, 164:22, 167:14, 167:19, 171:15, 176:9, 184:4, 185:14, 186:20, 188:16, 189:22, 191:13, 192:23, 193:2, 196:11, 198:8, 198:15, 199:1, 200:8, 200:12, 200:14, 201:2, 201:14, 209:10, 210:22, 213:22, 224:19, 225:14, 225:19, 227:24, 228:24, 230:6, 230:10, 230:21, 231:14, 233:15, 236:14, 237:13, 247:12, 248:9, 249:24, 249:25, 250:9, 250:25, 252:22, 253:25, 261:8, 263:17</p> <p>One [12] - 48:6, 65:24, 99:19, 100:10, 141:5, 155:6, 190:13, 200:9, 207:5, 219:12, 230:15, 259:13</p> <p>one's [1] - 104:8</p> <p>ones [2] - 19:9, 72:19</p> <p>ongoing [2] - 39:25, 230:14</p> <p>open [6] - 182:2, 247:24, 251:12, 251:19, 252:17, 267:1</p> <p>open-ended [1] - 251:12</p> <p>opening [1] - 65:19</p> <p>operate [1] - 180:8</p> <p>operating [1] - 181:17</p> <p>Operations [1] - 12:25</p> <p>opinion [15] - 97:25, 98:6, 98:10, 113:8, 124:2, 124:5, 136:14,</p>	<p>138:8, 138:14, 172:5, 192:14, 192:20, 192:24, 193:11, 240:13</p> <p>opinions [4] - 138:15, 186:9, 229:6</p> <p>opportune [1] - 182:3</p> <p>opportunities [1] - 199:7</p> <p>opportunity [14] - 45:21, 46:5, 106:20, 146:18, 147:2, 147:5, 147:12, 147:16, 194:10, 238:25, 249:5, 249:16, 265:18, 266:22</p> <p>oppose [6] - 13:15, 22:1, 113:18, 246:9, 246:21, 249:18</p> <p>opposed [6] - 72:23, 93:24, 117:22, 126:18, 144:18, 232:21</p> <p>opposes [1] - 13:18</p> <p>opposite [1] - 34:12</p> <p>opposition [1] - 38:8</p> <p>options [1] - 94:24</p> <p>order [26] - 11:17, 11:18, 11:24, 23:19, 26:16, 83:23, 88:16, 111:20, 115:22, 119:11, 119:19, 120:25, 121:3, 132:14, 136:4, 136:5, 136:8, 136:21, 150:9, 153:5, 168:4, 225:20, 238:1</p> <p>Order [2] - 135:24, 137:3</p> <p>ordered [6] - 13:4, 18:21, 19:4, 19:7, 27:16, 64:17</p> <p>orders [2] - 112:13, 258:15</p> <p>Oregon [19] - 54:25, 55:13, 55:18, 55:20, 84:11, 84:20, 84:22, 85:1, 85:7, 85:10, 85:11, 85:16, 85:18, 85:22, 86:1, 93:6, 93:7, 96:19, 96:24</p> <p>Oregon's [1] - 85:14</p> <p>organization [1] - 254:25</p> <p>original [9] - 39:22, 40:11, 40:17, 89:11, 89:22, 90:5, 113:15, 228:8</p> <p>originally [1] - 102:16</p>	<p>otherwise [1] - 113:7</p> <p>ought [5] - 37:21, 38:17, 58:14, 63:10, 87:8</p> <p>ourselves [1] - 255:12</p> <p>out-of-court [1] - 128:19</p> <p>outcome [7] - 45:12, 232:2, 233:4, 233:9, 235:22, 254:9, 256:13</p> <p>outcomes [3] - 233:25, 248:5, 253:17</p> <p>outlined [2] - 18:18, 120:12</p> <p>output [2] - 189:2, 189:9</p> <p>outreach [1] - 266:2</p> <p>outside [1] - 229:23</p> <p>outstanding [1] - 231:4</p> <p>over-recovered [1] - 242:16</p> <p>over-recovers [1] - 242:16</p> <p>over-recovery [1] - 258:10</p> <p>over/under [1] - 75:3</p> <p>over/under-recovery [1] - 75:3</p> <p>overall [4] - 59:17, 109:8, 201:6, 237:7</p> <p>overarching [4] - 27:23, 43:25, 83:6, 184:4</p> <p>overrule [2] - 148:4, 218:23</p> <p>Overruled [1] - 126:11</p> <p>overseeing [1] - 72:11</p> <p>overseen [1] - 223:2</p> <p>overstated [2] - 36:4, 56:8</p> <p>overview [1] - 200:19</p> <p>own [4] - 66:16, 113:4, 153:14, 228:6</p>	<p>91:15, 102:21, 103:2, 103:3, 103:18, 103:24, 104:4, 104:6, 104:9, 104:17, 104:24, 127:25, 136:8, 137:8, 137:9, 137:11, 143:11, 145:1, 148:17, 150:12, 150:18, 154:2, 156:5, 156:23, 156:24, 160:2, 160:6, 162:24, 163:1, 168:14, 173:6, 176:7, 177:1, 189:17, 205:1, 205:18, 212:3, 212:13, 215:20, 225:16, 239:21, 240:2, 245:24</p> <p>Page [2] - 105:6, 166:13</p> <p>page 1 [3] - 65:11, 71:22, 73:8</p> <p>page 2 [5] - 41:13, 77:7, 102:14, 224:5, 225:9</p> <p>page 3 [5] - 79:2, 79:23, 80:10, 92:13, 212:6</p> <p>Page 4 [5] - 57:16, 82:1, 213:9, 225:13, 236:13</p> <p>page 5 [3] - 82:3, 225:16, 225:23</p> <p>page 7 [2] - 140:14, 226:2</p> <p>page 8 [3] - 55:23, 226:6, 238:11</p> <p>page 9 [5] - 42:4, 56:10, 86:18, 145:1, 238:11</p> <p>pages [8] - 102:17, 140:19, 159:8, 173:15, 173:17, 176:18, 223:11, 223:17</p> <p>paper [1] - 158:20</p> <p>papers [1] - 155:18</p> <p>paragraph [14] - 13:25, 15:14, 20:17, 62:10, 137:10, 145:11, 154:3, 156:24, 166:15, 167:5, 168:15, 168:23, 176:10</p> <p>Paragraph [1] - 15:5</p> <p>paragraphs [1] - 16:3</p> <p>paralysis [3] - 247:6, 251:18, 261:17</p> <p>paraphrasing [1] - 151:13</p> <p>Pardon [2] - 237:23,</p>	<p>263:18</p> <p>pardon [7] - 22:5, 47:18, 190:22, 196:12, 238:1, 240:19, 241:8</p> <p>parenthetical [1] - 213:10</p> <p>parenthetically [1] - 226:10</p> <p>park [2] - 15:6, 185:9</p> <p>part [34] - 15:15, 32:10, 32:19, 41:20, 44:12, 57:6, 58:12, 70:13, 70:14, 76:12, 77:19, 95:8, 95:10, 108:11, 112:5, 113:2, 119:17, 119:19, 131:25, 134:23, 149:8, 150:9, 158:8, 164:7, 181:2, 187:25, 201:13, 202:9, 202:12, 233:19, 249:1, 249:14, 252:16, 266:20</p> <p>parte [1] - 113:2</p> <p>participant [1] - 93:13</p> <p>participated [7] - 39:14, 51:7, 101:25, 111:13, 195:11, 204:13, 204:16</p> <p>participating [2] - 9:10, 51:4</p> <p>participation [2] - 58:16, 58:24</p> <p>particular [44] - 23:2, 51:10, 55:25, 58:8, 65:11, 69:7, 71:12, 74:24, 76:2, 89:25, 99:15, 105:2, 108:14, 111:14, 118:10, 138:10, 139:15, 141:5, 144:3, 149:9, 151:1, 151:18, 153:15, 153:23, 158:8, 160:19, 163:23, 164:5, 167:5, 167:12, 167:16, 167:21, 167:23, 174:16, 176:14, 176:23, 177:10, 179:6, 222:24, 223:8, 224:2, 229:17, 257:19, 261:18</p> <p>particularly [4] - 17:18, 61:1, 246:11, 252:8</p> <p>parties [64] - 12:9, 12:12, 12:17, 12:20, 13:18, 14:1, 15:7, 15:18, 15:23, 16:5, 16:10, 16:13, 16:21,</p>
		P		
		<p>p.m [5] - 135:7, 194:4, 263:13, 264:13, 267:21</p> <p>pace [1] - 187:8</p> <p>PacifiCorp [1] - 201:7</p> <p>page [58] - 47:9, 47:13, 48:3, 48:15, 56:1, 59:7, 60:3, 79:15, 80:9, 86:22,</p>		

<p>18:8, 18:15, 18:20, 19:17, 20:1, 20:18, 21:7, 21:25, 24:23, 27:5, 29:25, 32:4, 35:9, 37:7, 37:16, 38:21, 39:5, 65:16, 99:13, 108:23, 115:15, 117:23, 118:12, 118:15, 121:15, 122:13, 125:8, 126:23, 133:24, 146:7, 146:18, 146:21, 146:23, 147:4, 147:21, 148:14, 187:2, 187:8, 229:19, 231:24, 232:5, 233:12, 233:19, 234:6, 234:9, 249:16, 251:22, 254:4, 254:5</p> <p>Parties [2] - 145:21, 147:1</p> <p>parties' [3] - 12:15, 125:21, 146:12</p> <p>partner [1] - 202:11</p> <p>partners [2] - 197:18, 197:25</p> <p>parts [2] - 119:16, 131:24</p> <p>party [8] - 12:22, 13:18, 112:9, 126:17, 126:20, 230:1, 231:7, 251:14</p> <p>passed [2] - 34:15, 36:19</p> <p>past [12] - 54:17, 75:5, 92:24, 110:2, 112:12, 129:3, 132:7, 184:22, 186:8, 191:5, 191:16, 266:6</p> <p>pasting [1] - 103:18</p> <p>path [1] - 248:15</p> <p>Patricia E. Schmid [1] - 8:6</p> <p>Paul Proctor [1] - 8:12</p> <p>Pause [10] - 82:15, 82:17, 90:19, 91:13, 137:12, 160:5, 176:6, 213:19, 221:22, 264:8</p> <p>pay [11] - 34:18, 35:1, 35:4, 36:5, 36:7, 70:21, 70:23, 182:18, 230:23, 234:24, 234:25</p> <p>paying [3] - 230:13, 230:18, 235:7</p> <p>peak [17] - 66:8, 66:13, 66:23, 67:1, 67:2, 67:3, 67:4, 67:5, 67:8, 67:13, 67:14, 67:16, 67:21, 186:22</p>	<p>peer [1] - 252:24</p> <p>penalized [1] - 200:17</p> <p>pending [1] - 15:23</p> <p>people [13] - 38:16, 49:25, 55:14, 68:21, 87:23, 125:16, 132:2, 147:16, 192:10, 198:21, 253:2, 253:3, 253:9</p> <p>people's [1] - 123:13</p> <p>per [21] - 18:24, 27:19, 28:14, 29:23, 30:9, 31:3, 31:16, 62:13, 84:12, 107:23, 108:16, 208:9, 208:17, 208:18, 208:19, 229:16, 234:23, 235:8, 257:15</p> <p>perceive [1] - 254:5</p> <p>percent [88] - 31:12, 31:17, 31:19, 41:11, 45:12, 48:7, 48:13, 49:3, 52:23, 59:23, 60:2, 60:6, 60:12, 60:13, 74:3, 78:1, 107:19, 128:2, 129:17, 130:3, 130:24, 141:8, 142:1, 142:6, 142:7, 142:15, 142:21, 143:5, 143:7, 143:12, 143:21, 152:17, 157:19, 162:15, 162:16, 162:17, 164:21, 164:24, 169:22, 169:24, 170:7, 170:8, 170:19, 185:9, 185:25, 186:1, 198:15, 200:8, 200:9, 200:14, 201:2, 205:23, 205:24, 208:25, 209:3, 209:23, 209:25, 210:21, 210:23, 210:24, 211:12, 211:17, 214:18, 214:21, 215:1, 215:2, 215:7, 215:11, 216:5, 216:6, 216:18, 216:21, 216:22, 216:23, 216:25, 218:1, 218:4, 219:12, 219:15, 220:8, 245:11</p> <p>percentage [11] - 12:1, 18:22, 19:4, 59:25, 70:16, 141:16, 143:23, 152:20, 214:17, 242:13, 245:9</p> <p>percentages [2] - 189:20, 190:11</p> <p>perfect [1] - 74:15</p>	<p>Perfect [1] - 39:18</p> <p>perform [6] - 135:17, 135:22, 136:18, 139:21, 175:19, 188:19</p> <p>performed [1] - 137:23</p> <p>performing [1] - 87:22</p> <p>Perfunctory [1] - 203:11</p> <p>perhaps [5] - 31:4, 53:22, 56:7, 153:12, 241:24</p> <p>period [10] - 29:11, 67:8, 67:13, 67:14, 75:7, 75:23, 76:3, 147:20, 238:23</p> <p>periods [2] - 31:9, 76:3</p> <p>person [1] - 180:14</p> <p>personal [2] - 69:12, 98:6</p> <p>personally [3] - 51:7, 185:8, 254:19</p> <p>personnel [4] - 23:4, 49:17, 69:24, 111:13</p> <p>perspective [1] - 126:16</p> <p>pertained [1] - 150:2</p> <p>pertaining [3] - 174:18, 187:15, 192:3</p> <p>pertinent [1] - 159:15</p> <p>Ph.D [5] - 17:8, 101:8, 129:9, 196:7, 204:8</p> <p>phase [18] - 7:14, 11:15, 12:10, 18:7, 24:20, 81:1, 106:22, 106:25, 122:14, 151:18, 187:17, 187:19, 187:22, 188:5, 188:7, 261:21, 262:9, 263:16</p> <p>Phase [3] - 248:11, 249:18, 249:22</p> <p>Phase I [5] - 11:21, 80:19, 92:16, 92:19, 204:16</p> <p>Phase II [17] - 11:22, 102:5, 102:6, 106:5, 106:6, 106:10, 106:11, 204:17, 204:20, 205:1, 205:6, 206:5, 206:15, 206:16, 206:17, 206:18</p> <p>phases [1] - 223:4</p> <p>phone [7] - 21:20, 50:9, 50:23, 99:7,</p>	<p>99:11, 111:14, 264:3</p> <p>phrase [8] - 56:24, 102:23, 152:9, 173:7, 213:14, 214:7, 214:11, 247:6</p> <p>phrasing [1] - 152:10</p> <p>pick [1] - 67:12</p> <p>picture [1] - 257:18</p> <p>piece [2] - 37:5, 142:12</p> <p>pieces [1] - 182:7</p> <p>pilot [39] - 30:17, 36:16, 37:9, 37:10, 52:4, 55:5, 55:16, 56:4, 57:19, 57:25, 59:3, 87:21, 88:6, 107:13, 108:9, 108:11, 109:18, 146:3, 146:22, 152:25, 200:24, 202:8, 202:17, 205:21, 206:25, 208:24, 209:5, 209:12, 212:21, 212:24, 213:2, 235:16, 235:20, 235:21, 259:9, 259:21, 266:13, 266:18, 266:20</p> <p>place [13] - 7:3, 37:12, 94:12, 107:20, 126:20, 130:2, 134:17, 212:14, 240:20, 240:22, 259:8, 259:19, 263:15</p> <p>placed [1] - 47:23</p> <p>places [5] - 62:19, 183:5, 183:7, 210:9, 233:6</p> <p>plain [1] - 260:3</p> <p>plane [1] - 194:19</p> <p>planning [2] - 41:2, 238:18</p> <p>plans [1] - 187:3</p> <p>plant [1] - 96:8</p> <p>plates [1] - 240:19</p> <p>players [1] - 251:5</p> <p>pleased [1] - 39:3</p> <p>plenty [2] - 246:19, 256:10</p> <p>plus [3] - 60:8, 67:14, 94:22</p> <p>point [31] - 14:17, 36:14, 46:7, 46:10, 58:22, 59:22, 61:20, 97:23, 112:22, 120:1, 121:2, 124:14, 124:15, 137:1, 147:2, 157:7, 159:24, 166:11, 170:12, 170:22, 175:14,</p>	<p>186:10, 189:12, 200:5, 200:18, 210:13, 216:6, 223:18, 224:21, 244:22, 256:23</p> <p>Point [1] - 163:10</p> <p>pointing [1] - 103:25</p> <p>points [2] - 165:2, 227:17</p> <p>poles [1] - 85:22</p> <p>policies [1] - 181:11</p> <p>policy [15] - 54:5, 54:8, 54:13, 54:14, 93:15, 93:19, 126:19, 132:21, 171:20, 180:14, 181:4, 181:19, 210:14, 218:19</p> <p>political [2] - 22:14, 22:15</p> <p>poor [1] - 253:21</p> <p>portion [8] - 7:14, 9:20, 16:1, 23:18, 70:18, 70:25, 148:22, 264:17</p> <p>portions [1] - 70:5</p> <p>portray [1] - 188:22</p> <p>posed [1] - 124:14</p> <p>position [28] - 10:7, 24:12, 52:13, 64:20, 72:10, 87:4, 94:25, 97:13, 101:19, 113:4, 121:23, 127:4, 132:25, 133:1, 151:4, 169:18, 169:25, 171:10, 172:25, 186:21, 203:19, 203:20, 213:21, 228:20, 249:9, 255:6, 263:22</p> <p>positions [3] - 103:12, 105:20, 179:24</p> <p>positive [2] - 76:6, 164:25</p> <p>possibility [5] - 81:4, 81:10, 227:19, 238:14, 267:2</p> <p>possible [5] - 72:21, 112:11, 144:3, 198:8, 252:22</p> <p>possibly [3] - 182:16, 235:12, 248:24</p> <p>posting [1] - 228:14</p> <p>potential [5] - 138:10, 228:2, 241:23, 242:3, 251:3</p> <p>Powell [45] - 101:15, 101:21, 106:6, 106:13, 114:18,</p>
--	--	---	--	--

<p>114:20, 114:21, 114:25, 115:7, 115:8, 116:18, 116:23, 118:1, 118:5, 122:19, 126:12, 129:6, 135:9, 135:13, 136:17, 136:24, 138:7, 140:13, 148:6, 148:17, 149:18, 156:2, 159:5, 160:1, 164:12, 172:7, 176:7, 176:19, 179:16, 179:20, 179:22, 183:2, 186:20, 187:14, 193:18, 194:1, 210:13, 218:19, 239:20, 240:9 Powell's [6] - 48:23, 106:8, 192:23, 193:15, 240:11, 240:17 power [3] - 49:13, 66:17, 186:6 Power [1] - 13:1 Power's [23] - 11:3, 16:16, 30:4, 30:6, 32:19, 32:25, 33:14, 33:23, 34:1, 34:4, 37:15, 38:22, 38:25, 67:24, 71:9, 77:10, 77:18, 79:5, 123:11, 135:16, 175:6, 175:16, 207:1 Powlick [1] - 264:1 pre [2] - 232:9, 236:16 pre-decoupling [2] - 232:9, 236:16 precedence [1] - 184:6 precisely [2] - 97:17, 236:23 preclude [2] - 228:1, 252:9 precluded [5] - 122:13, 227:19, 228:3, 238:14, 261:25 precluding [2] - 228:18, 253:9 predecessors [1] - 110:4 predict [1] - 199:16 prefer [5] - 94:23, 108:6, 117:21, 153:9, 221:4 preferable [2] - 248:18, 250:8 preference [4] - 224:19, 250:4, 256:10, 258:17 preferred [6] - 37:22, 47:25, 54:19, 109:11,</p>	<p>113:25 prefiled [2] - 194:8, 195:21 prejudge [1] - 255:11 prejudged [3] - 253:18, 253:20, 254:9 prejudging [1] - 254:16 premature [1] - 188:8 premise [1] - 249:21 prepaid [1] - 46:3 preparation [6] - 72:11, 110:23, 111:22, 155:12, 167:7, 213:4 prepare [8] - 102:3, 160:21, 175:14, 204:19, 205:5, 222:25, 223:9, 223:16 prepared [13] - 25:6, 25:25, 62:5, 71:19, 92:25, 102:3, 106:2, 158:21, 170:14, 204:19, 205:5, 222:25, 226:20 preparing [6] - 75:10, 75:16, 160:18, 166:25, 167:10, 213:5 presence [1] - 71:9 present [9] - 17:22, 49:20, 50:8, 150:6, 188:10, 191:5, 196:15, 249:16, 254:4 presentation [1] - 227:16 presented [12] - 39:19, 57:18, 63:15, 115:9, 150:1, 151:18, 227:15, 228:7, 230:9, 231:25, 246:13, 260:1 presently [1] - 50:22 pressure [2] - 191:8, 252:24 presuming [1] - 231:10 presumption [1] - 37:12 pretty [1] - 200:10 previous [1] - 242:10 previously [2] - 101:15, 206:8 price [42] - 28:24, 31:19, 38:3, 38:4, 38:19, 42:16, 44:8, 44:23, 44:25, 45:9, 60:6, 86:7, 94:12, 97:23, 131:11, 132:15, 133:11, 133:12, 133:17, 156:4, 156:13,</p>	<p>157:13, 160:12, 161:25, 162:2, 163:3, 163:8, 169:20, 184:10, 185:11, 188:21, 199:16, 207:12, 210:2, 211:3, 215:8, 215:17, 216:15, 217:3, 218:8, 244:18, 266:12 prices [15] - 38:13, 38:16, 97:21, 99:24, 127:15, 132:2, 134:9, 154:8, 154:11, 156:3, 183:13, 183:18, 185:3, 186:12 pricing [4] - 53:15, 97:5, 125:11, 186:4 primarily [5] - 63:15, 109:24, 150:15, 158:3, 196:19 Primarily [2] - 51:24, 201:16 primary [15] - 30:22, 71:11, 72:18, 76:15, 106:25, 108:24, 114:2, 150:20, 207:5, 229:4, 230:10, 231:21, 247:1, 248:13, 255:19 principle [10] - 27:23, 43:22, 43:24, 43:25, 83:6, 133:3, 176:12, 176:22, 177:19, 184:3 principles [6] - 113:18, 113:22, 184:6, 234:8, 234:9, 234:15 printed [1] - 102:15 printer [1] - 102:16 proactive [1] - 251:5 problem [9] - 196:13, 197:24, 198:9, 229:24, 230:15, 231:2, 231:10, 231:16, 231:19 problems [2] - 29:17, 260:23 procedure [3] - 248:22, 249:4, 250:15 procedures [1] - 243:17 proceed [12] - 7:12, 11:6, 17:25, 23:17, 26:3, 101:3, 106:16, 115:13, 206:23, 218:24, 220:22, 255:2 Proceed [1] - 196:18 proceeding [17] - 10:10, 11:13, 15:17, 15:22, 80:19, 101:16, 145:7, 150:2, 191:17,</p>	<p>193:21, 194:13, 196:20, 229:19, 248:12, 248:21, 249:3, 252:19 proceedings [6] - 22:25, 23:24, 109:10, 109:20, 115:13, 187:17 process [6] - 22:23, 94:5, 229:23, 248:3, 248:7, 254:12 processes [2] - 228:11, 248:3 Proctor [39] - 8:11, 46:24, 50:15, 57:15, 68:20, 81:18, 82:1, 82:19, 99:2, 114:24, 115:16, 115:17, 116:10, 135:3, 137:13, 137:21, 148:9, 152:3, 152:15, 159:5, 160:1, 160:8, 172:25, 176:7, 178:4, 179:19, 202:24, 211:21, 213:21, 217:15, 218:25, 219:20, 222:16, 223:20, 224:1, 226:13, 227:7, 258:22, 267:8 PROCTOR [53] - 8:12, 20:3, 20:6, 46:25, 47:2, 57:13, 68:6, 68:12, 81:22, 82:16, 82:18, 95:6, 105:3, 105:8, 105:14, 115:1, 135:10, 135:12, 137:15, 148:2, 152:6, 152:11, 159:3, 159:8, 159:13, 159:16, 172:23, 176:4, 179:16, 189:25, 192:22, 202:25, 211:22, 211:24, 217:14, 218:20, 219:18, 221:9, 221:21, 221:23, 222:11, 222:13, 223:22, 226:23, 236:2, 244:12, 258:23, 259:2, 262:3, 262:23, 263:6, 263:10, 267:9 Proctor's [3] - 99:2, 135:9, 220:5 procurement [1] - 228:11 produce [7] - 14:23, 91:9, 124:6, 124:24, 125:25, 131:23, 159:9 production [1] - 197:21</p>	<p>productive [3] - 248:6, 251:20, 256:13 professor [1] - 124:11 professorial [1] - 190:1 proffers [1] - 156:21 profile [6] - 109:9, 120:14, 149:11, 150:3, 150:4, 201:6 profitable [1] - 202:13 program [36] - 30:18, 54:25, 55:3, 55:4, 55:15, 55:20, 56:4, 56:14, 57:20, 57:25, 58:13, 59:1, 59:3, 68:23, 107:13, 107:16, 108:9, 108:12, 141:20, 143:20, 146:3, 195:9, 200:25, 202:8, 205:21, 208:25, 209:6, 212:24, 227:24, 229:12, 233:21, 266:1, 266:2, 266:14, 266:18, 266:20 programs [16] - 38:10, 58:6, 99:1, 192:7, 199:6, 200:7, 232:10, 235:12, 236:17, 251:3, 257:2, 259:14, 259:19, 259:20, 259:24, 266:11 progressed [1] - 99:8 project [3] - 209:12, 212:21, 213:2 projected [1] - 76:4 projection [1] - 76:17 prominent [1] - 184:4 promise [2] - 81:23, 248:1 promote [18] - 38:4, 42:8, 42:10, 44:2, 44:5, 46:17, 107:1, 111:10, 114:3, 117:19, 122:20, 123:10, 132:10, 150:22, 182:16, 207:6, 207:24, 207:25 promoted [1] - 180:15 promotes [1] - 112:18 promoting [8] - 38:2, 38:9, 42:14, 98:20, 114:9, 127:15, 181:7,</p>
---	---	---	---	---

<p>181:12 promotion [1] - 236:19 promptly [1] - 261:8 pronounced [1] - 51:1 proof [1] - 231:23 proper [2] - 42:16, 94:9 properly [2] - 41:9, 266:10 properly-designed [1] - 41:9 proponents [1] - 94:13 proposal [186] - 12:13, 20:22, 27:1, 27:2, 27:13, 27:17, 30:2, 30:4, 30:7, 30:8, 30:14, 30:19, 30:21, 32:4, 34:13, 35:14, 37:18, 37:19, 37:23, 38:23, 38:25, 41:16, 47:25, 48:6, 48:10, 49:8, 49:15, 50:21, 51:15, 51:20, 51:24, 52:11, 52:13, 52:18, 52:22, 53:8, 53:10, 53:13, 54:4, 54:23, 56:2, 57:18, 60:4, 60:5, 60:21, 60:24, 61:1, 61:6, 61:22, 63:11, 63:15, 63:20, 64:4, 64:20, 65:6, 65:17, 69:3, 69:13, 69:25, 71:6, 71:21, 72:16, 72:24, 73:13, 80:1, 80:15, 81:6, 81:11, 82:13, 87:15, 88:2, 88:15, 88:20, 89:9, 89:11, 89:14, 89:22, 90:4, 90:5, 90:12, 91:4, 91:16, 91:17, 91:23, 91:25, 107:5, 108:4, 110:1, 112:6, 116:24, 117:10, 119:5, 121:8, 122:12, 123:16, 123:18, 126:23, 127:21, 128:3, 135:16, 136:6, 137:24, 138:9, 139:9, 141:22, 144:4, 144:9, 144:15, 145:14, 145:18, 146:6, 146:10, 146:14, 146:18, 148:12, 148:21, 149:4, 149:21, 149:22, 151:1, 151:5, 151:7, 151:20, 151:21, 152:17, 153:10,</p>	<p>153:14, 162:14, 170:16, 171:12, 172:15, 173:13, 173:24, 174:2, 174:19, 175:5, 175:9, 175:18, 175:25, 176:11, 176:21, 177:11, 177:14, 178:3, 178:9, 178:10, 179:5, 179:8, 183:5, 187:16, 191:3, 191:20, 196:20, 198:5, 210:1, 212:16, 212:25, 213:7, 218:14, 219:1, 219:8, 223:5, 227:12, 227:14, 227:21, 229:22, 229:25, 230:4, 231:1, 231:22, 231:25, 233:4, 233:6, 234:4, 234:19, 235:25, 239:8, 242:25, 245:2, 248:19, 250:11, 261:1, 261:6, 261:19, 266:13 proposals [20] - 12:16, 12:23, 13:1, 27:4, 37:7, 37:15, 38:20, 48:6, 48:16, 48:19, 49:6, 52:8, 57:17, 107:4, 112:21, 113:12, 117:3, 151:11, 151:17, 233:14 propose [14] - 39:21, 41:3, 51:16, 52:2, 68:23, 80:21, 113:14, 134:13, 141:23, 143:3, 145:23, 207:21, 221:11, 228:22 Proposed [1] - 7:8 proposed [62] - 15:13, 19:9, 26:24, 27:6, 29:25, 30:18, 31:12, 33:6, 34:5, 39:25, 40:4, 40:20, 42:2, 48:11, 49:10, 51:14, 55:15, 55:17, 59:12, 59:16, 64:3, 88:12, 89:1, 107:3, 107:12, 107:17, 108:10, 108:15, 108:25, 109:12, 113:16, 114:7, 114:12, 114:13, 117:22, 122:19, 123:20, 129:15, 133:23, 134:21, 136:19, 141:2, 151:11, 151:21,</p>	<p>153:9, 153:17, 157:18, 161:19, 161:20, 162:16, 170:18, 172:4, 178:20, 179:10, 206:24, 207:23, 208:1, 210:4, 210:16, 212:11, 239:14, 266:15 proposes [6] - 208:25, 209:2, 209:18, 209:19, 210:16, 210:18 proposing [24] - 38:4, 40:25, 41:4, 41:5, 49:18, 52:15, 52:16, 56:20, 56:21, 59:22, 60:1, 80:2, 107:9, 123:10, 139:11, 162:4, 185:1, 191:24, 214:18, 218:3, 218:5, 244:24, 244:25, 245:6 proposition [2] - 192:15, 201:18 protect [3] - 90:14, 258:1, 258:12 protecting [6] - 89:22, 257:22, 257:23, 258:8, 258:9, 258:11 proven [1] - 99:1 provide [27] - 35:18, 35:21, 75:2, 106:14, 123:12, 138:8, 138:13, 138:15, 139:8, 143:10, 144:23, 147:9, 147:20, 150:21, 154:23, 158:6, 168:8, 206:1, 206:21, 227:7, 228:21, 239:17, 254:15, 256:5, 265:4, 265:18, 266:22 provided [13] - 28:11, 41:17, 41:18, 62:9, 79:10, 84:17, 84:23, 127:24, 138:14, 139:17, 141:4, 151:25, 224:14 provides [4] - 45:9, 89:14, 108:19, 133:15 providing [4] - 199:6, 240:7, 260:7, 260:21 provision [1] - 20:23 provisions [5] - 145:15, 145:17, 146:7, 159:15, 240:11 provoke [3] - 131:17, 132:23, 185:7 prun [1] - 160:11 pub [1] - 229:22</p>	<p>public [11] - 11:5, 16:14, 19:21, 21:4, 93:15, 229:23, 258:3, 263:16, 264:16, 266:3 Public Service Commission [2] - 62:14, 266:5 public witness [4] - 147:4, 221:13, 221:14, 262:7 published [1] - 158:17 pull [3] - 160:21, 207:7, 246:1 pulled [2] - 77:2, 160:19 Pulling [1] - 182:6 punishment [1] - 43:19 pur [1] - 113:1 pure [1] - 98:2 purpose [10] - 10:18, 63:3, 63:6, 64:19, 90:11, 111:3, 111:18, 150:20, 191:20, 191:24 pursue [4] - 110:22, 111:5, 246:13, 246:20 pursuing [1] - 111:8 push [7] - 30:1, 30:3, 44:19, 84:2, 94:13, 98:11, 201:5 pushed [4] - 29:1, 29:14, 38:14, 256:25 pushes [2] - 38:21, 61:25 pushing [5] - 38:15, 44:20, 55:15, 84:2, 256:17 put [13] - 37:12, 60:22, 85:14, 90:15, 94:18, 104:8, 115:3, 116:4, 205:14, 214:2, 214:10, 252:3, 256:15 puts [1] - 34:3 putting [4] - 31:4, 52:23, 184:9, 191:7</p>	<p>Quantify [1] - 74:2 quantitative [1] - 214:10 quantitatively [1] - 214:9 quantity [4] - 156:14, 163:22, 189:1 Questar [63] - 32:24, 33:8, 33:15, 33:22, 34:3, 34:7, 68:4, 68:21, 69:4, 69:8, 69:20, 69:25, 70:8, 70:10, 77:11, 78:17, 78:22, 79:3, 79:14, 104:21, 105:12, 107:15, 107:21, 109:10, 109:20, 119:2, 119:11, 120:8, 120:19, 120:20, 120:22, 121:1, 136:2, 141:9, 143:3, 143:5, 144:2, 144:8, 144:10, 144:19, 144:21, 146:1, 173:2, 180:16, 197:10, 198:5, 199:25, 222:3, 232:5, 232:7, 232:9, 232:11, 232:12, 232:15, 232:20, 236:14, 236:15, 239:7, 254:23, 259:12, 259:13, 259:16, 259:19 Questar gas [8] - 67:23, 104:19, 105:7, 149:20, 149:22, 150:1, 197:1, 259:4 Questar Gas Company [1] - 137:5 Questar's [19] - 32:18, 33:10, 33:18, 68:3, 69:13, 71:8, 77:17, 78:1, 107:6, 111:4, 118:22, 119:13, 135:25, 136:4, 136:6, 137:22, 143:20, 146:14, 259:23 questioned [1] - 51:18 questioning [2] - 83:18, 159:22 questions [73] - 22:4, 23:10, 33:3, 39:9, 46:22, 47:5, 47:20, 51:21, 77:9, 83:7, 86:13, 92:9, 95:3, 95:12, 98:16, 99:3, 99:15, 99:16, 105:23, 105:25, 108:21, 115:11, 116:16, 128:23,</p>
Q				
<p>Q&A [1] - 92:14 QGC [1] - 259:4 qualified [1] - 193:19 qualify [1] - 129:7 qualitatively [1] - 214:9 quality [1] - 214:12 quantify [8] - 79:7, 79:9, 120:16, 127:16, 129:4, 130:8, 157:22, 214:6</p>				

<p>134:24, 151:10, 157:24, 172:24, 179:20, 179:22, 183:10, 187:11, 187:15, 188:13, 188:17, 189:16, 190:18, 192:2, 192:13, 193:2, 193:11, 193:24, 195:20, 202:20, 202:23, 202:25, 203:2, 203:4, 206:1, 211:7, 211:21, 218:18, 218:21, 219:19, 219:21, 220:2, 226:16, 229:18, 229:21, 236:5, 237:16, 237:18, 237:24, 245:13, 250:14, 250:20, 250:23, 260:16, 261:16, 261:25, 266:24, 267:3, 267:7</p> <p>quick [1] - 259:24</p> <p>quickly [4] - 57:12, 80:13, 135:14, 258:23</p> <p>quite [15] - 37:10, 43:3, 45:24, 60:2, 61:5, 73:25, 117:15, 119:8, 123:3, 146:11, 175:10, 180:4, 244:5, 249:20, 263:21</p> <p>quote [4] - 136:12, 201:10, 226:7, 226:9</p> <p>quotes [2] - 85:5, 85:13</p>	<p>155:9, 155:20, 158:4, 158:5, 158:10, 162:13, 162:22, 162:24, 163:12, 164:20, 165:5, 165:6, 166:8, 167:20, 190:15</p> <p>Rand [1] - 185:20</p> <p>RAND Corporation [3] - 128:5, 157:8, 163:25</p> <p>range [5] - 98:8, 131:7, 167:18, 177:17, 182:12</p> <p>ranges [1] - 167:18</p> <p>rat [1] - 104:2</p> <p>rate [137] - 11:15, 11:19, 12:1, 12:7, 13:4, 13:20, 15:5, 15:6, 15:9, 18:16, 18:25, 19:8, 19:12, 19:16, 22:24, 26:16, 27:12, 29:9, 29:12, 30:23, 31:2, 31:5, 31:7, 31:9, 31:14, 31:22, 32:8, 32:18, 32:19, 32:25, 33:15, 33:18, 33:22, 33:23, 34:12, 37:11, 41:18, 44:2, 44:4, 44:9, 44:10, 44:19, 44:20, 55:1, 56:12, 56:25, 57:4, 61:25, 64:16, 68:16, 68:17, 70:3, 70:6, 74:16, 77:17, 78:18, 78:21, 78:23, 82:7, 88:13, 95:23, 97:4, 97:7, 97:9, 98:21, 99:22, 104:1, 105:9, 106:24, 108:5, 108:17, 109:2, 109:6, 109:13, 110:11, 110:14, 111:7, 111:10, 111:17, 114:6, 124:25, 129:17, 136:12, 139:14, 139:17, 139:22, 147:15, 150:24, 153:6, 153:11, 153:16, 157:19, 171:20, 172:2, 174:7, 174:18, 183:6, 184:23, 185:24, 187:16, 189:15, 191:1, 191:2, 191:9, 191:14, 192:1, 197:11, 200:22, 201:1, 202:10, 207:11, 207:13, 207:17, 207:22, 208:6, 208:18, 209:24, 210:21, 211:2, 213:23, 214:2,</p>	<p>214:7, 214:8, 214:12, 214:25, 215:10, 215:23, 217:16, 217:18, 218:16, 220:16, 235:5, 235:6, 245:1, 257:4</p> <p>Rate [5] - 12:23, 14:11, 66:7, 66:19, 66:20</p> <p>rate case [31] - 15:10, 19:17, 19:18, 20:20, 59:11, 99:5, 109:19, 131:14, 134:6, 135:16, 135:25, 136:5, 137:5, 138:10, 175:17, 177:22, 177:24, 182:2, 187:17, 188:19, 206:24, 238:18, 238:22, 239:8, 242:2, 259:5, 260:1, 260:19, 261:21, 263:17, 264:17</p> <p>rate design [138] - 7:4, 7:14, 10:22, 11:9, 11:15, 11:21, 12:3, 12:10, 12:13, 12:15, 12:18, 12:21, 12:23, 13:20, 15:15, 15:19, 15:21, 15:25, 18:7, 18:10, 19:11, 20:10, 20:15, 23:18, 24:20, 26:10, 26:13, 26:18, 26:22, 26:23, 27:1, 27:4, 27:21, 29:11, 35:8, 35:10, 36:9, 37:7, 37:15, 37:18, 37:19, 38:25, 40:5, 43:23, 45:15, 49:9, 52:6, 52:8, 52:17, 52:20, 57:17, 61:3, 81:5, 83:6, 87:8, 91:16, 91:24, 93:17, 93:25, 94:1, 94:2, 94:9, 94:21, 94:23, 103:20, 107:3, 108:15, 108:19, 109:11, 109:25, 110:14, 111:17, 112:20, 113:11, 113:18, 113:22, 113:25, 114:14, 117:2, 117:7, 117:18, 117:19, 117:21, 122:20, 122:25, 123:2, 123:9, 123:18, 123:19, 126:4, 127:21, 128:2, 129:14, 129:15, 134:2, 139:10, 151:11, 151:17,</p>	<p>153:7, 153:9, 153:17, 170:16, 171:21, 172:4, 172:16, 174:16, 174:19, 179:11, 187:21, 187:22, 191:20, 207:2, 207:5, 207:21, 209:18, 210:1, 210:5, 210:9, 210:17, 210:25, 219:7, 223:4, 223:8, 227:21, 233:6, 233:24, 234:5, 234:8, 235:18, 235:19, 243:20, 244:21, 261:21, 263:16, 264:16, 266:16</p> <p>rate increase [9] - 14:1, 27:7, 27:14, 52:24, 54:2, 59:17, 82:12, 179:8, 214:21</p> <p>ratemaking [4] - 114:8, 114:15, 184:3, 184:5</p> <p>rates [97] - 11:24, 12:16, 14:4, 14:7, 14:8, 14:9, 14:16, 14:19, 14:20, 14:23, 16:15, 19:6, 22:19, 27:22, 28:16, 28:19, 30:3, 30:5, 31:2, 32:10, 32:19, 32:23, 35:13, 36:24, 38:1, 38:2, 38:4, 38:21, 38:23, 44:1, 45:20, 58:6, 61:12, 70:21, 71:8, 74:6, 74:9, 74:13, 75:19, 77:18, 77:19, 83:21, 84:4, 87:1, 93:21, 94:13, 97:3, 97:12, 97:15, 98:11, 99:20, 99:25, 107:25, 108:10, 110:9, 113:14, 123:4, 123:23, 124:18, 132:8, 133:23, 140:6, 150:22, 150:25, 183:12, 183:18, 183:19, 183:24, 185:1, 186:10, 186:14, 186:22, 186:23, 190:22, 191:22, 198:14, 198:22, 199:3, 199:10, 207:25, 208:21, 208:23, 208:24, 209:10, 209:14, 209:23, 213:15, 213:17, 230:13, 235:19, 239:3, 239:4, 239:6, 240:20, 240:22, 240:23, 241:1</p>	<p>Rates [2] - 7:7, 198:23</p> <p>rather [12] - 37:6, 38:2, 51:17, 83:22, 87:13, 97:20, 99:1, 106:1, 189:21, 235:15, 240:16, 247:24</p> <p>Rather [1] - 245:2</p> <p>ratings [1] - 183:22</p> <p>rationale [1] - 114:1</p> <p>re [1] - 81:9</p> <p>reach [2] - 16:10, 257:8</p> <p>reached [4] - 18:17, 112:24, 136:10, 257:4</p> <p>react [2] - 132:2, 132:3</p> <p>reaction [2] - 27:2, 49:14</p> <p>read [26] - 7:17, 48:23, 62:25, 65:5, 81:15, 102:25, 103:5, 103:25, 130:25, 140:20, 148:25, 150:10, 158:13, 159:6, 166:25, 167:3, 167:7, 167:8, 180:2, 186:17, 194:8, 225:25, 226:4, 240:14, 240:18, 250:14</p> <p>readily [3] - 75:14, 144:22, 154:24</p> <p>reading [4] - 136:25, 137:8, 137:9, 164:7</p> <p>reads [1] - 102:23</p> <p>ready [1] - 23:21</p> <p>reality [2] - 154:9, 156:11</p> <p>realized [1] - 224:15</p> <p>really [11] - 31:18, 50:18, 116:13, 133:16, 189:8, 241:5, 245:16, 250:8, 251:20, 258:7, 261:10</p> <p>realm [1] - 179:23</p> <p>reason [25] - 33:1, 55:14, 57:1, 71:12, 79:11, 86:3, 98:10, 113:1, 132:11, 144:22, 164:8, 172:10, 173:1, 176:19, 176:20, 198:19, 199:1, 199:18, 201:8, 227:11, 230:3, 230:4, 230:25, 231:1, 242:15</p> <p>reasonable [9] - 16:15, 19:21, 30:10, 86:23, 99:24, 113:13,</p>
<p style="text-align: center;">R</p>				
<p>rachet [4] - 90:23, 91:5, 91:11, 170:20</p> <p>raise [9] - 177:14, 179:11, 216:15, 217:3, 217:7, 218:7, 218:11, 245:3</p> <p>raised [17] - 19:17, 31:24, 31:25, 33:3, 34:10, 40:3, 108:8, 108:24, 110:18, 153:22, 153:23, 178:5, 199:24, 230:8, 234:3, 234:18, 261:14</p> <p>raising [6] - 131:2, 178:17, 178:20, 198:7, 209:22, 261:25</p> <p>Ralph Cavanaugh [4] - 8:18, 194:23, 195:5, 195:25</p> <p>rambling [1] - 80:13</p> <p>RAND [16] - 155:8,</p>				

<p>235:19, 235:23, 266:16 reasonably [3] - 61:3, 74:12, 74:14 reasoned [1] - 54:22 reasons [28] - 28:17, 29:8, 31:15, 32:6, 33:5, 41:3, 41:4, 46:19, 65:20, 65:24, 71:4, 71:11, 72:18, 77:13, 79:12, 110:2, 110:6, 227:10, 230:9, 230:10, 230:19, 231:21, 234:2, 234:3, 235:24, 237:8, 259:11, 259:13 rebate [1] - 266:11 rebates [1] - 192:8 rebut [1] - 147:6 rebuttal [36] - 12:9, 12:11, 24:18, 25:11, 26:18, 41:6, 41:12, 41:14, 42:4, 45:14, 47:18, 47:20, 48:3, 51:13, 55:23, 59:8, 59:9, 60:20, 62:3, 62:4, 63:24, 80:6, 80:8, 86:18, 90:21, 91:15, 109:22, 121:8, 123:13, 195:14, 205:7, 223:6, 223:9, 223:14, 239:10, 245:25 Rebuttal [2] - 25:22, 206:8 receive [2] - 182:17, 239:22 received [4] - 65:5, 100:8, 100:17, 140:6 receiving [1] - 228:16 recent [4] - 29:12, 92:24, 182:21, 241:14 recently [6] - 7:18, 54:3, 99:10, 110:18, 159:6, 182:8 recently-filed [1] - 7:18 recess [16] - 22:4, 23:11, 23:13, 81:20, 82:21, 82:22, 135:2, 135:6, 187:4, 194:2, 194:4, 262:7, 262:20, 263:13, 264:10, 264:13 recessed [1] - 267:21 Reciprocal [1] - 104:7 recite [1] - 119:1 recognize [5] - 118:15, 121:12,</p>	<p>215:24, 265:23, 266:4 recognized [5] - 30:12, 120:10, 227:23, 266:10, 266:12 recognizing [1] - 266:17 recollection [7] - 50:22, 81:13, 111:15, 119:18, 119:22, 161:10, 182:9 recommend [16] - 16:17, 30:20, 30:25, 31:7, 57:24, 58:4, 111:6, 120:17, 121:23, 210:11, 235:24, 248:11, 248:16, 249:5, 249:25, 255:23 recommendation [14] - 20:25, 21:11, 58:21, 63:16, 73:7, 134:5, 134:23, 169:22, 214:21, 247:1, 247:3, 248:14, 265:19, 267:17 recommendations [5] - 180:1, 182:21, 246:4, 248:24, 256:5 recommended [2] - 30:23, 172:13 recommending [5] - 31:16, 53:24, 72:17, 134:18, 202:18 recommends [2] - 19:22, 21:4 reconfirm [1] - 11:3 reconfirms [1] - 15:14 reconsider [1] - 54:15 reconvene [3] - 23:12, 262:21, 264:11 record [28] - 7:11, 9:7, 10:8, 10:12, 21:10, 23:15, 24:13, 25:14, 38:9, 38:10, 82:24, 110:7, 111:2, 133:5, 136:25, 174:12, 194:5, 194:19, 195:4, 200:2, 201:11, 225:6, 233:1, 233:3, 234:17, 263:14, 265:7, 265:24 recover [17] - 28:2, 28:4, 32:14, 62:12, 74:3, 75:19, 75:23, 76:13, 76:21, 82:8, 88:16, 198:2, 202:4, 237:4, 237:8, 237:10, 257:15 recovered [5] -</p>	<p>28:23, 46:2, 95:18, 234:23, 242:16 recovering [2] - 242:12, 258:2 recovers [2] - 40:5, 242:16 recovery [37] - 30:16, 34:4, 39:4, 41:11, 45:13, 46:3, 51:25, 73:14, 73:15, 73:24, 75:3, 83:6, 88:24, 89:4, 89:8, 89:23, 90:14, 114:9, 138:22, 139:5, 139:7, 139:14, 139:19, 140:7, 198:16, 199:14, 207:1, 208:6, 208:18, 229:1, 229:5, 231:17, 257:19, 257:23, 258:9, 258:10, 258:13 Redirect [1] - 258:22 redirect [8] - 98:15, 187:2, 187:9, 187:11, 193:23, 194:11, 203:5, 220:18 REDIRECT EXAMINATION [3] - 98:17, 187:12, 259:1 reduce [11] - 45:4, 90:24, 97:15, 109:1, 119:13, 198:9, 200:21, 215:7, 215:11, 216:12, 216:21 Reduce [1] - 215:13 reduced [5] - 89:4, 120:8, 199:13, 257:15, 257:24 reduces [1] - 109:8 reducing [5] - 118:22, 121:1, 217:21, 220:14, 265:25 reduction [18] - 109:14, 118:7, 118:11, 118:12, 118:16, 119:24, 120:13, 120:23, 120:25, 132:24, 149:10, 149:12, 202:10, 216:4, 216:24, 216:25, 227:24, 228:2 Reeder [3] - 9:4, 9:5, 24:1 REEDER [3] - 9:5, 23:23, 24:2 reevaluate [1] - 244:23 ref [1] - 70:6 Refer [1] - 103:4</p>	<p>refer [3] - 47:3, 157:25, 215:15 reference [10] - 57:16, 69:16, 82:4, 128:25, 154:10, 158:20, 168:2, 168:10, 216:5, 224:8 referenced [5] - 86:2, 191:11, 224:24, 228:20, 251:17 referencing [3] - 50:7, 95:23, 236:23 referred [7] - 75:21, 79:10, 142:4, 146:6, 150:9, 152:1, 152:12 referring [9] - 70:6, 85:1, 131:13, 155:5, 158:9, 160:7, 169:4, 176:24, 214:19 refers [1] - 56:3 reflect [7] - 42:11, 64:16, 87:8, 102:24, 102:25, 263:14, 264:14 reflected [6] - 12:6, 51:25, 88:21, 118:13, 118:23, 119:6 reflecting [1] - 64:7 reflection [1] - 52:7 reflects [1] - 20:15 refreshed [1] - 69:22 refresher [1] - 101:18 refund [1] - 209:1 refunds [1] - 36:19 regard [9] - 58:9, 62:15, 107:3, 123:25, 132:21, 138:17, 190:10, 193:19, 261:6 Regarding [2] - 18:6, 41:16 regarding [7] - 99:3, 188:13, 189:17, 229:6, 236:11, 243:15, 249:17 Regardless [1] - 216:15 regardless [4] - 38:6, 42:13, 61:24, 90:25 regards [2] - 155:20, 155:23 region [3] - 160:13, 165:12, 165:18 Region [1] - 167:13 regional [6] - 162:12, 165:11, 165:14, 165:25, 167:15, 167:25 regions [1] - 166:2 regulate [1] - 113:9 regulated [1] -</p>	<p>183:14 regulation [1] - 147:15 Regulations [1] - 7:9 regulatory [6] - 10:16, 22:23, 24:15, 93:14, 244:25, 251:5 reinvent [4] - 172:11, 173:1, 173:5, 173:20 reiterating [1] - 230:8 reject [5] - 227:11, 230:4, 231:1, 231:22, 235:25 rejected [1] - 138:1 rejection [1] - 234:3 rejects [1] - 113:21 relate [5] - 34:21, 47:5, 47:20, 190:1, 230:11 related [8] - 13:20, 15:16, 15:21, 36:6, 54:9, 74:11, 99:6, 227:17 relates [6] - 16:5, 26:22, 86:3, 86:8, 186:6, 232:14 relating [4] - 20:10, 92:14, 231:5, 265:21 relation [1] - 52:5 relationship [1] - 146:19 relative [3] - 150:24, 215:13, 216:2 relatively [7] - 132:13, 155:1, 156:6, 157:1, 157:13, 215:19, 257:11 relatively-low- hanging [1] - 257:11 relevant [2] - 191:16, 193:14 reliance [1] - 75:19 relied [3] - 69:9, 134:22, 138:6 Relying [1] - 104:2 relying [1] - 167:24 remain [4] - 107:22, 107:24, 205:21, 226:18 remainder [2] - 90:24, 205:21 remaining [2] - 16:3, 19:3 remains [2] - 27:13, 124:6 remarks [1] - 140:25 remedy [2] - 231:2, 231:18 remember [13] - 50:13, 50:15, 50:20,</p>
--	--	---	---	--

<p>50:21, 69:24, 70:7, 121:3, 133:7, 138:23, 178:19, 191:13, 198:14 remove [3] - 52:20, 197:5, 207:24 renewable [1] - 181:12 renumber [1] - 224:20 REO [1] - 92:19 repeat [1] - 128:20 rephrase [3] - 175:13, 181:3, 220:5 replied [1] - 261:8 report [13] - 58:10, 58:12, 128:5, 136:4, 161:4, 161:11, 165:5, 165:6, 167:9, 167:20, 185:20, 252:20 Report [2] - 135:24, 137:3 reported [1] - 167:17 REPORTER [7] - 14:25, 15:4, 18:1, 18:4, 18:13, 207:7, 246:1 reporter [2] - 81:20, 187:4 reporting [1] - 51:19 reports [4] - 56:17, 56:22, 186:17, 252:20 represent [4] - 26:8, 181:3, 214:12, 265:9 representation [2] - 178:22, 179:4 representations [1] - 69:9 representative [1] - 68:5 representatives [1] - 111:2 representing [2] - 8:1, 184:8 represents [1] - 20:12 request [4] - 100:8, 111:21, 137:22, 203:24 Request [2] - 74:25, 84:22 requested [1] - 261:5 requesting [1] - 53:24 requests [5] - 106:5, 110:25, 113:5, 206:4, 260:11 require [2] - 181:10, 257:12 Requirement [2] - 135:25, 137:3</p>	<p>requirement [25] - 11:14, 11:20, 12:7, 18:21, 19:5, 26:12, 26:16, 27:11, 27:15, 61:14, 64:8, 64:16, 80:25, 81:9, 100:3, 148:22, 151:6, 175:8, 187:19, 190:19, 190:23, 190:24, 227:22, 249:6, 261:12 requirements [2] - 180:8, 249:10 requires [5] - 20:17, 189:3, 202:8, 207:10, 214:25 residential [109] - 12:12, 13:20, 15:15, 15:21, 20:11, 23:18, 26:22, 27:7, 27:14, 28:1, 28:3, 28:13, 29:4, 29:9, 29:15, 29:21, 30:3, 31:25, 32:2, 32:5, 32:17, 32:19, 32:25, 33:2, 33:14, 34:1, 34:4, 34:17, 34:24, 35:8, 35:20, 35:25, 36:7, 36:11, 38:21, 40:1, 40:6, 41:10, 47:24, 52:24, 54:11, 55:21, 57:20, 62:13, 63:9, 65:18, 65:25, 67:24, 68:18, 71:6, 71:21, 72:6, 72:14, 72:18, 73:14, 73:16, 73:18, 73:24, 74:3, 74:18, 75:4, 75:17, 75:22, 75:24, 77:18, 79:5, 84:6, 87:9, 88:9, 88:13, 89:17, 93:5, 94:10, 97:20, 107:9, 109:3, 109:4, 110:1, 110:5, 129:21, 138:21, 139:4, 139:6, 140:6, 141:24, 142:2, 142:6, 142:11, 143:8, 144:12, 144:16, 151:22, 160:12, 198:15, 207:3, 209:6, 209:7, 209:11, 209:20, 210:12, 212:12, 218:16, 229:2, 231:11, 231:20, 233:6, 241:2, 261:11, 266:14 Residential [2] - 62:5, 205:16 resolution [2] - 224:6, 254:25 resolve [1] - 231:8 resolved [3] - 61:11, 80:19, 92:16</p>	<p>resource [1] - 232:12 resources [4] - 112:16, 181:9, 182:19, 246:19 Resources [1] - 195:10 resp [1] - 156:8 respect [11] - 62:2, 108:21, 109:6, 136:19, 138:8, 188:25, 223:8, 232:10, 236:16, 259:3, 260:6 respectfully [2] - 138:2, 247:19 respective [1] - 18:8 respectively [2] - 19:2, 107:19 respects [2] - 107:8, 243:20 respond [8] - 108:22, 125:25, 126:24, 193:5, 220:13, 224:18, 253:2 responded [5] - 63:14, 83:25, 99:14, 216:1, 230:7 responding [1] - 72:15 response [53] - 27:2, 27:4, 37:15, 49:14, 50:4, 51:5, 74:25, 79:10, 83:18, 84:3, 84:17, 123:12, 125:7, 125:10, 125:11, 125:21, 128:2, 129:17, 130:24, 130:25, 132:14, 151:8, 151:9, 151:15, 155:24, 156:16, 157:15, 157:20, 158:2, 162:1, 162:12, 162:15, 162:17, 162:19, 163:14, 163:20, 167:19, 173:22, 181:5, 183:10, 184:2, 185:7, 186:1, 188:16, 189:10, 215:8, 215:11, 215:25, 216:4, 216:10, 218:15, 223:6, 251:8 responses [6] - 163:21, 186:2, 225:24, 226:3, 260:11, 261:13 responsibility [3] - 29:20, 35:19, 43:22 responsible [1] - 235:23 responsive [1] - 260:18</p>	<p>responsiveness [1] - 156:14 rest [6] - 81:20, 129:10, 187:4, 201:16, 203:20, 225:11 restate [14] - 16:11, 40:14, 43:6, 119:7, 121:25, 122:7, 126:13, 126:17, 130:15, 188:6, 188:13, 217:11, 243:7, 243:8 restructuring [1] - 55:13 result [19] - 12:19, 33:25, 34:17, 36:25, 113:13, 120:9, 152:20, 197:12, 208:21, 220:7, 220:9, 232:1, 233:4, 233:14, 234:1, 234:19, 235:18, 249:4, 257:24 resulting [5] - 14:22, 20:21, 208:16, 208:23, 247:16 results [10] - 16:15, 58:6, 131:23, 134:22, 158:10, 161:13, 162:10, 162:21, 163:2, 233:17 resume [1] - 115:16 Retail [1] - 7:7 retainer [1] - 228:13 retains [1] - 241:10 retract [1] - 63:13 retracted [1] - 64:23 return [15] - 11:20, 109:2, 109:6, 118:18, 135:19, 136:12, 139:22, 149:12, 187:16, 187:18, 191:10, 200:22, 202:10, 239:1, 242:18 returned [1] - 35:23 returning [1] - 242:6 rev [1] - 142:21 Revenue [2] - 135:24, 137:3 revenue [65] - 11:14, 11:20, 12:7, 18:21, 19:5, 19:7, 26:12, 26:16, 27:11, 27:15, 29:5, 30:9, 37:2, 40:8, 61:14, 64:8, 64:16, 73:11, 80:25, 81:9, 89:14, 100:2, 102:24, 102:25, 104:11, 110:6, 141:9, 141:12, 141:13, 141:14, 141:17, 142:2, 142:8, 142:10, 142:15,</p>	<p>142:22, 143:5, 143:8, 143:13, 143:16, 143:24, 148:22, 175:7, 175:16, 175:18, 187:19, 190:19, 190:23, 190:24, 191:23, 199:20, 201:1, 205:22, 208:7, 208:9, 210:12, 227:21, 229:4, 230:21, 231:17, 233:7, 239:16, 241:20, 261:12 revenues [25] - 14:8, 14:22, 34:1, 41:21, 45:22, 46:6, 46:13, 75:4, 76:4, 76:5, 77:4, 79:6, 91:9, 139:14, 139:19, 140:4, 140:5, 150:16, 208:3, 232:24, 241:25, 242:13, 242:16, 242:20 reversal [1] - 59:13 review [16] - 10:19, 48:23, 56:3, 56:7, 56:13, 57:8, 59:2, 69:13, 107:13, 145:21, 146:4, 146:8, 146:12, 146:18, 155:12, 158:21 reviewed [4] - 40:20, 49:24, 61:17, 167:9 revisions [1] - 42:2 reward [3] - 43:19, 198:9, 198:24 rewards [1] - 43:15 RFPs [1] - 228:14 rhythm [1] - 81:19 Rich [1] - 8:18 Rider [1] - 14:11 riders [1] - 14:15 risk [42] - 34:5, 89:11, 89:16, 109:8, 109:15, 109:16, 110:6, 110:10, 118:7, 118:9, 118:12, 118:13, 118:16, 118:22, 119:5, 119:13, 119:24, 120:8, 120:14, 120:23, 120:25, 138:22, 139:4, 139:8, 141:1, 149:11, 150:2, 150:3, 191:23, 201:6, 207:14, 213:11, 214:3, 227:24, 228:2, 233:22, 257:14, 257:17, 257:23 risk-reducing [1] - 118:22</p>
---	--	--	--	--

<p>risks [1] - 220:9 RMP [1] - 232:7 Rocky Mountain [25] - 11:3, 16:16, 30:4, 30:6, 32:18, 32:24, 33:14, 33:23, 33:25, 34:4, 37:14, 38:22, 38:24, 47:14, 67:24, 71:8, 77:10, 77:18, 79:5, 123:11, 135:16, 175:6, 175:15, 206:25, 264:17 Rocky Mountain power [50] - 7:4, 7:6, 8:1, 10:7, 10:15, 10:23, 11:10, 12:5, 13:2, 13:13, 13:15, 13:17, 24:16, 25:9, 30:17, 31:11, 33:7, 33:9, 33:12, 34:6, 35:23, 35:24, 37:16, 49:13, 66:17, 69:2, 70:2, 79:3, 110:3, 137:24, 144:5, 144:15, 151:2, 167:22, 170:5, 177:22, 190:25, 200:2, 200:16, 200:21, 201:7, 202:8, 208:2, 232:17, 236:15, 238:17, 238:21, 259:12, 265:24 ROE [30] - 79:24, 80:16, 81:9, 92:14, 118:13, 118:23, 119:6, 119:14, 120:17, 121:1, 121:6, 121:16, 121:17, 121:21, 122:12, 122:14, 122:16, 135:17, 138:11, 146:9, 146:20, 175:24, 176:1, 188:1, 188:7, 188:8, 227:20, 229:13, 238:14, 239:6 role [2] - 196:24, 196:25 rolling [1] - 181:25 room [2] - 78:8, 192:12 rough [1] - 185:9 roughly [1] - 88:24 rounds [2] - 26:10, 27:10 route [1] - 264:4 rule [1] - 185:15 rules [1] - 113:3 run [44] - 83:8, 83:11, 83:12, 83:14, 83:19, 83:21, 83:22, 84:4, 84:7, 85:3,</p>	<p>85:11, 85:12, 85:21, 86:1, 94:11, 94:15, 133:6, 133:7, 155:21, 155:23, 158:25, 160:12, 161:16, 162:19, 163:2, 163:8, 163:15, 183:6, 183:8, 183:15, 183:16, 183:18, 183:19, 183:24, 183:25, 184:11, 184:20, 184:21, 186:2 Run [2] - 131:10 runs [1] - 98:25</p> <p style="text-align: center;">S</p> <p>safe [1] - 203:15 sales [5] - 62:15, 199:14, 202:3, 207:2, 257:24 Salt Lake [1] - 101:24 Salt Lake City [1] - 24:25 Salt Lake Community Action Program [1] - 34:10 Sam's [2] - 9:14, 11:2 San [1] - 195:5 Sarah [1] - 8:22 Sarah Wright [1] - 8:21 satisfied [1] - 61:21 saturation [1] - 257:4 saved [3] - 127:20, 128:12, 129:14 saving [4] - 198:10, 198:24, 199:22, 200:6 savings [6] - 199:7, 199:9, 199:12, 200:7, 257:7, 266:3 saw [2] - 223:5, 262:1 schedule [13] - 11:17, 15:7, 15:13, 19:16, 20:19, 21:2, 66:22, 78:5, 78:6, 100:22, 115:19, 263:7, 263:9 Schedule [18] - 12:23, 12:24, 12:25, 14:11, 14:15, 15:6, 15:8, 15:12, 18:20, 19:15, 20:17, 20:18, 20:25, 66:19, 75:4, 186:22, 212:18, 213:1 scheduled [1] - 264:15</p>	<p>schedules [18] - 12:21, 13:2, 13:5, 13:6, 14:3, 15:9, 19:7, 20:10, 20:12, 26:21, 32:8, 32:9, 100:9, 106:24, 110:14, 135:5, 212:18, 212:19 Schedules [9] - 7:9, 18:25, 19:8, 19:11, 20:14, 20:16, 21:10, 66:7, 66:21 scheduling [1] - 11:17 Schmid [23] - 8:5, 8:10, 16:23, 39:7, 46:23, 83:25, 101:5, 105:16, 106:13, 159:23, 187:2, 187:9, 187:24, 190:6, 190:10, 193:6, 202:22, 206:20, 220:18, 238:1, 244:14, 245:14, 267:6 SCHMID [49] - 8:6, 16:24, 17:3, 17:12, 25:18, 39:8, 39:11, 46:21, 101:6, 101:12, 106:4, 106:12, 115:8, 115:21, 116:2, 126:5, 128:22, 130:14, 147:24, 159:11, 159:14, 172:18, 178:1, 187:10, 187:13, 187:23, 190:7, 193:5, 193:7, 193:22, 196:3, 202:23, 203:22, 204:3, 204:5, 204:12, 206:4, 217:13, 218:17, 220:19, 227:3, 237:23, 238:4, 245:12, 263:18, 263:24, 264:1, 264:5, 267:7 Schmid's [1] - 83:18 scope [5] - 173:23, 193:3, 251:9, 251:24, 251:25 se [1] - 229:16 seasonal [2] - 31:2, 31:8 seated [4] - 17:7, 194:16, 222:6, 265:2 second [29] - 26:6, 48:10, 63:10, 84:3, 104:20, 107:25, 111:22, 119:19, 132:9, 137:10, 142:5, 149:8, 150:25, 160:3, 164:22, 166:15, 168:14, 168:23, 169:1, 181:1, 185:3,</p>	<p>205:18, 209:22, 210:20, 218:9, 219:2, 219:9, 226:9, 230:3 Second [4] - 28:24, 33:14, 77:17, 193:10 secondary [1] - 256:5 Secondly [2] - 32:18, 92:22 section [1] - 101:23 sector [1] - 266:14 secure [1] - 150:15 securing [1] - 228:4 see [41] - 43:6, 48:13, 62:6, 62:25, 77:5, 87:2, 91:18, 91:20, 98:10, 102:21, 116:9, 142:8, 145:8, 148:24, 150:17, 154:19, 156:8, 156:10, 157:5, 159:22, 169:16, 176:13, 181:5, 201:9, 201:13, 212:8, 213:11, 215:9, 229:20, 233:5, 235:22, 238:11, 238:16, 239:13, 239:19, 252:6, 252:22, 255:8, 256:21, 263:12, 264:4 seeing [1] - 253:2 seem [3] - 22:19, 233:12, 256:15 sees [1] - 173:20 segregate [1] - 70:4 self [1] - 66:22 self-generating [1] - 66:22 sell [2] - 28:21, 28:22 send [3] - 86:8, 207:11, 211:2 sending [3] - 210:1, 217:4, 218:8 sends [2] - 202:10, 244:18 sense [9] - 33:6, 179:24, 180:11, 182:1, 196:22, 216:11, 222:24, 224:4, 241:22 sensitive [4] - 34:2, 79:13, 79:21, 99:17 sensitivity [1] - 79:19 sent [4] - 84:20, 85:6, 85:8, 261:7 sentence [22] - 57:21, 102:23, 104:10, 104:12, 104:14, 104:18,</p>	<p>104:20, 105:6, 105:10, 105:11, 145:20, 154:6, 157:10, 169:1, 169:15, 205:20, 213:24, 213:25, 214:1, 214:7, 238:11, 239:13 sentences [3] - 104:18, 104:22, 193:17 separate [5] - 21:13, 70:3, 112:25, 209:9, 252:4 September [1] - 239:5 serious [2] - 75:18, 208:24 serve [3] - 22:22, 34:23, 222:20 served [1] - 216:18 serves [1] - 182:9 service [34] - 11:14, 11:20, 15:9, 15:13, 18:23, 19:14, 20:19, 21:2, 22:16, 28:6, 29:1, 53:25, 54:2, 54:21, 64:10, 74:7, 75:22, 76:23, 77:4, 81:1, 81:10, 96:11, 139:16, 139:19, 139:25, 178:5, 179:6, 223:4, 224:13, 230:13, 230:18, 230:24, 231:5, 240:7 Service [3] - 7:7, 7:8, 7:9 servicing [6] - 28:3, 28:13, 28:25, 29:21, 40:6, 54:11 set [14] - 7:4, 14:3, 54:5, 105:20, 121:5, 165:20, 183:13, 183:14, 183:19, 195:21, 227:22, 251:4, 261:8, 261:13 sets [1] - 261:7 setting [6] - 93:25, 121:17, 124:23, 183:18, 183:24, 242:13 settled [2] - 93:14, 93:19 settlement [7] - 12:18, 12:19, 13:19, 18:16, 112:18, 178:5, 238:19 settles [1] - 20:10 Seven [1] - 210:23 Seventy [1] - 160:8 seventy [1] - 173:10</p>
--	---	--	---	---

<p>Seventy-six [1] - 160:8</p> <p>Several [1] - 29:25</p> <p>several [12] - 28:17, 33:5, 38:20, 103:4, 110:2, 117:2, 131:24, 155:18, 181:10, 192:13, 227:17, 240:14</p> <p>shall [1] - 14:2</p> <p>share [7] - 34:18, 35:2, 35:4, 36:6, 36:8, 68:10, 260:8</p> <p>shared [2] - 99:18, 111:23</p> <p>shareholders [1] - 201:19</p> <p>sharing [2] - 242:25, 261:15</p> <p>shift [1] - 181:3</p> <p>shifting [2] - 118:9, 141:1</p> <p>shifts [1] - 29:19</p> <p>shock [2] - 31:14, 31:22</p> <p>Short [1] - 131:10</p> <p>short [25] - 7:20, 22:4, 83:8, 83:11, 83:14, 83:22, 84:4, 86:10, 133:7, 158:25, 160:11, 161:15, 162:19, 163:2, 163:14, 182:11, 183:15, 183:19, 183:25, 184:20, 186:2, 187:4, 194:9, 257:22</p> <p>Short-Run [1] - 131:10</p> <p>short-run [12] - 83:8, 83:11, 83:14, 83:22, 84:4, 133:7, 158:25, 162:19, 163:2, 183:15, 183:19, 183:25</p> <p>short-term [1] - 163:14</p> <p>shortages [1] - 232:12</p> <p>show [10] - 15:11, 20:20, 28:13, 53:6, 76:2, 76:16, 154:9, 163:23, 256:6, 261:9</p> <p>shown [6] - 14:5, 14:19, 14:20, 156:25, 168:17, 225:14</p> <p>shows [6] - 14:7, 14:22, 22:19, 85:11, 132:1, 182:9</p> <p>shrinkage [1] - 41:20</p> <p>side [11] - 54:24,</p>	<p>121:9, 190:16, 191:13, 191:15, 192:7, 202:9, 218:12, 236:17, 256:17, 266:1</p> <p>signal [12] - 22:12, 38:19, 44:8, 44:23, 44:25, 86:7, 202:11, 202:14, 207:12, 210:2, 211:3, 244:18</p> <p>Signals [1] - 12:24</p> <p>signals [11] - 13:6, 28:25, 38:3, 38:4, 38:17, 42:16, 45:9, 94:12, 199:17, 218:8, 266:12</p> <p>signatory [1] - 21:22</p> <p>signature [1] - 13:9</p> <p>signed [2] - 13:10, 13:12</p> <p>significant [15] - 23:1, 29:5, 93:8, 116:25, 132:10, 134:18, 166:2, 166:7, 166:9, 197:14, 202:9, 207:11, 207:13, 217:2, 232:23</p> <p>significantly [6] - 28:2, 53:5, 93:6, 109:8, 207:17, 215:17</p> <p>signing [1] - 21:17</p> <p>similar [13] - 64:9, 77:13, 78:17, 93:12, 107:6, 107:15, 111:6, 114:12, 118:21, 137:23, 171:23, 196:24, 226:8</p> <p>similarities [1] - 232:6</p> <p>simple [4] - 224:25, 233:18, 234:16, 242:10</p> <p>simpler [1] - 112:22</p> <p>simplest [1] - 224:11</p> <p>simply [12] - 124:5, 132:23, 140:3, 167:24, 193:1, 212:22, 228:15, 232:4, 232:25, 233:23, 234:11, 250:15</p> <p>single [5] - 38:5, 38:14, 71:8, 232:20, 233:15</p> <p>singles [1] - 212:12</p> <p>sits [1] - 40:5</p> <p>sitting [3] - 69:24, 127:18, 228:13</p> <p>situations [1] - 184:5</p> <p>six [3] - 30:24, 160:8, 208:22</p> <p>size [2] - 27:10,</p>	<p>172:13</p> <p>sizes [2] - 78:11, 144:12</p> <p>skeptically [1] - 153:12</p> <p>slightly [2] - 184:10, 208:22</p> <p>slips [2] - 152:1, 152:10</p> <p>sloping [1] - 156:13</p> <p>sloppy [1] - 226:12</p> <p>slowly [3] - 251:23</p> <p>small [10] - 34:9, 35:1, 36:5, 44:8, 133:10, 133:17, 157:12, 198:13, 232:16, 242:13</p> <p>smaller [4] - 20:13, 43:12, 44:7, 74:7</p> <p>SMITH [2] - 9:12, 21:21</p> <p>Smith [5] - 9:16, 21:20, 21:24, 95:5</p> <p>social [1] - 252:24</p> <p>sold [1] - 201:17</p> <p>solicited [1] - 111:25</p> <p>solution [2] - 198:8, 198:11</p> <p>someone [6] - 9:19, 44:20, 70:20, 72:7, 94:17, 147:8</p> <p>someplace [2] - 182:10, 185:25</p> <p>sometimes [4] - 27:20, 76:5, 76:6, 251:16</p> <p>somewhat [3] - 46:14, 113:20, 181:3</p> <p>somewhere [1] - 62:17</p> <p>soon [3] - 81:21, 116:8, 238:22</p> <p>Sophie Hayes [1] - 8:16</p> <p>sorry [14] - 18:13, 47:18, 50:18, 80:8, 104:2, 156:19, 160:25, 164:12, 192:16, 205:8, 237:25, 240:21, 242:9, 248:7</p> <p>sort [4] - 45:12, 180:18, 251:12, 252:17</p> <p>sorts [1] - 243:3</p> <p>sound [2] - 71:2, 211:15</p> <p>source [2] - 226:10, 260:7</p> <p>South [1] - 101:23</p> <p>Southwest Energy</p>	<p>Efficiency Project [1] - 8:17</p> <p>speaking [7] - 47:16, 66:19, 68:6, 78:23, 165:1, 180:14, 193:8</p> <p>speaks [1] - 76:1</p> <p>specific [22] - 22:21, 23:3, 36:17, 50:2, 74:1, 92:25, 93:22, 93:23, 99:9, 120:17, 162:23, 164:17, 165:12, 168:4, 168:12, 209:13, 212:23, 240:15, 247:23, 248:12, 250:3, 253:7</p> <p>Specifically [3] - 28:4, 83:10, 209:19</p> <p>specifically [7] - 14:13, 49:23, 59:21, 73:13, 119:23, 170:17, 215:16</p> <p>specification [1] - 165:23</p> <p>specifications [2] - 164:8, 166:3</p> <p>specifics [1] - 125:22</p> <p>specified [2] - 126:3, 164:1</p> <p>speculation [1] - 98:2</p> <p>speculative [3] - 187:25, 188:8, 188:11</p> <p>speedy [1] - 39:4</p> <p>spell [2] - 104:3, 265:7</p> <p>spelling [1] - 265:11</p> <p>spending [1] - 257:1</p> <p>spent [1] - 70:20</p> <p>spoken [1] - 111:1</p> <p>sponsor [1] - 25:6</p> <p>sponsored [1] - 223:6</p> <p>sponsoring [1] - 106:21</p> <p>sponsors [1] - 192:8</p> <p>sponsorship [1] - 39:3</p> <p>spot [3] - 94:18, 160:24, 161:14</p> <p>spread [7] - 11:15, 12:1, 12:7, 26:16, 27:15, 31:13, 64:16</p> <p>spreads [1] - 27:12</p> <p>spreadsheets [2] - 75:8, 111:24</p> <p>stabilize [1] - 209:13</p> <p>stable [2] - 150:16, 208:23</p> <p>staff [1] - 228:13</p>	<p>stand [3] - 111:11, 115:10, 147:11</p> <p>standards [2] - 171:19, 200:11</p> <p>stands [1] - 49:5</p> <p>start [6] - 18:1, 123:15, 124:15, 128:4, 171:24, 181:7</p> <p>started [2] - 153:2, 200:1</p> <p>starting [3] - 104:7, 182:11, 251:22</p> <p>starts [5] - 104:12, 104:20, 105:7, 177:1, 205:20</p> <p>state [18] - 10:6, 10:12, 24:12, 32:7, 58:16, 66:15, 77:16, 101:19, 113:9, 150:19, 165:16, 168:4, 168:12, 195:3, 215:22, 222:12, 222:16, 265:6</p> <p>State [5] - 112:17, 136:3, 163:2, 181:11, 228:10</p> <p>State of Utah [5] - 10:16, 24:15, 58:7, 228:11, 265:16</p> <p>state's [1] - 164:17</p> <p>state-specific [2] - 168:4, 168:12</p> <p>statement [14] - 20:4, 56:9, 64:23, 69:19, 71:20, 87:7, 95:17, 121:19, 122:17, 124:7, 128:20, 154:21, 176:10, 190:1</p> <p>statements [3] - 125:5, 147:13, 243:3</p> <p>states [14] - 13:25, 14:18, 79:4, 93:9, 96:15, 165:12, 186:12, 186:13, 186:14, 186:16, 186:18, 201:14, 238:12, 239:13</p> <p>stating [1] - 121:3</p> <p>statistically [7] - 120:23, 164:2, 164:6, 164:25, 165:2, 166:2, 166:7</p> <p>statistics [3] - 164:21, 165:9, 192:19</p> <p>status [1] - 259:16</p> <p>statute [1] - 112:18</p> <p>stay [5] - 225:12, 238:23, 249:19, 249:23, 251:24</p> <p>steep [1] - 198:23</p>
--	--	---	--	--

<p>steeply ^[10] - 29:13, 30:2, 33:15, 53:17, 53:19, 53:23, 89:18, 90:16, 130:10, 198:23</p> <p>steeply-inverted ^[2] - 90:16, 130:10</p> <p>step ^[6] - 20:24, 100:6, 194:1, 202:2, 220:21, 262:6</p> <p>steps ^[1] - 28:9</p> <p>Steven Michel ^[1] - 8:24</p> <p>sticking ^[1] - 171:15</p> <p>Still ^[1] - 53:5</p> <p>still ^[25] - 35:8, 35:13, 36:9, 45:24, 55:3, 61:3, 61:24, 88:16, 90:3, 91:8, 95:5, 123:3, 128:21, 129:3, 149:17, 153:9, 155:24, 156:21, 182:5, 220:23, 228:9, 229:1, 233:5, 248:1, 257:10</p> <p>stipulated ^[6] - 14:4, 14:7, 14:16, 14:19, 18:25, 19:11</p> <p>stipulation ^[50] - 7:13, 9:19, 10:21, 10:22, 11:4, 11:5, 12:20, 13:3, 13:7, 13:8, 13:10, 13:12, 13:14, 13:16, 13:18, 13:23, 13:25, 14:5, 14:6, 14:13, 14:14, 14:18, 15:16, 15:20, 15:24, 16:4, 16:12, 16:14, 16:17, 16:22, 16:25, 17:18, 17:22, 18:6, 18:18, 18:19, 19:19, 19:23, 20:2, 20:9, 20:15, 21:9, 21:17, 21:22, 22:2, 23:16, 23:20, 26:20, 106:23</p> <p>stipulations ^[1] - 21:3</p> <p>stopped ^[1] - 88:22</p> <p>Stores ^[2] - 9:14, 11:1</p> <p>straight ^[1] - 59:10</p> <p>straight fixed variable ^[4] - 45:15, 45:16, 45:20, 174:9</p> <p>straightforward ^[1] - 233:17</p> <p>streams ^[1] - 40:8</p> <p>Street ^[1] - 195:5</p> <p>streetlighting ^[1] - 22:13</p> <p>stressing ^[1] -</p>	<p>191:21</p> <p>strict ^[2] - 197:11, 201:1</p> <p>strictly ^[1] - 98:5</p> <p>stride ^[1] - 81:19</p> <p>strike ^[2] - 104:13, 104:25</p> <p>Strike ^[2] - 105:10, 225:14</p> <p>string ^[1] - 26:7</p> <p>strive ^[1] - 266:7</p> <p>strong ^[14] - 38:9, 38:10, 134:11, 154:7, 154:10, 154:18, 156:3, 156:13, 156:22, 185:5, 200:2, 207:12, 210:2, 235:17</p> <p>stronger ^[1] - 217:3</p> <p>structure ^[6] - 97:5, 153:17, 191:1, 191:2, 201:3, 257:10</p> <p>structures ^[1] - 105:9</p> <p>struggling ^[1] - 140:18</p> <p>stuck ^[1] - 26:6</p> <p>studies ^[24] - 84:19, 84:20, 93:10, 124:2, 126:1, 134:21, 134:23, 139:13, 139:16, 139:25, 154:17, 154:25, 155:4, 155:6, 155:22, 163:23, 169:2, 169:4, 169:6, 169:8, 169:10, 192:17, 233:16, 247:15</p> <p>Studies ^[1] - 156:25</p> <p>study ^[59] - 84:10, 84:23, 85:9, 85:11, 85:15, 92:23, 93:1, 103:4, 124:7, 125:9, 129:6, 131:8, 133:15, 133:16, 133:19, 133:22, 134:1, 134:6, 134:7, 134:11, 134:15, 135:22, 139:20, 155:6, 155:8, 155:9, 155:20, 157:8, 158:4, 158:5, 158:6, 158:8, 158:10, 158:13, 158:21, 159:6, 160:2, 162:13, 162:22, 162:24, 163:13, 163:24, 164:7, 164:16, 164:20, 166:8, 168:7, 188:18, 189:5, 189:8, 189:13, 189:18, 190:15, 190:17, 193:11, 193:12, 215:15, 233:15,</p>	<p>266:21</p> <p>subdivisions ^[2] - 22:14, 22:15</p> <p>Subject ^[2] - 179:3, 211:16</p> <p>subject ^[4] - 79:11, 141:19, 178:21, 228:10</p> <p>subjected ^[2] - 125:21, 138:4</p> <p>subjective ^[1] - 136:14</p> <p>submit ^[4] - 56:11, 123:21, 199:1, 232:4</p> <p>submits ^[1] - 21:3</p> <p>submitted ^[1] - 213:5</p> <p>subsequent ^[1] - 27:10</p> <p>subset ^[2] - 44:7, 44:9</p> <p>subsidies ^[2] - 29:4, 192:8</p> <p>substantial ^[12] - 114:5, 130:25, 132:7, 132:14, 132:15, 170:4, 170:7, 170:9, 172:1, 172:2, 210:10, 232:1</p> <p>substantially ^[2] - 109:13, 191:14</p> <p>substantive ^[1] - 261:22</p> <p>substations ^[2] - 36:23, 85:23</p> <p>substitute ^[1] - 197:21</p> <p>successful ^[1] - 188:23</p> <p>suddenly ^[1] - 202:5</p> <p>suffered ^[1] - 76:11</p> <p>sufficient ^[6] - 82:20, 115:23, 150:21, 194:9, 228:9, 261:20</p> <p>sufficiently ^[1] - 163:25</p> <p>suggest ^[5] - 7:19, 41:15, 72:7, 104:25, 115:21</p> <p>suggested ^[10] - 35:9, 49:18, 51:16, 51:19, 62:8, 127:22, 131:1, 131:20, 146:24, 234:17</p> <p>suggesting ^[4] - 51:11, 147:7, 250:7, 257:5</p> <p>suggestion ^[1] - 241:14</p> <p>suggestions ^[4] - 40:21, 41:17, 41:22, 112:5</p>	<p>suggests ^[3] - 125:9, 132:1, 260:2</p> <p>summaries ^[1] - 7:20</p> <p>summarize ^[5] - 26:21, 26:25, 27:1, 27:3, 158:1</p> <p>summarized ^[1] - 227:19</p> <p>summary ^[26] - 19:24, 21:5, 26:1, 39:1, 65:19, 76:9, 95:16, 106:14, 114:17, 115:9, 125:12, 133:25, 138:20, 138:25, 139:1, 170:3, 180:3, 191:11, 194:9, 196:14, 206:21, 211:5, 226:20, 227:8, 236:9, 246:4</p> <p>summer ^[30] - 29:11, 29:12, 29:16, 30:1, 33:15, 44:12, 44:16, 48:8, 48:9, 48:12, 49:4, 53:8, 54:20, 60:6, 75:6, 75:7, 76:3, 79:18, 97:14, 105:8, 169:21, 209:22, 209:24, 210:20, 211:2, 241:5, 242:12, 255:17, 255:18</p> <p>summertime ^[1] - 29:24</p> <p>Supplementary ^[1] - 13:1</p> <p>supplied ^[2] - 125:15, 125:19</p> <p>supply ^[3] - 123:24, 124:1, 125:9</p> <p>support ^[36] - 11:4, 16:11, 16:25, 17:21, 20:4, 21:12, 21:17, 30:7, 30:19, 35:14, 40:2, 52:21, 63:8, 63:10, 63:15, 64:24, 106:23, 112:20, 114:4, 124:25, 170:5, 170:10, 170:19, 170:20, 171:25, 177:21, 196:19, 231:6, 231:25, 232:10, 233:2, 233:22, 233:23, 236:17, 244:20, 249:15</p> <p>supported ^[13] - 20:16, 21:16, 40:21, 65:3, 73:7, 134:4, 151:1, 178:12, 178:16, 192:15, 231:13, 248:20, 266:6</p> <p>supporting ^[1] -</p>	<p>40:18</p> <p>supportive ^[3] - 13:14, 60:23, 61:25</p> <p>supports ^[6] - 18:5, 20:23, 21:8, 41:8, 233:5, 250:14</p> <p>supposed ^[1] - 51:24</p> <p>surcharge ^[7] - 90:22, 91:23, 152:3, 152:5, 152:13, 152:14, 152:21</p> <p>surfaced ^[3] - 121:8, 121:11, 121:15</p> <p>surprised ^[1] - 245:24</p> <p>surprises ^[1] - 127:5</p> <p>surebuttal ^[50] - 7:18, 24:19, 25:13, 26:19, 47:21, 48:23, 50:3, 57:8, 65:10, 69:15, 71:23, 73:9, 77:7, 82:2, 82:3, 92:13, 103:14, 103:20, 109:22, 110:17, 118:6, 123:13, 124:24, 125:7, 125:20, 125:25, 126:21, 127:5, 127:9, 127:19, 127:23, 140:14, 145:2, 158:22, 160:16, 168:3, 168:10, 170:23, 176:8, 189:17, 211:25, 213:9, 223:16, 228:7, 231:15, 236:10, 236:13, 238:7, 242:23, 262:2</p> <p>Surrebuttal ^[2] - 25:23, 80:8</p> <p>suspect ^[3] - 78:13, 78:17, 212:4</p> <p>sustain ^[2] - 130:17, 266:7</p> <p>Sutter ^[1] - 195:5</p> <p>swamp ^[1] - 133:22</p> <p>SWEEP ^[11] - 37:24, 50:5, 60:4, 60:20, 61:1, 61:22, 84:21, 117:5, 195:12, 195:15, 196:5</p> <p>SWEEP's ^[3] - 60:5, 61:6, 152:17</p> <p>sweeping ^[1] - 201:2</p> <p>swings ^[1] - 208:24</p> <p>Sworn ^[1] - 264:24</p> <p>sworn ^[25] - 10:2, 10:9, 17:5, 17:6, 17:9, 20:6, 24:8, 101:9, 101:15, 147:3, 147:10, 194:12,</p>
--	---	---	--	---

<p>194:15, 194:24, 204:2, 204:3, 204:5, 204:9, 221:25, 222:4, 222:8, 264:20, 264:22, 265:1, 267:1 symmetrical [2] - 211:17, 213:11 symmetrically [1] - 229:10 system [3] - 197:7, 198:18, 200:9 systems [1] - 22:12</p>	<p>215:6, 215:8, 215:24, 216:12, 216:13, 217:3, 217:7, 217:16, 217:20, 217:22, 217:25, 218:7, 218:11, 219:2, 219:3, 220:7, 229:7, 266:16 talks [2] - 58:11, 73:9 tangible [1] - 217:2 target [1] - 186:5 targeted [1] - 215:15 tariff [15] - 14:3, 14:15, 58:7, 62:5, 62:6, 62:9, 62:18, 62:24, 70:3, 111:4, 111:23, 142:7, 142:10, 142:22, 182:5 Tariff [2] - 14:11, 205:17 tariffs [1] - 23:2 task [2] - 247:15, 251:13 Taylor [37] - 8:2, 8:4, 10:12, 11:6, 13:22, 16:8, 16:20, 23:21, 24:17, 25:25, 39:2, 39:6, 39:12, 47:3, 51:11, 57:15, 59:10, 65:9, 68:13, 71:13, 82:18, 83:1, 86:13, 86:17, 90:18, 92:4, 92:12, 95:14, 98:14, 98:19, 100:5, 108:3, 111:11, 112:2, 131:18, 142:4, 183:9 TAYLOR [1] - 22:20 Taylor's [2] - 98:5, 184:2 teaching [1] - 100:10 technical [3] - 17:16, 108:20, 256:6 telephone [1] - 9:11 temperature [6] - 33:19, 33:20, 34:2, 79:14, 79:20, 79:22 temperatures [1] - 242:21 Ten [1] - 82:20 ten [5] - 82:21, 131:3, 194:2, 201:14, 223:17 ten-minute [2] - 82:21, 194:2 tends [1] - 255:16 tenor [1] - 193:10 term [6] - 56:6, 87:17, 163:14, 180:4, 251:17, 266:19 terminated [1] - 14:15 Terms [1] - 20:17</p>	<p>terms [29] - 13:22, 15:19, 16:4, 18:19, 19:20, 19:23, 78:22, 78:23, 78:24, 109:14, 110:15, 110:17, 110:20, 111:16, 139:7, 143:23, 170:2, 182:1, 183:21, 184:24, 185:21, 188:2, 189:10, 189:20, 199:17, 202:15, 216:20, 249:13, 251:3 test [6] - 145:1, 174:8, 175:6, 175:16, 199:24, 202:17 test period [6] - 10:10, 14:23, 14:25, 15:2, 39:20, 198:6 testified [13] - 10:3, 17:10, 24:9, 41:8, 41:25, 80:20, 101:10, 106:23, 194:25, 204:10, 217:15, 222:2, 222:9 testify [6] - 25:1, 64:18, 71:13, 106:20, 122:19, 263:24 testifying [2] - 262:9, 262:17 testimonies [2] - 18:9, 18:10 testimony [207] - 7:13, 7:17, 7:18, 10:18, 11:8, 11:9, 11:10, 12:3, 12:6, 12:10, 12:11, 21:9, 21:12, 21:13, 24:18, 24:19, 25:4, 25:6, 25:11, 25:12, 25:13, 25:17, 26:1, 26:9, 26:11, 26:13, 26:15, 26:19, 26:22, 27:10, 28:12, 39:19, 40:24, 47:4, 47:14, 47:16, 48:3, 48:24, 49:19, 50:4, 51:13, 55:24, 57:9, 58:20, 58:22, 60:20, 62:3, 62:4, 62:17, 62:20, 63:5, 63:12, 64:9, 65:5, 65:10, 71:15, 72:11, 72:20, 80:7, 80:21, 81:4, 81:15, 83:5, 85:6, 86:1, 86:18, 90:20, 90:21, 91:1, 92:14, 102:12, 102:17, 102:22, 103:3, 103:12, 103:15, 103:19, 103:20, 105:21, 105:24, 106:1, 106:8,</p>	<p>108:20, 108:23, 109:22, 110:17, 110:21, 110:23, 112:10, 112:24, 118:6, 119:1, 119:2, 120:12, 121:9, 122:18, 123:13, 123:14, 123:16, 124:21, 124:24, 125:17, 125:19, 126:7, 126:15, 126:25, 127:7, 127:17, 127:24, 128:6, 133:2, 140:14, 145:2, 147:3, 147:10, 150:13, 155:7, 155:13, 155:20, 158:1, 158:22, 160:17, 160:18, 162:1, 167:8, 167:10, 167:17, 168:3, 170:3, 170:15, 170:23, 172:16, 174:3, 175:22, 178:23, 180:2, 180:5, 184:8, 187:6, 190:14, 194:9, 194:17, 194:18, 195:14, 195:18, 195:21, 195:25, 196:2, 196:15, 200:6, 204:21, 204:24, 204:25, 205:7, 205:13, 205:15, 206:6, 206:7, 206:8, 206:13, 206:16, 206:18, 212:1, 213:4, 213:9, 213:18, 215:14, 217:25, 222:25, 223:5, 223:9, 223:14, 223:17, 224:2, 224:24, 226:17, 226:21, 226:24, 227:2, 227:9, 228:4, 228:9, 228:16, 228:17, 229:6, 236:10, 236:13, 238:7, 239:11, 239:20, 240:12, 240:18, 242:23, 245:7, 248:24, 261:2, 261:4, 264:21, 264:22, 264:24, 267:1 Testimony [1] - 25:23 THE [7] - 14:25, 15:4, 18:1, 18:4, 18:13, 207:7, 246:1 The witness [82] - 10:14, 15:2, 15:5, 18:3, 18:5, 18:14, 50:13, 68:10, 68:16, 95:15, 95:22, 96:4,</p>	<p>96:9, 96:16, 96:20, 97:7, 97:16, 97:19, 98:1, 98:5, 98:8, 105:5, 105:10, 105:15, 126:13, 128:22, 137:2, 137:9, 137:13, 137:17, 137:19, 148:7, 151:25, 152:10, 152:14, 160:6, 172:20, 178:2, 180:20, 181:15, 181:21, 182:6, 182:22, 183:3, 183:7, 184:1, 184:15, 184:17, 184:22, 185:13, 185:19, 186:7, 186:15, 186:24, 196:9, 203:14, 203:16, 207:9, 213:20, 218:21, 220:11, 224:23, 225:9, 225:19, 225:23, 250:15, 251:7, 252:7, 253:5, 253:8, 253:13, 253:19, 253:23, 254:7, 254:10, 254:13, 255:4, 255:10, 256:19, 257:17, 257:25, 258:20 themselves [1] - 187:8 theory [11] - 124:4, 131:1, 131:19, 131:21, 131:23, 132:1, 154:8, 156:11, 156:21, 192:15, 192:19 Therefore [6] - 19:22, 113:5, 166:3, 169:15, 193:13, 210:4 therefore [5] - 25:1, 49:7, 72:24, 132:14, 139:9 they've [2] - 235:13, 256:18 thinking [4] - 104:23, 171:13, 171:23, 221:19 thinks [1] - 200:12 third [31] - 33:18, 48:8, 60:11, 107:25, 108:1, 108:18, 114:6, 132:10, 152:18, 154:6, 172:1, 179:8, 183:5, 185:4, 185:15, 209:24, 210:10, 210:22, 211:2, 215:8, 216:12, 216:13, 217:7, 217:20,</p>
T				
<p>Table [15] - 127:24, 157:25, 158:3, 158:24, 160:8, 160:9, 161:3, 163:1, 163:10, 167:17, 168:21, 168:22, 189:17, 189:22, 190:10 table [8] - 65:7, 81:6, 84:25, 85:10, 132:12, 160:16, 162:1, 189:19 tables [4] - 160:19, 160:21, 163:24, 164:6 Tables [1] - 161:24 tail [100] - 29:16, 30:1, 36:11, 37:1, 44:2, 44:5, 44:16, 44:17, 45:8, 48:8, 48:9, 48:12, 49:4, 53:8, 53:9, 53:15, 53:16, 54:20, 60:6, 60:8, 60:9, 60:14, 60:18, 79:18, 82:7, 82:12, 84:6, 89:10, 89:17, 90:16, 98:21, 109:13, 111:10, 116:25, 129:20, 129:22, 129:24, 130:4, 130:11, 131:2, 131:12, 131:16, 132:5, 132:24, 133:23, 134:19, 150:24, 151:5, 152:18, 152:23, 157:19, 161:19, 161:20, 162:16, 169:21, 169:24, 170:4, 170:8, 172:1, 172:12, 179:8, 185:24, 189:15, 191:14, 192:1, 207:11, 207:13, 207:16, 207:22, 213:14, 213:17, 213:22, 214:2, 214:6, 214:8, 214:11, 214:21, 214:24,</p>				

<p>217:22, 217:25, 219:1, 219:16, 220:12, 230:25 Third [1] - 29:3 thousand [3] - 29:23, 60:7, 78:8 Three [3] - 172:23, 173:10, 245:10 three [16] - 20:12, 23:15, 32:10, 37:9, 55:7, 57:19, 81:22, 87:21, 88:2, 107:12, 130:23, 172:22, 197:5, 197:10, 200:24, 217:12 three-part [1] - 32:10 three-year [7] - 57:19, 87:21, 88:2, 107:12, 197:5, 197:10, 200:24 threshold [1] - 170:25 thrilled [1] - 245:22 Throughout [2] - 27:9, 122:18 throughout [7] - 73:10, 80:24, 124:21, 180:5, 218:16, 240:12, 260:19 throwing [1] - 245:2 Thursday [1] - 224:15 ti [1] - 104:8 tie [3] - 181:11, 229:11, 233:10 tied [2] - 197:25, 201:23 tier [1] - 151:22 ties [1] - 231:3 time-of-day [4] - 186:4, 186:10, 186:12, 186:14 time-of-use [3] - 97:5, 97:7, 186:22 timing [11] - 109:2, 121:13, 121:14, 122:9, 122:11, 187:15, 227:14, 227:19, 228:3, 238:13, 261:24 tipping [1] - 124:15 title [2] - 85:14, 196:11 Title [2] - 180:9, 180:24 today [33] - 7:12, 10:18, 18:6, 25:1, 25:7, 26:1, 26:6, 40:5, 46:20, 48:20, 87:18, 87:19, 105:24, 105:25, 106:14,</p>	<p>106:21, 110:7, 127:18, 133:5, 138:25, 151:9, 169:11, 170:3, 195:20, 195:22, 206:2, 206:21, 221:10, 224:17, 229:16, 262:1, 262:11, 265:17 together [4] - 16:10, 25:17, 117:18, 182:6 tomorrow [8] - 100:10, 100:13, 100:23, 203:24, 221:5, 262:21, 262:24, 267:20 Tomorrow [1] - 100:15 tonight [1] - 221:20 took [4] - 12:22, 121:5, 185:20, 259:8 tool [1] - 97:8 top [6] - 31:3, 48:4, 56:10, 152:22, 186:16, 211:14 topic [1] - 252:18 topics [1] - 251:12 total [28] - 35:23, 35:25, 42:21, 42:25, 43:11, 64:12, 66:13, 70:17, 73:11, 78:2, 112:22, 129:20, 133:10, 141:9, 141:12, 141:14, 142:7, 142:10, 142:21, 143:5, 143:13, 143:16, 143:23, 144:18, 188:25, 208:16 toward [1] - 211:1 towards [1] - 20:24 Townsend [1] - 262:9 Townsend's [1] - 21:9 track [7] - 38:9, 38:10, 45:25, 200:2, 203:18, 249:19, 249:23 tracking [2] - 231:11, 261:9 tradition [1] - 263:4 traditional [1] - 115:22 Traffic [1] - 12:24 traffic [2] - 13:6, 22:12 translate [3] - 104:24, 129:17, 130:22 translation [1] -</p>	<p>105:13 transmission [4] - 36:22, 45:6, 66:10, 93:11 transpired [1] - 107:15 travel [1] - 24:24 travels [1] - 203:15 trees [1] - 159:9 trend [3] - 29:14, 29:16, 30:1 tried [1] - 85:8 tries [1] - 189:6 trigger [3] - 56:13, 57:4, 117:11 triggered [1] - 251:9 trouble [1] - 18:2 true [39] - 30:11, 30:24, 30:25, 34:12, 41:7, 41:18, 41:25, 44:11, 44:15, 44:24, 45:4, 51:17, 51:18, 65:7, 66:18, 75:22, 78:13, 83:10, 84:13, 91:21, 108:6, 120:21, 125:6, 131:21, 139:11, 140:2, 144:9, 182:22, 198:13, 215:12, 216:19, 217:7, 217:10, 217:14, 225:20, 230:18, 243:5, 244:1 trued [2] - 65:8, 190:23 trust [1] - 131:22 try [17] - 47:3, 106:18, 111:16, 122:1, 122:7, 127:9, 127:16, 130:9, 130:15, 132:23, 135:20, 139:13, 144:2, 171:17, 220:5, 229:11, 240:21 trying [17] - 60:16, 86:8, 117:14, 119:8, 124:22, 126:18, 127:6, 131:22, 133:3, 142:20, 172:6, 182:15, 188:20, 188:22, 193:1, 215:21, 217:1 tuned [1] - 23:7 turn [20] - 65:9, 86:17, 91:14, 95:11, 96:21, 100:7, 101:5, 102:11, 140:13, 148:16, 150:12, 154:14, 162:24, 189:22, 238:10, 239:10, 239:24, 245:24, 247:20, 248:7 turned [1] - 243:4</p>	<p>Turning [3] - 41:6, 45:11, 223:24 turning [3] - 84:22, 192:11, 223:22 twenty [1] - 245:10 twenty-five [1] - 245:10 twice [2] - 30:23, 108:4 Two [1] - 130:23 two [38] - 7:21, 19:7, 30:24, 31:2, 31:3, 31:16, 32:19, 48:5, 49:12, 51:17, 60:11, 71:7, 77:19, 79:8, 82:2, 88:2, 93:9, 104:18, 104:22, 106:21, 107:3, 107:7, 110:25, 119:16, 149:24, 149:25, 152:23, 153:11, 156:22, 164:23, 165:2, 173:17, 228:14, 229:18, 232:24, 234:3, 261:7, 265:12 two-part [2] - 32:19, 77:19 type [7] - 29:1, 32:15, 61:10, 63:9, 78:20, 134:3, 181:15 types [3] - 192:9, 228:14, 248:4 typically [1] - 247:24 typo [1] - 104:6 typographical [1] - 14:17 typos [1] - 104:5</p> <p style="text-align: center;">U</p> <p>UAE [12] - 9:3, 10:25, 19:10, 21:8, 118:20, 119:3, 119:12, 119:24, 137:14, 187:14, 188:13, 231:6 UCE [3] - 195:15, 195:24, 196:5 UIEC [1] - 9:8 ultimate [1] - 63:9 ultimately [1] - 119:12 Ultimately [1] - 120:24 unaware [2] - 92:20, 260:22 uncertainty [2] - 198:25, 199:2 unchanged [2] - 27:9, 53:12 uncompensated [1]</p>	<p>- 197:2 under [53] - 29:6, 34:13, 34:14, 35:6, 40:5, 45:20, 52:22, 53:7, 53:13, 66:22, 74:3, 76:11, 76:12, 76:16, 76:22, 88:15, 88:16, 95:19, 102:3, 104:11, 109:4, 120:11, 138:22, 139:5, 139:14, 139:19, 140:7, 141:1, 141:20, 143:20, 166:15, 171:19, 172:8, 179:14, 180:8, 180:23, 191:4, 191:5, 191:7, 191:16, 191:19, 202:4, 204:19, 205:19, 207:14, 242:1, 242:5, 242:12, 257:15, 257:19, 257:23, 258:2, 258:9 Under [3] - 88:18, 88:20, 138:7 under-earned [1] - 109:4 under-earning [4] - 76:12, 76:16, 76:22, 191:5 under-earnings [4] - 191:4, 191:7, 191:16, 191:19 under-recover [4] - 74:3, 88:16, 202:4, 257:15 under-recovering [2] - 242:12, 258:2 under-recovers [1] - 40:5 under-recovery [7] - 138:22, 139:5, 139:14, 139:19, 257:19, 257:23, 258:9 underearning [2] - 230:19, 232:11 underearnings [3] - 230:14, 231:3, 231:8 underlined [1] - 136:23 underlying [2] - 85:20, 153:20 Understood [1] - 117:24 understood [3] - 23:4, 127:16, 230:16 unfair [1] - 34:9 uniform [1] - 18:22 uniformly [1] - 19:12 unilaterally [2] - 58:2, 58:5</p>
--	---	---	---	---

<p>unintended [1] - 182:4 unique [1] - 209:7 unless [2] - 114:5, 171:25 Unlike [2] - 104:19, 105:7 unlike [1] - 199:25 unlikely [2] - 87:13, 221:11 unnecessary [1] - 31:4 unquestionably [1] - 136:15 unravel [1] - 37:11 unreasonable [1] - 37:20 unreliable [1] - 168:5 unsupported [1] - 250:10 unsworn [3] - 147:3, 147:10, 264:21 unusual [2] - 196:24, 196:25 up [41] - 10:20, 30:24, 30:25, 41:18, 51:18, 53:3, 65:8, 67:12, 70:17, 81:5, 83:19, 84:2, 108:6, 110:12, 115:4, 116:11, 146:21, 163:22, 164:1, 172:16, 179:13, 181:23, 182:18, 190:13, 190:23, 202:5, 202:9, 208:22, 221:3, 228:18, 229:18, 229:21, 235:7, 240:23, 246:2, 247:15, 249:6, 249:12, 256:24, 267:1 update [8] - 12:6, 24:18, 26:15, 62:20, 63:21, 64:6, 182:8, 182:9 updated [3] - 25:12, 63:4, 63:12 Updated [1] - 25:22 updating [1] - 64:15 upper [1] - 158:25 ups [2] - 51:17, 198:13 upside [1] - 202:6 urge [4] - 7:19, 21:18, 202:7, 258:19 urgency [5] - 179:25, 181:6, 182:1, 182:15 urges [1] - 21:22 Usage [1] - 152:3 usage [31] - 33:20, 36:3, 36:4, 44:16,</p>	<p>45:18, 45:22, 46:4, 46:9, 46:11, 46:13, 60:10, 60:19, 67:18, 89:4, 90:22, 90:25, 91:23, 97:15, 97:22, 117:8, 132:24, 152:4, 152:13, 152:14, 152:21, 218:9, 235:10, 241:7, 241:16, 257:15 useful [2] - 154:23, 189:19 user [2] - 78:7, 175:1 users [2] - 33:16, 33:17 uses [2] - 96:3, 219:5 Utah [39] - 7:8, 10:23, 10:25, 11:12, 11:16, 13:11, 29:9, 29:11, 30:3, 32:9, 33:2, 38:21, 41:10, 73:3, 92:23, 93:1, 93:2, 93:6, 93:14, 97:15, 97:21, 123:11, 142:12, 162:22, 162:23, 163:5, 163:8, 163:13, 164:3, 164:22, 168:5, 186:6, 197:19, 200:13, 215:16, 227:25, 266:5, 266:9 Utah Clean Energy [5] - 8:16, 37:24, 50:5, 152:16, 195:11 Utah Office of Consumer Services [2] - 8:13, 10:24 Utah's [1] - 163:17 utilities [12] - 77:14, 113:9, 166:10, 166:22, 167:12, 167:21, 197:17, 197:24, 199:21, 201:15, 201:17, 201:22 Utility [2] - 7:7, 166:16 utility [19] - 28:20, 70:19, 71:2, 77:25, 167:23, 199:5, 199:8, 199:11, 199:19, 201:10, 202:2, 202:11, 237:4, 237:9, 239:23, 240:6, 255:3, 255:9, 257:19 utility's [1] - 197:6 utilize [1] - 162:21 utilized [3] - 55:1, 160:16, 257:3 utilizing [2] - 161:15, 165:15</p>	<p style="text-align: center;">V</p> <p>valid [4] - 29:8, 149:16, 164:2, 190:5 value [3] - 42:18, 45:1, 45:2 values [1] - 166:10 variability [5] - 229:4, 229:8, 231:17, 231:19, 261:12 variable [7] - 45:18, 46:9, 83:13, 83:14, 142:25, 198:3, 255:22 variables [2] - 97:16, 230:22 variances [1] - 76:25 variation [2] - 166:21, 167:14 variations [5] - 33:21, 34:3, 77:1, 79:14, 79:20 variety [2] - 144:11, 246:6 various [5] - 78:11, 110:6, 133:24, 144:12, 234:6 vary [4] - 42:22, 42:24, 42:25, 93:5 vast [4] - 68:17, 78:4, 232:21 versus [5] - 73:24, 75:21, 83:8, 186:18, 255:18 vertically [1] - 232:17 view [11] - 30:3, 60:25, 65:21, 93:13, 94:7, 112:22, 234:12, 235:17, 236:19, 248:5, 260:22 viewed [1] - 234:16 views [3] - 20:23, 93:19, 127:11 violates [2] - 176:12, 176:21 violation [1] - 177:19 viscerally [1] - 201:9 volatile [6] - 28:19, 34:2, 79:6, 79:22, 99:20, 139:7 volatility [7] - 29:5, 37:2, 79:7, 79:9, 79:12, 79:20, 191:23 volumetric [15] - 28:16, 32:21, 34:16, 36:24, 67:25, 71:7, 75:19, 75:25, 77:20, 77:21, 88:21, 208:21, 220:16, 257:24 voluntary [2] - 186:13, 186:18</p>	<p>vote [1] - 174:13 voted [2] - 174:10, 174:11</p> <p style="text-align: center;">W</p> <p>wait [3] - 140:23, 239:25, 264:4 waiting [1] - 128:13 Wal [3] - 9:14, 11:1, 21:21 Wal-Mart [3] - 9:14, 11:1, 21:21 walk [2] - 13:24, 102:10 warranted [1] - 99:12 Washington [1] - 51:6 waste [2] - 255:7, 256:8 ways [3] - 98:23, 234:14, 257:21 weakens [1] - 114:1 weather [6] - 76:25, 229:3, 229:9, 230:23, 255:23, 258:10 week [2] - 71:17, 99:10 weeks [1] - 228:15 weigh [5] - 93:16, 237:3, 237:5, 237:6, 237:11 weighed [1] - 94:4 weighted [1] - 193:12 welcome [1] - 9:16 Welcome [4] - 8:3, 9:1, 9:9, 204:7 well-defined [2] - 248:19, 248:21 West [3] - 9:14, 11:2, 167:13 Western Resource Advocates [1] - 8:24 Wexpro [1] - 232:16 whatsoever [1] - 259:20 wheel [4] - 172:11, 173:1, 173:5, 173:21 whereas [1] - 232:17 whole [8] - 19:20, 89:3, 142:11, 142:12, 142:14, 199:23, 212:22, 218:5 wholly [1] - 197:2 whoops [1] - 127:8 wide [3] - 144:11, 247:24, 251:19 wide-open [1] -</p>	<p>251:19 wider [1] - 134:15 WILLIAM A. POWELL [1] - 101:8 William Artie Powell [2] - 8:9, 101:7 William R. Griffith [1] - 11:11 willig [3] - 108:11, 117:17, 185:10 wind [1] - 182:18 window [2] - 181:23, 182:2 winter [3] - 105:8, 209:23, 210:21 wish [9] - 16:21, 20:1, 39:4, 39:5, 147:23, 223:14, 225:5, 226:14, 264:20 wished [1] - 188:13 wishes [1] - 264:19 withdraw [1] - 193:22 witness [22] - 10:2, 11:10, 16:24, 17:2, 17:4, 17:9, 24:8, 100:7, 101:7, 101:9, 108:2, 137:14, 147:25, 190:8, 193:19, 194:24, 197:1, 197:3, 204:9, 210:14, 218:19, 222:8 witnesses [3] - 100:9, 106:22, 263:1 WOLF [1] - 262:18 Wolf [5] - 145:4, 148:19, 149:2, 150:14, 262:16 Wolf's [1] - 154:4 wondering [2] - 180:6, 263:2 word [16] - 58:4, 72:1, 100:17, 104:12, 104:13, 110:9, 117:16, 128:17, 153:1, 153:3, 171:3, 171:13, 171:14, 171:17, 178:21 words [7] - 90:23, 155:22, 163:23, 214:24, 252:25, 254:17, 256:15 workload [1] - 246:12 works [4] - 208:1, 243:6, 243:10, 243:20 world [2] - 99:18, 212:22 worth [1] - 130:9 WRA [3] - 37:24, 117:5, 250:14</p>
--	--	---	--	---

<p>WRA's [3] - 90:22, 91:16, 91:18 WRG-1-R [1] - 62:3 WRG-2-U [1] - 62:21 written [3] - 104:24, 214:14, 226:17 wrote [1] - 102:16 Wyoming [1] - 96:17</p>
<p>Y</p>
<p>year [39] - 14:12, 30:24, 31:1, 31:3, 31:16, 31:21, 36:20, 41:18, 51:17, 51:18, 56:4, 56:14, 56:22, 57:8, 57:19, 57:23, 58:11, 58:25, 87:21, 88:2, 90:24, 91:9, 107:12, 107:14, 108:4, 108:6, 129:24, 146:5, 158:16, 167:9, 174:8, 175:6, 175:16, 197:5, 197:10, 200:24, 201:2, 205:1, 239:5 years [18] - 27:25, 28:8, 29:12, 37:9, 54:5, 55:7, 73:1, 75:5, 76:16, 93:1, 110:2, 149:24, 149:25, 181:10, 196:23, 201:21, 241:15, 247:11 your Honor [2] - 9:12, 21:21 yourself [5] - 50:24, 223:1, 246:2, 265:3, 267:1 Yvonne Hogle [1] - 7:25</p>
<p>Z</p>
<p>zero [4] - 133:13, 133:14, 165:3, 189:4 Zhang [3] - 50:24, 51:1, 51:2 zip [1] - 253:4</p>