

CONFIDENTIAL PROCEEDINGS INCLUDED

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the
Application of Rocky Mountain
Power for Approval of the
Power Purchase Agreement
between PacifiCorp and Blue
Mountain Power Partners, LLC

Docket No. 13-035-115

In the Matter of the
Application of Rocky Mountain
Power for Approval of the
Power Purchase Agreement
between PacifiCorp and
Latigo Wind Park, LLC

Docket No. 13-035-116

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**HEARING**  
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TAKEN AT: Heber M. Wells Building  
160 East 300 South, Room 451  
Salt Lake City, Utah 84111  
  
DATE: Thursday, September 19, 2013  
  
TIME: 9:00 a.m. to 5:27 p.m.  
  
REPORTED BY: Michelle Mallonee, RPR

1 we will use and that we have to designate that. We have a time  
2 frame, a milestone, that we need to designate that. Based on  
3 our interconnection agreement security deposit, we have to  
4 designate it 30 days after that deposit.

5 Q. Ms. Mikell, does your LGIA executed contract allow  
6 you to change turbine type?

7 A. I believe it does. I think contracts--you know, there  
8 are contracts that--you make amendments all the time to  
9 contracts.

10 Q. After they've been executed?

11 A. Things change occasionally. I'm not a contract  
12 expert. I'm not an attorney, so.

13 Q. So you can't point to anything in the LGIA contract  
14 that says that you can change that term?

15 MR. SACKETT: I'm going to object to the question.  
16 The LGIA is not on trial here.

17 THE HEARING OFFICER: Yeah. Again, you know,  
18 we've let this line of questioning go far. The LGIA is part of the  
19 pro forma Open Access Transmission Tariff that is governed by  
20 the Federal Energy Regulatory Commission. We do not have  
21 jurisdiction in the state of Utah over the terms and conditions of  
22 that.

23 MR. WOOD: I thought that the public and the  
24 Commission might be interested if a contract is being put  
25 forward to be accepted and is contradicted by another term.

1 MR. WOOD: No, I'm not going to--

2 THE HEARING OFFICER: So this hasn't been  
3 authenticated. This hasn't been--I guess--

4 MR. WOOD: I'm going to ask the witness whether  
5 this represents her project.

6 MR. JETTER: I think it's asking a lot of the  
7 witness. And we're not here today to create a record for some  
8 party. We're here to provide the Commission the information it  
9 needs to make decisions on a couple of power purchase  
10 agreements. And we're going way down these side roads into  
11 new evidence that is fairly far beyond what was proposed during  
12 the comments.

13 THE HEARING OFFICER: You know, I agree. I  
14 feel like we've got a lot of good evidence in your comments, and  
15 whatever. But I understand your point that you're questioning--  
16 you are making an issue as to whether or not they have proper  
17 site control and whether or not PacifiCorp did its due diligence.  
18 And that's at issue, according to you.

19 But again, I just haven't been convinced yet that  
20 this kind of repetitious line of questioning is pertinent to the  
21 examination and the consideration of the PPA they had. I  
22 mean--

23 MR. WOOD: I won't go any further, your Honor.  
24 Then let me establish a proffer for our record, that if we were  
25 given the opportunity, we would demonstrate that Latigo does