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A P P E A R A N C E S

For Rocky Mountain Power: Daniel E. Solander  
For the Division of Public Utilities: Justin Jetter  
For the Office of Consumer Services: Rex Olsen  
For Nucor Corporation: Peter Mattheif and Eric Lacey

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1 Monday, December 14, 2015; 10:05 a.m.

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

3 PRESIDING OFFICER: We're on the record.

4 Good morning everyone. I'm Melanie Reif. I'm  
5 the hearing officer for the Public Service Commission.

6 And this morning is the scheduled hearing in Docket  
7 15-035-81. This matter is entitled the Application of  
8 Rocky Mountain Power for Approval of the Electric Service  
9 Agreement between PacifiCorp and Nucor Corporation.

10 Let's start by taking appearances starting with  
11 the Company, please.

12 MR. SOLANDER: Good morning. My name is David  
13 Solander appearing on behalf of Rocky Mountain Power. And  
14 I have with me at counsel table Paul Clements who will be  
15 the Company's witness in this matter.

16 PRESIDING OFFICER: Thank you.

17 MR. JETTER: I'm Justin Jetter. I represent the  
18 Utah Division of Public Utilities. And with me at counsel  
19 table is Charles Peterson with the Utah Division of Public  
20 Utilities.

21 PRESIDING OFFICER: Thank you.

22 MR. OLSEN: I'm Rex Olsen. I represent the  
23 Office of Consumer Services. And at counsel table with me  
24 is Cheryl Murray of the office.

25 PRESIDING OFFICER: Great. Thanks and welcome

1 again.

2 Just to be clear, do we have anybody on the line  
3 with us this morning? Okay. That's assumed to be no.

4 Mr. Solander, would you like to start this  
5 morning?

6 MR. SOLANDER: Yes, thank you. Rocky Mountain  
7 Power would like to call Paul Clements in support of its  
8 application for approval of the Electric Service Agreement  
9 between PacifiCorp and Nucor Corporation.

10 PRESIDING OFFICER: Mr. Clements, do you swear  
11 to tell the truth?

12 THE WITNESS: I do.

13 (The witness is duly sworn.)

14 \* \* \*

15 PAUL CLEMENTS,

16 Called by Rocky Mountain Power, having been duly  
17 Sworn, is examined and testifies as follows:

18 THE WITNESS: I assume you want us here today?

19 PRESIDING OFFICER: Yes.

20 DIRECT EXAMINATION

21 BY MR. SOLANDER:

22 Q. Good morning, Mr. Clements.

23 A. Good morning.

24 Q. Could you please state and spell your name for  
25 the record.

1 A. Yes. My name is Paul Clements.

2 C-L-E-M-E-N-T-S.

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

5 A. I'm currently employed by Rocky Mountain Power  
6 as director of commercial services.

7 Q. And as director of commercial services, did you  
8 negotiate the Electric Service Agreement between  
9 PacifiCorp and Nucor Corporation?

10 A. Yes, I did.

11 Q. And are you familiar with all the terms of that  
12 agreement?

13 A. I am.

14 Q. And have you prepared a summary of that  
15 agreement that you'd like to share with the Commission?

16 A. Yes, a very brief summary.

17 Good morning. PacifiCorp and Nucor executed a  
18 new agreement on November 3rd, 2015. A copy of that  
19 agreement was included with the Company's application as  
20 confidential Exhibit A. It is a two-year electric service  
21 agreement commencing on January 1st, 2016, and expiring on  
22 December 31st of 2017.

23 Under the agreement, PacifiCorp will continue to  
24 provide Nucor with retail full requirement service and  
25 Nucor will provide PacifiCorp with certain interruptible

1 products.

2           The rates for full requirement service that  
3 Nucor will pay were negotiated rates, but they are  
4 consistent with rates applicable to other large industrial  
5 customers.

6           The agreement also provides for an interruptible  
7 credit to be paid to Nucor and that credit goes against  
8 its retail rates that it pays PacifiCorp. And in  
9 exchange, Nucor provides to PacifiCorp certain  
10 interruptible products which are outlined in the contract.

11           The agreement is materially a two-year extension  
12 of the existing agreement with certain modifications to  
13 the interruptible terms, and those are minor  
14 modifications.

15           Nucor will continue to be subject to any  
16 surcharge rates. This includes the energy balancing  
17 account, the REC, or renewal credit balancing account, and  
18 the solar incentive surcharge. And those surcharge rates  
19 will change concurrently with changes for all other Utah  
20 customers.

21           The Office of Consumer Services and the Division  
22 of Public Utilities included in their initial comments  
23 certain conditions related to approval of the agreement.  
24 As mentioned in the company's reply comments, the Company  
25 does not oppose any of the conditions that were proposed

1 by the Office or the Division in this docket.

2 In conclusion, the Company believes that this  
3 agreement is just and reasonable for Nucor and for other  
4 customers, and recommends it be approved.

5 And that concludes my summary.

6 MR. SOLANDER: Thank you. Mr. Clements is  
7 available for questioning from the other parties or the  
8 Commission.

9 PRESIDING OFFICER: Mr. Jetter, any questions?

10 MR. JETTER: No questions from the Division.  
11 Thank you.

12 PRESIDING OFFICER: Mr. Olsen.

13 MR. OLSEN: No questions from the Office. Thank  
14 you.

15 PRESIDING OFFICER: Mr. Clements, thank you for  
16 your testimony. You may be excused.

17 THE WITNESS: Thank you.

18 MR. SOLANDER: At this time, I would like to  
19 move that the application, the Electric Service Agreement  
20 and the Company's reply comments be entered into the  
21 record.

22 PRESIDING OFFICER: Any objection?

23 MR. OLSEN: No objection.

24 MR. JETTER: No objection.

25 PRESIDING OFFICER: They are admitted.

1           Mr. Jetter, before we move to you, I think we  
2 might have gotten a caller on the line. If we have a  
3 caller on the line, could you please identify yourself.  
4 Apparently we do not have a caller on the line. So thank  
5 you for that brief interruption.

6           Mr. Jetter, please go ahead.

7           MR. JETTER: Thank you. The Division would like  
8 to call its witness, Charles Peterson and have him sworn  
9 in at this time.

10           PRESIDING OFFICER: Good morning, Mr. Peterson.  
11 Do you swear to tell the truth?

12           THE WITNESS: Yes.

13           PRESIDING OFFICER: Thank you.

14                           (The witness is duly sworn.)

15   \* \* \*

16                           CHARLES E. PETERSON,

17                           Called by the Division, having been duly  
18 Sworn, is examined and testifies as follows:

19   DIRECT EXAMINATION

20 BY MR. JETTER:

21           **Q. Good morning, Mr. Peterson. Would you please**  
22 **state your name and occupation for the record.**

23           A. Charles E. Peterson. I'm a technical consultant  
24 with the Division of Public Utilities.

25           **Q. Thank you. And in the course of your employment**

1 as a technical consultant for the Utah Division of Public  
2 Utilities, have you had an opportunity to review the  
3 application filed by Rocky Mountain Power in this docket  
4 along with the Energy Service Agreement that is requested  
5 in that application to be approved today?

6 A. Yes, I have.

7 Q. And did you create or cause to create and be  
8 filed with the Commission comments from the Division of  
9 Public Utilities in response to an action request filed  
10 December 7th, 2015?

11 A. Yes.

12 Q. Do you have any changes or edits that you'd like  
13 to make to that?

14 A. I'm not aware of any.

15 Q. Thank you. With that, I'd like to move at this  
16 time to enter the comments from the Division of Public  
17 Utilities into the record at this hearing.

18 PRESIDING OFFICER: Any objection?

19 MR. OLSEN: No objection.

20 MR. SOLANDER: No objection.

21 PRESIDING OFFICER: They are admitted.

22 Q. Thank you. I believe you have a brief statement  
23 prepared that you'd like to give today.

24 A. Yes. Very brief. The Division supports the  
25 approval of the application of the contract and the

1 contract for Nucor as being just and reasonable and in the  
2 public interest with the conditions that the three  
3 conditions that have been previously applied and previous  
4 Nucor dockets continue. They are that the cost of service  
5 studies, including Nucor, will be provided by PacifiCorp  
6 as part of any general rate case or surcharge proceeding  
7 during the term of the agreement. The Commission will  
8 specify that the interruption curtailment feature of the  
9 agreement is a system resource and will be allocated as  
10 such and that PacifiCorp will file with the Commission  
11 with copies to the Division and Committee of Consumers  
12 or -- yes, Office of Consumer Services any -- or Office of  
13 Consumer Services any future amendments or agreements  
14 including but not limited to amendments to the exhibits in  
15 the appendices.

16 Also the Division supports that and believes  
17 that Nucor should be subject to Schedule 91, the surcharge  
18 for low income residential lifeline program.

19 As a final comment, the Division will be looking  
20 for -- will be looking in the next ESA in two years, that  
21 it will either be at Schedule 9 or will be at a cost of  
22 service rate for Nucor. Currently it departs from both  
23 based upon current studies. And this is excluding any  
24 interruptible product or credits. However, the other  
25 rates, the Division believes it's time to move Nucor to

1 either Schedule 9 or to its own cost of service level.

2 With that, the Division reiterates that we  
3 believe the Commission should approve the contract that's  
4 before it as just and reasonable and in the public  
5 interest.

6 And that concludes my comments.

7 PRESIDING OFFICER: Thank you, Mr. Peterson.  
8 We're going to take a brief recess while we get this  
9 caller on the line. My apologies.

10 We're back on the record. And our technical  
11 difficulties with the telephone have been resolved this  
12 morning. My apologies to our caller.

13 Sir, could you please identify yourself for the  
14 record, on -- the person that's holding on the telephone?

15 I cannot hear you.

16 ASSISTANT: Hello? Could you please identify  
17 yourself.

18 MR. MATTHEIF: Sure. There are two of us here.  
19 I'm Peter Mattheif. Last name M-A-T-T-H-E-I-F. And Eric,  
20 E-R-I-C Lacey, L-A-C-E-Y.

21 PRESIDING OFFICER: Are you appearing on behalf  
22 of a particular party?

23 MR. MATTHEIF: I'm appearing on behalf of Nucor  
24 Steel.

25 PRESIDING OFFICER: Okay. And do you intend to

1 call a witness today?

2 MR. MATTHEIF: No, we do not.

3 PRESIDING OFFICER: Okay. So you're here just  
4 to observe. Okay. Thank you gentlemen. My apologies  
5 once again for the difficulty in getting your call through  
6 this morning.

7 We're partly through the hearing, but we're  
8 going to continue now. Mr. Peterson from the Division is  
9 giving his testimony.

10 MR. MATTHEIF: Okay. Thank you.

11 Q. (BY MR. JETTER) Mr. Peterson, I had just a  
12 follow-up question about how the Division anticipates the  
13 recommendations it's made regarding the cost of service  
14 and potential move to Schedule 9 or a different  
15 calculation going forward when that would take place and  
16 how you anticipate that will.

17 A. The proposed contract before the Commission is  
18 for two years, and we would expect that that contract  
19 would continue in place for the two years. My comments  
20 were in reference to a future contract which presumably  
21 will be before the Commission in two years from now.

22 MR. JETTER: Thank you. I have no further  
23 questions, and Mr. Peterson is available for  
24 cross-examination.

25 PRESIDING OFFICER: Any questions, Mr. Solander?

1 MR. SOLANDER: Yes, just one.

2 CROSS-EXAMINATION

3 BY MR. SOLANDER:

4 Q. Mr. Peterson, currently Schedule 9 customers pay  
5 \$50 per billing period for Schedule 91 surcharges. Is it  
6 your recommendation that Nucor would be subject to the  
7 same charge?

8 A. That would be my recommendation.

9 MR. SOLANDER: Thank you.

10 PRESIDING OFFICER: Mr. Olsen, any questions?

11 MR. OLSEN: No questions.

12 PRESIDING OFFICER: Mr. Peterson, just a  
13 follow-up from the question from Mr. Solander.

14 Is it possible that between now and two years  
15 hence when a new contract comes before the Commission,  
16 that that rate that you quoted could change?

17 THE WITNESS: With respect to Schedule 91?

18 PRESIDING OFFICER: Yes, sir.

19 THE WITNESS: It's possible and probably likely.  
20 The contract provides for changes to other similar riders  
21 as the Commission orders changes in the interim period.  
22 So the expectation would be that that schedule would also  
23 adjust with any changes that the Commission ordered.

24 PRESIDING OFFICER: Okay. Thank you for that  
25 clarification. I have no further questions, Mr. Peterson.

1 Is there any follow up?

2 MR. JETTER: No.

3 PRESIDING OFFICER: You may be excused. Thank  
4 you.

5 Mr. Olsen.

6 MR. OLSEN: Thank you. We'd like to call Cheryl  
7 Murray please and ask that she be sworn.

8 PRESIDING OFFICER: Good morning, Ms. Murray.

9 THE WITNESS: Good morning.

10 PRESIDING OFFICER: Do you swear to tell the  
11 truth?

12 THE WITNESS: I do.

13 PRESIDING OFFICER: Thank you.

14 (The witness is duly sworn.)

15 \* \* \*

16 CHERYL MURRAY,

17 Called by the Office, having been duly  
18 Sworn, is examined and testifies as follows:

19 DIRECT EXAMINATION

20 BY MR. OLSEN:

21 **Q. Ms. Murray, could you state for the record your**  
22 **name and your position, please?**

23 A. My name is Cheryl Murray. I'm a utility analyst  
24 with the Office of Consumer Services.

25 PRESIDING OFFICER: Mr. Olsen, just one moment,

1 please.

2 Ms. Murray, I can't hear you on the microphone.  
3 Just bring that right up to you so our caller on the  
4 phone --

5 THE WITNESS: It wasn't on. It was not.  
6 Can you hear me better?

7 PRESIDING OFFICER: Maybe a little closer.

8 THE WITNESS: Should I repeat all that?

9 PRESIDING OFFICER: It might be helpful for the  
10 gentleman on the phone.

11 THE WITNESS: Oh, okay. My name is Cheryl  
12 Murray. I'm a utility analyst with the Office of Consumer  
13 Services.

14 Q. (BY MR. OLSEN) And as part of your work as the  
15 utility analyst, did you have occasion to review the  
16 filings in the ESA that were provided from the Company in  
17 this docket?

18 A. Yes, I did.

19 Q. And did you prepare comments on December 7th,  
20 2015 related to those filings?

21 A. Yes, I did.

22 Q. Do you have any -- we'd ask that the comments be  
23 made part of the record at this time.

24 PRESIDING OFFICER: Any objection?

25 MR. SOLANDER: No objection.

1 MR. JETTER: No.

2 PRESIDING OFFICER: They are admitted.

3 **Q. Do you have a summary of the Office's position?**

4 A. Yes, I do.

5 **Q. Would you proceed, please.**

6 A. Yes. The Company filed this case on  
7 November 5th, 2015 requesting expedited treatment in order  
8 for the new electric service agreement terms with Nucor  
9 Corporation to be effective on January 1, 2016.

10 The Office agreed to a schedule and indicated we  
11 would make our best efforts to meet that January 1  
12 deadline. Our efforts have been impeded through various  
13 Company actions or inactions. The Office was not served  
14 with the application, confidential ESA, on November 25th  
15 -- on November 5th, 2015.

16 We received the application from the Public  
17 Service Commission and then made a request to the Company  
18 for the confidential ESA. The schedule established in  
19 this docket called for reply comments to be filed on  
20 December 10, 2015. The Office was not timely served with  
21 the confidential version of the Company's reply comments.

22 The parties agreed that discovery would be  
23 responded to within 10 calendar days of receipt until  
24 December 1, 2015, and best efforts to respond  
25 expeditiously thereafter.

1           On November 10, 2015, the Office issued its  
2 first data request for the Company. The response was  
3 received on November 24th beyond the 10-day requirement.

4           We are particularly concerned that the Company  
5 did not support the Nucor alternate rate proposal with any  
6 technical analysis or evaluation. The Office believes  
7 that the Commission should insist that applicants provide  
8 sufficient level of analysis and supporting documentation  
9 to enable regulators to evaluate and justify rates,  
10 charges and payments in this type of contract.

11           For these reasons, as well as those addressed in  
12 our initial comments logged on December 7th, such as the  
13 lack of support of data noted above, the Office recommends  
14 that the Commission not approve the ESA.

15           If the Commission does approve the ESA, the  
16 Office recommends that the following conditions be  
17 attached to the approval.

18           Nucor is subject to Schedule 91 surcharge to  
19 fund Low Income Residential Lifeline Program. Nucor is  
20 subject to any new surcharge approved by the Commission  
21 concurrent with other customers, and the Company must  
22 complete a study to determine the value of curtailment and  
23 interruptibility before requesting approval of such  
24 provisions in a future contract.

25           That concludes my summary.

1 MR. OLSEN: Ms. Murray is available for  
2 questions.

3 PRESIDING OFFICER: Thank you. Any questions,  
4 Mr. Solander?

5 MR. SOLANDER: Yes.

6 CROSS-EXAMINATION

7 BY MR. SOLANDER:

8 Q. Is it your recommendation that Nucor be charged  
9 the same Schedule 91 surcharge as Schedule 9 customers?

10 A. Yes, it is.

11 MR. SOLANDER: Thank you.

12 PRESIDING OFFICER: Mr. Jetter, do you have any  
13 questions?

14 MR. JETTER: I have no questions. Thank you.

15 PRESIDING OFFICER: Okay. Ms. Murray, just to  
16 be sure that the Commission is understanding the  
17 recommendation in light of the reply comments by the  
18 Company and also the testimony Mr. Clements has given this  
19 morning, is it your understanding that the Company is  
20 willing to comply with the conditions that you've  
21 recommended?

22 THE WITNESS: That is my understanding.

23 PRESIDING OFFICER: Okay. And does that change  
24 at all the recommendation that you are making at this  
25 time?

1 THE WITNESS: No, it does not.

2 PRESIDING OFFICER: Okay. Very good. Thank you  
3 for that clarification.

4 Any follow up, Mr. Olsen?

5 MR. OLSEN: No follow up. Thank you.

6 PRESIDING OFFICER: Thank you for your  
7 testimony. You may be excused.

8 THE WITNESS: Thank you.

9 PRESIDING OFFICER: Is there anything else to  
10 come before the Commission today?

11 MR. SOLANDER: Not from the Company. Thank you.

12 PRESIDING OFFICER: Okay. Very good. We'll  
13 take the issue under advisement and issue a ruling.

14 Thank you very much for being here today and  
15 this matter is adjourned.

16 (The hearing was adjourned at 10:26 a.m.)

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C E R T I F I C A T E

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

I, Susan S. Sprouse, a Registered Professional Reporter, Certified Court Reporter, and Notary Public in and for the State of Utah, do hereby certify:

That the foregoing hearing was taken on December 14, 2015.

That the proceedings were reported by me in stenotype and thereafter transcribed by computer, and that a full, true, and correct transcription of said testimony so taken 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.

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 21st day of December, 2015.



SUSAN S. SPROUSE  
License No. 5965543-7801

<p><b>\$</b></p> <hr/> <p><b>\$50</b> 13:5</p> <hr/> <p><b>1</b></p> <hr/> <p><b>1</b> 16:9,11,24</p> <p><b>10</b> 16:20,23 17:1</p> <p><b>10-day</b> 17:3</p> <p><b>10:05</b> 3:1</p> <p><b>14</b> 3:1</p> <p><b>15-035-81</b> 3:7</p> <p><b>1st</b> 5:21</p> <hr/> <p><b>2</b></p> <hr/> <p><b>2015</b> 3:1 5:18 9:10 15:20 16:7,15,20,24 17:1</p> <p><b>2016</b> 5:21 16:9</p> <p><b>2017</b> 5:22</p> <p><b>24th</b> 17:3</p> <p><b>25th</b> 16:14</p> <hr/> <p><b>3</b></p> <hr/> <p><b>31st</b> 5:22</p> <p><b>3rd</b> 5:18</p> <hr/> <p><b>5</b></p> <hr/> <p><b>5th</b> 16:7,15</p>	<p><b>7</b></p> <hr/> <p><b>7th</b> 9:10 15:19 17:12</p> <hr/> <p><b>9</b></p> <hr/> <p><b>9</b> 10:21 11:1 12:14 13:4</p> <p><b>91</b> 10:17 13:5, 17 17:18</p> <hr/> <p><b>A</b></p> <hr/> <p><b>a.m.</b> 3:1</p> <p><b>account</b> 6:17</p> <p><b>action</b> 9:9</p> <p><b>actions</b> 16:13</p> <p><b>addressed</b> 17:11</p> <p><b>adjust</b> 13:23</p> <p><b>admitted</b> 7:25 9:21 16:2</p> <p><b>agreed</b> 16:10, 22</p> <p><b>agreement</b> 3:9 4:8 5:8,12,15, 18,19,21,23 6:6,11,12,23 7:3,19 9:4 10:7,9 16:8</p> <p><b>agreements</b> 10:13</p> <p><b>ahead</b> 8:6</p> <p><b>allocated</b> 10:9</p>	<p><b>alternate</b> 17:5</p> <p><b>amendments</b> 10:13,14</p> <p><b>analysis</b> 17:6,8</p> <p><b>analyst</b> 14:23 15:12,15</p> <p><b>anticipate</b> 12:16</p> <p><b>anticipates</b> 12:12</p> <p><b>apologies</b> 11:9,12 12:4</p> <p><b>Apparently</b> 8:4</p> <p><b>appearances</b> 3:10</p> <p><b>appearing</b> 3:13 11:21,23</p> <p><b>appendices</b> 10:15</p> <p><b>applicable</b> 6:4</p> <p><b>applicants</b> 17:7</p> <p><b>application</b> 3:7 4:8 5:19 7:19 9:3,5,25 16:14, 16</p> <p><b>applied</b> 10:3</p> <p><b>approval</b> 3:8 4:8 6:23 9:25 17:17,23</p> <p><b>approve</b> 11:3 17:14,15</p> <p><b>approved</b> 7:4 9:5 17:20</p> <p><b>ASSISTANT</b> 11:16</p>	<p><b>assume</b> 4:18</p> <p><b>assumed</b> 4:3</p> <p><b>attached</b> 17:17</p> <p><b>aware</b> 9:14</p> <hr/> <p><b>B</b></p> <hr/> <p><b>back</b> 11:10</p> <p><b>balancing</b> 6:16,17</p> <p><b>based</b> 10:23</p> <p><b>behalf</b> 3:13 11:21,23</p> <p><b>believes</b> 7:2 10:16,25 17:6</p> <p><b>billing</b> 13:5</p> <p><b>bring</b> 15:3</p> <hr/> <p><b>C</b></p> <hr/> <p><b>C-l-e-m-e-n-t-s</b> 5:2</p> <p><b>calculation</b> 12:15</p> <p><b>calendar</b> 16:23</p> <p><b>call</b> 4:7 8:8 12:1,5 14:6</p> <p><b>called</b> 4:16 8:17 14:17 16:19</p> <p><b>caller</b> 8:2,3,4 11:9,12 15:3</p> <p><b>capacity</b> 5:4</p> <p><b>case</b> 10:6 16:6</p>	<p><b>change</b> 6:19 13:16</p> <p><b>charge</b> 13:7</p> <p><b>charges</b> 17:10</p> <p><b>Charles</b> 3:19 8:8,16,23</p> <p><b>Cheryl</b> 3:24 14:6,16,23 15:11</p> <p><b>clarification</b> 13:25</p> <p><b>clear</b> 4:2</p> <p><b>Clements</b> 3:14 4:7,10,15,22 5:1 7:6,15</p> <p><b>closer</b> 15:7</p> <p><b>commencing</b> 5:21</p> <p><b>comment</b> 10:19</p> <p><b>comments</b> 6:22,24 7:20 9:8,16 11:6 12:19 15:19,22 16:19,21 17:12</p> <p><b>commercial</b> 5:6,7</p> <p><b>Commission</b> 3:5 5:15 7:8 9:8 10:7,10 11:3 12:17,21 13:15,21,23 16:17 17:7,14, 15,20</p> <p><b>Committee</b> 10:11</p> <p><b>Company</b> 3:11</p>
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