

# APPLICATION OF ROCKY MOUNTAIN POWER

Docket No. 18-035-36

## PUBLIC SERVICE COMMISSION

April 08, 2020

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Public Service Commission  
April 08, 2020

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

2 -o0o-

3 APPLICATION OF ROCKY )  
4 MOUNTAIN POWER FOR AUTHORITY )  
5 TO CHANGE ITS DEPRECIATION ) Docket No. 18-035-36  
6 RATES EFFECTIVE JANUARY 1, )  
7 2021 )

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10 PUBLIC SERVICE COMMISSION OF UTAH HEARING

11  
12 Taken on Wednesday, April 8, 2020

13 At 9:00 a.m.

14 Via teleconference

15  
16 At Advanced Reporting Solutions

17 159 West Broadway

18 Suite 100

19 Salt Lake City, Utah 84101

20  
21  
22  
23  
24  
25 Reported by: Nancy A. Fullmer, RMR, CSR

A P P E A R A N C E S

Public Service Commission:  
Thad LeVar, Chairman  
David R. Clark, Commissioner  
Jordan A. White, Commissioner

Rocky Mountain Power:  
Emily Wegener

Division of Public Utilities:  
Patricia Schmid

Office of Consumer Services:  
Robert Moore

Western Resource Advocates:  
Sophie Hayes

Sierra Club:  
Gloria Smith

Utah Association of Energy Users:  
Phillip J. Russell

Utah Clean Energy:  
Hunter Holman

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

2 -o0o-

3 CHAIRMAN LeVAR: This is Thad LeVar and  
4 I'm conducting the hearing today. This is Public  
5 Service Commission hearing in Docket 18-035-36,  
6 Application of Rocky Mountain Power for Authority  
7 to Change its Depreciation Rates Effective  
8 January 1, 2021.

9 We have confirmed that the other two  
10 commissioners, Commissioner Clark and Commissioner  
11 White, are both on the line. And so I think the  
12 next thing we'll do is go to appearances.

13 But before we go forward, I'll just make  
14 a few reminders to everyone. Please don't talk  
15 over each other. Getting the correct transcript  
16 of today's hearing is a little more difficult when  
17 we're acting telephonically. So please make sure  
18 you have pauses in between when you're speaking  
19 and do our best not to talk over each other.

20 Please identify yourself when you begin  
21 speaking. And for purposes of keeping the audio  
22 as good as it can -- as good as it can be, please  
23 mute your phone when you're not speaking and then  
24 unmute it when you need to speak.

25 With that, why don't we go to

1 appearances. For Rocky Mountain Power, is someone  
2 on the line for Rocky Mountain Power?

3 MS. WEGENER: Yes. Emily Wegener on  
4 behalf of Rocky Mountain Power. And do you want  
5 me to state my witness names as well?

6 CHAIRMAN LeVAR: Sure. If you want to  
7 just confirm that they're ready to participate  
8 today.

9 MS. WEGENER: Okay. With me I've got  
10 Nikki Kobliha, Chad Teply, Steve McDougal, Tim  
11 Hemstreet, and John Spanos. And I also have Jana  
12 Saba, but she's not a witness.

13 CHAIRMAN LeVAR: Okay. Thank you.  
14 For the Division of Public Utilities.

15 MS. SCHMID: Good morning. This is  
16 Patricia E. Schmid for the Division. My witness  
17 today will be Jeffrey S. Einfeldt.

18 CHAIRMAN LeVAR: Okay. Thank you.  
19 For the Office of Consumer Services.

20 MR. MOORE: Yes. This is Robert Moore  
21 for the Office of Consumer Services. With me is  
22 Cheryl Murray of the Office. She will be our  
23 witness.

24 CHAIRMAN LeVAR: Okay. Thank you.  
25 Western Resource Advocates.

1 MS. HAYES: Good morning. This is Sophie  
2 Hayes on behalf of Western Resource Advocates, and  
3 our witness today is Nancy Kelly.

4 CHAIRMAN LeVAR: Okay. Thank you.  
5 Utah Association of Energy Users?

6 MR. RUSSELL: Yes. Good morning. This  
7 is Phillip Russell on behalf of the Utah  
8 Association of Energy Users. Our witness today is  
9 Kevin Higgins.

10 CHAIRMAN LeVAR: Okay. Thank you.  
11 Sierra Club?

12 MS. SMITH: Good morning. This is Gloria  
13 Smith of Sierra Club. Our witness is Ezra  
14 Hausman, but he will not be appearing today.

15 CHAIRMAN LeVAR: Okay. I'm sorry, what  
16 was your name again? Who's representing Sierra  
17 Club? I was distracted for a second.

18 MS. SMITH: Gloria Smith.

19 CHAIRMAN LeVAR: Okay. Thank you. And  
20 you do not intend to call Mr. Hausman at the  
21 hearing today?

22 MS. SMITH: I do not. Thank you.

23 CHAIRMAN LeVAR: Okay. Is Utah Clean  
24 Energy on the phone?

25 MR. HOLMAN: Yes. This is Hunter Holman

1 representing Clean Energy, and we have no witness  
2 today, Mr. Chair.

3 THE COURT REPORTER: Sorry, what was your  
4 name again?

5 MR. HOLMAN: Hunter Holman.

6 THE COURT REPORTER: Okay. Thank you.

7 CHAIRMAN LeVAR: And let me go back to  
8 Rocky Mountain Power. I'm looking at the  
9 information we provided to the court reporter and  
10 we gave the court reporter the names of two  
11 witnesses. And it looks like we failed to include  
12 on the information, the written information for  
13 the court reporter, all the witnesses that you  
14 indicated at the beginning of the call. So the  
15 court reporter, I think, has the names and  
16 spellings of Nikki Kobliha and Chad Teply.

17 Would -- Ms. Wegener, would you go  
18 through your other witnesses again slowly just to  
19 make sure the court reporter has all those names?  
20 Because we failed to get the other names you  
21 mentioned to her in advance.

22 MS. WEGENER: Yes, I will. And I've got  
23 a question on the other witnesses because we want  
24 to admit their testimony. It was filed with the  
25 application, but they do not have summaries so



1 they won't necessarily be speaking unless you want  
2 us to go through and admit the testimony with each  
3 of them and then proceed to the summaries, so --

4 CHAIRMAN LeVAR: Sure. This is Thad. I  
5 think we'll just deal with that with whatever  
6 motion you want to make as we move forward, but  
7 for now let's just make sure the court reporter  
8 has the names. Because we only gave the names of  
9 those who provided testimony on the stipulation  
10 and we failed to give the names of those who gave  
11 testimony in the application.

12 MS. WEGENER: Okay. We have Steve  
13 McDougal. Last name spelled M-C capital  
14 D-O-U-G-A-L. We have Tim Hemstreet, Timothy J.  
15 Hemstreet. Last name's spelled H-E-M-S-T-R-E-E-T.  
16 We have John Spanos, J-O-H-N, S-P-A-N-O-S. Is  
17 that -- I think those are all of our witnesses.

18 CHAIRMAN LeVAR: Thank you, Ms. Wegener.  
19 Ms. Fullmer, do you have all those names?

20 THE COURT REPORTER: Yes, I do. Thank  
21 you.

22 CHAIRMAN LeVAR: Okay. We will go ahead  
23 -- are there any other preliminary matters that  
24 anyone needs us to address before we move to  
25 taking the testimony?

1           Okay, thank you. I'll remind you, again,  
2 just to ensure that you identify yourself for the  
3 court reporter when you start speaking. Please  
4 keep your phone on mute when you're not speaking.  
5 And we will go to Ms. Wegener first for your first  
6 witness or the motion that you were describing a  
7 moment ago.

8           MS. WEGENER: First, I would like to move  
9 to admit the testimony of -- the direct testimony  
10 filed with the application. And I'll just go  
11 through each of the witnesses individually to see  
12 if there's any objections. Does that -- does that  
13 work for you?

14          CHAIRMAN LeVAR: Yes. Why don't you just  
15 describe your motion and go through them all and  
16 then I'll go to each of the parties and see if  
17 there are any objections from anyone. Thank you.

18          MS. WEGENER: Okay. I would like to move  
19 to admit the direct testimony of Nikki Kobliha,  
20 John Spanos, Steve McDougal, Chad Teply, and  
21 Timothy Hemstreet, and any supplemental testimony  
22 filed before our most recent filing on, I think,  
23 March 23rd.

24          CHAIRMAN LeVAR: Okay. So this is Thad  
25 LeVar. Your motion is to admit the testimony of

1 the individuals you named that was filed prior to  
2 the stipulation -- is that correct --

3 MS. WEGENER: Exactly.

4 CHAIRMAN LeVAR: -- with the current  
5 motion?

6 If any party objects to that motion,  
7 please indicate. And if there are multiples,  
8 we'll try to parse it out, but just, first, let me  
9 know if anyone has an objection to the motion.

10 Okay. I'm not hearing anyone objecting  
11 to the motion, so it is granted. And you can go  
12 on with your next witness, Ms. Wegener.

13 MS. WEGENER: Okay. I'll call Nikki  
14 Kobliha.

15 CHAIRMAN LeVAR: Okay. Ms. Kobliha, are  
16 you on the line?

17 THE WITNESS: Yes, I am.

18 CHAIRMAN LeVAR: Do you swear to tell the  
19 truth?

20 THE WITNESS: Yes, I do.

21 CHAIRMAN LeVAR: Okay, thank you.

22 Ms. Wegener.

23 EXAMINATION

24 BY MS. WEGENER:

25 Q. Ms. Kobliha, can you state and spell your

1 name for the record.

2 A. Nikki Koblaha, N-I-K-K-I, K-O-B-L-I-H-A.

3 Q. And are you the same Ms. Koblaha that  
4 submitted testimony in support of the depreciation  
5 stipulation?

6 A. Yes, I am.

7 Q. Can you please provide a summary of your  
8 testimony?

9 A. Yes, I will.

10 My summary today provides an overview of  
11 the key terms of the settlement stipulation that  
12 is before the Commission today. This stipulation  
13 is a result of many meetings held between  
14 November 2018 and February 2020 involving the  
15 parties in this docket and parties involved in the  
16 company's depreciation proceedings in Wyoming,  
17 Idaho, Oregon, and Washington, and represents a  
18 significant good faith negotiation.

19 On September 11, 2018, Rocky Mountain  
20 Power filed an application requesting  
21 authorization to update depreciation rates  
22 effective January 1, 2021, based on a study that  
23 was performed under my direction by Mr. John  
24 Spanos.

25 The original depreciation rates proposed

1 resulted in an increased annual depreciation  
2 expense of 228.1 million on a total company basis  
3 or 100.1 million allocated to Utah customers.  
4 This combined with the ending of the excess  
5 reserve amortization of 28 million would have  
6 increased Utah's annual depreciation expense by  
7 128.1 million.

8           On March 19, 2020, the company submitted  
9 a settlement stipulation that was signed by the  
10 company and five of the six intervening parties in  
11 this docket. The stipulating parties agree that  
12 the depreciation study should be approved with  
13 approximately 86.8 million on a total company  
14 basis in adjustments that I will briefly highlight  
15 today.

16           First, the largest adjustment is the  
17 removal of the Cholla plant from the depreciation  
18 study. The company will include a proposal for  
19 ratemaking treatments of the unrecovered plant  
20 balance, decommissioning, and other closing costs  
21 when it files its general rate case application in  
22 Docket No. 20-035-04.

23           Second, depreciable lives with  
24 transmission work extended between two to five  
25 years for all but two of the transmission FERC

1 accounts, and net salvage values were decreased  
2 which changed transmission depreciation rates.

3 Third, net salvage values were reduced  
4 for three distribution FERC accounts resulting in  
5 an estimated reduction to Utah's distribution  
6 depreciation expense. Other minor adjustments  
7 were made to various FERC accounts.

8 Finally, Naughton Unit 3 gas conversion  
9 was included in the depreciation study, which  
10 increased the depreciation expense. In total,  
11 these adjustments reduced the annual depreciation  
12 expense increase from 228.1 million to  
13 141.5 million on a total company basis and  
14 128.1 million to 89.6 million allocated to Utah.

15 As part of the stipulations, the parties  
16 also requested that the Commission establish a  
17 second phase of this proceeding for two primary  
18 purposes. First, to allow additional time for  
19 review of the incremental decommissioning cost  
20 included in the company's 2020 decommissioning  
21 study. Second, to determine the ratemaking  
22 treatments of the retired plants associated with  
23 the repowered wind facilities as part of the  
24 company's repowering project approved in Docket  
25 No. 17-035-39.

1           Respectfully, I ask the Commission to  
2 issue an order approving the terms and conditions  
3 of the stipulation, the depreciation rates  
4 submitted as attachment one that was submitted  
5 with the stipulation on March 19, 2020, and  
6 notifying the parties of a scheduling conference  
7 for phase two to be concurrent with the scheduling  
8 conference to be set for the company's general  
9 rates case in Docket No. 20-035-04 that is planned  
10 to be filed on May 5, 2020.

11           That concludes my summary today. Thank  
12 you.

13           MS. WEGENER: Thank you. I move to admit  
14 Ms. Kobliha's testimony in support of the  
15 depreciation stipulation.

16           CHAIRMAN LeVAR: Okay, thank you. This  
17 is Thad LeVar. If any party objects to that  
18 motion, please indicate your objection.

19           And I'm not hearing any objections, so  
20 the motion is granted. Thank you.

21           Anything further before we go to  
22 questions, Ms. Wegener?

23           MS. WEGENER: I have nothing further for  
24 Ms. Kobliha.

25           CHAIRMAN LeVAR: Okay, thank you.

1 Ms. Schmid, do you have any questions for  
2 this witness from the Division of Public  
3 Utilities?

4 MS. SCHMID: No questions from the  
5 Division.

6 CHAIRMAN LeVAR: Thank you, Ms. Schmid.

7 Mr. Moore, do you have any questions for  
8 this witness from the Office of Consumer Services?

9 MR. MOORE: No questions. Thank you.

10 CHAIRMAN LeVAR: Okay, thank you.

11 Ms. Hayes, do you have any questions for  
12 this witness from Western Resource Advocates?

13 MS. HAYES: I have no questions. Thank  
14 you.

15 CHAIRMAN LeVAR: Mr. Russell, do you have  
16 any questions from the Utah Association of Energy  
17 Users?

18 MR. RUSSELL: No questions from UAE.  
19 Thank you.

20 CHAIRMAN LeVAR: Thank you.

21 Mr. Holman, any questions from Utah Clean  
22 Energy?

23 MR. HOLMAN: No questions, Chair. Thank  
24 you.

25 CHAIRMAN LeVAR: Thank you.



1 Ms. Smith, any questions from Sierra  
2 Club?

3 MS. SMITH: No questions from Sierra  
4 Club.

5 CHAIRMAN LeVAR: Thank you.

6 Commissioner White, do you have any  
7 questions for Ms. Koblaha?

8 COMMISSIONER WHITE: No questions, Chair.  
9 Thank you.

10 CHAIRMAN LeVAR: Thank you.

11 Commissioner Clark, do you have any  
12 questions for Ms. Koblaha?

13 COMMISSIONER CLARK: I do not. Thank you  
14 very much.

15 CHAIRMAN LeVAR: Thank you.

16 I do not have any questions either, so  
17 thank you for your testimony this morning,  
18 Ms. Koblaha.

19 THE WITNESS: Thank you.

20 CHAIRMAN LeVAR: Ms. Wegener.

21 MS. WEGENER: Rocky Mountain Power calls  
22 Chad Teply.

23 CHAIRMAN LeVAR: Mr. Teply, are you on  
24 the line?

25 THE WITNESS: I am.

1 CHAIRMAN LeVAR: Do you swear to tell the  
2 truth?

3 THE WITNESS: Yes, I do.

4 CHAIRMAN LeVAR: Okay, thank you.

5 EXAMINATION

6 BY MS. WEGENER:

7 **Q. Would you please state and spell your**  
8 **name for the record.**

9 A. My name is Chad Teply. That spelling is  
10 C-H-A-D, T-E-P-L-Y.

11 **Q. And did you provide rebuttal testimony in**  
12 **this matter?**

13 A. I did.

14 MS. WEGENER: Move to admit Mr. Teply's  
15 rebuttal testimony.

16 CHAIRMAN LeVAR: If any party objects to  
17 that motion, please indicate your objection.

18 I'm not hearing any objection, so the  
19 motion is granted. Thank you.

20 BY MS. WEGENER:

21 **Q. Mr. Teply, can you please provide a**  
22 **summary of your testimony?**

23 A. I will.

24 Good morning. On March 19, 2020, the  
25 company filed a settlement stipulation that was

1 signed by five out of the six intervening parties  
2 in the docket. The party that did not sign the  
3 stipulation was Sierra Club, who filed testimony  
4 in opposition to the stipulation on March 30,  
5 2020.

6 I summarize today the company's response  
7 to Sierra Club's arguments against the stipulation  
8 and reiterate why the company -- or why the  
9 Commission should reject Sierra Club's  
10 recommendation and approve the stipulation as  
11 filed.

12 Sierra Club's witness, Dr. Hausman,  
13 claims that the depreciable lives for four of the  
14 company's coal-fueled units are unrealistic and  
15 unreasonable and specifically argue that they do  
16 not align with the company's 2019 Integrated  
17 Resource Plan, which he claims introduces  
18 significant risks of intergenerational inequity.

19 The Commission should reject Sierra  
20 Club's arguments. The 2019 Integrated Resource  
21 Plan is a long-term planning tool. However, it is  
22 not intended to be a final decision for any  
23 specific resource.

24 While the stipulation with the associated  
25 depreciation study and the 2019 Integrated

1 Resource Plan both reflect shortened operating  
2 lives of various coal-fueled resources, the time  
3 frames for those assumed retirements differs  
4 slightly. The depreciation study was based on the  
5 best information available at the time of filing.  
6 Rapidly changing market conditions led to a  
7 different assessment operating lives in the 2019  
8 Integrated Resource Plan and further shortened the  
9 operating lives of certain coal-fueled resources.

10 The shortened operating lives reflected  
11 in the stipulation for the four units Dr. Hausman  
12 identifies are recognizably different than the  
13 2019 Integrated Resource Plan preferred portfolio,  
14 but only minimally so with differences ranging  
15 between four and five years.

16 With respect to the Sierra Club's  
17 argument of significant intergenerational  
18 inequity, the difference in assumed retirement  
19 dates and depreciable lives for the four  
20 coal-fueled units is not materially significant  
21 when given the overall long lives of these units  
22 and considering that the assumed retirement dates  
23 for the balance of the company's coal-fueled  
24 resources identified in the 2019 Integrated  
25 Resource Plan preferred portfolio are consistent

1 with the depreciation study lives for most  
2 resources. Specifically, the 2019 Integrated  
3 Resource Plan calls for the closure of Naughton  
4 Units 1 and 2 in 2025 versus 2029 in the  
5 stipulation, and Jim Bridger Units 1 and 2 in 2023  
6 and 2028 respectively versus 2028 and 2032 in the  
7 stipulation.

8 I disagree with Sierra Club's  
9 characterization that this could create a  
10 significant intergenerational inequity problem  
11 when considered on balance with the broader set of  
12 coal-fueled resources. Rather, these minor  
13 depreciable lives differences support greater rate  
14 stability, which outweighs any planning mismatch  
15 that could occur.

16 The stipulation before the Commission for  
17 approval in this proceeding represents a good  
18 faith collaborative effort by five out of six  
19 intervening parties in this docket who represent a  
20 diverse group of interests, including consumer  
21 advocates, industrial customers, and environmental  
22 advocates. The depreciable lives used in the  
23 stipulation for the company's coal-fueled units  
24 are reasonable and in the public interest. I  
25 recommend that the Commission approve the

1 stipulation as filed.

2 That concludes my summary. Thank you.

3 MS. WEGENER: Thank you. I have no  
4 further questions.

5 CHAIRMAN LeVAR: Thank you, Mr. Teply and  
6 Ms. Wegener.

7 I'll go next to Ms. Schmid. Do you have  
8 any questions for Mr. Teply?

9 MS. SCHMID: No questions. Thank you.

10 CHAIRMAN LeVAR: Thank you.

11 Mr. Moore, do you have any questions?

12 MR. MOORE: We have no questions. Thank  
13 you.

14 CHAIRMAN LeVAR: Ms. Hayes?

15 MS. HAYES: I have no questions for  
16 Mr. Teply. Thank you.

17 CHAIRMAN LeVAR: Thank you.

18 Mr. Russell?

19 MR. RUSSELL: No questions. Thank you.

20 CHAIRMAN LeVAR: Thank you.

21 Mr. Holman?

22 MR. HOLMAN: No questions. Thank you.

23 CHAIRMAN LeVAR: Thank you, Mr. Holman.

24 Ms. Smith, do you have any questions for  
25 Mr. Teply?

1 MS. SMITH: No questions.

2 CHAIRMAN LeVAR: Thank you.

3 Commissioner Clark, do you have any  
4 questions?

5 MR. CLARK: No questions. Thank you.

6 CHAIRMAN LeVAR: Thank you.

7 Commissioner White, do you have any?

8 COMMISSIONER WHITE: No questions. Thank  
9 you.

10 CHAIRMAN LeVAR: Thank you.

11 And I don't either, so thank you for your  
12 testimony today, Mr. Teply.

13 Ms. Wegener, do you have anything  
14 further?

15 MS. WEGENER: No. I have no further  
16 witnesses.

17 CHAIRMAN LeVAR: Okay. Thank you. We  
18 will go next to Ms. Schmid and the Division of  
19 Public Utilities.

20 MS. SCHMID: Thank you. The Division  
21 would like to call Mr. Jeffrey S. Einfeldt as its  
22 witness. May he please be sworn.

23 CHAIRMAN LeVAR: Thank you.

24 Mr. Einfeldt, are you on the line?

25 THE WITNESS: Yes, I am.

1 CHAIRMAN LeVAR: Do you swear to tell the  
2 truth?

3 THE WITNESS: I do.

4 CHAIRMAN LeVAR: Thank you.

5 You can go ahead, Ms. Schmid.

6 MS. SCHMID: Thank you.

7 EXAMINATION

8 BY MS. SCHMID:

9 Q. Mr. Einfeldt, could you please state your  
10 full name, employer, and business address for the  
11 record.

12 A. My name is -- excuse me.

13 My name is Jeffrey S. Einfeldt. I'm a  
14 utility technical consultant in the Division of  
15 Public Utilities. And we're located at 160 East  
16 300 South, Salt Lake City.

17 Q. In connection with your employment at the  
18 Division, have you participated on behalf of the  
19 Division in this docket?

20 A. Yes, I have.

21 Q. Did you prepare and cause to be filed on  
22 March 20, 2020, what was identified as your direct  
23 testimony?

24 A. Yes, I did.

25 Q. Do you have any changes or corrections to



1 **that pre-filed testimony?**

2 A. No. No, I do not.

3 **Q. Do you adopt that testimony as your**  
4 **testimony here today?**

5 A. Yes.

6 MS. SCHMID: The Division would like to  
7 move for the admission of Mr. Einfeldt's pre-filed  
8 direct testimony.

9 Hello?

10 CHAIRMAN LeVAR: Oh, I'm sorry. My  
11 fault. This is Thad LeVar. I left my phone on  
12 mute.

13 If anyone objects to the motion by the  
14 Division of Public Utilities, please indicate your  
15 objection.

16 I'm not hearing any objection, so the  
17 motion is granted. And I will just remind  
18 everyone to please keep your phone on mute when  
19 you're not speaking and then, as I failed to do,  
20 please remember to take it off mute if you need to  
21 say something.

22 So, Ms. Schmid, you can go forward with  
23 your witness. Thank you.

24 MS. SCHMID: Thank you very much.

25 BY MS. SCHMID:

1           **Q.    Mr. Einfeldt, do you have a brief summary**  
2 **of your testimony to present today?**

3           A.    Yes, I do.

4           **Q.    Please proceed.**

5           A.    The Division supports the settlement  
6 reached in the Rocky Mountain Power Depreciation  
7 Docket No. 18-035-36 that is before the Commission  
8 today. The settlement was reached after  
9 considerable analysis and discussion between the  
10 various parties. The Division actively  
11 participated in these discussions aided by its  
12 third-party expert employed by the Division.

13                   The settlement results in a decrease of  
14 38.5 million from what Rocky Mountain Power  
15 originally saw it on a Utah allocated basis.  
16 Matters yet to be resolved related to the  
17 depreciation study include further analysis of the  
18 decommissioning cost study filed by Rocky Mountain  
19 Power in January of 2020 and final amortization of  
20 the amortization of the remaining book value of  
21 the wind equipment replaced as a result of the  
22 repowering of the 11 wind farms approved in Docket  
23 No. 17-035-39, plus the Leaning Juniper Wind  
24 Project.

25                   The Division believes the proposed

1 settlement is just and reasonable in result and in  
2 the public interest. This concludes my comments.

3 MS. SCHMID: Thank you.

4 Mr. Einfeldt is now available for  
5 cross-examination questions and questions from the  
6 Commissioner.

7 CHAIRMAN LeVAR: Thank you. This is Thad  
8 LeVar. Ms. Wegener, do you have any questions for  
9 Mr. Einfeldt?

10 MS. WEGENER: No questions.

11 CHAIRMAN LeVAR: Thank you.

12 Mr. Moore, do you have any questions?

13 MR. MOORE: No questions. Thank you.

14 CHAIRMAN LeVAR: Thank you.

15 Ms. Hayes?

16 MS. HAYES: No questions. Thank you.

17 CHAIRMAN LeVAR: Thank you.

18 Mr. Russell?

19 MR. RUSSELL: No questions. Thank you.

20 CHAIRMAN LeVAR: Thank you.

21 Mr. Holman?

22 MR. HOLMAN: No questions. Thank you.

23 CHAIRMAN LeVAR: Thank you.

24 And Ms. Smith?

25 MS. SMITH: No questions.

1 CHAIRMAN LeVAR: Thank you.

2 Commissioner White, do you have any  
3 questions?

4 COMMISSIONER WHITE: No questions. Thank  
5 you.

6 CHAIRMAN LeVAR: Thank you.  
7 Commissioner Clark?

8 COMMISSIONER CLARK: No questions. Thank  
9 you.

10 CHAIRMAN LeVAR: Thank you. And I don't  
11 either, so thank you for your testimony,  
12 Mr. Einfeldt.

13 THE WITNESS: You're welcome.

14 CHAIRMAN LeVAR: Ms. Schmid, do you have  
15 anything else from the Division of Public  
16 Utilities?

17 MS. SCHMID: The Division has nothing  
18 further. Thank you.

19 CHAIRMAN LeVAR: Thank you.  
20 Mr. Moore?

21 MR. MOORE: Yes. The OCS calls Cheryl  
22 Murray and asks that she be sworn.

23 CHAIRMAN LeVAR: Ms. Murray, are you on  
24 the line?

25 THE WITNESS: Yes, I am.

1 CHAIRMAN LeVAR: Do you swear to tell the  
2 truth?

3 THE WITNESS: Yes, I do.

4 CHAIRMAN LeVAR: Okay, thank you.  
5 Go ahead, Mr. Moore.

6 EXAMINATION

7 BY MR. MOORE:

8 Q. Could you please state your name,  
9 business address, and occupation.

10 A. Yes. My name is Cheryl Murray. I'm a  
11 utility analyst for the Office of Consumer  
12 Services. My business address is 160 East 300  
13 South, Salt Lake City, Utah.

14 Q. In your capacity as a utility analyst for  
15 the OCS, did you participate in the preparation  
16 and filing of testimony in this docket on  
17 April 3rd --

18 A. Yes.

19 Q. -- 2020?

20 A. Oh, sorry. Yes.

21 Q. Do you have any changes in this testimony  
22 you would like to make at this time?

23 A. No, I do not.

24 Q. If I asked you the same questions today,  
25 will your answers be the same?

1 A. Yes.

2 Q. Do you adopt your written testimony as  
3 your testimony offered today?

4 A. Yes, I do.

5 MR. MOORE: The Office would move for  
6 admission of her written testimony at this time.

7 CHAIRMAN LeVAR: Thank you. This is Thad  
8 LeVar. If anyone objects to that motion, please  
9 verbally indicate your objection.

10 I'm not hearing any objection, so the  
11 motion is granted. Thank you.

12 BY MR. MOORE:

13 Q. In your capacity as a utility analyst for  
14 the OCS, have you participated in these  
15 proceedings in this docket that lead to the  
16 settlement stipulation that is the subject of this  
17 hearing?

18 A. Yes, I have.

19 Q. Specifically, do you vote for the  
20 statement -- excuse me.

21 Specifically, did you participate in the  
22 negotiations that led to the stipulation?

23 A. Yes.

24 Q. Have you read and are you familiar with  
25 the provisions of the stipulation that is the

1 **subject of this hearing?**

2 A. Yes, I am.

3 **Q. In your opinion, is the stated**  
4 **stipulation taken as a whole just and reasonable**  
5 **in result and in the public interest?**

6 A. Yes. In my opinion, the stipulation is  
7 just and reasonable in result and in the public  
8 interest.

9 MR. MOORE: Ms. Murray is available for  
10 cross and questions from the Commission.

11 CHAIRMAN LeVAR: Thank you, Mr. Moore.

12 I think I'll just ask all of the parties  
13 if any party has any questions for Ms. Murray,  
14 please verbally indicate that you would like to  
15 ask some questions.

16 I'm not hearing anyone with  
17 cross-examination questions, so, Commissioner  
18 Clark, do you have any questions for Ms. Murray?

19 COMMISSIONER CLARK: No questions. Thank  
20 you.

21 CHAIRMAN LeVAR: Thank you.

22 Commissioner White, do you have any  
23 questions for Ms. Murray?

24 COMMISSIONER WHITE: I have no questions.  
25 Thanks.

1 CHAIRMAN LeVAR: And I don't either, so  
2 thank you for your testimony here today,  
3 Ms. Murray.

4 THE WITNESS: You're welcome.

5 CHAIRMAN LeVAR: Mr. Moore, do you have  
6 anything else for the Office?

7 MR. MOORE: The Office has nothing else.  
8 Thank you very much.

9 CHAIRMAN LeVAR: Okay, thank you.

10 Ms. Hayes, we'll go to you next.

11 MS. HAYES: Thank you. This is Sophie  
12 Hayes on behalf of Western Resource Advocates. I  
13 would like to call Nancy Kelly this morning.

14 CHAIRMAN LeVAR: Ms. Kelly, are you on  
15 the line?

16 THE WITNESS: I am.

17 CHAIRMAN LeVAR: Do you swear to tell the  
18 truth?

19 THE WITNESS: I do.

20 CHAIRMAN LeVAR: Thank you.

21 Ms. Hayes?

22 EXAMINATION

23 BY MS. HAYES:

24 **Q. Ms. Kelly, did you participate in this**  
25 **docket including any settlement negotiations?**



1 A. Yes, I did.

2 Q. And did you prepare and write testimony  
3 that was filed on March 20, 2020?

4 A. Yes, I did.

5 Q. Do you have any corrections to that  
6 testimony today?

7 A. Yes, I do. On row -- on line 130, I want  
8 to make an insertion at the end of that sentence.  
9 It should read "and Colstrip Unit 4 for 41." And  
10 so what needs to be inserted between Unit and 41  
11 is the symbol four followed by the word for.

12 Q. Thank you.

13 A. And then on row 138, there should be a  
14 space between the word for and the symbol 54.

15 Q. Do you have any other corrections this  
16 morning?

17 A. No, I do not.

18 Q. All right. With those corrections, do  
19 you adopt that written testimony as your testimony  
20 today?

21 A. I do.

22 MS. HAYES: I offer Nancy Kelly's direct  
23 testimony for admission to the record.

24 CHAIRMAN LeVAR: Thank you. This is Thad  
25 LeVar. If any party has any objection to that

1 motion, please verbally indicate your objection.

2 I'm not hearing any objection, so the  
3 motion is granted. Thank you.

4 Ms. Hayes.

5 BY MS. HAYES:

6 **Q. Ms. Kelly, do you have a testimony -- or**  
7 **excuse me.**

8 **Do you have a summary of your testimony**  
9 **for the Commission today?**

10 A. Yes, I do.

11 **Q. Please proceed.**

12 A. Thank you.

13 WRA's interest in this proceeding  
14 pertains to the depreciable lives of the 23  
15 partially- and wholly-owned coal units and in  
16 providing a path to address mismatches between  
17 operating lives and depreciable lives given the  
18 rapidly evolving energy landscape.

19 Operating coal plants is becoming  
20 increasingly costly relative to other  
21 alternatives, and this is happening at a time when  
22 the effects of climate change are becoming clearly  
23 visible and the public's desires to address the  
24 growing crisis is increasing.

25 PacifiCorp is currently pursuing economic

1 retirements of coal units pursuant to the 2019 IRP  
2 that differ from the depreciable lives included in  
3 the settlement. PacifiCorp is also still in the  
4 process of evaluating the economics of its coal  
5 resources at a time when the spotlight on coal is  
6 intensifying due to its costs, environmental  
7 consequences, and impacts on the global climate.

8           Setting depreciation rates at this time  
9 is not easy. Given the economic pressures and  
10 uncertainty facing coal plants, it may be  
11 appropriate to select costs over longer or shorter  
12 periods of time than projected operable lives.

13           Through this stipulation, parties have  
14 committed to discuss strategies that may be  
15 implemented to address rate impacts associated  
16 with earlier retirements at coal plants given from  
17 the 2019 IRP as well as strategies that may be  
18 implemented over the longer term to address rate  
19 impacts associated with potential earlier  
20 retirements of coal resources. This current  
21 depreciable lives expend ten or more years into  
22 the future.

23           WRA supports working with PacifiCorp and  
24 other parties to mitigate rate impacts and to  
25 retain flexibility in the face of an uncertain

1 future. This stipulation provides a path for  
2 PacifiCorp and parties to think proactively about  
3 rate mitigation options in the face of earlier  
4 retiring coal units and, therefore, I believe it  
5 is in the public interest. I recommend the  
6 Commission approve the settlement as just and  
7 reasonable in result and in the public interest.

8 This ends my summary. Thank you.

9 MS. HAYES: This is Sophie Hayes.  
10 Ms. Kelly is available for questioning.

11 CHAIRMAN LeVAR: Thank you. This is Thad  
12 LeVar. If any party has any questions for  
13 Ms. Kelly, please verbally indicate that you'll  
14 have questions.

15 I'm not hearing any. So, Commissioner  
16 White, do you have any questions for Ms. Kelly?

17 COMMISSIONER WHITE: I have no questions.  
18 Thank you.

19 CHAIRMAN LeVAR: Commissioner Clark?

20 COMMISSIONER CLARK: No questions. Thank  
21 you.

22 CHAIRMAN LeVAR: And I don't either. So  
23 thank you for your testimony, Ms. Kelly.

24 THE WITNESS: Thank you.

25 CHAIRMAN LeVAR: Ms. Hayes, anything else

1 from Western Resource Advocates?

2 MS. HAYES: Nothing further from Western  
3 Resource Advocates. Thank you.

4 CHAIRMAN LeVAR: Thank you.

5 We'll go to Mr. Russell next.

6 MR. RUSSELL: Thank you, Chair. This is  
7 Phillip Russell on behalf of UAE. And UAE calls  
8 its witness, Mr. Kevin Higgins.

9 CHAIRMAN LeVAR: Mr. Higgins, are you on  
10 the line?

11 THE WITNESS: Yes, I am.

12 CHAIRMAN LeVAR: Do you swear to tell the  
13 truth?

14 THE WITNESS: I do.

15 CHAIRMAN LeVAR: Okay, thank you.

16 Go ahead, Mr. Russell.

17 MR. RUSSELL: Thank you.

18 EXAMINATION

19 BY MR. RUSSELL:

20 **Q. Mr. Higgins, please state and spell your**  
21 **name for the record, please.**

22 A. My name is Kevin C. Higgins. K-E-V-I-N,  
23 middle initial C, H-I-G-G-I-N-S.

24 **Q. And are you the same Kevin Higgins that**  
25 **filed surrebuttal testimony in this docket on**

1 **April 3 of this year?**

2 A. Yes, I am.

3 **Q. Do you have any corrections to make to**  
4 **that testimony?**

5 A. I do not.

6 **Q. And do you adopt that testimony, that**  
7 **pre-filed testimony, as your testimony today?**

8 A. I do.

9 MR. RUSSELL: At this point, Mr. Chair,  
10 I'll move for the admission of Mr. Higgins'  
11 pre-filed surrebuttal testimony.

12 CHAIRMAN LeVAR: Thank you. This is Thad  
13 LeVar. If any party objects to that motion,  
14 please verbally indicate your objection.

15 I'm not hearing any objection, so the  
16 motion is granted. Thank you.

17 BY MR. RUSSELL:

18 **Q. Mr. Higgins, have you prepared a summary**  
19 **of your pre-filed testimony?**

20 A. Yes, I have.

21 **Q. Okay. Please proceed.**

22 A. My surrebuttal testimony responds to the  
23 direct testimony of Sierra Club witness, Ezra  
24 Hausman, and his recommendation that the  
25 Commission reject the stipulation in this

1 proceeding. UAE is signatory to the stipulation.  
2 And contrary to Dr. Hausman's position, I  
3 recommend that the Commission approve the  
4 stipulation in its entirety.

5 Dr. Hausman's recommendation that the  
6 stipulation be rejected rests in significant part  
7 on his argument that the stipulation's use of coal  
8 plant retirement dates from the company's  
9 depreciation study of the Naughton 1 and 2 and  
10 Bridger 1 and 2 plants rather than the retirement  
11 dates for these plants in the 2019 IRP preferred  
12 portfolio will result in intergenerational  
13 inequities to the disadvantaged of future  
14 ratepayers.

15 Dr. Hausman's contention is misplaced.  
16 In offering his recommendation, Dr. Hausman fails  
17 to recognize a multi-pronged effort already being  
18 undertaken in Utah to address the impacts on  
19 customers from the early retirement of coal  
20 plants.

21 Utah stakeholders have diligently  
22 developed plans to absorb the costs of early coal  
23 retirements through the use of funds resulting  
24 from the Tax Cuts and Jobs Act, or TCJA, as well  
25 as the STEP Act as it presented in the TCJA

1 settlement approved by the Commission in Docket  
2 No. 17-035-69.

3           The use of a portion of TCJA benefits to  
4 buy down coal plant balances is an example of  
5 current customers forgoing near-term benefits for  
6 the advantage of future ratepayers. As future  
7 customers are the economic beneficiaries of early  
8 retirements based on the 2019 IRP analysis, it is  
9 unreasonable to insist, as Dr. Hausman does, that  
10 current customers pay an additional premium in the  
11 form of higher depreciation expense in order to  
12 achieve that future benefit.

13           At the current context in which current  
14 ratepayers have already agreed to forgo near-term  
15 benefits for the advantage of future ratepayers in  
16 the TCJA settlement, it is not unreasonable for  
17 the parties to the stipulation to agree to  
18 depreciation rates that will result in annual  
19 depreciation expense based on the expected plant  
20 lives for Naughton 1 and 2 and Bridger 1 and 2  
21 from the depreciation study rather than from the  
22 2019 IRP preferred portfolio.

23           Doing so will more readily allow the  
24 Commission the option to set rates in the upcoming  
25 general rate case that recover the undepreciated



1 balances of Naughton 1 and 2 and Bridger 1 and 2  
2 plants over their previously anticipated lives,  
3 mitigating the rate impact of early retirement on  
4 current customers, even if the plants are retired  
5 sooner than previously anticipated. In such a  
6 case, the undepreciated balances can be converted  
7 into a regulatory asset and recovered over the  
8 expected lives in the depreciation study.

9 Intergenerational equity is a valid  
10 consideration, but it must be balanced with  
11 equally valid concerns about the impacts on  
12 current customers, particularly when the  
13 acceleration of coal plant retirements is as  
14 pervasive as it is now across the company's  
15 system.

16 Dr. Hausman's recommendation should be  
17 rejected. The stipulation is in the public  
18 interest and UAE recommends that it be approved by  
19 the Commission in its entirety. That concludes my  
20 summary.

21 CHAIRMAN LeVAR: Thank you.

22 Mr. Russell, anything further before I go  
23 to any cross-examination questions?

24 MR. RUSSELL: Nothing further.

25 Mr. Higgins is available for cross-examination and

1 Commissioner questions.

2 CHAIRMAN LeVAR: Thank you. If any party  
3 has any questions for Mr. Higgins, please verbally  
4 indicate that you do.

5 I'm not hearing any. So, Commissioner  
6 White, do you have any questions for Mr. Higgins?

7 COMMISSIONER WHITE: I have no questions.  
8 Thank you.

9 CHAIRMAN LeVAR: Commissioner Clark?

10 COMMISSIONER CLARK: No questions. Thank  
11 you.

12 CHAIRMAN LeVAR: Thank you. And I don't  
13 either, so thank you for your testimony,  
14 Mr. Higgins.

15 THE WITNESS: Thank you.

16 CHAIRMAN LeVAR: Do you have anything  
17 further, Mr. Russell?

18 MR. RUSSELL: I do not. Thank you,  
19 Chair.

20 CHAIRMAN LeVAR: Thank you.

21 Mr. Holman, do you have anything for us  
22 today? I know you don't have a witness, but do  
23 you have anything else that you wanted to raise?

24 MR. HOLMAN: I didn't, Mr. Chair. Thank  
25 you.

1 CHAIRMAN LeVAR: Okay, thank you.

2 Ms. Smith, anything else from Sierra  
3 Club?

4 MS. SMITH: Yes. Mr. Chair, I have an  
5 unusual request that Sierra Club be allowed to  
6 move into testimony Dr. Hausman's pre-filed  
7 direct. I spoke with the parties yesterday and  
8 it's my understanding nobody would object to that.  
9 Today is Passover and Dr. Hausman is observant to  
10 the Jewish faith and it was just not tenable for  
11 him to appear today. I understand this is sort of  
12 an unusual request.

13 CHAIRMAN LeVAR: Okay, thank you. I  
14 understand the request. First, let me offer the  
15 Commission's apologies that we did not notice the  
16 conflict with that religious holiday today. We  
17 apologize for that.

18 Does any party object to entering  
19 Mr. Hausman's testimony opposing the stipulation  
20 into evidence? If you have an objection, please  
21 verbally indicate that you do.

22 I'm not hearing any objections, so the  
23 motion is granted.

24 MS. SMITH: Thank you, Chair.

25 CHAIRMAN LeVAR: Do you have anything

1 else?

2 MS. SMITH: I do not. Thank you. I  
3 appreciate the parties' cooperation in this.

4 CHAIRMAN LeVAR: Thank you.

5 Does anyone have anything further?

6 I'm not hearing anything, so this hearing  
7 is adjourned. Thank you.

8 (Proceedings concluded at 9:43 a.m.)

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CERTIFICATE

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

That the proceeding was reported by me in stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true, and correct transcription of said testimony so taken and transcribed is set forth in the foregoing pages;

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.



---

Nancy Fullmer, RMR  
My Commission Expires:  
September 8, 2020

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