

In the Matter Of:

In Re: RMP - Renewable Energy Contract with the University of Utah

HEARING, DOCKET NO. 18-035-08

May 16, 2018

Job Number: 463268

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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

SCHEDULING ORDER AND
NOTICE OF HEARING

DOCKET NO. 18-035-08

APPLICATION OF ROCKY MOUNTAIN POWER FOR APPROVAL OF
THE RENEWABLE ENERGY CONTRACT BETWEEN PACIFICORP AND
THE UNIVERSITY OF UTAH AND THE RELATED AGREEMENT WITH
AMOR IX, LLC

IN RE: RMP - RENEWABLE ENERGY CONTRACT WITH THE
UNIVERSITY OF UTAH

MAY 16, 2018

Job Number 463268

1 MR. HAMMER: I'm going to start over. Good
2 afternoon, everyone. This is the time and place
3 noticed for a hearing in the application of Rocky
4 Mountain Power for approval of the renewable energy
5 contract between PacifiCorp and the University of Utah
6 and a related agreement with Amor IX, LLC. That's
7 Commission Docket No. 18-035-08.

8 My name is Michael Hammer and I am the
9 Commission's designated residing officer. Let's go
10 ahead and take appearances, please.

11 MR. McDERMOTT: Jacob McDermott for Rocky
12 Mountain Power. And looking at counsel table is Mr.
13 Mark Tourangeau. He's director of commercial services
14 for the Company.

15 MR. JETTER: Good morning. I'm Justin Jetter with
16 the -- good afternoon -- I'm Justin Jetter with the
17 Utah Attorney General's Office representing the Utah
18 Division of Public Utilities. With me at counsel table
19 is Charles Peterson, Division.

20 MR. MOORE: Robert Moore with the Office of
21 Consumer Services. Uh, with me at counsel table is
22 Cheryl Murray of the Office.

23 MR. BURNETT: Brian Burnett with [inaudible]
24 Kirton McConkie for Amor IX, LLC.

25 MR. HAMMER: Thank you, everyone. And I'll

1 apologize up front. We found out just moments before
2 the hearing commenced that our court reporter would
3 not make it. We are recording the hearing and
4 streaming it and we will have a transcript of these
5 proceedings prepared after the hearing.

6 One other preliminary matter: Uh, Mr. Burnett, I
7 am aware that Amor IX has filed a petition intervene.
8 I don't think that's yet been granted. Does any party
9 have an objection to Amor's first petition and hearing
10 today?

11 MR. McDERMOTT: No objection from the Company.

12 MR. JETTER: None from the Division.

13 MR. MOORE: And no -- no objection.

14 MR. HAMMER: And I'll infer from that there's no
15 objection to petition to intervene.

16 MR. McDERMOTT: None.

17 MR. HAMMER: Then I'll go ahead and grant that
18 petition here. And you're welcome to proceed and
19 participate, Mr. Burnett.

20 MR. BURNETT: Thank you.

21 MR. HAMMER: And with that, we'll begin with Mr.
22 McDermott.

23 MR. McDERMOTT: Thank you. We would like to call
24 Witness Mark Tourangeau to the stand.

25 MR. HAMMER: The parties do not anticipate

1 extensive cross-examination today; is that correct?

2 MR. MCDERMOTT: Yeah. That's correct. I don't
3 think we anticipate any.

4 MR. HAMMER: Then I have no objection. The
5 witness is staying seated. Be more comfortable. And
6 Mr. Tourangeau, do you swear to tell the truth?

7 MR. TOURANGEAU: I do.

8 MR. HAMMER: Thank you.

9 MR. MCDERMOTT: Mr. Tourangeau, will you please
10 state your full name, business address, and position
11 with the company?

12 MR. TOURANGEAU: Yes. Mark Tourangeau, 1407 West
13 North Temple, Salt Lake City. I'm director of
14 commercial services.

15 MR. MCDERMOTT: And in the scope of your duties,
16 did you participate in the negotiations of the
17 schedule 32 contract with the University of Utah and
18 the renewable energy supply contract with Amor IX, LLC
19 that are before the Commission for approval on this
20 docket and also oversee their execution?

21 MR. TOURANGEAU: Yes. I did.

22 MR. MCDERMOTT: Are you familiar with the
23 responsive comments filed by Rocky Mountain Power in
24 this docket?

25 MR. TOURANGEAU: I am. Yes.

1 MR. MCDERMOTT: And you adopt those comments as
2 your own testimony today?

3 MR. TOURANGEAU: I do.

4 MR. MCDERMOTT: Did you also prepare or possibly
5 prepare the confidential direct testimony including
6 Exhibits RMP__(MPT-1), RMP__(MPT-2), RMP__(MPT-3) that
7 were filed on March 23rd in support of the Company's
8 application in this docket?

9 MR. TOURANGEAU: Yes. I did.

10 MR. MCDERMOTT: And if I were to ask you the same
11 questions as those stated in your direct testimony,
12 would you give me the same answers today?

13 MR. TOURANGEAU: I would.

14 MR. MCDERMOTT: Do you have any changes to make
15 to right now?

16 MR. TOURANGEAU: No. I don't.

17 MR. MCDERMOTT: At this time, I move that the
18 confidential direct testimony of Mr. Tourangeau be
19 admitted into the record including the confidential
20 Exhibits RMP__(MPT-1), RMP__(MPT-2), and RMP__(MPT-3)
21 and that Rocky Mountain Power's May 14th, 2018, uh,
22 responsive comment be admitted to the record.

23 MR. JETTER: Objection.

24 MR. HAMMER: There admitted.

25 MR. MCDERMOTT: Thank you. Uh, Mr. Tourangeau,

1 have you prepared a summary of your testimony?

2 MR. TOURANGEAU: I have.

3 MR. MCDERMOTT: Please share that now.

4 MR. TOURANGEAU: I present today for Commission
5 approval a renewable energy contract or schedule 32
6 contract or REC from the University of Utah or the
7 University and PacifiCorp d/b/a Rocky Mountain Power
8 and a renewable resource power purchase agreement
9 between Amor IX, LLC and Rocky Mountain Power.
10 Schedule 32 was approved by the Commission in Docket
11 14-035-T02, on March 20th of 2015.

12 The Company developed schedule 32 in order to im-
13 -- implement Senate Bill 12, which was passed in its
14 original form during the 2012 Utah legislative session
15 in [inaudible] Utah codes annotated Sections 5417801,
16 -802, -803, -804, and -805.

17 The law allows the customer to receive
18 electricity directly from a renewable energy facility
19 if the customer pays all the costs associated with
20 that renewable energy. In an application dated March
21 23rd, 2018, Rocky Mountain Power filed for approval of
22 a new renewable energy contract with the university
23 and a renewable resource power purchase agreement with
24 Amor -- Amor IX. The Company now seeks approval of
25 this REC and PPA.

1 These two agreements were signed on March --
2 March 16th, 2018, and will become effective when final
3 and non-appealable Commission orders have been entered
4 approving without material modification all the terms
5 of the agreements.

6 Anticipated online date of the renewable resource
7 is September 1st, 2019, at which point the university
8 will begin taking service under the new REC via
9 schedule 32.

10 Since schedule 32 was approved by the Commission,
11 the Company has received several inquiries from
12 customers and renew- -- renewable energy developers
13 expressing interest.

14 However, this application for appro- -- approval
15 of the contract with the university is the first
16 presented to the Commission for approval under
17 schedule 32.

18 The university is an existing customer of the
19 Company taking service under schedule 9, and
20 therefore, qualifies for service under schedule 32.
21 The Company also seeks Commission approval of the
22 renewable resource contract between the Company and
23 Amor IX, which governs the terms of sale and purchase
24 of the energy produced by the geothermal generation
25 facility.

1 The renewable PPA between the university and Amor
2 establishes the university's relationship with the
3 initial -- initial renewable resource under the
4 schedule 32 contract.

5 Amor is a developer of the geothermal generation
6 facility with an expected nameplate capacity of
7 roughly 20 megawatts. It is located in Churchill
8 County, Nevada and from which the renewable energy
9 will be generated.

10 As a base load renewable energy facility, this
11 resource meets schedule 32's requirements. The Company
12 represents the terms and conditions in the REC PPA are
13 just and reasonable and in the public interest.

14 Therefore, the Company recommends and requests
15 the Commission approve the REC and PPA.

16 MR. MCDERMOTT: Thank you, Mr. Tourangeau. The
17 Company has no further question for Mr. Tourangeau. So
18 who's available for cross-examination?

19 MR. HAMMER: Mr. Jetter?

20 MR JETTER: We've got no questions. Thanks.

21 MR. HAMMER: Mr. Moore.

22 MR. MOORE: No questions. Thank you.

23 MR. HAMMER: Mr. Burnett.

24 MR. BURNETT: I have no questions.

25 MR. HAMMER: Thank you. Mr. McDermott, any other

1 witnesses?

2 MR. MCDERMOTT: No other witnesses.

3 MR. HAMMER: All right. We'll proceed to the
4 Division.

5 MR JETTER: Thank you. The Division would like to
6 call and have sworn in Charles Peterson.

7 MR. HAMMER: Mr. Peterson, do you swear to tell
8 the truth?

9 MR. PETERSON: Yes.

10 MR. HAMMER: Thank you.

11 MR. JETTER: Mr. Peterson, would you please state
12 your name and occupation for the record?

13 MR. PETERSON: Yes. Charles E. Peterson. I'm a
14 utility technical consultant with the Division of
15 Public Utilities.

16 MR. JETTER: Thank you. And in the course of your
17 employment with the Division of Public Utilities, have
18 you had an opportunity to review the application and
19 contracts that were submitted with the application by
20 Rocky Mountain Power?

21 MR. PETERSON: Yes. I have.

22 MR. JETTER: And did you create costs to be filed
23 with the Commission, a memo from the Division dated
24 May 7th, 2018?

25 MR. PETERSON: Yes.

1 MR. JETTER: Is there any corrections or changes
2 you'd like to make to that today?

3 MR. PETERSON: None that I'm aware of.

4 MR. JETTER: And does the recommendations made in
5 there to approve this contract and schedule 32
6 agreement with the University of Utah reflect the
7 Division's position today?

8 MR. PETERSON: Yes. It does.

9 MR. JETTER: Thank you. I move to enter into the
10 record that this is an action request response dated
11 May 7th, 2018, filed by the Division.

12 MR. HAMMER: It's admitted.

13 MR. JETTER: Thank you. I have no further
14 questions for Mr. Peterson. He's available for cross
15 by the parties.

16 MR. HAMMER: Mr. McDermott?

17 MR. McDERMOTT: None from the Company. Thanks.

18 MR. HAMMER: Mr. Moore?

19 MR. MOORE: No questions. Thank you.

20 MR. HAMMER: Mr. Burnett?

21 MR. BURNETT: I have no questions.

22 MR. HAMMER: All right. And no other witnesses,
23 Mr. Jetter?

24 MR. JETTER: No. That's all. Thank you.

25 MR. HAMMER: Mr. Moore?

1 MR. MOORE: The Office would call Cheryl Murray.

2 And ask for her to be sworn.

3 MR. HAMMER: Ms. Murray, do you swear to tell the
4 truth?

5 MS. MURRAY: Yes.

6 MR. HAMMER: Thank you.

7 MR. MOORE: Ms. Murray, could you state your name
8 and occupation and business address?

9 MS. MURRAY: Cheryl Murray. I'm a utility
10 analyst. And my address is 160 East 300 South, Salt
11 Lake City, Utah.

12 MR. MOORE: Uh, in the course of your employment,
13 had you --?

14 MR. HAMMER: Pardon me. Is your mic on, Ms.
15 Murray?

16 MS. MURRAY: Yes. I need to get closer
17 [inaudible].

18 MR. HAMMER: Thank you. I apologize for the
19 interruption.

20 MS. MURRAY: That's fine.

21 MR. MOORE: In the course of your employment,
22 have you had the opportunity to review the application
23 in this docket?

24 MS. MURRAY: Yes.

25 MR. MOORE: Did you prepare and have filed

1 comments on this application on May 7th, 2018?

2 MS. MURRAY: Yes. I did.

3 MR. MOORE: Do you have any changes to those
4 comments you'd like to make today?

5 MS. MURRAY: No.

6 MR. MOORE: Do you a- -- uh, adopt these comments
7 as your testimony today?

8 MS. MURRAY: Yes.

9 MR. MOORE: At this point, I would move for the
10 admission of the, uh, May 7th, 2018 comments.

11 MR. McDERMOTT: No objection.

12 MR. HAMMER: There admitted.

13 MR. MOORE: Have you prepared a summary of your,
14 uh, of your comments?

15 MS. MURRAY: Yes. I have.

16 MR. MOORE: Would you please proceed?

17 MS. MURRAY: Yes. The Office believes that
18 schedule 32 was intended to meet the needs of
19 qualified Rocky Mountain Power customers who decided
20 to receive all or a portion of their electricity from
21 a renewable energy facility and to protect the
22 Company's other rate payers from any financial
23 consequences that may result from those individual
24 decisions.

25 This rate care protection is of paramount

1 importance to the Office. Based on our review of the
2 documents and testimony provided with the Company's
3 application, responses to data requests, and
4 conversations with the Company, the Office believes
5 that the renewable energy contract between the
6 University of Utah and PacifiCorp, as well as the
7 renewable resource contract between PacifiCorp and IX,
8 LLC, generally meet the requirements of schedule 32.

9 In May 7, 2018 comments, the Office noted an
10 issue regarding transmission requirements.

11 Schedule 32 requires that the Company must
12 receive confirmation from PacifiCorp transmission that
13 the renewable energy facility has been designated as a
14 network resource pursuant to the Open Access
15 Transmission Tariff.

16 And the Company must receive confirmation from
17 PacifiCorp transmission that the transmission service
18 request has been granted in sufficient capacity to
19 meet or exceed the maximum delivery rate under the
20 contract.

21 Since the filing of our comments, the Company has
22 provided the first supplemental response to OCS data
23 request 2.2b, which reads as follows: On April 26,
24 2018, PacifiCorp's transmission function informed
25 PacifiCorp merchant function, energy supply

1 management, ESM, that a system impasse study, SIS,
2 would be required prior to determining designated
3 resource status for this resource.

4 PacifiCorp's merchant function expects to receive
5 the results of the SIS within 60 days. Based on that
6 response, it appears that it could be after the
7 requested approval date of June 15th, 2018, before a
8 determination is made as to whether the renewable
9 energy resource will receive designation as a network
10 resource.

11 Further, as noted in our earlier comments, there
12 is a term in the renewable resource contract related
13 to this issue which may cause the RRC to terminate if
14 upgrades are required.

15 Clearly, receiving designation as a network
16 resource is a requirement of schedule 32. What is not
17 clear is when the Commission may know if that
18 requirement is met.

19 Based on the foregoing information, the Office
20 recommends that the Commission approve the renewable
21 energy contract and the renewable resource purchase
22 contract contingent on the renewable resource
23 receiving designation as a network resource and
24 subject to the following conditions identified in our
25 May 7, 2018 comments:

1 One, the Company be required to notify the
2 Commission when it receives a determination as to
3 whether network upgrades are required and if such
4 upgrades are necessary, state that the RRC is to be
5 terminated or what accommodations are made between the
6 Company and Amor IX, LLC.

7 Two, the Company be required to notify the
8 Commission in the case of default by the customer and
9 inform the Commission whether the contract and/or the
10 RRC will be terminated. The Company should explain and
11 justify its decision if either contract is not
12 terminated in that event.

13 In responsive comments, the Company agreed to the
14 -- the two conditions I just mentioned. I assume that
15 they still agree. And that concludes my statement.

16 MR. MOORE: Ms. Murray is available for
17 questions.

18 MR. McDERMOTT: Just one clarifying question, Ms.
19 Murray. You mentioned in your comments in your summary
20 testimony, um, that the Company had requested a
21 decision from the Commission by June 15?

22 MS. MURRAY: I thought I read that. I could be
23 wrong.

24 MR. McDERMOTT: Uh, you're -- you're correct.
25 That was in the Company's, um, initial request. Um,

1 some point to the scheduling hearing the Company had
2 modified that request, given the change to the
3 schedule, and had requested a -- a decision by May
4 23rd. Do you recall that?

5 MS. MURRAY: Sorry. I do not.

6 MR. McDERMOTT: Okay. Does the OCS and -- to --
7 to your knowledge have any objection to a decision by
8 May 23rd if the Commission agrees?

9 MS. MURRAY: Um, not if it's subject to the
10 conditions that we have, uh, laid out in our comments.

11 MR. McDERMOTT: Okay. Thank you.

12 MS. MURRAY: Your welcome.

13 MR. HAMMER: Anything else?

14 MR. McDERMOTT: No. No further questions. Thank
15 you.

16 MR. HAMMER: Mr. Jetter?

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

18 MR. HAMMER: Mr. Burnett?

19 MR. BURNETT: I have no questions.

20 MR. HAMMER: Okay. Thank you. Mr. Moore, anything
21 else?

22 MR. MOORE: Uh, we have no further witnesses.
23 Thank you.

24 MR. HAMMER: Mr. Burnett, anything from you?

25 MR. BURNETT: We have no witnesses.

1 MR. HAMMER: Okay. Let me just ask the parties,
2 uh, other than the Office, if everyone is in agreement
3 that any order the Commission issues with respect to
4 this docket, uh, that might approve the underlying
5 agreements be conditioned on the designation of the
6 resources a system of resource.

7 MR. McDERMOTT: The Company has no objection to
8 the, uh, two conditions, uh, reflected by the OCS as
9 we stated in our responsive comments, so, yeah.

10 MR. HAMMER: Mr. Jetter?

11 MR. JETTER: Um, I actually think, uh, Charles
12 Peterson, our witness, might have a little bit of
13 comment on that on behalf of the Division.

14 MR. PETERSON: I didn't want to steal Ms., uh,
15 Murray's thunder on that issue, but the Division
16 supports the Office in their request for contingencies
17 be, uh, set forth regarding these transmission issues.

18 So we order -- we support the Office in their
19 request that, uh, the contracts be approved subject to
20 the condition that, uh, that, uh, the Commission is
21 notified regarding any, uh, uh, failures of this
22 transaction to receive the designation of the network
23 resource and if there are any defaults in the
24 contracts. The subject built [ph] conditions of the
25 Division continues to recommend approval.

1 MR. HAMMER: Thank you. Mr. Burnett?

2 MR. BURNETT: Amor has no objections to the two
3 conditions as drafted by the Office.

4 MR. HAMMER: All right. Is there anything else
5 from any party?

6 MR. JETTER: Uh, just one -- one, um, note and as
7 I discussed with, uh, Ms. -- uh, with Ms. Murray just
8 a moment ago, the Company reiterate its request, if
9 possible, that the Commission issues decision by May
10 23rd.

11 This is in consideration, uh, Amor IX's, uh,
12 LLC's, uh, um, necessary schedule to develop the
13 resource and, uh, uh, that's the reason the Company's
14 asking for it. Other than that, nothing else. Thank
15 you.

16 MR. HAMMER: And no party has any objection to
17 the Commission considering [inaudible] on an expedited
18 basis I assume?

19 MR. JETTER: Uh, not the Division. We would
20 support any county court order, if that's possible.

21 MR. HAMMER: Mr. Moore.

22 MR. MOORE: No. We have no objection.

23 MR. MOORE: Mr. Burnett, I'm assuming you don't.

24 MR. BURNETT: No. We were, uh, I mean, if -- if
25 the Commission can accommodate that, we'd appreciate

1 it, uh, and we'd even, you know, toy with the idea of
2 asking for a bench order.

3 But, uh, I -- I'll -- I'll leave it up to you as
4 to whether or not, uh, you prefer to -- to grab
5 something that could -- that could be done exped- --
6 expeditiously. I think we're fine, but that's fine.

7 MR. HAMMER: Well, I would move on your behalf
8 for a bench order. But I think we can, uh, endeavor to
9 accommodate requests for a time when more -- uh, in
10 the next week.

11 MR. BURNETT: Okay.

12 MR. HAMMER: Okay. Thank you, everyone. We're
13 done.

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I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 19 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

May 22, 2018

Chris Naaden



(William Villatoro DMV hearing, 4-13-18)

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