

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

TARIFF NAME: In the Matter of) Docket No.
Advice No. 11-13 of Rocky) 11-035-T14
Mountain Power for Approval of)
Proposed Reduction to the)
Schedule 193 (the "DSM)
Surcharge") Collection Rate)
Tariff Sheets)

TRANSCRIPT OF HEARING PROCEEDINGS

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

DATE: January 31, 2012

TIME: 8:33 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Presiding:

DAVID CLARK, Hearing Officer

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For the Office

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1 JANUARY 31, 2012

8:33 A.M.

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

3 HEARING OFFICER: My name is David Clark,
4 I've been designated as the presiding officer for this
5 proceeding.

6 This is the time and place duly noticed for
7 examination of the matter of the tariff advice letter
8 of Rocky Mountain Power proposing a reduction to the
9 Schedule 193 tariff surcharge, Docket No. 11-035-T14.

10 And let's begin by taking appearances. We'll
11 begin with the Company, please. Mr. Solander?

12 MR. SOLANDER: Thank you. Daniel Solander on
13 behalf of Rocky Mountain Power. And I have with me at
14 counsel table Carol Hunter, vice president of Rocky
15 Mountain Power.

16 HEARING OFFICER: Thank you.

17 MR. DUBUC: Good morning. Rob Dubuc
18 representing Western Resource Advocates.

19 HEARING OFFICER: Thank you Mr. Dubuc.

20 MS. HAYES: Sophie Hayes with Utah Clean
21 Energy.

22 HEARING OFFICER: Thank you.

23 MS. SCHMID: Patricia E. Schmid, with the
24 Attorney General's Office, for the Division of Public
25 Utilities. And we me as the Division's witness is

1 Dr. William Powell.

2 HEARING OFFICER: Thank you Ms. Schmid.

3 MR. PROCTOR: Paul Proctor for the Office.

4 Ms. Beck will be the witness today. Thank you.

5 HEARING OFFICER: Thank you.

6 MR. DODGE: And Mr. Clark, Gary Dodge. I'm

7 here on behalf of UAE. We don't intend to offer a

8 witness, but we signed and support the stipulation.

9 HEARING OFFICER: Thank you Mr. Dodge.

10 MR. DODGE: Thank you.

11 HEARING OFFICER: Any other appearances?

12 Thank you. Mr. Solander?

13 MR. SOLANDER: Yes, I'd like to start by

14 calling Ms. Carol Hunter to testify on behalf of Rocky

15 Mountain Power in support of the stipulation.

16 HEARING OFFICER: All right, thank you.

17 Ms. Hunter, would you raise your right hand, please.

18 (Ms. Hunter was duly sworn.)

19 HEARING OFFICER: Thank you.

20 CAROL HUNTER,

21 called as a witness, having been duly sworn,

22 was examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MR. SOLANDER:

25 Q. Would you please state and spell your name

1 for the record?

2 A. My name is Carol Hunter. C-a-r-o-l,
3 H-u-n-t-e-r.

4 Q. And by whom are you employed and in what
5 capacity?

6 A. With Rocky Mountain Power, as vice president,
7 responsible for energy efficiency and load control
8 programs.

9 Q. And have you prepared some testimony in
10 support of the stipulation entered into by the parties
11 in Docket No. 11-035-T14?

12 A. Yes, I have.

13 Q. Would you please present those to the
14 Commission?

15 A. Yes. On November 23rd Rocky Mountain Power
16 submitted the advice letter proposing a reduction to
17 our demand-side management surcharge, Schedule 193,
18 from an annual collection rate of 62.6 million to
19 41.5 million. That is a collection rate reduction
20 from 3.6 percent to 2.4 percent.

21 During December of 2011 and early January of
22 2012 the parties to the stipulation filed petitions
23 and comments both in opposition and support of the
24 Company's proposal. On January 6th and 11th of 2012,
25 the parties to the stipulation met to discuss a

1 potential settlement.

2 The settlement discussions led to the
3 stipulation that was filed with the Commission on
4 January 13, 2012, and is the subject of the hearing
5 today.

6 The key elements of the stipulation:
7 Effective February 1, 2012, the Company's Schedule 193
8 collections should be set at 3.2 percent. A level
9 which will collect approximately \$54.2 million
10 annually, 49.7 million for the remaining 11 months of
11 2012.

12 This is an amount expected to cover the costs
13 of the Company's existing and new programs offered
14 during 2012. The Company will file, by May 1st of
15 2012, for a line-item sur-credit on the customers'
16 bills to refund, over a one-year period, the DSM
17 deferred account balance as of February 1, 2012, the
18 effective date of the -- the requested effective date
19 of the Schedule 193 rate change.

20 The credit is currently projected to be
21 approximately \$5 million. The requested effective
22 date for the sur-credit would be June 1, 2012,
23 concurrent with the effective date of the first energy
24 balancing account surcharge. Amounts credited to the
25 customers' accounts would be debited to the DSM

1 deferred account.

2 The Company has agreed to use its best
3 efforts to request approval from the Public Service
4 Commission of Utah to implement a home energy
5 reporting program by the end of the first quarter of
6 2012 and a commercial load curtailment program by the
7 end of the third quarter of 2012.

8 Parties agree to participate in good-faith
9 discussions intended to result in agreement on changes
10 to the DSM advisory process, including the structure
11 and efficacy of the DSM advisory group and its
12 subcommittees.

13 The Company and parties agree to participate
14 in good-faith discussions within the DSM advisory
15 group and subcommittees to resolve the issues not
16 addressed directly in the stipulation.

17 The parties that worked to reach this
18 agreement included Utah Clean Energy, Southwest Energy
19 Efficiency Project, Western Resource Advocates, Utah
20 Association of Energy Users, Division of Public
21 Utilities, and Office of Consumer Services.

22 Q. Does that conclude your remarks?

23 A. Yes, it does.

24 MR. SOLANDER: Ms. Hunter would be available
25 for cross-examination if the Bench or any of the

1 parties have any questions.

2 HEARING OFFICER: Are there any questions,
3 any cross-examination or?

4 And I have no questions. Let's mark the
5 settlement stipulation as Exhibit 1 for purposes of
6 the hearing today.

7 (Exhibit No. 1 was marked for identification.)

8 MR. SOLANDER: The Company has no additional
9 witnesses.

10 HEARING OFFICER: Thank you Mr. Solander.
11 Ms. Schmid?

12 MS. SCHMID: Thank you. The Division would
13 like to call Dr. William Powell as its witness. Could
14 Dr. Powell please be sworn?

15 HEARING OFFICER: Yes. Dr. Powell.

16 (Dr. Powell was duly sworn.)

17 HEARING OFFICER: Thank you.

18 DR. WILLIAM POWELL,

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

21 DIRECT EXAMINATION

22 BY MS. SCHMID:

23 Q. Dr. Powell, are you often known as Artie
24 Powell?

25 A. Yes.

1 Q. Thank you. By whom are you employed, and in
2 what position?

3 A. I'm employed by the Division of Public
4 Utilities. I'm the manager of the energy section.

5 Q. Please state your business address for the
6 record.

7 A. 160 East 300 South, Salt Lake City.

8 Q. In your capacity as manager of the energy
9 section have you participated on behalf of the
10 Division of Public Utilities in this docket?

11 A. Yes, I have.

12 Q. Did you prepare and/or assist in the
13 preparation of the Division's action request response
14 dated December 22, 2011, entitled: "Advice No. 11-13,
15 Schedule 193 Rate Adjustment, Docket No. 11-035-14"?

16 A. T14.

17 Q. T14, thank you.

18 A. Yes, I did.

19 MS. SCHMID: Would the Hearing Officer like
20 to have -- the presiding officer like to have this
21 entered as an exhibit or take administrative notice of
22 it?

23 HEARING OFFICER: My proposal would be that
24 all of the documents that have been filed, including
25 the advice letter itself -- or the tariff filing

1 itself and all the commentary on that, I would --
2 they've been filed, I'll take administrative notice of
3 them.

4 And so the only document I expect to treat
5 differently than that is the settlement stipulation
6 itself, which we've marked and I expect ultimately
7 will be received in evidence as Exhibit 1. Is that
8 all right?

9 MS. SCHMID: Thank you.

10 Q. (By Ms. Schmid) On behalf of the Division
11 did you participate in the settlement discussions in
12 this docket?

13 A. I did participate in some of those, yes.

14 Q. Did the Division sign the settlement
15 stipulation?

16 A. Yes, we did.

17 Q. Do you have a short statement in support of
18 the stipulation that you would like to give?

19 A. Yes, I do.

20 Q. Please proceed.

21 A. Thank you. Ms. Hunter went over several of
22 the points that I would have made so let me be as
23 brief as I can.

24 As the Commission is aware, some of the
25 parties opposed the Company's request to reduce the

1 surcharge, others supported the Company's application
2 and that reduction. The stipulation, I believe,
3 incorporates the best features of both of these
4 positions and is truly in the public interest.

5 In paragraph 16 the surcharge, you'll note,
6 is reduced from 3.6 percent to 3.2 percent, as
7 Ms. Hunter indicated. And that will be effective --
8 or we're requesting that that be effective starting
9 February 1st.

10 Paragraph 16 also states that the DSM tariff
11 may be revisited in the future as warranted. So we'll
12 continue to monitor the DSM account and the activities
13 through the DSM advisory group and, and bring any
14 issues that we see forward to the Commission.

15 Paragraph 19 of the stipulation explains that
16 the Company will file by May 1, 2012, for a line-item
17 credit to refund the DSM account balance as of
18 February 1st. At the current time that account
19 balance is projected to be about \$5 million.

20 Paragraph 23 states that the parties agree
21 that the settlement stipulation is in the public
22 interest. And as I mentioned, the Division believes
23 that it's in the public interest and, therefore, we
24 recommend that the Commission approve the stipulation
25 as written. And that will conclude my remarks this

1 morning.

2 Q. Thank you.

3 MS. SCHMID: Dr. Powell is available for
4 cross-examination or questions from the Hearing
5 Officer. Presiding officer.

6 HEARING OFFICER: Thank you.

7 Any questions for Mr. Powell? Dr. Powell?

8 All right. I believe there are none then.

9 Let's turn to the Office. Mr. Proctor?

10 MR. PROCTOR: Ms. Beck will be providing the
11 comments for the Office, thank you. She will need to
12 be sworn.

13 HEARING OFFICER: Thank you.

14 (Ms. Beck was duly sworn.)

15 HEARING OFFICER: Thank you Ms. Beck.

16 MS. BECK: My name is Michele Beck, I'm the
17 director of the Utah Office of Consumer Services. Our
18 business address is 160 East 300 South, Salt Lake
19 City, Utah. And we are here today, as always,
20 representing the residential and small commercial
21 customers.

22 I participated in all of the settlement
23 discussions and oversaw the analytical work done by
24 the Office regarding this issue. That includes our
25 memo filed in late December, of which you took

1 administrative notice.

2 Our analysis shows that the settlement is a
3 good resolution of the issues. And today I'd just
4 like to highlight two provisions. First, the Office
5 supports setting the DSM surcharge at 3.2 percent.
6 This is set such that future positive balances should
7 be temporary and reasonably small.

8 It is also set at a sufficient level such
9 that we don't end up lowering it too far now, only to
10 have to raise it again right away to accommodate known
11 additional DSM programs that are anticipated to be
12 approved in the next year.

13 The Office also notes that the DSM advisory
14 group has a subcommittee addressing the 192 and 193
15 accounts since that review. And this group will be
16 having further discussions on how to appropriately set
17 the DSM rider to balance the goal of preventing large
18 positive or negative balances with the goal of
19 minimizing rate changes.

20 However, the Office further notes that if we
21 had been able to obtain the information regarding
22 upcoming programs through its discovery, our initial
23 position in this case probably would have been closer
24 to the settlement provision.

25 And that leads me to the second key provision

1 of note. The parties to this settlement, as noted,
2 have ongoing settlement discussions regarding more
3 efficient operations of the DSM advisory group and
4 access to DSM data.

5 The Office believes that these discussions
6 have been and will continue to be fruitful, and are an
7 important aspect of this case that will be probably
8 brought to the Commission in a subsequent filing as
9 well.

10 And in summary, the Office's analysis shows
11 that this settlement is just and reasonable in result
12 and we urge the Commission to approve it.

13 HEARING OFFICER: Thank you Ms. Beck.

14 Any questions for Ms. Beck?

15 Thank you. And does any other party desire
16 to present testimony?

17 Mr. Dubuc?

18 MR. DUBUC: Good morning. I'd just like to
19 speak in support of the stipulation. I think that the
20 stipulation discussions were productive. And that as
21 part of this the process that was created will lead to
22 some meaningful and cost-effective DSM programs. So
23 we are in support of this stipulation this morning.

24 HEARING OFFICER: Thank you very much.

25 MS. HAYES: Thank you. Utah Clean Energy

1 just wants to state its support for this stipulation.
2 We signed on to it and believe it's just and
3 reasonable and in the public interest. Utah Clean
4 Energy supports the Company's acquisition of all
5 cost-effective efficiency resources and views this
6 stipulation as an important step toward achieving that
7 goal.

8 We support the parties' ongoing commitments,
9 as reflected in this stipulation, to improving the DSM
10 advisory process in an effort to achieve the
11 acquisition of cost-effective DSM resources. And so
12 we urge the Commission approve the stipulation. Thank
13 you.

14 HEARING OFFICER: Thank you. Is there anyone
15 else who desires to contribute at this point?

16 Okay. And it's still the desire that this be
17 effective February 1st, I believe; is that correct?

18 MR. SOLANDER: That is correct. And we would
19 also move the admission of the stipulation into the
20 record as Exhibit 1 at this time.

21 HEARING OFFICER: Yeah, thank you
22 Mr. Solander. It'll be received in evidence. We'll
23 be in recess for about five minutes. Thank you.

24 (Exhibit No. 1 was received.)

25 (A recess was taken from 8:49 to 9:09 a.m.)

1 HEARING OFFICER: I have consulted with each
2 of the Commissioners and they have authorized me to
3 rule from the bench and to approve the settlement
4 stipulation so that the rate change can become
5 effective February 1st, as the parties propose.

6 And I want to just take a moment to express
7 appreciation to all of you for your participation in
8 this matter, in particular for the participation of
9 the customer advocates and those who represent
10 environmental interests.

11 And I'd like to express the Commission's
12 appreciation for the collaboration that's evident, and
13 particularly for the efforts to work on and improve
14 the DSM advisory group process so that all parties
15 feel a complete opportunity to contribute in that
16 setting.

17 So thank you very much, all of you, for your
18 contributions to the settlement reached today. And
19 we'll be off the record.

20 (The hearing was concluded at 9:10 a.m.)

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STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 18, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

SIGNED ON THIS 7th DAY OF February, 2012.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

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