

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Formal
Complaint of Ellis-Hall
Consultants against
PacifiCorp/Rocky Mountain Power

Docket No. 14-035-24

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SCHEDULING CONFERENCE HEARING PROCEEDINGS  
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TAKEN AT: Public Service Commission
Hearing Room 401
160 East 300 South
Salt Lake City, Utah

DATE: Thursday, March 13, 2014

TIME: 10:02 a.m.

REPORTED BY: Nancy A. Fullmer, RMR

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APPEARANCES

HEARING OFFICER: JORDAN WHITE

FOR DIVISION OF PUBLIC UTILITIES:

JUSTIN C. JETTER

ASSISTANT ATTORNEY GENERAL

160 East 300 South

Fifth Floor

Salt Lake City, Utah 84114

FOR OFFICE OF CONSUMER SERVICES:

BRENT COLEMAN

ASSISTANT ATTORNEY GENERAL

160 East 300 South

Fifth Floor

Salt Lake City, Utah 84114

FOR ROCKY MOUNTAIN POWER:

DANIEL E. SOLANDER

COUNSEL

201 South Main Street

Suite 2300

Salt Lake City, Utah 84111

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APPEARANCES (Cont.)

FOR ELLIS-HALL CONSULTANTS

MARY ANNE Q. WOOD

STEPHEN Q WOOD

WOOD BALMFORTH, LLC

60 East South Temple

Suite 500

Salt Lake City, Utah 84111

Also Present:

Paul Clements, Rocky Mountain Power

Scheduling Conference Hearing Proceedings

March 13, 2014

PROCEEDINGS

THE HEARING OFFICER: Okay. Why don't we go ahead and go on the record. Good morning, everyone. This is the time for the scheduling conference in the matter of the formal complaint of Ellis-Hall Consultants against PacifiCorp, slash, Rocky Mountain Power, Docket No. 14-035-24.

My name is Jordan White. And the commissioners have asked that I act as presiding officer for the scheduling conference. Why don't we go ahead and start by taking appearances. We'll start over here at the end of the table over here with Mr. .

MR. COLEMAN: Brent Coleman with the Attorney General's Office on behalf of the Office of Consumer Services.

MR. JETTER: Justin Jetter for the Utah Division of Public Utilities.

MR. SOLANDER: Daniel Solander on behalf of Rocky Mountain Power. And I have with me Paul Clements, Director of Regulations for Rocky Mountain Power.

MS. WOOD: Mary Anne Wood and Stephen Wood on behalf of Ellis-Hall.

THE HEARING OFFICER: Okay. You might want to pull the microphone over so we can hear you okay.

Okay. So we have Ellis-Hall's formal complaint that

1 was filed on March 3rd. And after the Commission has issued a
2 notice of hearing Ellis-Hall then filed a motion for expedited
3 hearing. The request is the Commission issue a decision prior
4 to the week of April 28, 2014.

5 Before we start talking about process and
6 scheduling, it would be helpful for me, at least--I don't know if
7 it's Ms. Wood or Mr. Wood, but it would be helpful to kind of get
8 a very brief timeline of the events surrounding the complaint just
9 so we can have an understanding as we go through the
10 scheduling.

11 MR. WOOD: Are you--are you asking what are the
12 deadlines that we need to--

13 THE HEARING OFFICER: Yeah. I would like to
14 understand, you know--you know, I mean, again, I have the
15 complaint, but it's, you know, when indicative pricing happened,
16 when you filed, when you were informed of the change in
17 indicative pricing, and why you need to have expedited
18 treatment, I guess.

19 MR. WOOD: Well, I think the background of what
20 happened that led up to our complaint as set forth, I mean, the
21 facts are in the complaint and we received indicative pricing in
22 March--excuse me--in May of 2013. That was the indicative
23 pricing we were given. Subsequently, as you know, we filed
24 a--or we intervened in another matter, complained of disparate
25 treatment, and then--and a varying application of Schedule 38

1 and, subsequently, when we attempted to execute PPA,
2 the--PacifiCorp took the position that our indicative pricing was
3 no longer valid under the Commission's order.

4 THE HEARING OFFICER: Stop you here for one
5 minute. When was that? When was the initial notice from
6 PacifiCorp about that that you just mentioned?

7 MR. WOOD: When did they give us notice that they
8 would no longer honor that indicative pricing? Let me just
9 confer with my client.

10 MS. WOOD: The important thing is that there had
11 been ongoing negotiations and we filed an informal complaint
12 that they've ignored.

13 THE HEARING OFFICER: I appreciate that. I'm
14 just trying to get a scope of the dates here.

15 MS. WOOD: Well, what difference does it make?
16 We've been trying to negotiate a PPA for a year.

17 THE HEARING OFFICER: I need to understand the
18 timeline here because--

19 MR. WOOD: Well, we'll have to give you exact
20 dates, but we believe it was in September of 2013,
21 approximately the time that we held the hearing in the Blue
22 Mountain and Latigo matters.

23 THE HEARING OFFICER: And when were you
24 informed of the change in indicative pricing?

25 MR. WOOD: In 2000--in September of 2000.

1 THE HEARING OFFICER: Okay. All right.

2 MR. WOOD: We'll have to--we'll have to confirm
3 those dates.

4 MR. SOLANDER: Mr. Clements has that date if the
5 Commission would like.

6 THE HEARING OFFICER: Yeah.

7 MR. CLEMENTS: Following the Commission order
8 in the cost docket for renewable projects larger than three
9 megawatts, which was in August 2013, I believe, the Company
10 provided letter notice to all parties who had received indicative
11 pricing prior to that order who were not in receipt of executed
12 power purchase agreement. And so in August of 2013 letters
13 were provided stating that the indicative pricing was no longer
14 valid.

15 THE HEARING OFFICER: Okay. That's helpful. I
16 appreciate it. That's all I needed. I'm just trying to get a basic
17 time frame here.

18 So returning to the motion for expedited hearing,
19 Ellis-Hall states the question is simply the correct application of
20 the Commission's August 16, 2013 order and docket
21 12-035-100, which states in part future requests for indicative
22 pricing for one QF. QFs under Schedule 38 will be calculated
23 using the proxy PDR method.

24 Based upon the Ellis-Hall's reading of the order,
25 they assert that because they had indicative pricing before that

1 order was issued, they are entitled to that indicative pricing. Is
2 that the correct characterization of the questions presented in
3 the complaint, Mr. Wood?

4 MR. WOOD: Yes.

5 THE HEARING OFFICER: Okay. That's helpful.
6 So if that's the question, I guess the next point is here what
7 process do we need to bring that question to a pointed position
8 before the Commission? Is this a--would the Commission need
9 to examine refined facts here? Is this simply a legal issue?
10 What are the parties thoughts on that? And why don't we go
11 ahead and start with Mr. Wood.

12 MS. WOOD: We think it's a legal issue.

13 THE HEARING OFFICER: Okay. Do any of the
14 parties dispute that, Mr. Solander or Mr. Jetter or Coleman?

15 MR. JETTER: No. We don't dispute that.

16 THE HEARING OFFICER: Okay. So if it's a legal
17 issue, it sounds like we don't need--there's not going to be
18 discovery. How about the question do we need a hearing? I
19 mean, is there something we could do by a couple rounds of
20 briefs?

21 MS. WOOD: I think it can be done solely by briefs.

22 THE HEARING OFFICER: By briefs? Okay. Well,
23 let's talk about that then. I note that you noted that you are
24 looking for a determination before April 28th. So without a
25 hearing date, why don't we just talk about, you know, whether

1 it's an initial brief and responses or how--what do the parties
2 think? Mr. Jetter.

3 MR. JETTER: I just wanted to bring up one issue.

4 THE HEARING OFFICER: Sure.

5 MR. JETTER: I think we do need some facts, which
6 are basically the chronology of dates of the communications
7 between the Company and Ellis-Hall.

8 THE HEARING OFFICER: Okay.

9 MR. JETTER: So I don't know that any of those are
10 disputed, but we would like just a chance to make sure that we
11 have a full record for our own understanding.

12 MR. COLEMAN: If I may?

13 THE HEARING OFFICER: Yes.

14 MR. COLEMAN: It's my understanding that the
15 Office has submitted some data requests along those lines just
16 to get the factual background. So if--you know, I think it would
17 be helpful for our position to have the capacity to get their
18 responses back to have a more full understanding.

19 Because of--because of the, you know, the
20 conversations that are--kind of formed the gravamen of some of
21 these issues that were held between just the Company and
22 Ellis-Hall, from our perspective and our responsibility to protect
23 some of the interests of the ratepayers, we need to have a
24 better understanding of some of those facts as we present our
25 input into the situation.

1 MS. WOOD: How are those the least bit relevant?
2 The only relevant question is what the Commission's order
3 means. That's the only issue that is relevant. We all know the
4 history of communications between the--PacifiCorp and our
5 client and that that is currently before the supreme court.

6 MR. COLEMAN: I think that they're relevant
7 inasmuch as given some of the language of Schedule 38 and
8 how those conversations went back and forth against the time of
9 Schedule 38. I think those questions are relevant.

10 THE HEARING OFFICER: Let me ask you this: Is
11 this something that, for example, I mean, the--you know, by
12 parties, I mean Rocky Mountain Power and Ellis-Hall would
13 potentially stipulate to the facts that are outlined in their
14 pleadings and their informal complaint?

15 MR. WOOD: I don't--I mean, I haven't spoken to
16 Rocky Mountain Power. But, you know, on this basic issue, I
17 don't think there would be any dispute. I mean, it would be the
18 date that we were given indicative pricing, the date that they
19 told us that, you know, applicants would then have to have the
20 new pricing, and whether the Commission's order--when it says
21 future requests, I mean, what does future requests mean? That,
22 I think, is the only issue here.

23 THE HEARING OFFICER: Okay.

24 MR. WOOD: I mean, I don't think anyone's in
25 dispute that we made a request for indicative pricing, that we

1 were given indicative pricing. Nobody's in dispute that the
2 Commission later issued an order that changed the pricing
3 methodology and we just have a difference of opinion about
4 what this one question is, what does future requests for
5 indicative pricing mean.

6 THE HEARING OFFICER: Mr. Coleman, I tend to
7 agree based upon, you know, I had asked him to reiterate this,
8 the narrow scope of their question about if there's no dispute
9 about--and, again, I kind of see the--I mean, obviously, I agree
10 that we need to have an establishment of dates in the context of
11 the order, the request, et cetera. But, you know, if you look at
12 the informal complaint, the correspondence, et cetera, I think it
13 outlines, you know, certain dates. And if the parties are willing
14 to agree to that--

15 MR. COLEMAN: Yeah. If there's an agreement
16 upon those deadlines, then we can, you know, frame some of
17 our position. Again, with respect to Schedule 38, that would be
18 helpful.

19 THE HEARING OFFICER: Do you want to go off
20 the record for a minute and just confer, you know, and maybe
21 potentially discuss? I mean, again, they're in the informal
22 complaint papers and also some of those dates are outlined in
23 the actual formal complaint.

24 MR. SOLANDER: I mean, I think those are the only
25 facts that are going to be in evidence and the scope isn't--you

1 know, is that narrowed? Then I think we're fine proceeding
2 without a hearing, the Company would be.

3 THE HEARING OFFICER: Okay.

4 MR. SOLANDER: If we could, you know, the
5 parties outside of this could put together a stipulated summary
6 of facts and submit it for the Commission, something like that.

7 THE HEARING OFFICER: Okay. I think that would
8 be fine. Again, if it's just a legal issue, I don't necessarily need
9 to--you know, there are pretty clear dates in terms of, you know,
10 original indicative pricing, order comes out, and then the letter
11 that Mr. Clements describes coming out in August--late August
12 of '13.

13 That would be helpful if you could get together and
14 file some kind of, you know, again, brief stipulated. And that
15 could be done, you know, simultaneously with or prior to the
16 briefing. But--so let's talk about briefing here. Any thoughts
17 with respect to, you know, initial briefs and then a potential
18 response?

19 MS. WOOD: I think we ought to have PacifiCorp
20 and Ellis-Hall file simultaneous opening briefs and then anybody
21 who wants to respond can respond when we're responding to
22 each other's briefs.

23 THE HEARING OFFICER: Okay. Do the parties
24 have thoughts on that?

25 MR. JETTER: Yeah. I think that's fine. I would

1 suggest that it would be open to all the parties to file at the
2 opening at the same time for an initial brief.

3 MS. WOOD: That's fine.

4 MR. JETTER: And we could probably--I think ten or
5 15 days from now is fine for the Division, but I don't know what
6 the other parties prefer.

7 THE HEARING OFFICER: So today's the 13th of
8 March. So what do we think about the 28th of March or longer
9 for initial briefs?

10 MS. WOOD: March 28th is fine.

11 MR. WOOD: I think we could do it shorter, actually.
12 I mean, the 24th?

13 THE HEARING OFFICER: You know--I mean, I
14 can't speak, but I know there's a lot of dockets going on here so
15 I'll leave it up to the folks at the Commission and the Office.
16 Can you do it the 24th or do you need longer?

17 MR. SOLANDER: We'd prefer two weeks. The 28th
18 would be fine.

19 THE HEARING OFFICER: Okay.

20 MR. COLEMAN: And I guess I would just want
21 to--and I know Your Honor has addressed this and I just want to
22 confirm because of the--
23 some of the difference in scope between what's included in the
24 informal complaint and that of the formal complaint so I can
25 better understand. You know, we're being asked to proceed

1 relatively quickly. It seems, you know, the informal complaint
2 was resolved in November and now we're asked to move on a
3 pretty quick schedule.

4 But so if I can just make sure I understand. The
5 sum and substance of the complaint, as I understand it, and I
6 guess I would again ask for confirmation, is that it's not the
7 disparate treatment that is referenced in the informal complaint,
8 but is simply the status of the indicative pricing quotation.

9 THE HEARING OFFICER: Ms. or Mr. Wood, can
10 you correct them? As they characterize it, they have a specific
11 legal question with respect to the Commission's, I guess,
12 application of the order in the context of timing and when they
13 received indicative pricing, and then they received the letter
14 from Mr. Clements pursuant to indicative pricing. Is that
15 correct, Mr. Wood?

16 MR. WOOD: Yeah. I mean, the question of the
17 disparate treatment is before the Utah Supreme Court and
18 whether or not that should have been addressed in the other
19 matter. So we don't think it would be appropriate for us to be
20 tracking an issue that's before the supreme court. So although
21 we referenced that in our informal complaint, the issue on--that
22 we're seeking a resolution of the Commission is simply the
23 correct interpretation of the court's--or excuse me--the
24 Commission's order. What does it mean when the Commission
25 said future requests for indicative pricing.

1 THE HEARING OFFICER: So just to be clear,
2 there's going to be no issue of any complaints regarding the
3 Schedule 38 with respect to PacifiCorp?

4 MR. WOOD: No. Not in this complaint, no.

5 THE HEARING OFFICER: Okay.

6 MR. COLEMAN: I just wanted to better understand
7 because I work on, you know, short-term time framing--my
8 position--

9 THE HEARING OFFICER: Understood. That's an
10 appropriate question.

11 Okay. So we have initial briefs from all parties that
12 will be due the 28th of March. Response briefs, if any?

13 MS. WOOD: Let's do it a week later.

14 MR. SOLANDER: The 11th, I think.

15 THE HEARING OFFICER: The 11th?

16 MR. SOLANDER: That would be Rocky Mountain
17 Power's preference.

18 THE HEARING OFFICER: Mr. Jetter and Mr.
19 Coleman?

20 MR. JETTER: I would like two weeks to respond.

21 MR. COLEMAN: Yeah. I think that would be
22 appropriate.

23 THE HEARING OFFICER: Okay. So I think we
24 have some consensus--well, I think we have consensus among
25 the parties, which begins with a specific legal question with

1 respect to, I guess, the Commission's application or
2 interpretation of the Commission's order. And we have initial
3 briefs from all parties that would be due Friday, March 28, 2014
4 with response briefs, if any, would be due Friday, April 11th. Is
5 that correct?

6 Okay. With that, are there any other matters of
7 housekeeping--or sorry.

8 MR. JETTER: Just we had talked about a
9 stipulated set of, like, a chronology of events. I suppose we
10 should have some sort of a date for that.

11 THE HEARING OFFICER: Okay.

12 MR. JETTER: I don't know how long that would
13 take.

14 MR. SOLANDER: Before the 24th?

15 THE HEARING OFFICER: Why don't we go ahead
16 and go off the record for a second and you guys talk about that.

17 (Discussion off the record.)

18 THE HEARING OFFICER: As I just mentioned, as I
19 left the scheduling conference before, the parties were
20 discussing potential stipulating to a few pivotal dates in the
21 context of a legal question with respect to application of the
22 Commission's order. Do the parties have a consensus on that?

23 MR. JETTER: No. At this point the Division is
24 considering withdrawing our support for the expedited schedule.

25 THE HEARING OFFICER: Okay.

1 MR. JETTER: We think that there may be some
2 facts that might be important to this. We would like the ability
3 to ask Data Request, the Company, and Ellis-Hall.

4 MR. WOOD: Your Honor, I apologize. This is
5 simply rehashing the issue that you already decided, which is
6 they're trying to broaden the scope of what we're trying to make.
7 Our question is very, very simple. It is what did the Commission
8 mean when it said future requests for indicative pricing. And
9 what they're holding up on is--the argument is we'll agree to that
10 if this order has no precedential value, which is the strangest
11 thing in the whole world.

12 THE HEARING OFFICER: Let's back up for a
13 second here, Mr. Jetter. So--

14 MR. JETTER: So--

15 THE HEARING OFFICER: Just a minute here. So
16 this is Ellis-Hall's complaint.

17 MR. JETTER: It is.

18 THE HEARING OFFICER: In their complaint and
19 what they've reiterated here today is that it's a very narrow
20 issue, a legal issue. Help me understand a little bit more about
21 why the Division is--we need to have further fact finding beyond
22 just those three or four dates.

23 MR. JETTER: Well, if the question simply applies
24 to the issue of whether the phrase in the order--what that means
25 generally, then I don't think that the specific facts of Ellis-Hall

1 are particularly important.

2 If the question is is Ellis-Hall entitled a year later to
3 the same pricing, is this pricing good forever, how does this
4 pricing apply specifically to Ellis-Hall's set of facts, then I think
5 we need the facts in the record to make that determination.
6 Because we have some concerns outside of just the specific
7 question of the indicative pricing from that order and,
8 specifically, some questions about how long it's good for, the
9 actions of the party, and, in fact, whether we support or do not
10 support the use of the specific indicative pricing.

11 MS. WOOD: Obviously, that can be decided at the
12 time our PPA comes before us for approval. But you have to
13 have an interpretation of the order. And the order shouldn't turn
14 on who the person is that's asking for the interpretation.

15 THE HEARING OFFICER: Mr. Jetter, I understand
16 where you're coming from. This is Ellis-Hall's complaint,
17 though. They can--if they want to have issues addressed with
18 respect to, you know, potential treatment by PacifiCorp in the
19 context of Schedule 38, that's their option.

20 MR. JETTER: It is their option, but I don't think
21 they have a right necessarily to go ahead on an expedited
22 schedule if they want to do that without any facts in the record.

23 THE HEARING OFFICER: But I guess what I'm
24 saying in terms of the facts, if that's their question, I'm not sure
25 I see relevant facts beyond, again, indicative pricing pre, you

1 know, August 16, 2013 order and indicative pricing post. I
2 don't--if they want to expand that, I agree that if it's going to
3 turn into an issue of basically a complaint against Rocky
4 Mountain Power with respect to Schedule 38, that will require
5 additional time, fact finding, and a hearing.

6 MR. SOLANDER: And the Company is fine with the
7 schedule that was discussed before the recess provided that the
8 scope is broadened during brief and discovery becomes--I
9 mean, if it is limited to that legal question, the Company is fine
10 with the schedule we discussed.

11 MR. WOOD: Your Honor, we reiterated it several
12 times. Our scope is simply what did the Commission mean
13 when it said future requests for indicative pricing. And there's
14 only three dates that are going to matter. The date we were
15 given indicative pricing, the date of the order, and the date they
16 sent out notice that those requests--that that--

17 THE HEARING OFFICER: But I just want to be
18 clear, though. And this kind of goes back to your complaint.
19 It's not necessarily what does the question mean, whether--in
20 the context of that language, whether or not Ellis-Hall is entitled
21 to the pre August order indicative pricing. Is that not correct?

22 MR. WOOD: Well, did PacifiCorp err in the
23 interpretation of the Commission's order? Obviously. But that
24 doesn't mean that we are asserting that our indicative pricing as
25 the Division is expressly concerned is good forever. We're not

1 making that request. That's not before the Commission right
2 now. Ours is simply--we read the Commission's order as saying
3 a future request. We believe our request was not a future
4 request, but a prior request for indicative pricing. It's not that
5 complicated.

6 THE HEARING OFFICER: Okay. It's not a
7 question to Ellis-Hall of whether or not they're entitled to it
8 forever. He's just asking about the interpretation of whether
9 they're entitled to it based upon an order. I don't know if I see,
10 you know, additional fact finding beyond those dates unless,
11 again, if Ellis-Hall wants to expand the narrow scope of their
12 complaint to a complaint within the context of Schedule 38.

13 MR. COLEMAN: From my perspective, I've
14 reviewed the informal complaint and the formal complaint, which
15 I believe, you know, the three--
16 the three dates that have been referenced, I can find one that's
17 missing. And so I--if I can get that one date, which apparently,
18 from my understanding, is the date of the letter post phase two
19 order from Rocky Mountain Power to all indicative pricing
20 holders, if I can get the date of that, I think I can proceed for my
21 client.

22 THE HEARING OFFICER: Is it August 27, 2013?
23 That's the date I saw in just a quick review.

24 MR. WOOD: We'll have to confirm with our letter,
25 but that sounds right.

1 THE HEARING OFFICER: Okay. So, again, if you
2 want to confirm or whatever, then file something jointly or
3 stipulated, et cetera, yeah, I agree--I mean, again, based upon
4 this very specific narrow issue with outlines and reiterated
5 numerous times today, I don't see necessary fact finding beyond
6 those issues. Again, this is Ellis-Hall's complaint.

7 MR. JETTER: Okay.

8 THE HEARING OFFICER: Okay. So what are the
9 parties' plans for stipulating or introducing those stipulated
10 timing facts?

11 MR. WOOD: I think that we can just--I mean, we
12 have the other two dates already in our formal complaint and
13 informal complaint. We'll get the third date confirmed. And
14 we'll each put Rocky Mountain Power and we will just put that
15 date--
16 plug that date into our brief. I don't think our brief is going to
17 be very long.

18 THE HEARING OFFICER: We have no opposition
19 to that.

20 MR. COLEMAN: If I can get that date before the
21 brief so I can maybe include it in some of my--

22 MS. WOOD: We should be able to get it to you
23 today.

24 MR. COLEMAN: Okay. That would be great. Thank
25 you.

1 MS. WOOD: Unless Rocky Mountain Power and we
2 have different letters. It's going to be within two or three days,
3 the date of their letter and also the date of our receipt.

4 MR. CLEMENTS: Yeah. I mean, we can provide
5 the letters that were actually provided for indicative pricing and
6 then the letter that was provided post order in 2013 if that would
7 be helpful from a fact finding standpoint. We can provide those
8 letters to all parties.

9 MR. COLEMAN: Yeah, that would be great.

10 THE HEARING OFFICER: Okay.

11 MR. COLEMAN: Before--just one other
12 housekeeping matter.

13 THE HEARING OFFICER: Sure.

14 MR. COLEMAN: Before this discussion, there were
15 a couple of data requests that were issued, so do we need to
16 address whether or not there are responsibilities around those
17 or do you want--I mean--

18 THE HEARING OFFICER: You know, here's what I
19 guess I would say. As you know, the Commission doesn't view
20 data request responses unless there are ultimate issues in
21 evidence. If whoever you issued them to doesn't believe they're
22 in the scope and they want to object to it, I guess I would say
23 that ultimately it's not going to come into evidence. And so I
24 would say it's probably moot from that respect. I'm not really--I
25 don't really have the specifics of what they are to make a ruling

1 on it, but if there's a dispute about that and we need to come
2 back in here and talk about it, we can do that.

3 MR. SOLANDER: I think we can handle that
4 amongst ourselves.

5 MR. CLEMENTS: Yeah. I mean, we would rather
6 reach an agreement to not respond to those requests only
7 because we're not doing discovery in this docket. So if we're
8 not doing discovery, then we shouldn't be obligated to respond
9 to those. However, if the statement of facts and the letters we
10 provide is not sufficient, we would discuss individually with you
11 any other information you may need.

12 THE HEARING OFFICER: Does that sound fair?

13 MR. JETTER: Yeah. I think that's fine. We have
14 authority to ask data request without a docket. I don't think that
15 information's relevant given the narrow scope, so--

16 THE HEARING OFFICER: So now we have a
17 briefing schedule that, you know, is expedited, et cetera. What
18 I'm saying is you mentioned in your request for expedited
19 hearing that you're looking for a--could you help me understand
20 the date because I'm hoping we can accommodate that.

21 MR. WOOD: Yeah. The dates necessary. There's
22 a couple of things. One is the parties have negotiated a
23 PPA--parties have negotiated the LGA that is waiting for this
24 determination. And the dates under that require completion by,
25 I believe it's December 2015. That completion date is also

1 required under the tax credits. So in order to get the project
2 done by that date, we need a decision by the 1st of May.

3 THE HEARING OFFICER: Okay. All right. That's
4 helpful. Any other matters of housekeeping?

5 MR. CLEMENTS: I would just note the Company
6 may disagree with some of those representations, but we're not
7 opposed to the expedited schedule for the record.

8 THE HEARING OFFICER: Okay. That makes
9 sense. Anything else? I appreciate everyone meeting on such
10 a short notice. And with that, we're adjourned. Thank you.

11 (Hearing concluded at 10:45 a.m.)

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CERTIFICATE

This is to certify that the foregoing proceedings were taken before me, NANCY A. FULLMER, a Registered Merit Reporter and Notary Public in and for the State of Utah;

That the proceeding was 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 testimony so taken and transcribed is set forth in the foregoing pages;

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.

Nancy Fullmer, RMR