

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the Application  
of Rocky Mountain Power to  
Decrease the Deferred EBA Rate            Docket No. 15-035-03  
through the Energy Balancing  
Account Mechanism

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HEARING PROCEEDINGS  
PRESIDING OFFICER THAD LAVAR  
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TAKEN AT:            Public Service Commission  
                      Hearing Room 403  
                      160 East 300 South  
                      Salt Lake City, Utah

DATE:                Wednesday, October 1, 2015

TIME:                9:00 a.m.

REPORTED BY:        Clark L. Edwards, Utah CSR #109221-7801

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100

1	I N D E X	Page 3
2	WITNESSES AND EXAMINATIONS	Page
3	BRIAN DICKMAN	
4	DIRECT BY MS. HOGLE	7
5		
6	MATTHEW CROFT	
7	DIRECT BY MR. JETTER	12
8		
9	DANNY MARTINEZ	
10	DIRECT BY MR. OLSEN	15
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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

2 CHAIRMAN LAVAR: Good morning. We're on the  
3 record. We're here in the matter of Docket Number  
4 15-035-03 in the Matter of the Application of Rocky  
5 Mountain Power to Decrease the Deferred EBA Rate  
6 in the Energy Balancing Account Mechanism.

7 And we're here today to consider the  
8 stipulation that was filed on September 29th.  
9 We'll start with appearances.

10 So, first for Rocky Mountain Power?

11 MS. HOGLE: Good morning. Yvonne Hogle on  
12 behalf of Rocky Mountain Power. And with me here today  
13 is Mr. Brian Dickman, director of net power costs who  
14 will be supporting the settlement stipulation.

15 CHAIRMAN LAVAR: Thank you.

16 From the Division?

17 MR. JETTER: And I am Justin Jetter  
18 representing the Utah Division of Public Utilities.  
19 And with me at counsel table is Matthew Croft with the  
20 Division.

21 CHAIRMAN LAVAR: Thank you.

22 For the Office?

23 MR. JETTER: I'm Rex Olsen representing the  
24 Office of Consumer Services. And with me today is  
25 Danny Martinez from the Office.

1 CHAIRMAN LAVAR: Okay. Thank you.

2 Mr. Evans?

3 MR. EVANS: I'm William Evans for the Utah  
4 Industrial Energy Consumers, and we've not sponsored a  
5 witness in this proceeding but we have signed on to the  
6 stipulation. So, I'm here to support that this morning.

7 CHAIRMAN LAVAR: Okay. Thank you.

8 Any other preliminary matters? Ms. Hogle?

9 MS. HOGLE: Yes. Thank you, Your Honor.

10 Would it make sense for us to -- for me to move  
11 the admission of all prefiled testimony and response  
12 testimony with the exception of Mr. Brian Dickman's  
13 whom I will call as a witness?

14 CHAIRMAN LAVAR: I'm happy to ask all the other  
15 parties if they think that makes, too.

16 Are you making that motion?

17 MS. HOGLE: I am. Thank you.

18 CHAIRMAN LAVAR: Okay. Thanks.

19 Any concerns with the motion?

20 MR. JETTER: From the Division, we think that  
21 that would be an efficient way to do it.

22 CHAIRMAN LAVAR: Okay.

23 MR. JETTER: We have no objection to that.

24 MR. EVANS: We have no objection but would ask  
25 also that you include the comments filed by the Utah

1 Industrial Energy Consumers. We did not specifically  
2 file testimony.

3 CHAIRMAN LAVAR: Okay. Any objection  
4 to that addition or clarification?

5 MR. OLSEN: No.

6 MR. JETTER: No.

7 MR. EVANS: No.

8 CHAIRMAN LAVAR: Okay. All of the testimony  
9 and comments will be entered into evidence. Thank you.  
10 Any other preliminary matters?

11 MS. HOGLE: That's all. Thank you, Your Honor.

12 CHAIRMAN LAVAR: Let me just ask the parties,  
13 is there any desire to ask cross-examination questions  
14 of the parties from anyone?

15 MR. OLSEN: We will have none.

16 MR. JETTER: None from the Division.

17 CHAIRMAN LAVAR: Okay.

18 MR. EVANS: We don't expect to have any.

19 CHAIRMAN LAVAR: Okay. Well, why don't we just  
20 present all witnesses and then we'll make possibly some  
21 questions from the three us, but we'll go through all the  
22 witnesses first before we do that.

23 So, we'll start with Rocky Mountain Power.

24 MS. HOGLE: Thank you. The Company calls  
25 Mr. Brian Dickman.

1 CHAIRMAN LAVAR: Thank you. Oh, and you can  
2 feel free to stay at your seat there if you like.

3 Do you swear to tell the truth, Mr. Dickman?

4 MR. DICKMAN: Yes.

5 CHAIRMAN LAVAR: Thank you.

6 BRIAN S. DICKMAN,  
7 having first been duly sworn, was  
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. HOGLE:

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

13 A. Yes. My name is Brian Dickman. I'm employed  
14 by the Company as the director of net power costs and  
15 load forecasting. And my business address is 825  
16 Northeast Multnomah Street, Suite 600, Portland, Oregon  
17 97232.

18 Q. Mr. Dickman, your prefiled testimony was just  
19 admitted into the record. And I just want to make sure  
20 that you don't have any changes to that that you would  
21 like to make here today.

22 A. No, I do not.

23 Q. And what is the purpose of your testimony  
24 today?

25 A. Today I would like to briefly review the

1 history of events leading up to the stipulation and the  
2 key elements of the stipulation entered into by four  
3 signing parties including Rocky Mountain Power, the Utah  
4 Division of Public Utilities, the Utah Office of Consumer  
5 Services, and the Utah Industrial Energy Consumers.

6 I'm also here to testify in support of the  
7 stipulation and recommend its approval to the Commission.

8 **Q. Please proceed with the history that led to the**  
9 **stipulation.**

10 A. Thanks. On March 16th, 2015, Rocky Mountain  
11 Power filed to recover 30.9 million dollars in deferred  
12 EBA costs comprised of 30.5 million in deferred costs  
13 for calendar year 2014 plus approximately \$400,000  
14 representing an estimate of residual balances from  
15 deferrals from prior EBA dockets.

16 On July 15th, 2015, the Division filed its EBA  
17 audit report and -- supporting the direct testimony and  
18 on July 30th the Division also filed supplemental direct  
19 testimony. On August 18th the Office filed its direct  
20 testimony and UIEC filed its comments.

21 Rocky Mountain Power also filed testimony in  
22 response to the Division's audit report.

23 In addition to the filing requirement responses  
24 included with our application, the Company filed  
25 testimony from three witnesses, responded to over



1 250 data requests, some with multiple subparts as the  
2 intervening parties prepared their responses to the  
3 Company's case.

4 In addition, the Company, the Division,  
5 and their consultants held numerous conference calls  
6 to discuss data requests, company operations, and various  
7 transactions during the deferral period.

8 The conference calls were very effective and  
9 improved the communication channels between the Company  
10 and the Division as they investigated the EBA costs  
11 included in our request.

12 Prior to entering into settlement discussions,  
13 a substantial amount of evidence and discovery in this  
14 case was filed, reviewed, and analyzed.

15 The parties held settlement discussions on  
16 September 10th, 2015, and based on those discussions,  
17 the parties agreed to the terms and conditions set forth  
18 in the stipulation which was filed with the Commission  
19 September 30th. While not all intervening parties signed  
20 the stipulation, no party opposes the stipulation.

21 **Q. Please describe the key terms of the**  
22 **stipulation.**

23 A. I assume that the Commission has read the  
24 stipulation, so I'll try to describe it in brief terms.  
25 And in doing so, I do not intend to modify any of the

1 terms of the stipulation. So, if I misspeak, the  
2 language of the stipulation, not my words, is the binding  
3 agreement. The parties agreed to the following.

4 The parties agreed that the Company's request  
5 to recover 30.4 million dollars in deferred EBA costs for  
6 2014 would be reduced by an unspecified adjustment of  
7 \$500,000 resolving all of the issues raised in the case.

8 The parties also acknowledge that the Company  
9 will continue to collect the residual balances for the  
10 prior years' EBA dockets which is currently estimated  
11 to be approximately \$500,000.

12 The parties agreed that the Company will make  
13 a compliance filing by October 20th, 2015 to provide the  
14 final amount that will be reflected in rates beginning  
15 November 1st, 2015, after accounting for the \$500,000  
16 adjustment and the final residual balance from the past  
17 EBA dockets.

18 The parties agreed to the spread and rate  
19 design described in the direct testimony of Ms. Joelle  
20 Steward filed with the Company's application.

21 So, compared to currently effective rates,  
22 the stipulation results in an overall decrease for  
23 customers of approximately 0.7 percent.

24 The parties agreed that the stipulation does  
25 not resolve any specific issues in a precedential manner

1 except items expressly called out in the stipulation.

2 The parties agreed that with respect to the  
3 Company's participation in the energy imbalance market  
4 with the California Independent System Operator, that the  
5 stipulation does not resolve the types of expenses or  
6 revenues that should be included in net power costs  
7 or the EBA or the prudence of EIM costs.

8 The remaining paragraphs of the stipulation  
9 contain general terms which are associated with most  
10 stipulations. As with most stipulations, this agreement  
11 was reached through negotiation and compromise.

12 **Q. Mr. Dickman, do you have any final comments**  
13 **that you would like to make?**

14 A. Yes. I wish to thank the parties involved  
15 in the case for working together to reach this agreement,  
16 an agreement that works for all parties.

17 The Company appreciates the thorough review  
18 including an audit report from the Division that  
19 acknowledged the considerable effort made by the Company  
20 and the division and their auditors that resulted in a  
21 transparent and collaborative review process.

22 The Company appreciates the positive working  
23 relationship with all the parties that resulted in an  
24 efficient resolution of the issues raised in this case.

25 I restate the Company's support for the

1 stipulation and I believe it is in the public interest.  
2 I recommend that the Commission approve the stipulation  
3 as filed. Thank you.

4 MS. HOGLE: Thank you.

5 CHAIRMAN LAVAR: Nothing else from you?

6 MS. HOGLE: Nothing else.

7 CHAIRMAN LAVAR: Thank you. Mr. Jetter?

8 MR. JETTER: The Division would like to call  
9 its witness Matthew Croft and have him sworn in.

10 CHAIRMAN LAVAR: Mr. Croft, do you swear to  
11 tell the truth?

12 MR. CROFT: Yes.

13 CHAIRMAN LAVAR: Go ahead.

14 MATTHEW CROFT,  
15 having first been duly sworn, was  
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. JETTER:

19 Q. Thank you. Would you please state your name,  
20 occupation, and place of business address for the record?

21 A. Yes. My name is Matthew Croft. I'm a utility  
22 technical consultant for the Division of Public  
23 Utilities. My business address is 160 East 300 South,  
24 Salt Lake City, Utah 84111.

25 Q. Thank you. Did you prepare a brief statement

1 **that you would like to read into the record today?**

2 A. Yes, I have.

3 **Q. Please go ahead.**

4 A. Good morning, commissioners, and thank you for  
5 the opportunity to express the Division's full support of  
6 the stipulation signed by the parties in this docket.

7 The Division believes the stipulation,  
8 including the agreed-upon recovery of 30.0 million  
9 dollars, as well as the recovery of the additional 0.5  
10 million dollar estimate of residual EBA balances is just  
11 and reasonable and in the public interest.

12 Mr. Dickman has already discussed the history  
13 and the details of the stipulation, and so I would like  
14 to just make a few comments about the agreed-upon number  
15 and the improvements that the Company has made in the EBA  
16 audit process.

17 Although the component or components making up  
18 the \$500,000 adjustment are unspecified, the Division's  
19 testimony in this case raised several issues with regards  
20 to plant outages. These issues led to approximately  
21 \$390,000 in proposed adjustments to Utah's EBA referral  
22 balance. While the specifics of the outage adjustments  
23 are not discussed in the stipulation, the Division  
24 believes that the overall agreed-upon adjustment of  
25 \$500,000 is appropriate and in the public interest.

1           In the previous EBA audit, the Division raised  
2 several issues with regards to the EBA audit process,  
3 particularly as it related to data request responses,  
4 additional trading reports previously unknown to the  
5 Division, and other issues.

6           As a result, the Company made several  
7 commitments to improve the audit process. The Division  
8 believes the Company has met and is continuing to meet  
9 those agreed-upon commitments and believes the audit  
10 process for the current EBA docket was significantly  
11 improved.

12           During the current EBA audit, there were many  
13 telephone conferences with the Company as has already  
14 been mentioned. These phone conferences have been very  
15 valuable to the Division and to its consultant in  
16 understanding the trading practices and the daily  
17 operations of the Company. We appreciate the Company's  
18 willingness to hold these conference calls.

19           In conclusion, the Division is in full support  
20 of the Company recovering the stipulated 30.0  
21 million-dollar EBA deferral balance for calendar year  
22 2014 as well as the estimated 0.5 million-dollar recovery  
23 for previously deferred EBA balances.

24           In doing so, the Division recognizes that this  
25 estimate will be updated when the Company makes a

1 compliance filing no later than October 20th, 2015.

2 The Division supports the rate spread indicated  
3 in the stipulation and recommends that these new rates  
4 be established November 1st, 2015.

5 That concludes my summary.

6 MR. JETTER: Thank you. I have no further  
7 questions.

8 CHAIRMAN LAVAR: Okay. Thank you.

9 Mr. Olsen?

10 MR. JETTER: Thank you, Mr. Chairman.

11 The Office would like to call Danny Martinez and ask  
12 that he be sworn.

13 CHAIRMAN LAVAR: Mr. Martinez, do you swear to  
14 tell the truth?

15 MR. MARTINEZ: Yes.

16 CHAIRMAN LAVAR: Thank you.

17 DANNY MARTINEZ,

18 having first been duly sworn, was  
19 examined and testified as follows:

20 DIRECT EXAMINATION:

21 BY MR. OLSEN:

22 **Q. Mr. Martinez, would you for the record state**  
23 **your name and position and where you work?**

24 A. Sure. My name is Danny Martinez. I work for  
25 the Office of Consumer Services as a utility analyst.

1 My business address is 160 East 300 South, Salt Lake  
2 City, Utah 84111.

3 **Q. And did you participate in the review of this**  
4 **docket?**

5 A. Yes.

6 **Q. Do you have a statement you would like to give**  
7 **to the Commission?**

8 A. I do.

9 **Q. Please proceed.**

10 A. Thank you. Good morning, commissioners.

11 The Office participated fully in this docket  
12 with two witnesses, myself and Mr. Phil Hayet of Kennedy  
13 & Associates. In its investigation, the Office reviewed  
14 the Company's application, the Division's audit report,  
15 and all supporting information and additional testimony.  
16 We also submitted data requests and reviewed the  
17 responses of all data requests filed by all parties.

18 Finally, the Office participated in the  
19 negotiations which resulted in the settlement stipulation  
20 being discussed today.

21 Based on our review and analysis, the Office  
22 concludes that the stipulation proposed today results in  
23 just and reasonable rates and is in the public interest.

24 **Q. Do you have anything further?**

25 A. No.



1 MR. OLSEN: We would submit that. Thank you.

2 CHAIRMAN LAVAR: Okay. Thank you.

3 Mr. Evans, do you have anything beyond your  
4 statement you made before?

5 MR. EVANS: We have filed comments I think that  
6 set out our position. It was exclusively related to the  
7 treatment of energy imbalance, market revenues and  
8 expenses which we think have been fairly treated in the  
9 stipulation.

10 To be clear, even though there are EIM-related  
11 revenues and expenses during the last two months of 2014,  
12 the stipulation I believe is -- and the parties can  
13 correct if they have a different view -- is intended to  
14 preserve the rights of any party to thoroughly vet EIM  
15 revenues and expenses whether they should be included  
16 in net power costs and whether they are prudent in  
17 future proceedings.

18 In the 2014 general rate case, the Commission  
19 issued an order about the treatment of those costs and  
20 said that they would be recoverable after a look in the  
21 next ERC. We expect that they will be fully vetted at  
22 that time. And so, for that reason, we were able to  
23 sign on and support the stipulation.

24 We believe that with that consideration,  
25 it results in just and reasonable rates and should be

1 accepted. Thank you.

2 CHAIRMAN LAVAR: Commissioner Clark,  
3 do you have any questions for anyone?

4 COMMISSIONER CLARK: I have a couple of  
5 questions. The first relates to a couple of numbers in  
6 paragraph three that I just want to understand a little  
7 better. Regarding the residual balances that are going  
8 to be recovered, residual balances from EBA deferral  
9 amounts, on about the third line from the bottom of  
10 paragraph three that's referred to, .5 million, and then  
11 the value seems to be 400,000 earlier in the paragraph,  
12 are those the same values and is one a typographical  
13 error or --

14 Can one of the witnesses reconcile that for me?

15 MR. DICKMAN: Sure. I can address that,  
16 commissioner. At the time that we filed our application  
17 in March, the sum total of our request was 30.9 million  
18 dollars. 30.5 million for the 2014 costs and \$400,000 of  
19 residual balance. The residual balance is the costs that  
20 were previously approved that we had been collecting and  
21 it will continue to be collected through October.  
22 So, that was an estimate.

23 COMMISSIONER CLARK: So, the value changed  
24 between application and --

25 MR. DICKMAN: That's right.

1 COMMISSIONER CLARK: -- the stipulation?

2 MR. DICKMAN: So, at the time of the  
3 stipulation, we updated it and it was about 500,000.

4 COMMISSIONER CLARK: Thank you. That's  
5 helpful. And then, just some questions regarding the  
6 mechanics of the compliance filing that's referred to in  
7 paragraph four that you intend to make on October 20th,  
8 2015. Is that filing going to be made by the applicant  
9 or is it a joint filing of the stipulating parties?

10 Have you talked about that at all?

11 And the direction of my questions is just to --  
12 we don't have tariffs filed with the stipulation.  
13 We want to -- I'd like to assure that there's going to be  
14 a process that will be adequate so that all the parties  
15 are comfortable with what's filed as in conformance with  
16 the stipulation and that that can all be accomplished by  
17 November 1st. So, that's basically the bottom line of my  
18 questions about this paragraph.

19 MR. DICKMAN: Commissioner, I would anticipate  
20 that it would be filings made by the Company. And we  
21 have not discussed that specifically with the other  
22 parties, but I believe that that is what we would  
23 envision, and we certainly are open to whatever process  
24 is needed to ensure that the others can review that  
25 filing.

1 CHAIRMAN LAVAR: Mr. Jetter?

2 MR. JETTER: And I think that reflects our  
3 understanding of what we anticipated happening would be  
4 the Company filing, the compliance filing, and at least  
5 the Division would review it on a fairly expedited  
6 schedule to make a review to ensure that is what we  
7 expect it to be and the numbers are calculated  
8 accurately.

9 COMMISSIONER CLARK: And if the filing's made  
10 on October 20th, the Division will have time to do that?

11 MR. JETTER: Yes.

12 COMMISSIONER CLARK: And would the scope of the  
13 filing include work papers, billing-determinant exhibits,  
14 those kinds of things so that the Division would have  
15 everything necessary to make an appropriate review?

16 MR. DICKMAN: Yes. Certainly.

17 CHAIRMAN LAVAR: Okay. Anything from the  
18 Office on this subject?

19 MR. OLSEN: We would similarly request to have  
20 an opportunity to review it.

21 COMMISSIONER CLARK: Thanks. That concludes  
22 my questions.

23 CHAIRMAN LAVAR: Thank you.

24 Commissioner White?

25 COMMISSIONER WHITE: Yeah. Just a couple of

1 questions that are really follow-up questions for  
2 Mr. Dickman just related to the EIM, related provisions  
3 of the stipulation, the original fact, the revision to  
4 Schedule 94 includes sub-accounts related to the EIM.

5 I mean, understanding we don't have the  
6 revisions that reflect the stipulation now, will the  
7 Division's file by October 20th, I'm assuming that those  
8 will not include the sub-accounts that were listed in the  
9 revisions that were originally filed?

10 MR. DICKMAN: That's a good question. We can  
11 make that -- we can do it that way. I think we can do it  
12 either way. Again, since the \$500,000 is an unspecified  
13 adjustment, the makeup of the net power costs does still  
14 include those EIM costs. There's a number of those  
15 accounts. The specific EIM amount that was questioned  
16 by the Office in their testimony is one of many.

17 There's one small bit of those costs that was  
18 characterized as potentially being operations and  
19 maintenance expense which was -- I recall that in the  
20 general rate case stipulation.

21 But I also recognize that the stipulation does  
22 state and we agree that in future EBAs, it is -- we are  
23 not determining the proper treatment of those EIM --  
24 any of the EIM costs and benefits in future EBAs.

25 So, I guess I could go either way. Yes,

1 we could submit a tariff schedule that does not have  
2 those as pending further review in the future.

3 COMMISSIONER WHITE: And again -- and I  
4 certainly don't want to delve into the, you know, the  
5 confidential puts and takes of the settlement.

6 But I guess -- I guess I'm just trying to  
7 understand, again, harkening back to Mr. Evans'  
8 questions, the first time for any type of prudence review  
9 for any type of EIM-related -- so, that would be,  
10 I'm assuming, the next rate case.

11 I guess I'm just trying to figure out, are we  
12 approving -- if we -- for the settlement will there be  
13 EIM-related costs that are included?

14 MR. DICKMAN: Sorry. Can you just repeat your  
15 last question?

16 COMMISSIONER WHITE: Yeah. I guess I -- the  
17 simple question is, and again, I don't mean to -- are we  
18 going to be approving, if we approve the stipulation,  
19 any EIM-related expenses, costs, et cetera, or is it all  
20 going to be ultimate prudence review will be -- occur  
21 in the next rate case?

22 MR. OLSEN: Could we go off the record for just  
23 a moment?

24 CHAIRMAN LAVAR: Yes. We'll take a brief  
25 recess.

1 (Recess taken 9:22 a.m. to 9:25 a.m.)

2 CHAIRMAN LAVAR: Okay. We're back on the  
3 record.

4 MR. DICKMAN: Commissioners, thank you for  
5 letting us conference. After discussing with the other  
6 parties, I believe the Division characterized the  
7 treatment of the EIM costs and revenues well in their  
8 audit report when they said they reviewed the costs.

9 And there's some expenses and revenues that are  
10 flowing through EIM EBA accounts. They reviewed them but  
11 did not take a position on whether they were prudent or  
12 appropriately included, and they would review them in  
13 future filings.

14 That's the nature of the agreement now, that  
15 the stipulation does not determine the prudence of any  
16 of these EIM expenses or revenues, but we all recognize  
17 that they are flowing through the EBA, the mechanics of  
18 the EBA today.

19 So, I would recommend that the tariff include  
20 those accounts, all of the EIM accounts but that it would  
21 be recognized that by them being in the tariff, it does  
22 not assume that in future filings that they are prudent  
23 or that that's the appropriate way to handle them.

24 COMMISSIONER WHITE: So, they're flooring right  
25 now, but I guess that ultimately those could be reviewed

1 and subject to adjustment theoretically in a rate case;  
2 is that correct?

3 MR. DICKMAN: Yes.

4 COMMISSIONER WHITE: And so, those would just  
5 be, I guess, assuming that would occur and the adjustment  
6 made in the EBA, in the next EBA, or would it happen in  
7 the rate case? I guess I'm just trying to figure out,  
8 the review would occur in the rate case but a potential,  
9 an adjustment, if there was one, would be in the rate  
10 case or would it be in the next EBA?

11 MR. EVANS: Adjustments to the kinds of  
12 accounts that are --

13 COMMISSIONER WHITE: No. Just the actual --  
14 yeah. So, I understand, I understand that the new  
15 filing, the revised filing will include the sub-accounts  
16 but what I'm saying is that --

17 MR. DICKMAN: So, my understanding is that the  
18 dollars that were incurred in 2014 would not be subject  
19 to adjustment later on. That's been resolved here but  
20 without any determination of whether EIM is prudent  
21 or without any determination of where -- which specific  
22 accounts should be used in the future.

23 So, during 2014, there was some dollar amounts  
24 booked and those would now flow through the EBA subject  
25 to this settlement agreement but without any



1 determination of prudence or future treatment in future  
2 filings. So, in the general rate case, there would be a  
3 determination of whether EIM, participation in the EIM  
4 is prudent and whether costs incurred going forward are  
5 prudent and at that time it could be determined what  
6 to do with costs in 2015, in the 2015 EBA.

7 COMMISSIONER WHITE: That's helpful.

8 Thank you.

9 MR. EVANS: May I comment? That is just about  
10 how I understand it, but let me make sure that we know  
11 what we're doing.

12 The amount of the EBA deferral from 2014 to be  
13 amortized will include some EIM-related dollars. Those  
14 are not subject to adjustment except to the extent that  
15 there might be an adjustment made as a result of pricing  
16 anomalies during the last two months of the year.

17 That still has to be determined and my  
18 understanding is we have left that open so that those  
19 adjustments can be made; is that correct?

20 MR. DICKMAN: I agree with that. And maybe  
21 just to be even clearer, there were some costs billed  
22 to the Company during the EBA period, so, in November and  
23 December some costs were billed to the company that have  
24 subsequently been refunded. And so, those costs were  
25 flowing through the EBA in 2014. The refund will flow

1 through the EBA in the 2015. So, I agree.

2 MR. EVANS: As to, there are, then, in addition  
3 to that, at least two things that need to be determined  
4 in the next rate case. One is the prudence of  
5 EIM-related costs that should be recovered.

6 Two is whether they should be recovered through  
7 the EBA. And even though there will be sub-accounts --  
8 correct me if I'm wrong, Mr. Dickman.

9 Even though there might be sub-accounts listed  
10 in the compliance filing in this EBA that are related to  
11 the EIM, that does not establish a precedent that those  
12 kinds of costs should properly be flowed through the EBA.

13 So, we reserve not only the prudence of the  
14 costs but the kinds of costs in the accounts that should  
15 be included in the EBA for the next rate case and EBA  
16 deferral. Have I said that correctly?

17 MR. DICKMAN: I would agree. Yeah. That was  
18 well said.

19 COMMISSIONER WHITE: I have no further  
20 questions on that issue.

21 CHAIRMAN LAVAR: I just have one brief  
22 follow-up to Commissioner Clark's questions on the timing  
23 after the October 20th filing.

24 I guess, kind of making this into a scheduling  
25 conference, is there any objection, then, if, when that

1 filing comes in, the Commission issues a Notice of  
2 Comment for five calendar days with no replies?  
3 Does that sound reasonable to everyone in the room?

4 MR. OLSEN: That's acceptable to us,  
5 Your Honor. That's acceptable to the Office.

6 MR. JETTER: The Division also believes we can  
7 turn that around in five days. So, we're happy with  
8 that.

9 CHAIRMAN LAVAR: Okay. Thank you.

10 MR. EVANS: I'm sorry, Mr. Chairman.  
11 Did you say that there would be no opportunity  
12 for reply to the five-day report?

13 CHAIRMAN LAVAR: Well, where we have about ten  
14 calendar days between October 20th and November 1st,  
15 I didn't see that as being likely, but do you have a  
16 comment to that issue, though?

17 MR. EVANS: Well, I hate to forfeit the  
18 opportunity to reply to something that we haven't seen  
19 yet. So, I'm just wondering if there's a way to keep  
20 that open in case it's necessary to comment on the  
21 Division's review of the compliance filing. But usually  
22 we don't. I'm just a little concerned.

23 MS. HOGLE: Your Honor, the reason why the  
24 Company proposed October 20th as a compliance filing was  
25 to give parties sufficient time between now and then for

1 them to take that time to review it so that once we file  
2 it on October 20th, nobody will have any issues with it.

3 And so, that was the Company's thinking when we  
4 proposed October 20th.

5 MR. EVANS: So, is the Company making a  
6 commitment to circulate that prior to October 20th?

7 MS. HOGLE: Yes.

8 MR. EVANS: If you give us a date, then I think  
9 we could resolve this.

10 MS. HOGLE: Just a moment.

11 CHAIRMAN LAVAR: Go off the record briefly.

12 (Discussion off the record)

13 CHAIRMAN LAVAR: Okay. We're back on the  
14 record.

15 MS. HOGLE: The Company will submit our  
16 commitment filing to the parties on or before  
17 October 14th and be ready to file it by the 20th.

18 CHAIRMAN LAVAR: Okay. So, that will be  
19 a joint filing, then, on the 20th or can we expect  
20 concurrent filings from all parties given their  
21 position on it?

22 MS. HOGLE: If Your Honors would like,  
23 I could, when we file it, I could include in the cover  
24 letter that the Company has the authority to represent  
25 that the parties find it acceptable.

1 CHAIRMAN LAVAR: Okay.

2 Is that a common agreement on that path?

3 MR. EVANS: Or at least they don't have an  
4 objection to it.

5 MS. HOGLE: Yes.

6 MR. JETTER: At least with respect to the  
7 Division, we can review it in that time, but I can't  
8 commit today that we'll agree with the Company.

9 And so, in the case that we have a  
10 disagreement, we'll file something from the Division  
11 that reflects our I guess opinion on the filing.

12 CHAIRMAN LAVAR: Okay. Well, I think we've  
13 clarified as much as possible then at this point.

14 Anything further from any of you?

15 From anyone else? Ms. Hogle?

16 MS. HOGLE: Yes, Your Honor. Thank you.  
17 I realize that we have to make a compliance filing here  
18 still, but I believe that that's typical in these kinds  
19 of filings that the Company makes where there is a  
20 settlement and given that there's no opposition to the  
21 settlement, the Company respectfully requests a bench  
22 order from the Commission today.

23 Thank you.

24 CHAIRMAN LAVAR: Thank you.

25 Mr. Jetter, any position on that motion?

1 MR. JETTER: We have no objection to a bench  
2 order today. We still support the stipulation. And I  
3 suppose a bench order would make things a little bit  
4 clearer going forward towards that compliance filing.

5 CHAIRMAN LAVAR: Thank you. Mr. Olsen?

6 MR. OLSEN: The Office has no objection to a  
7 bench order either.

8 CHAIRMAN LAVAR: Mr. Evans?

9 MR. EVANS: No objection to a bench order.

10 CHAIRMAN LAVAR: Okay. Why don't we take just  
11 a very brief recess, probably just a minute or two.

12 (Recess taken 9:37 a.m. to 9:38 a.m.)

13 CHAIRMAN LAVAR: We're back on the record.  
14 I think we kept our promise to keep that short.

15 So, based on the testimony and the comments  
16 today, the Commission finds that the stipulation as filed  
17 is just and reasonable subject to the approval of the  
18 tariff sheets that will be filed subsequently.

19 And we find that the stipulation is consistent  
20 with the relevant statutes, rules, and Commission orders.  
21 So, we approve the stipulation effective immediately.

22 And we will issue a subsequent written order  
23 memorializing this bench ruling in connection with the --  
24 any order on the tariff sheets that will be filed during  
25 October. Anything further?

1 (No verbal response)  
2 CHAIRMAN LAVAR: We're adjourned.  
3 (Proceedings concluded at or about 9:38 a.m.)  
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This is to certify that the foregoing proceedings were taken before me, CLARK L. EDWARDS, a Certified Shorthand Reporter and Notary Republic in and for the State of Utah, residing at West Jordan, 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, 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.



Clark L. Edwards, CSR  
Utah License No. 109221-7801



<p><b>\$</b></p> <hr/> <p><b>\$390,000</b> 13:21</p> <p><b>\$400,000</b> 8:13 18:18</p> <p><b>\$500,000</b> 10:7, 11,15 13:18,25 21:12</p> <hr/> <p><b>0</b></p> <hr/> <p><b>0.5</b> 13:9 14:22</p> <p><b>0.7</b> 10:23</p> <hr/> <p><b>1</b></p> <hr/> <p><b>10th</b> 9:16</p> <p><b>14th</b> 28:17</p> <p><b>15-035-03</b> 4:4</p> <p><b>15th</b> 8:16</p> <p><b>160</b> 12:23 16:1</p> <p><b>16th</b> 8:10</p> <p><b>18th</b> 8:19</p> <p><b>1st</b> 10:15 15:4 19:17 27:14</p> <hr/> <p><b>2</b></p> <hr/> <p><b>2014</b> 8:13 10:6 14:22 17:11,18 18:18 24:18,23 25:12,25</p> <p><b>2015</b> 8:10,16 9:16 10:13,15 15:1,4 19:8 25:6 26:1</p>	<p><b>20th</b> 10:13 15:1 19:7 20:10 21:7 26:23 27:14,24 28:2, 4,6,17,19</p> <p><b>250</b> 9:1</p> <p><b>29th</b> 4:8</p> <hr/> <p><b>3</b></p> <hr/> <p><b>30.0</b> 13:8 14:20</p> <p><b>30.4</b> 10:5</p> <p><b>30.5</b> 8:12 18:18</p> <p><b>30.9</b> 8:11 18:17</p> <p><b>300</b> 12:23 16:1</p> <p><b>30th</b> 8:18 9:19</p> <hr/> <p><b>4</b></p> <hr/> <p><b>400,000</b> 18:11</p> <hr/> <p><b>5</b></p> <hr/> <p><b>5</b> 18:10</p> <p><b>500,000</b> 19:3</p> <hr/> <p><b>6</b></p> <hr/> <p><b>600</b> 7:16</p> <hr/> <p><b>8</b></p> <hr/> <p><b>825</b> 7:15</p> <p><b>84111</b> 12:24 16:2</p>	<p><b>9</b></p> <hr/> <p><b>94</b> 21:4</p> <p><b>97232</b> 7:17</p> <p><b>9:22</b> 23:1</p> <p><b>9:25</b> 23:1</p> <hr/> <p><b>A</b></p> <hr/> <p><b>a.m.</b> 23:1</p> <p><b>acceptable</b> 27:4,5 28:25</p> <p><b>accepted</b> 18:1</p> <p><b>accomplished</b> 19:16</p> <p><b>Account</b> 4:6</p> <p><b>accounting</b> 10:15</p> <p><b>accounts</b> 21:15 23:10,20 24:12,22 26:14</p> <p><b>accurately</b> 20:8</p> <p><b>acknowledge</b> 10:8</p> <p><b>acknowledged</b> 11:19</p> <p><b>actual</b> 24:13</p> <p><b>addition</b> 6:4 8:23 9:4 26:2</p> <p><b>additional</b> 13:9 14:4 16:15</p> <p><b>address</b> 7:12, 15 12:20,23 16:1 18:15</p>	<p><b>adequate</b> 19:14</p> <p><b>adjustment</b> 10:6,16 13:18, 24 21:13 24:1, 5,9,19 25:14, 15</p> <p><b>adjustments</b> 13:21,22 24:11 25:19</p> <p><b>admission</b> 5:11</p> <p><b>admitted</b> 7:19</p> <p><b>agree</b> 21:22 25:20 26:1,17</p> <p><b>agreed</b> 9:17 10:3,4,12,18, 24 11:2</p> <p><b>agreed-upon</b> 13:8,14,24 14:9</p> <p><b>agreement</b> 10:3 11:10,15, 16 23:14 24:25</p> <p><b>ahead</b> 12:13 13:3</p> <p><b>amortized</b> 25:13</p> <p><b>amount</b> 9:13 10:14 21:15 25:12</p> <p><b>amounts</b> 18:9 24:23</p> <p><b>analysis</b> 16:21</p> <p><b>analyst</b> 15:25</p> <p><b>analyzed</b> 9:14</p>	<p><b>anomalies</b> 25:16</p> <p><b>anticipate</b> 19:19</p> <p><b>anticipated</b> 20:3</p> <p><b>appearances</b> 4:9</p> <p><b>applicant</b> 19:8</p> <p><b>application</b> 4:4 8:24 10:20 16:14 18:16,24</p> <p><b>appreciates</b> 11:17,22</p> <p><b>appropriately</b> 23:12</p> <p><b>approval</b> 8:7</p> <p><b>approve</b> 12:2 22:18</p> <p><b>approved</b> 18:20</p> <p><b>approving</b> 22:12,18</p> <p><b>approximately</b> 8:13 10:11,23 13:20</p> <p><b>Associates</b> 16:13</p> <p><b>assume</b> 9:23 23:22</p> <p><b>assuming</b> 21:7 22:10 24:5</p> <p><b>assure</b> 19:13</p> <p><b>audit</b> 8:17,22 11:18 13:16 14:1,2,7,9,12</p>
---	---	---	---	--

16:14 23:8	<b>Brian</b> 4:13 5:12 6:25 7:6,13	<b>channels</b> 9:9	22:3,16 23:24 24:4,13 25:7 26:19,22	<b>concerned</b> 27:22
<b>auditors</b> 11:20	<b>briefly</b> 7:25 28:11	<b>characterized</b> 21:18 23:6	<b>commissioners</b> 13:4 16:10 23:4	<b>concerns</b> 5:19
<b>August</b> 8:19	<b>business</b> 7:15 12:20,23 16:1	<b>circulate</b> 28:6	<b>commitment</b> 28:6,16	<b>concludes</b> 15:5 16:22 20:21
<b>authority</b> 28:24		<b>City</b> 12:24 16:2	<b>commitments</b> 14:7,9	<b>conclusion</b> 14:19
<hr/> <b>B</b> <hr/>	<hr/> <b>C</b> <hr/>	<b>clarification</b> 6:4	<b>communicatio n</b> 9:9	<b>concurrent</b> 28:20
<b>back</b> 22:7 23:2 28:13	<b>calculated</b> 20:7	<b>Clark</b> 18:2,4,23 19:1,4 20:9,12, 21	<b>company</b> 6:24 7:14 8:24 9:4, 6,9 10:8,12 11:17,19,22 13:15 14:6,8, 13,17,20,25 19:20 20:4 25:22,23 27:24 28:5,15,24	<b>conditions</b> 9:17
<b>balance</b> 10:16 13:22 14:21 18:19	<b>calendar</b> 8:13 14:21 27:2,14	<b>Clark's</b> 26:22	<b>Company's</b> 9:3 10:4,20 11:3, 25 14:17 16:14 28:3	<b>conference</b> 9:5,8 14:18 23:5 26:25
<b>balances</b> 8:14 10:9 13:10 14:23 18:7,8	<b>California</b> 11:4	<b>clear</b> 17:10	<b>compared</b> 10:21	<b>conferences</b> 14:13,14
<b>Balancing</b> 4:6	<b>call</b> 5:13 12:8 15:11	<b>clearer</b> 25:21	<b>compliance</b> 10:13 15:1 19:6 20:4 26:10 27:21,24	<b>confidential</b> 22:5
<b>based</b> 9:16 16:21	<b>called</b> 11:1	<b>collaborative</b> 11:21	<b>component</b> 13:17	<b>conformance</b> 19:15
<b>basically</b> 19:17	<b>calls</b> 6:24 9:5,8 14:18	<b>collect</b> 10:9	<b>components</b> 13:17	<b>considerable</b> 11:19
<b>beginning</b> 10:14	<b>case</b> 9:3,14 10:7 11:15,24 13:19 17:18 21:20 22:10,21 24:1,7,8,10 25:2 26:4,15 27:20	<b>collected</b> 18:21	<b>comprised</b> 8:12	<b>consideration</b> 17:24
<b>behalf</b> 4:12	<b>cetera</b> 22:19	<b>collecting</b> 18:20	<b>compromise</b> 11:11	<b>consultant</b> 12:22 14:15
<b>believes</b> 13:7, 24 14:8,9 27:6	<b>Chairman</b> 4:2, 15,21 5:1,7,14, 18,22 6:3,8,12, 17,19 7:1,5 12:5,7,10,13 15:8,10,13,16 17:2 18:2 20:1, 17,23 22:24 23:2 26:21 27:9,10,13 28:11,13,18	<b>comfortable</b> 19:15		<b>consultants</b> 9:5
<b>benefits</b> 21:24	<b>changed</b> 18:23	<b>comment</b> 25:9 27:2,16,20		<b>Consumer</b> 4:24 8:4 15:25
<b>billed</b> 25:21,23		<b>comments</b> 5:25 6:9 8:20 11:12 13:14 17:5		<b>Consumers</b> 5:4 6:1 8:5
<b>billing- derminant</b> 20:13		<b>Commission</b> 8:7 9:18,23 12:2 16:7 17:18 27:1		<b>continue</b> 10:9 18:21
<b>binding</b> 10:2		<b>commissioner</b> 18:2,4,16,23 19:1,4,19 20:9, 12,21,24,25		<b>continuing</b>
<b>bit</b> 21:17				
<b>booked</b> 24:24				
<b>bottom</b> 18:9 19:17				

14:8	<b>December</b> 25:23	<b>direct</b> 7:9 8:17, 18,19 10:19 12:17 15:20	18:18 24:18 25:13	6:1 8:5 11:3 17:7
<b>correct</b> 17:13 24:2 25:19 26:8	<b>decrease</b> 4:5 10:22	<b>direction</b> 19:11	<b>duly</b> 7:7 12:15 15:18	<b>ensure</b> 19:24 20:6
<b>correctly</b> 26:16	<b>deferral</b> 9:7 14:21 18:8 25:12 26:16	<b>director</b> 4:13 7:14	<hr/> <b>E</b> <hr/>	<b>entered</b> 6:9 8:2
<b>costs</b> 4:13 7:14 8:12 9:10 10:5 11:6,7 17:16, 19 18:18,19 21:13,14,17,24 22:13,19 23:7, 8 25:4,6,21,23, 24 26:5,12,14	<b>deferrals</b> 8:15	<b>discovery</b> 9:13	<b>earlier</b> 18:11	<b>entering</b> 9:12
<b>counsel</b> 4:19	<b>deferred</b> 4:5 8:11,12 10:5 14:23	<b>discuss</b> 9:6	<b>East</b> 12:23 16:1	<b>envision</b> 19:23
<b>couple</b> 18:4,5 20:25	<b>delve</b> 22:4	<b>discussed</b> 13:12,23 16:20 19:21	<b>EBA</b> 4:5 8:12, 15,16 9:10 10:5,10,17 11:7 13:10,15, 21 14:1,2,10, 12,21,23 18:8 23:10,17,18 24:6,10,24 25:6,12,22,25 26:1,7,10,12, 15	<b>ERC</b> 17:21
<b>cover</b> 28:23	<b>describe</b> 9:21, 24	<b>discussing</b> 23:5	<b>error</b> 18:13	<b>establish</b> 26:11
<b>Croft</b> 4:19 12:9,10,12,14, 21	<b>design</b> 10:19	<b>discussion</b> 28:12	<b>established</b> 15:4	<b>estimated</b> 10:10 14:22
<b>cross-</b> <b>examination</b> 6:13	<b>desire</b> 6:13	<b>discussions</b> 9:12,15,16	<b>estimate</b> 8:14 13:10 14:25 18:22	<b>estimated</b> 10:10 14:22
<b>current</b> 14:10, 12	<b>details</b> 13:13	<b>division</b> 4:16, 18,20 5:20 6:16 8:4,16,18 9:4,10 11:18, 20 12:8,22 13:7,23 14:1,5, 7,15,19,24 15:2 20:5,10, 14 23:6 27:6	<b>EBAS</b> 21:22,24	<b>Evans</b> 5:2,3,24 6:7,18 17:3,5 24:11 25:9 26:2 27:10,17 28:5,8
<b>customers</b> 10:23	<b>determination</b> 24:20,21 25:1, 3	<b>Division's</b> 8:22 13:5,18 16:14 21:7 27:21	<b>effective</b> 9:8 10:21	<b>Evans'</b> 22:7
<hr/> <b>D</b> <hr/>	<b>determine</b> 23:15	<b>docket</b> 4:3 13:6 14:10 16:4,11	<b>efficient</b> 5:21 11:24	<b>events</b> 8:1
<b>daily</b> 14:16	<b>determined</b> 25:5,17 26:3	<b>dockets</b> 8:15 10:10,17	<b>effort</b> 11:19	<b>evidence</b> 6:9 9:13
<b>Danny</b> 4:25 15:11,17,24	<b>determining</b> 21:23	<b>dollar</b> 13:10 24:23	<b>EIM</b> 11:7 17:14 21:2,4,14,15, 23,24 23:7,10, 16,20 24:20 25:3 26:11	<b>EXAMINATION</b> 7:9 12:17 15:20
<b>data</b> 9:1,6 14:3 16:16,17	<b>Dickman</b> 4:13 6:25 7:3,4,6, 13,18 11:12 13:12 18:15,25 19:2,19 20:16 21:2,10 22:14 23:4 24:3,17 25:20 26:8,17	<b>dollars</b> 8:11 10:5 13:9	<b>EIM-RELATED</b> 17:10 22:9,13, 19 25:13 26:5	<b>examined</b> 7:8 12:16 15:19
<b>date</b> 28:8	<b>Dickman's</b> 5:12		<b>elements</b> 8:2	<b>exception</b> 5:12
<b>days</b> 27:2,7,14			<b>employed</b> 7:13	<b>exclusively</b> 17:6

<b>exhibits</b> 20:13	23:13,22 25:2 28:20	<b>good</b> 4:2,11 13:4 16:10 21:10	11:3 17:7	<b>involved</b> 11:14
<b>expect</b> 6:18 17:21 20:7 28:19	<b>final</b> 10:14,16 11:12	<b>guess</b> 21:25 22:6,11,16 23:25 24:5,7 26:24	<b>improve</b> 14:7	<b>issue</b> 26:20 27:16
<b>expedited</b> 20:5	<b>Finally</b> 16:18		<b>improved</b> 9:9 14:11	<b>issued</b> 17:19
<b>expense</b> 21:19	<b>find</b> 28:25		<b>improvements</b> 13:15	<b>issues</b> 10:7,25 11:24 13:19,20 14:2,5 27:1 28:2
<b>expenses</b> 11:5 17:8,11,15 22:19 23:9,16	<b>five-day</b> 27:12	<hr/> <b>H</b> <hr/>	<b>include</b> 5:25 20:13 21:8,14 23:19 24:15 25:13 28:23	<b>items</b> 11:1
<b>express</b> 13:5	<b>flooring</b> 23:24	<b>handle</b> 23:23		<hr/> <b>J</b> <hr/>
<b>expressly</b> 11:1	<b>flow</b> 24:24 25:25	<b>happen</b> 24:6	<b>included</b> 8:24 9:11 11:6 17:15 22:13 23:12 26:15	<b>Jetter</b> 4:17,23 5:20,23 6:6,16 12:7,8,18 15:6, 10 20:1,2,11 27:6
<b>extent</b> 25:14	<b>flowed</b> 26:12	<b>happening</b> 20:3	<b>includes</b> 21:4	<b>Joelle</b> 10:19
<hr/> <b>F</b> <hr/>	<b>flowing</b> 23:10, 17 25:25	<b>happy</b> 5:14 27:7	<b>including</b> 8:3 11:18 13:8	<b>joint</b> 19:9 28:19
<b>fact</b> 21:3	<b>follow-up</b> 21:1 26:22	<b>harkening</b> 22:7	<b>incurred</b> 24:18 25:4	<b>July</b> 8:16,18
<b>fairly</b> 17:8 20:5	<b>forecasting</b> 7:15	<b>hate</b> 27:17	<b>Independent</b> 11:4	<b>Justin</b> 4:17
<b>feel</b> 7:2	<b>forfeit</b> 27:17	<b>Hayet</b> 16:12	<b>Industrial</b> 5:4 6:1 8:5	<hr/> <b>K</b> <hr/>
<b>figure</b> 22:11 24:7	<b>forward</b> 25:4	<b>held</b> 9:5,15	<b>information</b> 16:15	<b>Kennedy</b> 16:12
<b>file</b> 6:2 21:7 28:1,17,23	<b>free</b> 7:2	<b>helpful</b> 19:5 25:7	<b>intend</b> 9:25 19:7	<b>key</b> 8:2 9:21
<b>filed</b> 4:8 5:25 8:11,16,18,19, 20,21,24 9:14, 18 10:20 12:3 16:17 17:5 18:16 19:12,15 21:9	<b>full</b> 13:5 14:19	<b>history</b> 8:1,8 13:12	<b>intended</b> 17:13	<b>kind</b> 26:24
<b>filing</b> 8:23 10:13 15:1 19:6,8,9,25 20:4,13 24:15 26:10,23 27:1, 21,24 28:16,19	<b>fully</b> 16:11 17:21	<b>Hogle</b> 4:11 5:8, 9,17 6:11,24 7:10 12:4,6 27:23 28:7,10, 15,22	<b>interest</b> 12:1 13:11,25 16:23	<b>kinds</b> 20:14 24:11 26:12,14
<b>filing's</b> 20:9	<hr/> <b>G</b> <hr/>	<b>hold</b> 14:18	<b>intervening</b> 9:2,19	<hr/> <b>L</b> <hr/>
<b>filings</b> 19:20	<b>general</b> 11:9 17:18 21:20 25:2	<b>Honor</b> 5:9 6:11 27:5,23	<b>investigated</b> 9:10	<b>Lake</b> 12:24 16:1
	<b>give</b> 16:6 27:25 28:8	<b>Honors</b> 28:22	<b>investigation</b> 16:13	<b>language</b> 10:2
		<hr/> <b>I</b> <hr/>		<b>LAVAR</b> 4:2,15,
		<b>imbalance</b>		

<p>21 5:1,7,14,18, 22 6:3,8,12,17, 19 7:1,5 12:5, 7,10,13 15:8, 13,16 17:2 18:2 20:1,17, 23 22:24 23:2 26:21 27:9,13 28:11,13,18</p> <p><b>leading</b> 8:1</p> <p><b>led</b> 8:8 13:20</p> <p><b>left</b> 25:18</p> <p><b>letter</b> 28:24</p> <p><b>letting</b> 23:5</p> <p><b>listed</b> 21:8 26:9</p> <p><b>load</b> 7:15</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>made</b> 11:19 13:15 14:6 17:4 19:8,20 20:9 24:6 25:15,19</p> <p><b>maintenance</b> 21:19</p> <p><b>make</b> 5:10 6:20 7:19,21 10:12 11:13 13:14 19:7 20:6,15 21:11 25:10</p> <p><b>makes</b> 5:15 14:25</p> <p><b>makeup</b> 21:13</p> <p><b>making</b> 5:16 13:17 26:24 28:5</p> <p><b>manner</b> 10:25</p>	<p><b>March</b> 8:10 18:17</p> <p><b>market</b> 11:3 17:7</p> <p><b>Martinez</b> 4:25 15:11,13,15, 17,22,24</p> <p><b>matter</b> 4:3,4</p> <p><b>matters</b> 5:8 6:10</p> <p><b>Matthew</b> 4:19 12:9,14,21</p> <p><b>mechanics</b> 19:6 23:17</p> <p><b>Mechanism</b> 4:6</p> <p><b>meet</b> 14:8</p> <p><b>mentioned</b> 14:14</p> <p><b>met</b> 14:8</p> <p><b>million</b> 8:11,12 10:5 13:8,10 18:10,17,18</p> <p><b>million-dollar</b> 14:21,22</p> <p><b>misspeak</b> 10:1</p> <p><b>modify</b> 9:25</p> <p><b>moment</b> 22:23 28:10</p> <p><b>months</b> 17:11 25:16</p> <p><b>morning</b> 4:2,11 5:6 13:4 16:10</p> <p><b>motion</b> 5:16,19</p> <p><b>Mountain</b> 4:5,</p>	<p>10,12 6:23 8:3, 10,21</p> <p><b>move</b> 5:10</p> <p><b>multiple</b> 9:1</p> <p><b>Multnomah</b> 7:16</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>nature</b> 23:14</p> <p><b>needed</b> 19:24</p> <p><b>negotiation</b> 11:11</p> <p><b>negotiations</b> 16:19</p> <p><b>net</b> 4:13 7:14 11:6 17:16 21:13</p> <p><b>Northeast</b> 7:16</p> <p><b>Notice</b> 27:1</p> <p><b>November</b> 10:15 15:4 19:17 25:22 27:14</p> <p><b>number</b> 4:3 13:14 21:14</p> <p><b>numbers</b> 18:5 20:7</p> <p><b>numerous</b> 9:5</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>objection</b> 5:23, 24 6:3 26:25</p> <p><b>occupation</b> 12:20</p>	<p><b>occur</b> 22:20 24:5,8</p> <p><b>October</b> 10:13 15:1 18:21 19:7 20:10 21:7 26:23 27:14,24 28:2, 4,6,17</p> <p><b>Office</b> 4:22,24, 25 8:4,19 15:11,25 16:11,13,18,21 20:18 21:16 27:5</p> <p><b>Olsen</b> 4:23 6:5, 15 15:9,21 17:1 20:19 22:22 27:4</p> <p><b>open</b> 19:23 25:18 27:20</p> <p><b>operations</b> 9:6 14:17 21:18</p> <p><b>Operator</b> 11:4</p> <p><b>opportunity</b> 13:5 20:20 27:11,18</p> <p><b>opposes</b> 9:20</p> <p><b>order</b> 17:19</p> <p><b>Oregon</b> 7:16</p> <p><b>original</b> 21:3</p> <p><b>originally</b> 21:9</p> <p><b>outage</b> 13:22</p> <p><b>outages</b> 13:20</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>papers</b> 20:13</p>	<p><b>paragraph</b> 18:6,10,11 19:7,18</p> <p><b>paragraphs</b> 11:8</p> <p><b>participate</b> 16:3</p> <p><b>participated</b> 16:11,18</p> <p><b>participation</b> 11:3 25:3</p> <p><b>parties</b> 5:15 6:12,14 8:3 9:2,15,17,19 10:3,4,8,12,18, 24 11:2,14,16, 23 13:6 16:17 17:12 19:9,14, 22 23:6 27:25 28:16,20,25</p> <p><b>party</b> 9:20 17:14</p> <p><b>past</b> 10:16</p> <p><b>pending</b> 22:2</p> <p><b>percent</b> 10:23</p> <p><b>period</b> 9:7 25:22</p> <p><b>Phil</b> 16:12</p> <p><b>phone</b> 14:14</p> <p><b>place</b> 12:20</p> <p><b>plant</b> 13:20</p> <p><b>Portland</b> 7:16</p> <p><b>position</b> 7:11 15:23 17:6 23:11 28:21</p> <p><b>positive</b> 11:22</p>
--	---	---	--	--

<b>possibly</b> 6:20	<b>process</b> 11:21 13:16 14:2,7, 10 19:14,23	<hr/> <b>R</b> <hr/>	18:14	<b>reply</b> 27:12,18
<b>potential</b> 24:8	<b>proper</b> 21:23	<b>raised</b> 10:7 11:24 13:19 14:1	<b>record</b> 4:3 7:12,19 12:20 13:1 15:22 22:22 23:3 28:11,12,14	<b>report</b> 8:17,22 11:18 16:14 23:8 27:12
<b>potentially</b> 21:18	<b>properly</b> 26:12	<b>rate</b> 4:5 10:18 15:2 17:18 21:20 22:10,21 24:1,7,8,9 25:2 26:4,15	<b>recover</b> 8:11 10:5	<b>reports</b> 14:4
<b>power</b> 4:5,10, 12,13 6:23 7:14 8:3,11,21 11:6 17:16 21:13	<b>proposed</b> 13:21 16:22 27:24 28:4	<b>rates</b> 10:14,21 15:3 16:23 17:25	<b>recoverable</b> 17:20	<b>represent</b> 28:24
<b>practices</b> 14:16	<b>provide</b> 10:13	<b>reach</b> 11:15	<b>recovered</b> 18:8 26:5,6	<b>representing</b> 4:18,23 8:14
<b>precedent</b> 26:11	<b>provisions</b> 21:2	<b>reached</b> 11:11	<b>recovering</b> 14:20	<b>request</b> 9:11 10:4 14:3 18:17 20:19
<b>precedential</b> 10:25	<b>prudence</b> 22:8, 20 23:15 25:1 26:4,13	<b>read</b> 9:23 13:1	<b>recovery</b> 13:8, 9 14:22	<b>requests</b> 9:1,6 16:16,17
<b>prefiled</b> 5:11 7:18	<b>prudency</b> 11:7	<b>ready</b> 28:17	<b>reduced</b> 10:6	<b>requirement</b> 8:23
<b>preliminary</b> 5:8 6:10	<b>prudent</b> 17:16 23:11,22 24:20 25:4,5	<b>reason</b> 17:22 27:23	<b>referral</b> 13:21	<b>reserve</b> 26:13
<b>prepare</b> 12:25	<b>public</b> 4:18 8:4 12:1,22 13:11, 25 16:23	<b>reasonable</b> 13:11 16:23 17:25 27:3	<b>referred</b> 18:10 19:6	<b>residual</b> 8:14 10:9,16 13:10 18:7,8,19
<b>prepared</b> 9:2	<b>purpose</b> 7:23	<b>recall</b> 21:19	<b>reflect</b> 21:6	<b>resolution</b> 11:24
<b>present</b> 6:20	<b>puts</b> 22:5	<b>recess</b> 22:25 23:1	<b>reflected</b> 10:14	<b>resolve</b> 10:25 11:5 28:9
<b>preserve</b> 17:14	<hr/> <b>Q</b> <hr/>	<b>recognize</b> 21:21 23:16	<b>reflects</b> 20:2	<b>resolved</b> 24:19
<b>previous</b> 14:1	<b>question</b> 21:10 22:15,17	<b>recognized</b> 23:21	<b>refund</b> 25:25	<b>resolving</b> 10:7
<b>previously</b> 14:4,23 18:20	<b>questioned</b> 21:15	<b>recognizes</b> 14:24	<b>refunded</b> 25:24	<b>respect</b> 11:2
<b>pricing</b> 25:15	<b>questions</b> 6:13,21 15:7 18:3,5 19:5,11, 18 20:22 21:1 22:8 26:20,22	<b>recommend</b> 8:7 12:2 23:19	<b>related</b> 14:3 17:6 21:2,4 26:10	<b>responded</b> 8:25
<b>prior</b> 8:15 9:12 10:10 28:6		<b>recommends</b> 15:3	<b>relates</b> 18:5	<b>response</b> 5:11 8:22
<b>proceed</b> 8:8 16:9		<b>reconcile</b>	<b>relationship</b> 11:23	<b>responses</b> 8:23 9:2 14:3 16:17
<b>proceeding</b> 5:5			<b>remaining</b> 11:8	<b>restate</b> 11:25
<b>proceedings</b> 17:17			<b>repeat</b> 22:14	
			<b>replies</b> 27:2	

<b>result</b> 14:6 25:15	<b>seat</b> 7:2	21:22	<b>substantial</b> 9:13	<b>ten</b> 27:13
<b>resulted</b> 11:20, 23 16:19	<b>sense</b> 5:10	<b>statement</b> 12:25 16:6 17:4	<b>sufficient</b> 27:25	<b>terms</b> 9:17,21, 24 10:1 11:9
<b>results</b> 10:22 16:22 17:25	<b>September</b> 4:8 9:16,19	<b>stay</b> 7:2	<b>Suite</b> 7:16	<b>testified</b> 7:8 12:16 15:19
<b>revenues</b> 11:6 17:7,11,15 23:7,9,16	<b>Services</b> 4:24 8:5 15:25	<b>Steward</b> 10:20	<b>sum</b> 18:17	<b>testify</b> 8:6
<b>review</b> 7:25 11:17,21 16:3, 21 19:24 20:5, 6,15,20 22:2,8, 20 23:12 24:8 27:21 28:1	<b>set</b> 9:17 17:6	<b>stipulated</b> 14:20	<b>summary</b> 15:5	<b>testimony</b> 5:11,12 6:2,8 7:18,23 8:17, 19,20,21,25 10:19 13:19 16:15 21:16
<b>reviewed</b> 9:14 16:13,16 23:8, 10,25	<b>settlement</b> 4:14 9:12,15 16:19 22:5,12 24:25	<b>stipulating</b> 19:9	<b>support</b> 5:6 8:6 11:25 13:5 14:19 17:23	<b>theoretically</b> 24:1
<b>revised</b> 24:15	<b>sign</b> 17:23	<b>stipulation</b> 4:8, 14 5:6 8:1,2,7, 9 9:18,20,22, 24 10:1,2,22, 24 11:1,5,8 12:1,2 13:6,7, 13,23 15:3 16:19,22 17:9, 12,23 19:1,3, 12,16 21:3,6, 20,21 22:18 23:15	<b>supporting</b> 4:14 8:17 16:15	<b>things</b> 20:14 26:3
<b>revision</b> 21:3	<b>signed</b> 5:5 9:19 13:6	<b>stipulations</b> 11:10	<b>supports</b> 15:2	<b>thinking</b> 28:3
<b>revisions</b> 21:6, 9	<b>significantly</b> 14:10	<b>Street</b> 7:16	<b>swear</b> 7:3 12:10 15:13	<b>time</b> 17:22 18:16 19:2 20:10 22:8 25:5 27:25 28:1
<b>Rex</b> 4:23	<b>signing</b> 8:3	<b>sub-accounts</b> 21:4,8 24:15 26:7,9	<b>sworn</b> 7:7 12:9,15 15:12, 18	<b>timing</b> 26:22
<b>rights</b> 17:14	<b>similarly</b> 20:19	<b>subject</b> 20:18 24:1,18,24 25:14	<b>System</b> 11:4	<b>today</b> 4:7,12, 24 7:21,24,25 13:1 16:20,22 23:18
<b>Rocky</b> 4:4,10, 12 6:23 8:3,10, 21	<b>simple</b> 22:17	<b>submit</b> 17:1 22:1 28:15	<b>table</b> 4:19	<b>total</b> 18:17
<b>room</b> 27:3	<b>small</b> 21:17	<b>submitted</b> 16:16	<b>takes</b> 22:5	<b>trading</b> 14:4,16
<hr/> <b>S</b> <hr/>	<b>sound</b> 27:3	<b>subparts</b> 9:1	<b>talked</b> 19:10	<b>transactions</b> 9:7
<b>Salt</b> 12:24 16:1	<b>South</b> 12:23 16:1	<b>subsequently</b> 25:24	<b>tariff</b> 22:1 23:19,21	<b>transparent</b> 11:21
<b>schedule</b> 20:6 21:4 22:1	<b>specific</b> 10:25 21:15 24:21		<b>tariffs</b> 19:12	<b>treated</b> 17:8
<b>scheduling</b> 26:24	<b>specifically</b> 6:1 19:21		<b>technical</b> 12:22	<b>treatment</b> 17:7, 19 21:23 23:7 25:1
<b>scope</b> 20:12	<b>specifics</b> 13:22		<b>telephone</b> 14:13	
	<b>sponsored</b> 5:4			
	<b>spread</b> 10:18 15:2			
	<b>start</b> 4:9 6:23			
	<b>state</b> 7:11 12:19 15:22			

<p><b>truth</b> 7:3 12:11 15:14</p>	<hr/> <p style="text-align: center;"><b>V</b></p> <hr/>	<p><b>Yvonne</b> 4:11</p>	
<p><b>turn</b> 27:7</p>	<p><b>valuable</b> 14:15</p>		
<p><b>type</b> 22:8,9</p>	<p><b>values</b> 18:12</p>		
<p><b>types</b> 11:5</p>	<p><b>vet</b> 17:14</p>		
<p><b>typographical</b> 18:12</p>	<p><b>vetted</b> 17:21</p> <p><b>view</b> 17:13</p>		
<hr/> <p style="text-align: center;"><b>U</b></p> <hr/>	<hr/> <p style="text-align: center;"><b>W</b></p> <hr/>		
<p><b>UIEC</b> 8:20</p>	<p><b>White</b> 20:24,25</p>		
<p><b>ultimate</b> 22:20</p>	<p>22:3,16 23:24</p>		
<p><b>ultimately</b> 23:25</p>	<p>24:4,13 25:7</p> <p>26:19</p>		
<p><b>understand</b> 18:6 22:7 24:14 25:10</p>	<p><b>William</b> 5:3</p> <p><b>willingness</b> 14:18</p>		
<p><b>understanding</b> 14:16 20:3 21:5 24:17 25:18</p>	<p><b>witnesses</b> 6:20,22 8:25 16:12 18:14</p>		
<p><b>unknown</b> 14:4</p>	<p><b>wondering</b> 27:19</p>		
<p><b>unspecified</b> 10:6 13:18 21:12</p>	<p><b>words</b> 10:2</p> <p><b>work</b> 15:23,24 20:13</p>		
<p><b>updated</b> 14:25 19:3</p>	<p><b>working</b> 11:15, 22</p>		
<p><b>Utah</b> 4:18 5:3, 25 8:3,4,5 12:24 16:2</p>	<p><b>works</b> 11:16</p> <p><b>wrong</b> 26:8</p>		
<p><b>Utah's</b> 13:21</p>	<hr/> <p style="text-align: center;"><b>Y</b></p> <hr/>		
<p><b>Utilities</b> 4:18 8:4 12:23</p>	<p><b>year</b> 8:13 14:21 25:16</p>		
<p><b>utility</b> 12:21 15:25</p>	<p><b>years'</b> 10:10</p>		