



FORMAL COMPLAINT OF W. MICHAEL SESSIONS

Docket No. 19-035-31

HEARING

February 13, 2020



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Hearing
February 13, 2020

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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)Docket No. 19-035-31

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In Re: FORMAL COMPLAINT OF)Presiding Officer:

W. MICHAEL SESSIONS AGAINST)Michael Hammer

ROCKY MOUNTAIN POWER.)

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10 HEARING

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12 Taken on Thursday, February 13, 2020

13 at 10:00 A.M.

14

15 At Public Service Commission of Utah

16 160 East 300 South

17 4th Floor

18 Salt Lake City, Utah 84111

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1 February 13, 2020 10:00 A.M.

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

4 PRESIDING OFFICER HAMMER: Good morning,
5 everyone. Welcome. This is the time and place noticed
6 for hearing in the matter of the formal complaint of
7 Michael Sessions against Rocky Mountain Power. That is
8 Commission Docket No. 19-035-31.

9 My name is Michael Hammer, and I'm the
10 Commission-designated presiding officer. Let's go ahead
11 and take appearances, please, beginning with the
12 complainant.

13 MR. SESSIONS: I'm William Michael Sessions.

14 MR. SOLANDER: Good morning. I'm Daniel
15 Solander, representing Rocky Mountain Power, and I have
16 with me at counsel table Karl Seluell, the company's
17 operation manager, who will be the company's witness
18 today.

19 PRESIDING OFFICER HAMMER: Thank you.

20 Mr. Sessions, you're representing yourself?

21 MR. SESSIONS: Yes.

22 PRESIDING OFFICER HAMMER: Do you intend to
23 testify today?

24 MR. SESSIONS: Yes.

25 PRESIDING OFFICER HAMMER: And do you intend
to call any other witnesses?

1 MR. SESSIONS: Yes. With me is Mark
2 Tensmeyer.

3 PRESIDING OFFICER HAMMER: Tensmeyer?
4 Do you need a spelling?

5 COURT REPORTER: Yes.

6 PRESIDING OFFICER HAMMER: Would you mind
7 spelling that, please?

8 MR. TENSMEYER: T-E-N-S-M-E-Y-E-R.

9 PRESIDING OFFICER HAMMER: Thank you.

10 MR. TENSMEYER: My name is Mark.

11 PRESIDING OFFICER HAMMER: All right. Is
12 there anything before we begin with testimony?

13 MR. SOLANDER: No.

14 PRESIDING OFFICER HAMMER: No? Mr. Sessions,
15 please call your first witness, including if that's
16 yourself.

17 MR. SESSIONS: That would be me.

18 PRESIDING OFFICER HAMMER: Let me ask
19 Mr. Solander, do you prefer that Mr. Sessions take the
20 stand?

21 MR. SOLANDER: I don't have a preference.
22 Whatever he's most comfortable with is fine.

23 PRESIDING OFFICER HAMMER: Would you prefer
24 to remain seated, sir?

25 MR. SESSIONS: That would be fine, if it's

1 okay.

2 PRESIDING OFFICER HAMMER: All right. That's
3 fine by me.

4 DIRECT EXAMINATION

5 W. MICHAEL SESSIONS,

6 called as a witness, having been first duly sworn,
7 was examined and testified as follows:

8 PRESIDING OFFICER HAMMER: Go ahead.

9 MR. SESSIONS: I submitted information to the
10 Commission, but I'll just kind of summarize quickly what
11 this complaint is about.

12 I bought a home. It was back in 2017. I
13 intended to remodel it. I obtained a remodel loan, an
14 FHA remodel loan, to change it from a home with a
15 basement to a larger home with a basement. The home was
16 approximately 100 years old and had problems with the
17 foundation. And so we went in --

18 COURT CLERK: Sorry to interrupt, can you
19 make sure he turns on the mic?

20 PRESIDING OFFICER HAMMER: I'm sorry, sir, is
21 the microphone on?

22 MR. SESSIONS: Is that better?

23 PRESIDING OFFICER HAMMER: Is the green
24 light -- is the green light on the microphone on?

25 MR. SESSIONS: It is.

1 PRESIDING OFFICER HAMMER: Okay. Sorry, go
2 ahead.

3 MR. SESSIONS: Okay. Sorry. We went through
4 the process of remodeling the home. We -- instead of
5 getting temporary power, we basically built our home with
6 a construction loan -- with an extension cord from our
7 neighbor and completed the construction, called Rocky
8 Mountain Power to come out and hook up the -- hook the
9 power back up.

10 They said they needed to send someone out to
11 analyze what we were doing and so they came out. They
12 looked at the home and said that where the service was
13 located, it was covered -- it was over too much of the
14 overhang of the roof, and so they would need to go with a
15 different service. So they had us change from overhead
16 to underground, so we -- I had to hire someone to dig a
17 trench and put in the under- -- put in the underground
18 pipe, have it inspected, hire him to come back with his
19 equipment and fill it back in.

20 And then I was notified that the pole in the
21 front yard that had the transformer on it was defective.
22 First, I was told that instead of -- because of a
23 breakdown of all the costs that I would have to incur
24 because of that, and that I would have to pay for
25 everything but the pole and the crossarm.

1 After complaining that I really didn't cause
2 any of that, they came back out -- they, meaning two of
3 the representatives from Rocky Mountain Power, came back
4 out around said that they had been mistaken, that I
5 wouldn't have to pay for all of that but I just have to
6 pay for the new transformer and the hookup of the
7 service.

8 And so I asked them: I don't understand what
9 why I need a new transformer. They explained that the
10 way they calculated the home service now was that
11 they -- they assumed an average home would be -- would
12 require a 6 kVA -- a 6 kVA transformer, and they wanted
13 to add a little margin on that. So they were using 7 and
14 a half in their calculation.

15 Because I asked for two meters, they made the
16 assumption that I had two homes, and even their cost
17 breakdown came to me as a two lot calculation and I don't
18 have two homes. I have one home with a basement.

19 And so I -- they calculated that. They took
20 their 7 and a half, multiplied it by two for two homes,
21 and came up with 15 kVA and said that's more than the 10
22 that would be required. So it required an upgrade for my
23 house to go from a 10 kVA transformer to a 25 kVA
24 transformer.

25 So I said -- I went and talked to my

1 neighbor, Mark, who used to work for them and is an
2 electrical engineer, and asked him to explain how this
3 worked to me. He gave me some information. I called and
4 talked back to Rocky Mountain Power and explained about
5 how diversification should be included in that
6 calculation, that not all the services are on at the same
7 time.

8 I also explained that no one talked to -- no
9 one even checked out my house and looked at all the
10 things that I had done to not use power. We put in
11 Styrofoam blocks for our basement and even portions of
12 the house. We insulated to the maximum that we could go.
13 We bought energy-efficient appliances. We decided not to
14 use the furnace in the existing home and upgraded to a
15 new high-end energy -- or high-efficiency furnace.

16 Our air conditioner in -- we did a split
17 system, and put a 3-ton air conditioner upstairs and a
18 one and a half to service the basement. Last year, we
19 never even turned on the air conditioner in the basement
20 because it was so well insulated with the block, we
21 didn't have to.

22 I'd looked at the energy usage and
23 printed -- printed that out from them. We're not using
24 anywhere near what it would take to even use a 10 kVA
25 transformer, which is what we had. So I went to them and

1 said, "I don't understand. You have given me a bill for
2 \$4,800 and you list all these different things in it, but
3 I'm not supposed to be paying for any of that. Even if
4 you went with that transformer, I shouldn't pay that kind
5 of money."

6 I explained to them that my neighbors up the
7 street -- I sent them -- I showed them a copy of
8 pictures. My neighbors up the street had two homes, both
9 of them with rentals on the same size, 10 kVA, a
10 transformer that I had. The one just further north of
11 that had five houses on it, on a 10 kVA transformer.

12 I said, "It doesn't make any sense that my
13 one house that is now very energy efficient would require
14 more than that."

15 I went around and checked the neighbors'
16 sizes. My air conditioning system is smaller than most
17 of them. I just could not understand why it needed to be
18 that expensive for us to be able to have the service. We
19 just wanted to connect the service back to the existing
20 transformer that was there.

21 I was told then that since they had -- I
22 asked them at that time, "Since you made the mistake of
23 telling me that I had to pay for all of that and now
24 telling me that I don't, you made the mistake of making
25 me dig this trench and made my electrician come

1 out and he charged me over \$1,000 to change to an
2 underground service."

3 And then when they moved the pole, put the
4 new pole in, it was in a place where I could go back to
5 the overhead service, and it would have -- and so we
6 ended up doing that, and then he had to come back and do
7 that again. Nothing in this -- in this relationship had
8 come out anywhere near what they first said it would be.

9 So it has been very frustrating for me to
10 have to pay for something that I don't think that I
11 should have had to pay for. So I went to Mr. Tensmeyer
12 and asked what to do about it. And he said, "Well, let's
13 look it up on the tariff."

14 So I went online and looked up the tariff,
15 and the tariff, basically, says that if -- that if my
16 upgrading of service causes an increase in -- a needed
17 increase in capacity, then I should have to pay for it
18 and it is called "a line extension." But if my upgraded
19 service doesn't require that, then it shouldn't -- then
20 it is just an upgraded service and the company should pay
21 for that.

22 So I went to my neighbor up the street, who
23 just -- who not long before I bought my home, he bought
24 his and remodeled it, and he went to upgrade his service.
25 I included a copy of his letter in the packet that I

1 sent. It is from Mr. Eric Johnson. And he called and
2 asked, "I want to upgrade my service from a 16-amp,"
3 which is the same size I had. And he said, "I want to go
4 to 125."

5 And they said, "Well, you can go to 200 with
6 no problem."

7 And he said, "No, 125 would work."

8 And so they upgraded -- he upgraded his
9 service, they came in and hooked it up and charged him
10 nothing. The difference between his and mine is that
11 there are four other houses on the same transformer with
12 him, which was -- and all of them are on the same 10 kVA
13 transformer like I had.

14 There is actually another home -- one of the
15 homes on there actually has two meters. So there's six
16 meters on that 10 kVA transformer, and I'm on one by
17 myself with a very -- with the most energy-efficient home
18 on my block because all the rest of them are 40- and
19 50-year-old homes, with older appliances and older
20 furnaces and older air conditioners.

21 I had the power company pull up what my usage
22 has been. My highest bill in the last 12 months was \$114
23 for both, combined for the two meters. I don't use that
24 much electricity. There was no reason to upgrade from
25 the transformer that was there.

1 That's, basically, the crux of what I'm
2 saying. They -- the calculation they made was wrong.
3 The contract they sent me was incorrect. They sent me a
4 multifamily contract and I'm in a single-family home.
5 The calculation that they made, the load calculation they
6 made, they didn't take into consideration any of the new
7 appliances and the way they work.

8 And I feel that I've been -- I shouldn't have
9 to pay for this upgrade of their lines. Yes, it's a
10 50-year-old transformer, but that's not my -- that wasn't
11 my fault. And I, certainly, didn't cause the pole to
12 fail. And none of the this should have happened if they
13 would have just put that other transformer back up.

14 I even offered. I said, "If you will put the
15 other transformer back up, if it doesn't service my home,
16 I'll be happy to pay all of the costs for the
17 other -- for you to come out and put a new one up, every
18 bit of the cost."

19 And they said, "No, we can't do that."

20 And I said, "Well, I -- I don't -- I don't
21 have this kind of money."

22 And so they said, "Well, this is what it's
23 going to take."

24 And I said, "Well, how about if I go in and
25 instead of having two meters, I go back to one meter, and

1 just have, you know, a 200-amp service instead of two
2 meters and two 100-amp services?"

3 And they said, "Well, that won't matter
4 because it won't change the size of your home."

5 And I said, "I have the smallest home on the
6 block. I mean, I don't -- I don't understand why this is
7 being calculated this way."

8 And so in the end, I -- we were ready to move
9 into our home and I had to have power. I made one last
10 effort to call Mr. Seluell and say, "You've billed me
11 \$4,800, when I was supposedly paying for all of these
12 things. When they came back and told me that I wasn't
13 going to have to pay for all of the line moving and the
14 blanketing of the lines and all those things on the cost
15 breakdown, you didn't change the number any. You still
16 are making me pay the same number, even though you're
17 covering all of those costs, supposedly."

18 And he said, "Mike, it's either pay the
19 \$4,800 or get no power."

20 And I said, "Well, I have to have power." So
21 I borrowed some more money, and I went in and paid the
22 balance of it, signed the contract. But I noted on the
23 contract that I -- that this calculation was incorrect,
24 and it was -- and I didn't agree with it, but I have no
25 other choice other than to sign it to get power.

1 And so that's what I did, and I've been
2 trying, for the last year and a half, to correct this
3 wrong. I didn't understand at the time how things were
4 calculated. And so I asked Mark to come and be a witness
5 for me today because he's an electrical engineer and used
6 to do the calculations of load sizes. And I asked him to
7 figure out, you know, what -- if I'm wrong in this and to
8 come and explain how this works and why my 10 kVA
9 transformer was more than sufficient for my load.

10 So I'd like to have him be a witness at this
11 time, if that's okay.

12 PRESIDING OFFICER HAMMER: In due course. We
13 will conclude your testimony first.

14 MR. SESSIONS: Okay. The way -- the way
15 things are calculated currently, they give the customer
16 an \$1,100 credit for each meter. And so I paid for two
17 meters and for the hookup to come to my house and for the
18 new line to come from the pole to my house, which is
19 about 50 feet. And those are the costs that I should
20 have borne, is the two meters and the hookup.

21 When the guy came out to tell me
22 that -- about the underground service, he -- I asked him
23 what he thought it might cost for me to do all this. And
24 he said, "It probably won't cost you anything because we
25 give that \$2,200 credit, so you should be -- you know, it

1 should -- it should cover everything that is needed to be
2 covered."

3 And then that is when the -- when the
4 determination was that this was a line extension, and
5 therefore, I was causing all of this and I had to pay for
6 the upgrade of this -- of everything.

7 And so I asked how much the new 25 kVA
8 transformer was costing. I got a very round number from
9 Landon Lucero. He said it was \$2,500. I went online and
10 looked up other 10 kVA transformers that I could buy.
11 They were in the \$1,800 range for a new one.

12 And I said, "I don't have near the buying
13 power you guys do. I'm sure that didn't cost \$2,500."

14 But, again, I -- they get to set the rules,
15 so \$2,500 is what they supposedly charged me for that
16 transformer. But the \$4,800 on their cost breakdown
17 is -- was for things that did not cover -- the
18 transformer itself was not even mentioned in there by
19 name in the cost breakdown that they gave me for the cost
20 of my project.

21 So my contention is that that \$4,800 should
22 have been their cost, that there was no line extension
23 necessary. And under the tariff, it says that if it is
24 not necessary or not caused by need -- or my needs
25 requiring it, that it needs to be a company expense and

1 not a customer expense.

2 And I'm here today to say that that -- that
3 that is the case, that I did not cause my home to -- not
4 cause a need for anything above a 10 kVA transformer.

5 PRESIDING OFFICER HAMMER: Thank you,
6 Mr. Sessions. I'll allow Mr. Solander the opportunity to
7 ask cross-examination questions at this time.

8 MR. SOLANDER: No questions at this time.
9 Thank you.

10 PRESIDING OFFICER HAMMER: All right.
11 Mr. Sessions, let me ask you a few questions. If you
12 could help me understand the chronology, and I understand
13 it is difficult to remember exact dates when we are out
14 this far out, but if you can just tell me when you first
15 communicated with Rocky Mountain Power about this in
16 relation when you commenced work on your project, when
17 the work was completed, when the contract was signed,
18 that would help me.

19 MR. SESSIONS: We first contacted them back
20 in -- I think it was the around November of 2017. I
21 asked them to come out and disconnect the power to the
22 existing home because we had to do a lot of demolition.
23 And part of it was in the area with where the power was,
24 and we wanted to make sure that we weren't having light
25 power there as we did the demolition.

1 And then I -- then we called them back out.
2 I want to say it was probably April, May, somewhere in
3 there. As far as when we signed the contract -- where is
4 the one that was signed? In June, we actually signed the
5 contract to have the power, we had our final inspection
6 on the home in July of 2018 and then we moved in, in
7 August of 2018.

8 PRESIDING OFFICER HAMMER: So at the time you
9 requested the power to be disconnected, did you have any
10 appreciation of what the cost would be to reconnect after
11 the remodel.

12 MR. SESSIONS: No, it didn't cost us anything
13 to have it disconnected, so I -- no, I didn't. What the
14 guy told me when he came out was that -- that they would
15 send somebody out to evaluate and then they would give me
16 an idea of what it would cost.

17 PRESIDING OFFICER HAMMER: And I -- I got a
18 little confused during your testimony. I appreciate you
19 were told you needed to install a trench to install the
20 facilities underground.

21 Did I hear you correctly, and you said that
22 they were, ultimately, installed overground?

23 MR. SESSIONS: The underground service, we
24 did all of that, and that cost us about 5-, \$600 to do
25 that. And then they sent me a contract to sign for

1 \$8,800 if I was going underground because, apparently,
2 it's more expensive, the cable is more expensive. And
3 even though I was paying for the trench, it was -- and
4 the conduit, the cable itself to run in that trench was
5 more expensive. So it was -- it was about \$2,000 more to
6 go underground for that 50 feet between us and the pole
7 than it would have been to go overhead.

8 The guy that told me that, unfortunately,
9 didn't know that they had labeled the pole defective, and
10 so if he'd have known that, I'm sure he would have said,
11 "But if they're going to move the pole, they could move
12 it -- or put in a new pole, they could put it in a little
13 bit over so the angle would be better and you wouldn't
14 have to go underground."

15 But he didn't know that -- I assume he didn't
16 know that at the time. And so when the other two
17 representatives came out and met with me and we looked at
18 it, they said, "Yes, you can put that pole over about a
19 foot and it will -- the angle will be sufficient to where
20 you go overhead and that -- we won't have to go with that
21 other \$2,200 cost."

22 PRESIDING OFFICER HAMMER: Thank you.

23 MR. SESSIONS: So we did end up going
24 overhead. The electrician had changed everything to
25 underground. It's a different service, apparently,

1 because it comes up from the ground rather than coming
2 down from the roof of the house. Then we had to get him
3 to come back out and do it the other way, so...

4 PRESIDING OFFICER HAMMER: One more question.
5 In Rocky Mountain Power's response to your complaint, it
6 discusses a civil complaint that you filed and mentions
7 that it was dismissed, attaching an order that dismisses
8 the complaint but doesn't explain why.

9 Do you have any understanding as to why that
10 complaint was dismissed?

11 MR. SESSIONS: Well, I never -- I never got
12 to go to the judge. They did it all on -- with some kind
13 of a -- something called "a summary judgment," and so I
14 didn't even get to tell the judge what I'm telling you.

15 PRESIDING OFFICER HAMMER: Well, the copy of
16 the document I have in front of me basically says that
17 the court adopts Rocky Mountain Power's reasoning.

18 Do you recall what their reasoning was?

19 MR. SESSIONS: Their reasoning was that I
20 signed the contract, and therefore, they performed it.
21 And while that's true, I signed it because I had no
22 choice, and I told them at the time that I felt that it
23 was incorrect and that their reasoning was incorrect but
24 I had to have power.

25 PRESIDING OFFICER HAMMER: Okay. Thank you,

1 Mr. Sessions. You can call your witness now, if you'd
2 like.

3 MR. SESSIONS: Okay.

4 PRESIDING OFFICER HAMMER: You simply say, "I
5 call Mr. Tensmeyer."

6 MR. SESSIONS: Okay. Thank you. I call
7 Mr. Tensmeyer.

8 DIRECT EXAMINATION

9 MARK TENSMEYER,

10 called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 PRESIDING OFFICER HAMMER: Thank you.

13 Is there any objection to Mr. Tensmeyer --

14 MR. SOLANDER: No objection.

15 PRESIDING OFFICER HAMMER: -- simply
16 testifying?

17 Okay. You can just go ahead and just make
18 your statement, sir.

19 THE WITNESS: Okay. Now I came on to this
20 partway through the process, but having worked for Utah
21 Power and PacifiCorp and Rocky Mountain Power for 30
22 years --

23 COURT CLERK: Mic.

24 PRESIDING OFFICER HAMMER: One moment, sir.

25 COURT CLERK: Mic.

1 PRESIDING OFFICER HAMMER: Oh, the
2 microphone?

3 You need to turn your microphone on, sir.
4 That's hilarious. My name is Mike, so I thought she was
5 calling me.

6 MR. SESSIONS: Mine too.

7 PRESIDING OFFICER HAMMER: I'm sorry. Go
8 ahead, sir.

9 THE WITNESS: Okay. I guess the first thing
10 I asked him is if he had a load sheet. He says, "A load
11 sheet?"

12 I said, "Yeah, where you fill out what your
13 appliances are, etc., etc., etc., and what you have in
14 the way of air conditioning, any refrigeration, so that
15 they can size your load." Because I hadn't seen one of
16 those. Well, typically, that's the first thing the power
17 company asks for, is whether they have --

18 COURT CLERK: He needs to turn on the --

19 PRESIDING OFFICER HAMMER: One moment, is
20 your microphone on? Is there a green light on the --

21 THE WITNESS:

22 Green -- is the volume up.

23 PRESIDING OFFICER HAMMER: There -- yes, now
24 we can hear you.

25 THE WITNESS: That's all the way. Is that

1 good?

2 COURT CLERK: Yes, yes.

3 THE WITNESS: Now I can hear myself.

4 MR. SESSIONS: Oh, you know what's wrong is
5 when it's not on, it's a real faint green light, and so
6 it looked green. Mine's now on better too because
7 that -- I'm sorry, it looked green.

8 PRESIDING OFFICER HAMMER: It's quite all
9 right.

10 Go ahead, sir.

11 THE WITNESS: Okay. So the first thing that
12 they always did was fill out a load sheet. I don't know
13 how you could calculate what size transformer you would
14 need without a load sheet. Do you -- do you guys have a
15 copy of the load sheet?

16 PRESIDING OFFICER HAMMER: It's really not
17 appropriate at this time for you to ask them to do that.
18 It's your opportunity to testify.

19 THE WITNESS: Okay. Let me testify to
20 something. I live just down the street. And according
21 to this load sheet, I have a 4,000 square foot home, and
22 my load would be somewhere around 27 -- I think my peak
23 load is 27 to 30 kVA, which means I should be on a 50 kVA
24 transformer.

25 Well, just that very same -- about two months

1 after his occurred, they took out my 25 that served me
2 and gave me a 10 kVA transformer. And I had load
3 problems. And so I called all morning the next day on
4 the phone, and nobody would -- they said, "Nope, that's
5 just the way it is."

6 And so I went in, and I met with Karl Seluell
7 and Steve Miller there, their operations managers, and
8 they said, "Nope, we are not going to do anything. Nope,
9 not going to do anything. Cant do anything to help you."

10 So for an hour, I talked to them and then
11 they called the police and had me removed. So I was
12 still on a 10 kVA transformer after I was on 25, and
13 according to their load sheet here, I should be on a 50.

14 Also on the street, the neighbor across the
15 street upgraded his service from 100-amp service to a
16 120-amp service. There's five houses on a 10 kVA
17 transformer, five houses, one of them larger than his and
18 then there's four other houses of which -- was one of
19 them a duplex or two?

20 At least one of them is a duplex. And so
21 there's a total of -- six houses or five?

22 MR. SESSIONS: Five.

23 THE WITNESS: A total of five houses on a 10
24 kVA transformer, one of the houses being larger than his
25 and they all use more electricity.

1 And I'm thinking there's just absolutely no
2 consistency in how they calculate a load. They just say,
3 "Here, give us some money, you are getting a 25 kVA
4 transformer."

5 But in my case, the next-door neighbor
6 rebuilt his house and remodeled it. It's a 700 square
7 foot home, so they gave him my 25 kVA transformer and
8 gave me his 10 so that he wouldn't have to buy a 25 kVA
9 transformer. Now I have been suffering with voltage ever
10 since. I have had some major breakdowns and some major
11 fires and they won't do anything to fix that. So I see
12 inconsistency in the way they size loads. No consistency
13 at all in the way they size the loads, and we used to do
14 a load sheet.

15 Now they didn't even tell me that they were
16 changing my service and my -- and my utilities. They
17 didn't even tell me. They didn't even inform me. So I
18 have been burning up things, and -- apparently to them.
19 I've got it on recording, so they'll have to deal with
20 this. I'm just a witness here that from my experience as
21 an engineer, they didn't size his load properly at all.

22 It looked like somebody with no experience
23 just says, "Oh, 25." It doesn't even have a load sheet.

24 And then, of course, to the other neighbor,
25 when he upgraded his service, "Oh, no problem. You can

1 even go up to a 200-amp service if you want."

2 What's your service?

3 MR. SESSIONS: 100 up, 100 down.

4 THE WITNESS: So he's got 200-amp service
5 there, plus there are four other houses. So something is
6 fishy the way they calculate the load because he didn't
7 have to upgrade the 10 kVA for five houses. And, of
8 course, mine, I was on 25, I've got a 6-ton air
9 conditioner and a 3-ton heat pump. He has a total of
10 what? Three and a half?

11 MR. SESSIONS: Four and a half.

12 THE WITNESS: Four and a half tons for his
13 air conditioning, no heat pump. So I'm good for 10 and
14 I'm getting low voltage, he has to have 25 because his
15 10's not good enough. So I see the inconsistency here,
16 that if it isn't -- if it isn't a lack of knowledge or
17 lack of understanding -- it's either that, a lack of
18 knowledge, or it's criminal or it's corruption, you know,
19 one or the other.

20 There is no consistency in the way they
21 calculated these loads and what they've done on our
22 street, all in a space of about three months.

23 PRESIDING OFFICER HAMMER: Thank you,
24 Mr. Tensmeyer.

25 Do you have any questions, Mr. Solander?

1 MR. SOLANDER: I do not. Thank you.

2 PRESIDING OFFICER HAMMER: Nor do I.

3 Before I proceed to allow Mr. Solander to
4 call his first witness, there was one question I
5 neglected to ask Mr. Sessions.

6 MR. SESSIONS: Okay.

7 PRESIDING OFFICER HAMMER: And I'd like to do
8 that.

9 What was the square footage of your home
10 prior to the remodel?

11 MR. SESSIONS: It was -- I think it was about
12 8- -- 850 upstairs and about 400 downstairs.

13 PRESIDING OFFICER HAMMER: And after the
14 remodel?

15 MR. SESSIONS: 1,600 up and 1,600 down.

16 PRESIDING OFFICER HAMMER: How did the square
17 footage in the basement increase?

18 MR. SESSIONS: We went -- we went with a full
19 basement instead of the cellar-type basement the
20 other -- the original home had.

21 PRESIDING OFFICER HAMMER: Okay. So you
22 actually excavated?

23 MR. SESSIONS: Yes.

24 PRESIDING OFFICER HAMMER: Okay. Thank you.
25 I have nothing else.

1 MR. SESSIONS: Okay.

2 PRESIDING OFFICER HAMMER: Mr. Solander.

3 MR. SOLANDER: Thank you. Rocky Mountain
4 Power would like to call Karl Seluell as its witness,
5 please.

6 DIRECT EXAMINATION

7 KARL SELUELL,

8 called as a witness, having been first duly sworn,
9 was examined and testified as follows:

10 PRESIDING OFFICER HAMMER: Thank you.

11 MR. SOLANDER: Is it all right if he stays
12 here?

13 PRESIDING OFFICER HAMMER: Yes.

14 BY MR. SOLANDER:

15 Q. Could you please state and spell your name
16 for the record?

17 A. Karl Seluell, K-A-R-L S-E-L-U-E-L-L.

18 Q. And by who are you employed and in what
19 capacity?

20 A. Rocky Mountain Power, and operations manager
21 is my title.

22 Q. How long have you been an operations manager?

23 A. Oh, about nine years.

24 Q. And what was your prior position at Rocky
25 Mountain Power?

1 A. Journeyman estimator.

2 Q. How long did you work as an estimator before
3 you became the operations manager?

4 A. About -- approximately 23 years.

5 Q. Can you describe for the Commission what an
6 estimator does exactly?

7 A. Yes. An estimator is the point of contact
8 between the customer and the company. And the estimator
9 will go out and meet with the customer to determine their
10 power needs for the project, and then he'll put together
11 a job, an estimate, and the cost to the customer and work
12 with the customer to get that project completed.

13 Q. Could you give an estimate of how many jobs,
14 similar to the ones that the company did for
15 Mr. Sessions, that you personally have done?

16 A. I don't have a number but there have been
17 many over 23 years.

18 Q. Can you explain how the company determines
19 the cost of a line extension?

20 A. Sure. The estimator will go out, meet with
21 the customer. He will determine what materials are
22 needed to serve that customer, based upon the load that
23 they are bringing onto our system. And so then he will
24 take those material, translate it into -- we call them
25 compatible units but I will use the term "components" and

1 enter those into the computer. The computer will then
2 figure a cost and print out a detailed list of the
3 materials.

4 Q. So there is a standard set of procedures that
5 the company uses to determine the cost?

6 A. Yes.

7 Q. Are you familiar with the contract entered
8 into between Mr. Sessions and Rocky Mountain Power?

9 A. Yes.

10 Q. Do you have a copy of what has been marked as
11 RMP 1 there in front of you?

12 A. Yes, I do.

13 MR. SOLANDER: I would like to move that the
14 exhibit marked as RMP 1 be introduced into the record.

15 PRESIDING OFFICER HAMMER: Can we all have a
16 copy first?

17 MR. SOLANDER: You have a copy up there and I
18 have given a copy to the court reporter and Mr. Sessions.

19 PRESIDING OFFICER HAMMER: It's admitted.

20 Thank you.

21 (Hearing Exhibit RMP No. 1 was
22 marked for identification.)

23 BY MR. SOLANDER:

24 Q. Did Rocky Mountain Power properly follow its
25 line extension tariff when it determined the size of the

1 transformer used to serve Mr. Sessions' home?

2 A. Yes.

3 Q. And can you explain how Rocky Mountain Power
4 determines the size of a transformer used to serve a
5 residence?

6 A. Sure. We've got information and charts in
7 our construction standards that we use, and one of those
8 is DA 411, and it's a multipage -- or information under
9 that and so that's what we use.

10 Q. And do you have a copy of DA 411 in front of
11 you?

12 A. Yes.

13 MR. SOLANDER: DA 411 has been marked as
14 Rocky Mountain Power Exhibit 2. I would like to move
15 that it be entered into the record at this time.

16 PRESIDING OFFICER HAMMER: It's admitted.
17 (Hearing Exhibit RMP No. 2 was
18 marked for identification.)

19 BY MR. SOLANDER:

20 Q. Can you explain what that chart is and how
21 the company uses it?

22 A. Sure. It's a chart that will specify the
23 square footage of dwellings and the potential loads that
24 those dwellings will bring onto our system.

25 Q. And do you recall how many square feet

1 **Mr. Sessions' new home is?**

2 A. Yeah, according to the Weber County property
3 records, it shows that his home is 1,711 square feet on
4 each level, which makes it about 3,422 in the living
5 space, and then has another 928 square feet in the
6 garage.

7 **Q. And what size transformer does the chart**
8 **indicate would be needed for that size home?**

9 A. 25 kVA.

10 **Q. Can you point out on the chart how you get to**
11 **that number, referencing the DA 411? Just explain it to**
12 **them.**

13 A. Yes, we've got charts here, and there's
14 another -- another page also that we look at. But we use
15 the one under -- we would use the one that says, "2,001
16 to 3,500 square feet." The one before that says, "25."
17 Actually, this one says, "50," but we put in a 25 because
18 that was adequate for his house.

19 **Q. Okay. So a 25 kVA transformer was actually**
20 **installed?**

21 A. Yes.

22 **Q. Can you turn to the second page of that**
23 **exhibit? I'm sorry. Can you just give a quick breakdown**
24 **on what this table shows and how the price was**
25 **calculated?**

1 A. Sure. At the bottom, it says, "Accounts
2 translation." Once all of these components that I talked
3 about earlier are put into the system, it will spit out
4 the account numbers, which is an internal thing. And for
5 materials, it will specify labor and it calculates the
6 total cost of the job.

7 **Q. I'd like to turn your attention to what you
8 have in front of -- the picture you have in front of you
9 marked as RMP 3.**

10 A. Okay.

11 **Q. Does this picture accurately reflect the home
12 on Mr. Sessions' lot as it existed before the new
13 construction?**

14 A. Yes.

15 **Q. And turning to the second page, can you
16 explain what that Weber County parcel search says?**

17 A. Yes. That's the new house, and on there, it
18 says that this structure is a duplex and it's a rambler.
19 And so on the main level, there's 1,700 square foot
20 living space and 1,700 square foot living space in the
21 basement as well.

22 **Q. And what size transformer is indicated by the
23 chart for that sized home?**

24 A. Actually, this chart here says, "50 kVA."

25 **Q. But the company would --**

1 A. But we put in 2,500 after, after we talked to
2 him.

3 MR. SOLANDER: Okay. I would like to move
4 that what's been marked as RMP 3 be entered into the
5 record.

6 PRESIDING OFFICER HAMMER: It's admitted.

7 (Hearing Exhibit RMP No. 3 was
8 marked for identification.)

9 BY MR. SOLANDER:

10 **Q. Did Mr. Sessions receive a line extension**
11 **allowance for the new service that was installed?**

12 A. Yes, he did.

13 **Q. And was that in accordance with the tariff on**
14 **file and approved by the Commission?**

15 A. That's correct.

16 **Q. Does it make any difference to the**
17 **transformer size calculation that there are two meters**
18 **instead of one on the home?**

19 A. The meters, not so much. It's more the load
20 that the house is bringing on, the square footage.

21 **Q. And we heard quite a bit of testimony from**
22 **Mr. Tensmeyer regarding the size of other transformers in**
23 **the neighborhood.**

24 A. Yes.

25 **Q. Did you hear that? Can you explain why**

1 **Mr. Sessions' neighbors haven't been required to upgrade**
2 **the transformer serving their homes?**

3 A. It's an established neighborhood, and so a
4 lot of those houses are 30, 60 -- he said 100 years old
5 on this house. And so those services -- those
6 transformers were put in a long, long time ago, and a lot
7 of things have changed since then as far as loads,
8 equipment and all of those types of things.

9 **Q. Is it accurate to say that those homes are**
10 **grandfathered into the sized transformers that's already**
11 **existing?**

12 A. Yes.

13 **Q. And when would those customers -- when would**
14 **those homes be required to upgrade the size of the**
15 **transformer serving them?**

16 A. When they notify us and let us know what
17 their scope and the project is going to be.

18 **Q. Okay. Thank you.**

19 MR. SOLANDER: I have no further questions
20 for Mr. Seluell. He is available for questions from the
21 Commission or from Mr. Sessions.

22 PRESIDING OFFICER HAMMER: Mr. Sessions, do
23 you have any questions for Mr. Seluell?

24 MR. SESSIONS: Can I ask Mr. Tensmeyer to ask
25 the questions?

1 PRESIDING OFFICER HAMMER: Is there an
2 objection to that, Mr. Solander?

3 MR. SOLANDER: No objection.

4 PRESIDING OFFICER HAMMER: Go ahead, Mr.
5 Tensmeyer.

6 MR. TENSMEYER: Okay.

7 CROSS-EXAMINATION

8 BY MR. TENSMEYER:

9 Q. So the one across the street that I was
10 talking about, he went in for a load -- to increase his
11 load, so would they have looked at that to see if it was
12 going to affect services in the facility?

13 A. I don't have any information on that
14 particular one, so I can't speak to it.

15 Q. Well, we've brought it up to you several
16 times.

17 A. Well, I know, but I don't have it on my --

18 Q. Okay. How about on line -- where I had 25
19 kVA transformer, according to your submitted document, DA
20 411, it says I should have a 50, while I was being served
21 with a 25.

22 Can you explain why the 25 was removed and I
23 was given a 10 kVA transformer?

24 A. I -- again, I don't have any history on that
25 particular --

1 **Q. Yes, you do. I came and talked to you for a**
2 **good hour.**

3 MR. SOLANDER: Objection.

4 PRESIDING OFFICER HAMMER: Respectfully, sir,
5 if you have a complaint regarding your service, you
6 should file it and we can hear that. But we need to keep
7 the facts here today to Mr. Sessions.

8 MR. TENSMEYER: Okay. Fair enough, that's
9 fair enough.

10 But what he's really trying to prove here is
11 that they've never really done an accurate load
12 evaluation to see if this 10 kVA transformer --

13 MR. SOLANDER: I move to strike that
14 statement, Mr. Hammer.

15 PRESIDING OFFICER HAMMER: Yes. Mr. Sessions
16 will have an opportunity to make a final statement if he
17 wants to, but this is argumentative. We are basically
18 trying to see if there is any information that
19 Mr. Seluell is aware of that you would like to elicit in
20 the form of questions right now.

21 CROSS-EXAMINATION

22 BY MR. SESSIONS:

23 **Q. I have one. I'm trying to understand, Karl,**
24 **the difference between my neighbor calling and asking for**
25 **an upgrade of service and me calling and asking for an**

1 upgrade of service, and him -- mine being treated as an a
2 line extension and his not. I don't understand,
3 particularly when there's four other homes on his
4 transformer and I'm by myself.

5 A. I wasn't involved in that particular one, but
6 I can say this: That you've got to compare apples to
7 apples.

8 Q. Okay.

9 A. And his situation is such that he did not
10 tear down an old house and build a new one.

11 Q. What difference does that make? I'm trying
12 to -- I mean, remodeling is remodeling. Certainly,
13 there's major and minor remodeling. But the upgrade of
14 service is, basically, what I asked for. I upgraded from
15 a 60 to two 100-amp services. He upgraded from a 60 to
16 125-amp service, and there were others that were on his
17 line also at the time. And he was charged nothing, and I
18 was charged \$4,800.

19 I don't understand why he was treated
20 differently than I was.

21 A. You went from a 7- or 800 square foot home to
22 a 3,400 square foot home living space, and his structure
23 basically stayed the same.

24 Q. But there's five other homes -- or four other
25 homes on his 10 kVA transformer?

1 A. And very well could be. But nonetheless, the
2 house was torn down, a new house was built in your
3 situation. And so that increased load, that increased
4 the service. You've got two air conditioning units. You
5 have two furnaces. You have two different kitchen set up
6 in there. I'm sure he didn't do any of that.

7 PRESIDING OFFICER HAMMER: I think he has
8 answered that question, Mr. Sessions. Do you have any
9 others?

10 MR. SESSIONS: I do.

11 BY MR. SESSIONS:

12 Q. The calculation that was made originally
13 when -- for the line extension was to cost approximately
14 60- -- \$6,600. That was a contract that was sent to me
15 and then it gave me a credit of 2,200, to reduce the cost
16 down to 4,400 approximately or close to the number that
17 you ended up charging.

18 When it was determined that the pole was
19 defective, you ended up having to come take down the
20 pole, put up a whole new pole, move the wires from the
21 old pole to the new pole, none of which was caused by my
22 request. And so a lot of those components and things
23 that had to be done technically, all -- as I explained to
24 Landon, I don't understand why I -- if I bought the new
25 transformer and handed it to you, to your people, and

1 said, "Okay, instead of putting the old one back up, put
2 the new one back up, and then just run the line to my
3 house, make the connection, I'll pay for the meters and
4 that should be it," I don't understand why it's \$4,800
5 for that.

6 I mean what -- what is -- what are the items
7 of cost that are involved in what I requested?

8 A. The estimate included the removal of the
9 transformer, the installation of the transformer, we had
10 to set two new meters, we had to run the service and
11 those are the costs that you had paid for. The pole was
12 not included in the estimate for you to pay for. And
13 so -- so you just paid for what you needed to serve your
14 house.

15 MR. SOLANDER: Can I note for the record that
16 the estimate that Mr. Seluell is referring to was
17 included as an attachment to the formal complaint?

18 MR. SESSIONS: I'm sorry, I didn't understand
19 what you said.

20 MR. SOLANDER: The estimate that Mr. Seluell
21 was referring to was included as an attachment to your
22 formal complaint.

23 MR. SESSIONS: Yes. And if I can refer to
24 that for just a minute, let me find it here.

25 BY MR. SESSIONS:

1 **Q. In that attachment, can you tell me which**
2 **line item is the cost of the transformer?**

3 PRESIDING OFFICER HAMMER: So the record is
4 clear, can you-all direct me as to what you're looking
5 at? Are you referring to --

6 MR. SOLANDER: There were -- there were
7 two -- may I approach?

8 PRESIDING OFFICER HAMMER: Yes. It's these?

9 MR. SOLANDER: Yes, the first one is the one
10 we are looking at.

11 PRESIDING OFFICER HAMMER: Okay. To make the
12 record clear, the formal complaint consists of the
13 complaint, a copy of Regulation 12, a copy of the line
14 extension provisions in the tariff, and then is
15 immediately followed by a schedule of costs and that is
16 what the parties are referring to now.

17 MR. SESSIONS: Right.

18 MR. TENSMEYER: If it comes into play, all
19 that stuff only comes into play if it needed a new
20 transformer.

21 MR. SESSIONS: Okay. And this is the
22 document that you are looking at, Mike Hammer?

23 PRESIDING OFFICER HAMMER: Yes.

24 MR. SESSIONS: Okay.

25 BY MR. SESSIONS:

1 Q. And then on that document, can you -- can you
2 tell me which item is the cost of the new transformer?

3 A. It would be -- if you look, it says, "FERC
4 account numbers." If you go down to 368, it says, "Line
5 transformer."

6 Q. So the new transformer had a cost of \$1,300?

7 A. Material only.

8 Q. Okay. Mr. Lucero told me it was \$2,500. Can
9 you tell me what the blanket is afterward, where it says,
10 "Line transformers"?

11 A. Say that again?

12 Q. On Line 368, it says, "Line transformers --
13 blanket."

14 A. It's just the way the computer spits that out
15 and identifies it.

16 Q. Is that not the blanket that they use to put
17 over the line when they make the change from one pole to
18 another?

19 A. No.

20 Q. Okay. So the new transformer, the new kVA 25
21 transformer, had a cost of \$1,377; is that -- am I
22 understanding correctly?

23 A. That's part of the components to figure out
24 the total cost.

25 Q. Okay. Since -- since the pole had to come

1 down and the new pole had to go up, should your customer
2 not have been not charged for taking down the transformer
3 and putting up the new transformer since you were going
4 to have to do that anyway with the exchange of pole?

5 A. Well, that's -- the transformer is the
6 transformer, we would have to take it down and put it up
7 anyway, whether it is on the new pole or the old pole.

8 Q. If the pole was defective and the transformer
9 that was there was deficient, who would have paid for
10 putting it up and taking it down if the old one would
11 have stayed?

12 A. Well, if there was no work that needed to be
13 done -- we do it all the time on poles that need to be
14 replaced.

15 Q. So that would have been your cost?

16 A. Yes.

17 Q. Okay. So my cost on this would have been the
18 3 -- Line 368 for 1,377. Line 108.2, is that the salvage
19 of the old transformer?

20 A. That's correct.

21 Q. So I would have been credited \$210 there?

22 A. Yes, and that did go into the estimate.

23 Q. So that would have been now -- \$1,167 would
24 have been the cost of the new transformer. The service,
25 the overhead service, Line 369.1, would have been my

1 overhead service connecting. The two -- the meters on
2 Line 370 would have been mine.

3 MR. SOLANDER: Mr. Hammer, I would submit the
4 document speaks for itself.

5 PRESIDING OFFICER HAMMER: Well, it does.
6 And it might be more efficient -- personally, I would
7 like an explanation so I can better understand it.

8 MR. SOLANDER: Okay.

9 PRESIDING OFFICER HAMMER: If Mr. Seluell
10 could take us through the documents --

11 MR. SOLANDER: No, I have Mr. Rob Stewart,
12 also with the company, who actually prepares the
13 testament; is that right?

14 So I can call him and have him -- and have
15 him walk you through the document. He could explain it.

16 PRESIDING OFFICER HAMMER: That would be
17 good, I think.

18 Mr. Sessions, do you have any other questions
19 for Mr. Seluell? We are going to have another witness, I
20 think, who is more familiar with this estimate to explain
21 the breakdown. I would like to hear every line item and
22 what it represents.

23 MR. SESSIONS: I would too.

24 PRESIDING OFFICER HAMMER: But it sounds like
25 they have a better witness to do that.

1 MR. SESSIONS: Okay.

2 PRESIDING OFFICER HAMMER: Do you have any
3 other questions for Mr. Seluell?

4 MR. SESSIONS: Not at this time.

5 PRESIDING OFFICER HAMMER: Okay. Thank you.
6 Thank you, Mr. Seluell.

7 THE WITNESS: Thank you.

8 PRESIDING OFFICER HAMMER: So we are
9 calling --

10 MR. SOLANDER: Mr. Rob Stewart.

11 PRESIDING OFFICER HAMMER: Mr. Stewart, I
12 will allow you to get comfortable and make sure your
13 microphone is on.

14 DIRECT EXAMINATION

15 ROB STEWART,

16 called as a witness, having been first duly sworn,
17 was examined and testified as follows:

18 BY MR. SOLANDER:

19 Q. Could you please state and spell your name
20 for the record?

21 A. Rob Stewart, R-O-B S-T-E-W-A-R-T.

22 Q. And what is your position with Rocky Mountain
23 Power?

24 A. I'm a regulatory analyst. I deal with the
25 filing of our tariffs, and I also do support with the

1 field folks and the application of that tariff.

2 Q. Are you familiar with the cost estimate that
3 Mr. Seluell and Mr. Sessions were discussing a few
4 moments ago?

5 A. Yes.

6 Q. Could you please just explain what each line
7 item represents to help the Commission and Mr. Sessions
8 to understand this?

9 A. Yes. As an introduction to that, what I do
10 sometimes is as people want more details, I have access
11 to access the job that they create and to do -- pull out
12 the information by FERC account number.

13 The computer system as noted does do all the
14 calculations, and when it breaks it down by FERC account
15 number, it doesn't -- every -- every compatible unit that
16 Karl referred to earlier, the components, consist of
17 multiple FERC accounts. Those are the accounting that we
18 do with our filings.

19 And so in order to understand what's in each
20 item, we have to do what is called "explode the job," and
21 it would break out each compatible unit and say, "Which
22 FERC accounts are in that compatible unit?"

23 So when they do a compatible unit, they
24 specify the transformers. With that transformer, there
25 may be certain ground wires, attachments and other items

1 that create the component that is the full cost of that
2 item. And so -- but when the FERC account breaks it out,
3 it separates those and then lists them here.

4 And so we can't give you a detailed -- what
5 components are in each of these FERC accounts. And the
6 reason why we do this, even though it's not -- doesn't
7 have the clarity that people really ask for, is that it's
8 the only breakdown we can provide.

9 And so I can talk to a limited degree without
10 exploding the thing. The first two account numbers are
11 very concise. There's not anything else in those things.
12 Salvage is salvage and labor is labor, removal labor.
13 And so those would -- let me back up one more step.

14 And so when they -- when they do
15 this -- these components, they will mark the -- in the
16 job, they will mark to exclude certain things. And so
17 they will exclude those compatible units that have all
18 the components associated with it from the job, and
19 that's where Andy came up with \$5,044 for the pole
20 arm -- pole and crossarm.

21 So they actually say, "All right. You need
22 to do this job. These things would not have been done;
23 if the pole was good, we wouldn't have to remove it."

24 So they exclude all those things that didn't
25 apply to that job for this, going from the 10 to the 25

1 kVA transformer. So that's -- the computer comes up with
2 saying these components, and then it takes all those
3 numbers and calculates them. And so to -- I guess I
4 would entertain to say the pole, power and fixtures,
5 there's a lot of things in there that we don't typically
6 think about the pole and the tower and the fixture.

7 It's -- there are things that go into that
8 FERC account, that certain wires that go into that and
9 certain things, and I'm not sure how the accounting folks
10 come up with all of those items.

11 So I'm willing to answer questions, but --

12 BY MR. SOLANDER:

13 **Q. Let's walk through this slowly, Rob. So**
14 **we've got \$210 for material salvage. That's the credit**
15 **back for the old transformer?**

16 A. Yes, that was --

17 **Q. Then \$2,373 of labor, that's for the crew**
18 **that is out there --**

19 A. For -- yeah.

20 **Q. -- doing this work? "Poles, towers and**
21 **fixtures," that would be the attachments to the pole and**
22 **the wires. Yes?**

23 A. It -- well, that's the thing, is I -- it will
24 include those, but it has some things that when you, what
25 we call, "explode the job," look at all those little

1 things. It may include certain clamps and some others
2 here.

3 **Q. Sure. And then "overhead conductors and**
4 **devices," that would be the wires and the associated --**

5 A. The wires and devices, again, end up with
6 things. But yes, that's the general category as -- by
7 FERC account.

8 **Q. Then 1,377 for the transformer we discussed**
9 **earlier?**

10 A. Right.

11 **Q. Then the "overhead service" is the connection**
12 **to the home?**

13 A. That's primarily the wire, the overhead wire.

14 **Q. And then "the meters, \$262," those are --**

15 A. That's very strictly the meters. Those two
16 are very strictly those items. There's not a lot of
17 other components associated with those.

18 **Q. And then "street lights and signals" were**
19 **street lights that were already on the pole previously?**

20 A. Yes, and that would be something that would
21 have been sorted out as being 5,044.

22 So when we -- I prepare these, sometimes it
23 helps and sometimes it doesn't, because people, they want
24 to know more details. Generally, what they want to know
25 is all the costs broken out, and we -- as I've mentioned,

1 we buy these things in quantity. We have confidentiality
2 agreements that we don't disclose the exact cost of those
3 things. So we can't just give somebody what our purchase
4 price is, among other things.

5 Second of all, our computer system does not
6 accumulate all the overhead at any lower level than this.
7 If we were to break out the costs, they wouldn't all add
8 up.

9 **Q. You don't keep track of every nut and washer?**

10 A. Not -- not for a totalized cost of overheads
11 and everything else, no.

12 MR. SOLANDER: Mr. Stewart is available for
13 questions from the Commission or Mr. Sessions.

14 PRESIDING OFFICER HAMMER: Mr. Sessions, go
15 ahead.

16 MR. SESSIONS: Thank you.

17 CROSS-EXAMINATION

18 BY MR. SESSIONS:

19 **Q. This -- this calculation is not just for**
20 **changing the transformer but it's also for taking out the**
21 **pole and putting in the new pole?**

22 A. This -- these FERC accounts was for that job.
23 They did all those things, yes.

24 **Q. Okay. The -- so the "removal labor" would be**
25 **the removal of the pole, as well as the removal of the**

1 **transformer?**

2 A. I'm assuming it would be. I didn't explode
3 this, but if that's the FERC account, then I would assume
4 that would include everything, yes.

5 **Q. Okay. So can you explain a little more about**
6 **Line 365?**

7 A. Well, without explaining the job,
8 it's -- this -- all these lines include everything that
9 was done in the job.

10 **Q. Okay.**

11 A. So everything is in there somewhere, but
12 it's -- this is the accounting view of it as opposed to
13 the operational view of it. You want an operational
14 view. This is an accounting view.

15 So I -- I can't give you -- to translate this
16 into an operational view is not possible without what we
17 call -- like I said, by exploding the job, it's simply
18 where it takes every component and lists that component
19 out and lists the FERC account associated with each
20 component, and then I could sort those by FERC accounts
21 and also keep the component or compatible unit
22 identifier. And then I could, at that point, do that
23 relationship between operational view and the accounting
24 view.

25 **Q. Okay. Well, let me ask -- maybe make it**

1 simpler. There were two -- there were two different
2 functions; one, where you change out a pole. I watched
3 them work for the four hours that they were there. I
4 watched them lay blankets across the lines and move one
5 line at a time over from the old crossarm to the new
6 crossarm.

7 While everything was done, the wires were not
8 shut down. They were live. And so there was -- there
9 was -- I was very impressed by the way -- with how they
10 did that. And then in the last 20 minutes that they were
11 there, they took the new transformer, hoisted it up, put
12 it in place, connected the line to it, came over and put
13 the ladder up to my house, ran the line taut and
14 connected it at my house and then they were done.

15 Three and a half hours of the time they were
16 there, they were working on the pole. And getting the
17 new pole in and getting the new crossarm in, getting all
18 that labor. When the guy came out to disconnect the
19 service, he came out and parked on the side street.
20 He -- it took him about ten minutes to disconnect it.

21 When you -- when they came out to change the
22 pole, they had to have flagmen out. They had to block
23 off the streets.

24 MR. SOLANDER: Mr. Hammer --

25 PRESIDING OFFICER HAMMER: Yes.

1 Mr. Sessions, you need to ask a question.
2 You are testifying.

3 MR. SESSIONS: I just -- was told by -- when
4 I asked Landon Lucero about this cost, he said to me that
5 the company was only paying for the pole and the crossarm
6 and that everything else was my cost, which is what this
7 is saying.

8 And then he came back out later and said --

9 PRESIDING OFFICER HAMMER: Mr. Sessions, let
10 me cut you off again. I will allow you to make a closing
11 statement, but right now is: Do we have any questions
12 for Mr. Stewart?

13 BY MR. SESSIONS:

14 **Q. Is the company costs down there at pole and**
15 **crossarm -- supposedly, that covers all that would have**
16 **been involved in the company transferring to the new**
17 **pole. And that \$4,800, plus my \$2,200, \$6,600 would have**
18 **been the cost to me for the transformer change?**

19 A. The cost of doing the transformer change
20 would have been what you said, yes, the 22, plus the 46,
21 so that would be 68.

22 That -- and, again, the estimator takes and
23 inputs the work that needs to be done, excludes those
24 things that were to be done because the pole needs to be
25 done -- changed out, and the rest of those costs did go

1 to your costs as if the pole change out hadn't needed to
2 be done.

3 Q. This one that you had -- that we were handed
4 this morning, it was -- sorry, I've got too many papers
5 here.

6 There is the one that they had marked that
7 had calculated what your -- it was RMP 2, and I'm not
8 finding it in front of me here. Oh, here it is. Okay.

9 On RMP 2, the number there that -- so what
10 was this one for? What was this calculation for?

11 PRESIDING OFFICER HAMMER: To be clear, the
12 witness --

13 THE WITNESS: I -- I'll have to --

14 PRESIDING OFFICER HAMMER: I'm sorry,
15 Mr. Sessions is referring to the second page of Exhibit
16 RMP 2.

17 Can we provide the witness with a copy?

18 MR. SOLANDER: Yes, he has it.

19 THE WITNESS: Okay. The expenditure -- the
20 one that says, "Expenditure requisition"?

21 BY MR. SESSIONS:

22 Q. Yes.

23 A. Okay. So your question is: What is the
24 expenditure requisition?

25 Q. Well, I'm trying to understand the document.

1 A. Okay. The document is two things. You've
2 actually got two screenshots, and actually, they are
3 accumulated screenshots. What I do when I prepare these
4 is I try to put everything so I can get a clear picture
5 of what's going on.

6 So the upper half of the page has to do with
7 one screen, and it has things filled in on it that
8 actually come from two other screens. But it gives me a
9 picture of what was done as based on the notes of the
10 person who designed the job.

11 And so that person who designed the job said
12 that they were going to remove a 40 foot pole. It's
13 three-phase tangent pole, which means it's three-phase
14 power on the pole and it's inline, meets the tangent.

15 "Needs to remove a 10 kVA overhead
16 transformer." And they actually typed it in. This is
17 all hand-entered. This is not -- the computer doesn't
18 enter in the description. That is hand-entered in. And
19 actually, what I did when cutting and pasting, I -- the
20 one screen shows those first two lines, and then you have
21 to go to another screen to get all the lines, and I
22 actually just pasted in where I replicated that second
23 line so it's there twice. In the computer, it's not
24 there twice, but that's my mistake.

25 But then it says, "Replace at 40 foot with a

1 45 foot," which is your new standard, and then to install
2 a 25 kVA transformer and also a 75-foot overhead service,
3 which consisted of No. 2 triplex, and install two meters
4 and then rehang the street lights.

5 So that is the description that the person
6 that designed the job was giving, excuse me, to -- for
7 their notes on their job and for the management to review
8 to make sure they captured the job. And then the purpose
9 and necessity is -- talks about cost.

10 And, again, that is hand entered. These are
11 not computer generated. They are in the computer but
12 they are not computer generated. The bottom one is
13 computer generated, and that is actually the sheet that
14 this -- the one I was addressing came from.

15 I actually took that bottom half of that
16 page, took those FERC accounts, put them into a table
17 that has the FERC description for each one of those
18 accounts and then pull the values from that, that bottom
19 half of that sheet. And that's where that second sheet
20 came from --

21 PRESIDING OFFICER HAMMER: Oh, the sheet --

22 THE WITNESS: -- that I spoke to earlier.

23 BY MR. SESSIONS:

24 Q. So this is -- what you are saying then is the
25 cost -- if the pole were not defective, the cost for

1 someone to come out and spend 30 minutes changing a
2 transformer from a 10 to a 25 and reconnecting the
3 service to the house would have cost \$6,600?

4 A. 68.

5 Q. \$6,800? And the transformer was 1,300, minus
6 the -- minus the salvage, so it would have been 1,100 of
7 that?

8 A. When we look at the tables that include all
9 the other costs associated with the transformer, they are
10 not 1,300. They are a lot more than that. That is just
11 the -- you are just breaking it out. Your bare
12 transformer, there's a lot of things, other things
13 associated with that.

14 So no, that -- like you say, that 13 -- we've
15 got -- the accounting view does not give you operational
16 view. The operational view, if they had not included the
17 pole change out in that job and excluded those items,
18 those items that are marked as excluded, totaled up to
19 \$5,044, but the job, had they not been in there, it would
20 have been the same job, less that \$5,044, so...

21 MR. SOLANDER: Can I ask a clarifying
22 question, Mr. Hammer?

23 PRESIDING OFFICER HAMMER: Sure.

24 MR. SOLANDER: Does that \$5,044 cost include
25 labor costs?

1 THE WITNESS: Yes.

2 MR. SOLANDER: Thank you.

3 THE WITNESS: Perhaps, also to understand,
4 when they are doing that work on that pole, they are
5 doing other things to enable them to put the transformer
6 up too. There are brackets and other things that have to
7 be done before you can actually set that transformer.

8 So the time when they actually hung all that
9 stuff doesn't mean there was any preparation work done
10 for that transformer. So watching it, you may not have a
11 full appreciation for the work that was being done for
12 the transformer, before the transformer was being set.

13 BY MR. SESSIONS:

14 Q. I did watch them do that and --

15 PRESIDING OFFICER HAMMER: Again,
16 Mr. Sessions, if you don't have a question, you can save
17 that for a closing statement.

18 MR. SESSIONS: Sorry, yes, I do.

19 BY MR. SESSIONS:

20 Q. So the total -- the total labor involved in
21 the job was 108.36, the removal labor?

22 A. I don't believe that was the total labor, no.
23 That's removal labor. There's installation. There's
24 other labor associated with other items.

25 I believe -- again, I would have to explode

1 the job for me to understand it better, but I'm really
2 not -- since that line is not in every job, I know the
3 labor is not all in that account.

4 PRESIDING OFFICER HAMMER: Mr. Sessions, do
5 you mind if I interrupt your examination and ask a
6 question?

7 MR. SESSIONS: Yes, that would be fine.

8 PRESIDING OFFICER HAMMER: Mr. Stewart, would
9 it be possible for the company to provide an operational
10 view of the costs charged to Mr. Sessions if the PCS were
11 to order it?

12 THE WITNESS: Yes.

13 PRESIDING OFFICER HAMMER: Yes?

14 THE WITNESS: Yes, I would break it out so we
15 could associate the FERC account with the compatible
16 unit, as we call it, so you see each of those units
17 together and all the FERC accounts that are in it.

18 Now it won't break out all the labor. The
19 FERC accounts doesn't break that out. It breaks it by
20 component, with labor and overhead included.

21 PRESIDING OFFICER HAMMER: Well. Then how
22 does the company know which portion of the labor to
23 assign to the customer and which portion to retain to
24 charge itself?

25 THE WITNESS: Well, by -- in the component,

1 when you exclude the component, it has everything
2 associated with that component. So the component of a
3 pole removal has everything associated with it. So the
4 computer system is quite a complex system. It is our
5 construction management system, and we actually have had
6 Commission staff come and actually sit down with our
7 programmers and look at the system to help them
8 understand it.

9 But it's a very involved computer system, and
10 so it in order to enable us to maintain that system,
11 they've got to have some way that the person who is
12 designing this system can do it without having to know
13 all that -- those other details. They need to be able to
14 identify what component they need to do, they select that
15 component, and then the computer system will assign
16 everything associated with that component.

17 When we exploded at the level I have access
18 to, it will break it out by FERC account, but it's not
19 going to break it out within that account. It is not
20 going to take material and labor. It just has a combined
21 pieces together.

22 PRESIDING OFFICER HAMMER: All right.

23 Mr. Sessions, any additional questions?

24 MR. SESSIONS: Yes, I have just a couple.

25 BY MR. SESSIONS:

1 Q. I'm looking at the chart, at the first page
2 of RMP 2, and I guess my question there is: Do you
3 ever -- do you ever install 10 kVA transformers in houses
4 anymore? Because it looks like the smallest size
5 transformer I see on there is a 25.

6 A. I'm not the -- I really would -- I'm not the
7 one that does the design of the systems. I can explain
8 the calculation here, but I would like to ask that that
9 be submitted to the operational.

10 PRESIDING OFFICER HAMMER: That's certainly a
11 reasonable question, and I will allow you to ask that
12 question of Mr. Seluell, if you would like.

13 But let's finish Mr. Stewart's examination.

14 MR. SESSIONS: Okay.

15 BY MR. SESSIONS:

16 Q. Over on the last page of RMP 3 is a picture
17 of my house with the pole out in the front. When the
18 individual came to disconnect the power, he drove up on
19 the side street and parked, and then using his boom arm,
20 raised himself up to the pole and disconnected the wires
21 at the transformer.

22 It would be -- is it correct to assume that
23 if we were not messing with the pole and changing it,
24 that the person to come out and change that transformer
25 would do that same thing? Drive up and park on the side

1 street, go up to that pole, disconnect the one that was
2 there, put the new one on and then --

3 MR. SOLANDER: I think this also would be
4 directed to Mr. Seluell. Mr. Stewart was just --

5 MR. SESSIONS: All right. That's fine. I
6 will wait and do that.

7 PRESIDING OFFICER HAMMER: Nothing else for
8 Mr. Stewart?

9 MR. SESSIONS: No.

10 PRESIDING OFFICER HAMMER: Thank you,
11 Mr. Stewart.

12 THE WITNESS: May I ask a question? Do you
13 want me to provide an exploded view, or is that -- I
14 mean, I'm not sure if I was asked to.

15 PRESIDING OFFICER HAMMER: We will take it
16 under consideration. If we want you to, we will put it
17 in an order. Thank you.

18 Mr. Solander, any objection to Mr. Sessions'
19 asking additional question of Mr. Seluell?

20 MR. SOLANDER: Just those two questions that
21 were already begun to Mr. Stewart.

22 PRESIDING OFFICER HAMMER: Go ahead,
23 Mr. Sessions.

24 RE CROSS EXAMINATION

25 BY MR. SESSIONS:

1 Q. Okay. First, on the RMP 2, it appears that
2 the minimum size transformer for any house is going to be
3 a 25. Am I looking at that chart correctly?

4 A. We still use 10 kVA transformers in small
5 applications. And that -- and that chart may not reflect
6 that but we still use 10 kVA transformers.

7 Q. And so how -- well, who made this chart up, I
8 guess, would be --

9 A. Our construction engineers have made that up.

10 Q. Okay. And so -- and your peak load numbers
11 are just basically an average then; is that how it works?

12 A. I don't know what formula they use to come up
13 with that. I know that we use it quite a bit, but I
14 wasn't involved in making that.

15 Q. I know that you referred to Mr. Jackson
16 requesting an upgrade in service as that you didn't know
17 how that transpired.

18 MR. SOLANDER: Objection.

19 PRESIDING OFFICER HAMMER: I don't understand
20 the question.

21 MR. SOLANDER: Yes, I mean, he hasn't
22 testified regarding anything we said to Mr. Jackson,
23 whoever that is.

24 MR. SESSIONS: Yes, he did.

25 PRESIDING OFFICER HAMMER: Mr. Seluell -- or

1 Mr. Sessions, I apologize, can you help me understand
2 what your question is?

3 MR. SESSIONS: My question is, when my
4 neighbor asked to upgrade his service, I don't understand
5 why he wasn't forced to use the same chart as I was.

6 PRESIDING OFFICER HAMMER: Mr. Jackson isn't
7 here today.

8 MR. SESSIONS: No, I didn't know that I
9 needed him to be -- he did write a letter, which we
10 included.

11 PRESIDING OFFICER HAMMER: Right. Is there
12 any reason to think that Mr. Seluell would have any
13 specific information about that or what would happen in
14 his case?

15 MR. SESSIONS: I would think it would be
16 standard procedure within Rocky Mountain Power, when
17 someone requests an upgrade like I did, that it should be
18 treated the same.

19 PRESIDING OFFICER HAMMER: No, I completely
20 understand the point you are trying to make. The point
21 you are trying to make is you introduced evidence that
22 suggests your neighbor was treated differently, and we
23 understand that.

24 MR. SESSIONS: Okay.

25 PRESIDING OFFICER HAMMER: And that generally

1 is a point you can do that as your closing argument. It
2 is whether we have a question that is pertinent.

3 MR. SESSIONS: Okay.

4 BY MR. SESSIONS:

5 Q. The question then -- let me go over to RMP 3
6 then, the drawing of my house. If the pole was not an
7 issue and they were just changing transformers, would
8 they not park on the side street and just take his arm
9 and go up and take that transformer off and put the new
10 one on and then reconnect it?

11 A. It takes a crew to change out a transformer,
12 not just one person. And they have bucket trucks. They
13 have equipment that they come in and use that with.

14 The guy that went out there and cut the
15 service doesn't have equipment to change the transformer.
16 How the crew decides to set up and perform that work is
17 totally up to them.

18 Q. I'm -- I guess I don't have another question.

19 PRESIDING OFFICER HAMMER: All right. Thank
20 you, Mr. Seluell.

21 Mr. Sessions, is there anything you would
22 like to say before we conclude?

23 MR. SESSIONS: Is this the time for a
24 concluding statement?

25 PRESIDING OFFICER HAMMER: Yes.

1 MR. SESSIONS: Okay. I would like to say
2 that my home did not need a new transformer, that the
3 transformer was there and it was more than sufficient,
4 based on the usage that my home would generate. I took a
5 lot of steps to make that happen. I had it calculated by
6 Mr. Tensmeyer.

7 They -- this chart doesn't take into account
8 something called "diversification," which means that not
9 every appliance, furnace, air conditioner, is going to be
10 on at the same time, and that -- and I have copies of my
11 bill to show that I didn't get anywhere near the kind of
12 capacity that they are talking about here.

13 I would also like to say that between 80 and
14 90 percent of the costs of changing my transformer was
15 the pole change, and that if they had taken the pole out
16 and put the old transformer back, I would not have been
17 charged. If they -- when they took that pole out, if I
18 had been able to supply the transformer, I would have
19 walked up and handed them the new transformer and they
20 would have put it back up in place of the old one, their
21 cost would have been very minimal.

22 Because the cost of the transformer, as
23 mentioned by Mr. Seluell and Mr. Stewart, was less than
24 \$1,200. The cost of hooking up my service and hooking
25 everything else was less than \$500. And they were giving

1 me a \$2,200 credit because of the two meters I was having
2 installed. It should have been a wash. And all of this
3 other labor had to do with the pole.

4 It isn't -- I mean, the flagmen that they
5 hired, the big trucks that they brought, all of those
6 things had to do with the pole replacement. They had to
7 bring in a truck to bring in the new pole with a big
8 trailer on it, and they had to block off part of the
9 street.

10 They spent three and a half of the four
11 hours -- they first told me it was an eight-hour job, but
12 the company did it in four hours. Three and a half hours
13 of that was on the pole, and the rest of it was the
14 little bit of hook-up that was involved in changing the
15 transformer out. I would like to see this breakout of
16 costs that you've talked about.

17 I just cannot imagine -- and I'm an
18 accountant and I understand accounting, I just don't
19 understand how this transformer change could have cost
20 anywhere near \$6,600. It just is not -- it does not
21 compute.

22 And secondly, this -- this calculation
23 showing that every transformer now going forward on any
24 home that requests an upgraded service is going to have
25 to get a 25 kVA transformer is ludicrous. There is no

1 need for that. This transformer would be more than
2 adequate to take care of my home and its needs.

3 I have five neighbors on one 10 kVA
4 transformer. I have two just to the north of me on one
5 10 kVA transformer, and they have been there and they are
6 happy, and it is serving them well. And I would have
7 been the only one on the 10 kVA that was there.

8 Yes, it was 50 years old, and yes, they were
9 changing the pole, and yes, it made sense to change to a
10 new transformer. But to put that cost on me to upgrade
11 their system does not make sense and, certainly, not
12 \$6,600 worth of costs for the change of a transformer.

13 And that's really all that is involved here,
14 is the change from a 10 to a 25, is a half hour job and
15 it can't cost \$6,600, no matter how many brackets or
16 clamps or whatever you put on there to put on there.

17 I went to Home Depot and I checked on the
18 cost of the wire. The wire that they used was less than
19 \$3 a foot. There's 50 feet, plus going up the pole,
20 angle-wise, let's say 75 feet times three is \$225. There
21 just isn't that much cost in what we are doing.

22 And the labor portion of it, even if it were
23 an hour, that can't be \$6,000 an hour. I mean, it
24 just -- none of this makes any sense. And I'm on a fixed
25 income. I'm on social security with a part-time job. I

1 can't afford this and I think it was wrong.

2 I'm happy to show that my service, with my
3 new appliances that I paid more for to be energy
4 efficient, my bill for my home at the highest month was
5 \$114. My bill for average was about \$80 for both meters.
6 I don't use that much electricity, and I, certainly,
7 didn't need a 25 kVA transformer by myself, when my
8 neighbors are getting by just fine with 10 kVA
9 transformers for two, five or eight houses.

10 This is not right, and I -- and I do not
11 understand how they can just decide whatever they want to
12 decide and not take into consideration what I've done to
13 mitigate the costs of this. I didn't need that new
14 transformer, and that is my statement.

15 PRESIDING OFFICER HAMMER: Thank you,
16 Mr. Sessions.

17 Mr. Solander, anything to say?

18 MR. SOLANDER: Very briefly. I would just
19 note that Mr. Seluell has already described for the
20 Commission that the company has a standard, set procedure
21 that he uses to determine the cost of line extension.

22 As Mr. Stewart explained, we have a computer
23 system that creates these cost estimates. It's a
24 standard application that is done every time. It's
25 something that the Commission staff has audited, as

1 Mr. Stewart testified to.

2 Rocky Mountain Power has followed its tariffs
3 and its rules, and I'm not sure that there is an
4 allegation that we haven't. I understand that
5 Mr. Sessions believes he has been treated unfairly, but I
6 don't think there is anything in the record that alleges
7 that Rocky Mountain Power hasn't followed its rules or
8 its tariffs. And we, again, request that the complaint
9 be dismissed with prejudice.

10 Finally, I would note Mr. Stewart also
11 testify that the company cost for the pole and crossarm
12 of \$5,044 does include the labor costs for that. The
13 labor costs for that job are excluded from the other
14 accounting breakdown that was provided to Mr. Sessions.

15 Thank you. That's all I have.

16 PRESIDING OFFICER HAMMER: Thank you. And
17 the Commission thanks the parties for its participation.
18 We will work on an order.

19 Thank you. We are adjourned.

20 (The hearing was concluded at 11:25 A.M.)

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24

25

REPORTER'S CERTIFICATE

State of Utah)
)
County of Salt Lake)

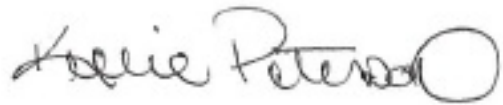
I hereby certify that the witnesses in the foregoing hearing were duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said hearing was taken at the time and place herein named;

That the testimony of said witnesses were reported by me in stenotype and thereafter transcribed into typewritten form.

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

IN WITNESS WHEREOF, I set my hand this 22nd day of February, 2020.



Kellie Peterson, RPR

<hr/> Exhibits <hr/>	1,100 57:6	2,500 34:1
	1,300 57:5,10	20 52:10
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