

**In the Matter Of:**

RMP PPAs with Kennecott Utah Copper - Smelter & Refinery

**HEARING DOCKET NOS. 19-035-36 AND 19-035-37**

*December 05, 2019*

*Job Number: 583053*

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Application of Rocky ) Docket No. 19-035-36  
Mountain Power for )  
Approval of the Power )  
Purchase Agreement between )  
PacifiCorp and Kennecott )  
Utah Copper LLC - Smelter )  
)  
Application of Rocky ) Docket No. 19-035-37  
Mountain Power for )  
Approval of the Power )  
Purchase Agreement between )  
PacifiCorp and Kennecott )  
Utah Copper LLC - Refinery ) HEARING

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December 5, 2019  
1:01 p.m.

Location: Public Service Commission  
160 East 300 South, 4th Floor  
Salt Lake City, UT 84111  
(801) 530-6769

Reporter: Teri Hansen Cronenwett  
Certified Realtime Reporter, Registered Merit Reporter  
Job No. 583053

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A P P E A R A N C E S

Presiding Officer: Michael Hammer

For the Division of Public Utilities: Justin Jetter  
Assistant Attorney General  
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1 December 5, 2019

1:01 p.m.

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

3 PRESIDING OFFICER HAMMER: Good afternoon.

4 This is the time and place noticed for a hearing in the  
5 application of Rocky Mountain Power for the Approval of  
6 the Power Purchase Agreement between PacifiCorp and  
7 Kennecott Utah Copper LLC - Smelter, and Application of  
8 Rocky Mountant Power for Approval of the Power Purchase  
9 Agreement between PacifiCorp and Kennecott Utah Copper  
10 LLC - Refinery. Those are commission Dockets 19-035-36  
11 and 19-035-37.

12 My name is Michael Hammer, and I am the  
13 commission's designated presiding officer. I understand  
14 we are waiting for several parties' counsel to arrive,  
15 so we are going to be in recess for 15 minutes or until  
16 such time as the parties inform me that everyone is  
17 here. Thanks.

18 (Recess from 1:02 p.m. to 1:12p.m.)

19 PRESIDING OFFICER HAMMER: We are back on the  
20 record. We went ahead and recessed because we were  
21 waiting on a couple of counsels to arrive. Let's go  
22 ahead and take appearances, please.

23 MR. MCDERMOTT: Sure. Jacob McDermott for  
24 Rocky Mountain Power, and with me is Kyle Moore and Jana  
25 Saba.

1 MR. JETTER: And Justin Jetter with the Utah  
2 Attorney General's office representing the Utah Division  
3 of Public Utilities, and with me at counsel table is  
4 division witness Jeff Einfeldt.

5 PRESIDING OFFICER HAMMER: Is there anything  
6 before Mr. McDermott calls his first witness?

7 MR. JETTER: I'd just like to apologize for my  
8 tardiness this afternoon. My office is upstairs in the  
9 building, and I was just a little distracted and didn't  
10 come down on time. So I apologize.

11 MR. MCDERMOTT: I too would also like to  
12 apologize. Not my favorite thing. I try to be as  
13 timely as possible, but not today.

14 PRESIDING OFFICER HAMMER: Serendipitous it  
15 happened to you both on the same day, as it almost never  
16 does. So don't worry about it. I am fine with  
17 witnesses staying at counsel's table. Mr. McDermott, go  
18 ahead.

19 MR. MCDERMOTT: I'd like to call Kyle Moore  
20 for the company.

21 PRESIDING OFFICER HAMMER: Mr. Moore, do you  
22 swear to tell the truth?

23 THE WITNESS: Yes.

24 KYLE MOORE,  
25 was called as a witness, and having been first duly

1 sworn to tell the truth, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MCDERMOTT:

4 **Q. Mr. Moore, could you please state your name,**  
5 **position with the company and the address of the**  
6 **company?**

7 A. Yes. My name is Kyle Moore. I am an  
8 originator with Rocky Mountain Power, and the address is  
9 1407 West North Temple, Salt Lake City, Utah, 84116.

10 **Q. And did you prepare a summary of your**  
11 **testimony today to share with the company --**

12 A. I did.

13 **Q. -- with the commission? Could you please**  
14 **proceed to read that?**

15 A. Yes. I present today for commission approval  
16 a qualifying facility power purchase agreement between  
17 Kennecott Utah Copper and PacifiCorp. The agreement  
18 provides for the sale to PacifiCorp of energy to be  
19 generated by Kennecott up to 31.8 megawatts from a waste  
20 heat-fired cogeneration facility constructed by  
21 Kennecott and located in Magna, Utah.

22 The agreement is for a term of 12 months,  
23 January 1, 2020, to December 31, 2020. The purchase  
24 prices set forth in the agreement are the lower of the  
25 Block 2 rate under the electric service agreement or as

1 calculated using the methodology approved by the  
2 commission in Docket No. 03-035-14.

3 The company filed the PPA for approval October  
4 10th, 2019. In comments filed on November 18th, 2019,  
5 the Division of Public Utilities stated their belief  
6 that the PPA complied with the commission's guidelines  
7 and recommended approval.

8 In their comments the division also reiterated  
9 their two recommendations, that the company continue to  
10 file the quarterly hourly purchased power reports and  
11 future filing continue to include GRID outputs and Excel  
12 spreadsheets supporting the price and line loss  
13 calculations.

14 The agreement is compliant with relevant  
15 commission orders and with Utah Schedule 38 and should  
16 be found to be in the public interest. The company  
17 believes the PPA before the commission for approval has  
18 not had any issues raised by parties in this docket and  
19 recommends the commission approve the agreement.

20 MR. MCDERMOTT: Thank you, Mr. Moore. We have  
21 no further questions. Mr. Moore is available for  
22 cross-examination.

23 PRESIDING OFFICER HAMMER: Mr. Jetter?

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

25 PRESIDING OFFICER HAMMER: And neither do I.

1 Thank you, Mr. Moore. Any other witness, Mr. McDermott?

2 MR. MCDERMOTT: No other witnesses.

3 PRESIDING OFFICER HAMMER: Mr. Jetter?

4 MR. JETTER: Thank you. The division would  
5 like to call and have sworn in Jeff Einfeldt.

6 PRESIDING OFFICER HAMMER: Mr. Einfeldt, do  
7 you swear to tell the truth?

8 THE WITNESS: Yes.

9 JEFFREY S. EINFELDT,  
10 was called as a witness, and having been first duly  
11 sworn to tell the truth, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. JETTER:

14 **Q. Mr. Einfeldt, would you please state your name**  
15 **and occupation for the record.**

16 A. My name is Jeffrey S. Einfeldt. I am a  
17 utility analyst with the Division of Public Utilities.

18 **Q. Thank you. And in the course of your**  
19 **employment with the division, have you had the**  
20 **opportunity to review the application and the power**  
21 **purchase agreement submitted in this docket for**  
22 **approval?**

23 A. Yes.

24 **Q. And did you create and cause to be filed with**  
25 **the commission comments from the division November 18th,**



1 2019?

2 A. Yes, I did.

3 Q. Do those reflect the division's position  
4 today?

5 A. Yes.

6 Q. Do you have any corrections or changes you  
7 would like to make to those comments?

8 A. No.

9 MR. JETTER: I would like to just move to  
10 enter the comments into the record of the hearing.

11 PRESIDING OFFICER HAMMER: They are admitted.

12 MR. JETTER: Thank you.

13 Q. (By Mr. Jetter) Do you have a brief summary  
14 of the division's position?

15 A. Yes.

16 Q. Please go ahead.

17 A. Before I have a question, are we doing both at  
18 this time or just one?

19 MR. MOORE: At this time I have just presented  
20 035-36.

21 THE WITNESS: Okay.

22 PRESIDING OFFICER HAMMER: Mr. Einfeldt, you  
23 -- I think it probably makes sense for you to confine  
24 your comments at this time then to the 36 docket.

25 A. Okay. The division recommends the commission

1 approve the non-firm power purchase agreement between  
2 PacifiCorp and Kennecott Utah Copper in regards to the  
3 smelter, the subject of Docket 19-035-36.

4 The division finds the agreement is similar to  
5 contracts in prior years and complies with the  
6 commission guidelines established in prior orders. The  
7 division finds the contract to be just, reasonable and  
8 in the public interest.

9 MR. JETTER: Thank you. I have no further  
10 questions. Mr. Einfeldt is available for commission  
11 questions or cross.

12 PRESIDING OFFICER HAMMER: Mr. McDermott?

13 MR. MCDERMOTT: I have no questions. Thank  
14 you.

15 PRESIDING OFFICER HAMMER: Then we will return  
16 to you, Mr. McDermott. I expect you intend to have  
17 Mr. Moore testify with respect to the 37 docket as well?

18 MR. MCDERMOTT: That's correct.

19 PRESIDING OFFICER HAMMER: You are still under  
20 oath. Mr. McDermott.

21 MR. MCDERMOTT: Okay.

22 KYLE MOORE,  
23 was recalled as a witness and testified as follows:

24 FURTHER EXAMINATION

25 BY MR. MCDERMOTT:

1           **Q.    And I won't have you repeat your name and**  
2           **address, but do you have a summary for the other docket**  
3           **to share with the commission?**

4           A.    Yes.  So I also present today for commission  
5           approval a qualifying facility power purchase agreement  
6           between Kennecott Utah Copper and PacifiCorp.  The  
7           agreement provides for the sale to PacifiCorp of energy  
8           to be generated by Kennecott up to 7.54 megawatts from a  
9           waste heat-fired cogeneration facility constructed by  
10          Kennecott located in Magna, Utah.

11                    The agreement is for a term of 12 months,  
12          January 1, 2020, through December 31, 2020.  The  
13          purchase prices set forth in the agreement are the lower  
14          of Block 2 rate under the Electric Service agreement or  
15          as calculated using the methodology approved by the  
16          commission in Docket No. 035-35-14.

17                    The company filed a PPA for approval October  
18          10th, 2019.  In comments filed on November 18th, 2019,  
19          the DPU stated their belief that the PPA complied with  
20          the commission's guidelines and recommended approval.  
21          In their comments the division also reiterated their two  
22          recommendations, that the company continue to file  
23          quarterly hourly purchased power reports and future  
24          filing continue to include GRID outputs and Excel  
25          spreadsheets supporting the price and line loss

1 calculations.

2 The agreement is compliant with relevant  
3 commission orders and with Utah Schedule 38 and should  
4 be found to be in the public interest. The company  
5 believes the PPA before the commission for approval has  
6 not had any issues raised by parties in this docket and  
7 recommends the commission approve the agreement.

8 MR. MCDERMOTT: Thank you, Mr. Moore.  
9 Mr. Moore is available for commission questions or  
10 cross-examination.

11 MR. JETTER: And I have no questions.

12 PRESIDING OFFICER HAMMER: Nor do I. Anything  
13 else, Mr. McDermott?

14 MR. JETTER: Nothing for the company. Thank  
15 you.

16 PRESIDING OFFICER HAMMER: Thank you both.  
17 Mr. Jetter?

18 MR. JETTER: Thank you.

19 JEFFREY S. EINFELDT,  
20 was recalled as a witness and testified as follows:

21 FURTHER EXAMINATION

22 BY MR. JETTER:

23 **Q. Mr. Einfeldt, with respect to the 19-035-37**  
24 **docket, did you also prepare and cause to be filed with**  
25 **the commission the comments in that docket, which are**

1 **dated November 18th, 2019?**

2 A. Yes.

3 **Q. And do you have any corrections or changes you**  
4 **would like to make to those comments from the division?**

5 A. No.

6 **Q. And would you adopt those as, I guess, part of**  
7 **your testimony here today?**

8 A. Yes.

9 MR. JETTER: I'd like to move to enter into  
10 the record the action request response comments dated  
11 November 18th, 2019, filed by the division.

12 PRESIDING OFFICER HAMMER: They are admitted.

13 MR. JETTER: Thank you.

14 **Q. (By Mr. Jetter) Do you have a brief summary of**  
15 **the division's position in this docket?**

16 A. Yes.

17 **Q. Please go ahead.**

18 A. Okay. The division recommends the commission  
19 approve the non-firm power purchase agreement between  
20 PacifiCorp and Kennecott Utah Copper with regards to the  
21 Docket No. 19-035-37 with regard to the refinery.

22 The division finds the agreement is similar to  
23 contracts of prior years and complies with commission  
24 guidelines established in prior orders. The division  
25 finds the contract to be just, reasonable, and in the

1 public interest. And this concludes my comments.

2 MR. JETTER: Thank you. I have no further  
3 questions. Mr. Einfeldt is available for commission  
4 questions or cross.

5 MR. MCDERMOTT: No questions from the company.  
6 Thank you.

7 PRESIDING OFFICER HAMMER: And none for me.  
8 Anything else before we adjourn?

9 MR. JETTER: Nothing from the division.  
10 Thank you.

11 MR. MCDERMOTT: No, nothing for the company  
12 either. Thank you.

13 PRESIDING OFFICER HAMMER: Thank you. We are  
14 adjourned. Let's go off the record.

15 (The hearing concluded at 1:21 p.m.)

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C E R T I F I C A T E

STATE OF UTAH )  
COUNTY OF SALT LAKE )

THIS IS TO CERTIFY that the foregoing proceedings were taken before me, Teri Hansen Cronenwett, Certified Realtime Reporter, Registered Merit Reporter and Notary Public in and for the State of Utah.

That the proceedings were reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages, numbered 3 through 73 inclusive.

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

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 20th day of December, 2019.



Teri Hansen Cronenwett, CRR, RMR  
License No. 91-109812-7801

My commission expires:  
January 19, 2023

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24 disclosure - for compliance with Privacy Laws.

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