

PUBLIC SERVICE COMMISSION OF UTAH

Docket No. 20-035-04

PUBLIC HEARING

November 17, 2020

ADVANCED REPORTING SOLUTIONS

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1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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4 Application of Rocky Mountain)
Power for Authority to)
5 Increase its Retail Electric) Docket 20-035-04
Utility Service Rates in Utah)
6 and for Approval of its)
Proposed Electric Service)
7 Schedules and Electric Service)
Regulations)
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13 PHASE II -COST OF SERVICE, VOLUME I

14 VIDEO CONFERENCED PUBLIC HEARING

15 TAKEN THROUGH ADVANCED REPORTING SOLUTIONS VIA ZOOM

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20 Reported by: Michelle Mallonee, RPR, CCR
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1 P R O C E E D I N G S

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3 CHAIRMAN LEVAR: Good morning. It's Tuesday,
4 November 17, and we're here for the Utah Public Service
5 Commission hearing in Docket 20-035-04. This is Phase
6 II, the Cost of Service phase in the Application of Rocky
7 Mountain Power for Authority to Increase its Retail
8 Electric Utility Service Rates in Utah and for Approval
9 of its Proposed Electric Service Schedules and Electric
10 Service Regulations.

11 Why don't we start with appearances, and then we
12 have a few matters to handle before we move to our first
13 witness.

14 Rocky Mountain Power, if you'd like to make your
15 appearance first.

16 MS. WEGENER: Yes. This is Emily Wegener
17 appearing on behalf of Rocky Mountain Power. And I also
18 have with me virtually Ajay Kumar, who will also be
19 representing the Company in this stage of the proceeding.

20 CHAIRMAN LEVAR: Thank you, Ms. Wegener.
21 For the Division of Public Utilities.

22 MR. JETTER: And good morning. This is Justin
23 Jetter with the Utah Attorney General's office, and I'm
24 here today representing the Utah Division of Public
25 Utilities. And my co-counsel, Patricia Schmid is also

1 joining us today, and she is also an assistant attorney
2 general.

3 CHAIRMAN LEVAR: Thank you, Mr. Jetter and
4 Ms. Schmid.

5 For the Office of Consumer Services.

6 MR. SNARR: Yes. This is Steve Snarr. Can you
7 hear me?

8 CHAIRMAN LEVAR: I can hear you, yes. It does
9 work better when I turn my volume on. Thank you.

10 MR. SNARR: I am an assistant attorney general.
11 I represent the Office of Consumer Services. We'll be
12 presenting witnesses in this phase of the hearing,
13 including Alyson Anderson, Michele Beck, and Ron Nelson.

14 (Court reporter interruption.)

15 CHAIRMAN LEVAR: We're back on the record.
16 Utah Association of Energy Users.

17 MR. RUSSELL: Yes. Good morning. This is
18 Phillip Russell on behalf of the Utah Association of
19 Energy Users, also representing the University of Utah
20 and US Magnesium.

21 CHAIRMAN LEVAR: Okay. Thank you, Mr. Russell.
22 Utah Clean Energy?

23 MR. HOLMAN: Good morning, Chairman Levar. My
24 name is Hunter Holman on behalf of the Utah Clean Energy.
25 Sarah Wright will be our witness in this phase of the

1 hearing. And for purposes of introducing Christopher
2 Thomas, I will also be representing Salt Lake City in
3 this proceeding.

4 CHAIRMAN LEVAR: Okay. Thank you.

5 Western Resource Advocates.

6 MS. HAYES: Good morning. Sophie Hayes with
7 Western Resource Advocates. We will be presenting two
8 witnesses in this phase of the proceeding, Mr. Aaron
9 Kressig and Dr. Doug Howe.

10 CHAIRMAN LEVAR: Thank you, Ms. Hayes.

11 Walmart, Incorporated?

12 MS. BALDWIN: Yes, thank you. This is Vicki
13 Baldwin appearing for Walmart. We will be presenting one
14 witness, and that will be Mr. Stephen Chriss.

15 CHAIRMAN LEVAR: Thank you, Ms. Baldwin.

16 The Kroger Company?

17 MR. BOEHM: Thank you, your Honor. Kurt Boehm,
18 appearing on behalf of the Kroger Company. And in this
19 phase of the hearing, we will be presenting the testimony
20 of Richard Baudino.

21 CHAIRMAN LEVAR: Thank you, Mr. Boehm.

22 ChargePoint, Incorporated.

23 MR. DUNBAR: Good morning, Mr. Chairman. Scott
24 Dunbar of the law firm Keyes & Fox here on behalf of
25 ChargePoint.

1 THE WITNESS: Thank you, Mr. Dunbar.

2 Do we have anyone representing Nucor Steel-Utah
3 participating this morning?

4 Okay. Stadion LLC. I think I saw Mr. Sanger on
5 the list.

6 MR. SANGER: Yes, thank you. Irion Sanger for
7 Stadion. And we do not have a witness to present in this
8 phase of the proceeding. Thank you.

9 CHAIRMAN LEVAR: Thank you, Mr. Sanger.

10 If I have missed anyone on appearances, please
11 unmute yourself and let me know. I'm not seeing any.

12 So why don't we move next to the motion from
13 Western Resource Advocates. They filed a motion to file
14 an exhibit outside of the time frame established in the
15 scheduling order.

16 Let me just ask if anyone objects to that
17 motion, please indicate your objection.

18 I'm not seeing or hearing any objection, so that
19 motion is granted.

20 MS. HAYES: Thank you.

21 CHAIRMAN LEVAR: Thank you, Ms. Hayes.

22 We also discussed before we went on the record
23 several witnesses that have potential scheduling
24 conflicts, but two that we are going to address at this
25 point.

1 And I'm going to ask if there's any objection to
2 planning to call Mr. Kressig for Western Resource
3 Advocates and then Mr. Baudino for the Kroger Company as
4 our first two witnesses tomorrow morning. If anyone has
5 an objection to that plan, please indicate your
6 objection.

7 Okay. I'm not seeing any, so we will plan to
8 proceed that way as the hearing moves forward.

9 Are there any other matters that we need to
10 address before we go to Rocky Mountain Power's first
11 witness?

12 MR. DUNBAR: Yes, your Honor. This is Scott
13 Dunbar on behalf of ChargePoint.

14 ChargePoint sponsored the testimony of Ms. Anne
15 Smart. We filed initial testimony only. And last week,
16 in advance of this hearing, I emailed the parties to see
17 if anyone planned to cross-examine Ms. Smart or if they
18 would be willing to waive her appearance. And I believe
19 I've heard back from every party, and no party would
20 object to -- no party plans to cross-examine Ms. Smart.

21 And so I wanted to ask your Honor and your
22 fellow Commissioners if any of you plan to question
23 Ms. Smart. And if not, if she might be excused from
24 appearing.

25 CHAIRMAN LEVAR: Let me go to Commissioner Clark

1 and Commissioner Allen.

2 If either of you need more time before you can
3 respond to that question, we might just respond to it
4 after our first break this morning unless either of you
5 are prepared to answer that now.

6 Commissioner Clark?

7 COMMISSIONER CLARK: Yes, I'm prepared, and I
8 don't have any questions currently for Ms. Smart.

9 CHAIRMAN LEVAR: Thank you, Commissioner Clark.
10 Commissioner Allen?

11 COMMISSIONER ALLEN: Thank you. I also have no
12 questions for this witness.

13 CHAIRMAN LEVAR: Okay. Thank you.

14 And I could join that, Mr. Dunbar. So we can
15 proceed with the understanding that she's not going to
16 participate.

17 Do you want to make a motion with respect to her
18 direct testimony?

19 MR. DUNBAR: Yes, I would, Mr. Chairman. I
20 would move for the admission of her direct testimony. If
21 she needs to appear in order to affirm that, I'm happy to
22 have her do that tomorrow, or we're also happy to file an
23 affidavit affirming that she's prepared the testimony and
24 stands by it.

25 CHAIRMAN LEVAR: Either a brief appearance or an

1 affidavit, I think, would improve our record. So I'm not
2 going to suggest which one of those is preferable. I
3 think either of them gives us some foundation for her
4 testimony, but one or the other of those would help.

5 So why don't we revisit your motion, then, by
6 tomorrow morning. Is that acceptable to you, Mr. Dunbar?

7 MR. DUNBAR: Certainly. Well, I'm happy to go
8 ahead and just file that affidavit, Mr. Chairman.

9 I do not have any cross-examine planned for any
10 other parties, so my next request was actually for myself
11 to be excused, recognizing that, you know, we waive all
12 rights if something comes up affecting us during the
13 hearing.

14 But since our only goal is to make sure that
15 Ms. Smart's testimony appears in the record, I would
16 respectfully ask that I be able to do that via affidavit
17 and be excused from the remainder of the hearing, if
18 that's okay.

19 CHAIRMAN LEVAR: So I think I can rephrase your
20 motion. Tell me if I'm rephrasing it incorrectly.

21 We have a motion to admit into evidence the
22 direct testimony of Anne Smart pending a filing of an
23 affidavit. Is that a fair way to state your motion?

24 MR. DUNBAR: That is very fair. Thank you,
25 Mr. Chairman.

1 CHAIRMAN LEVAR: Okay. If anyone objects to
2 that motion, please indicate your objection.

3 I'm not seeing or hearing any objections so the
4 motion is granted.

5 Thank you, Mr. Dunbar.

6 MR. DUNBAR: Thank you, Mr. Chairman.

7 CHAIRMAN LEVAR: Anything else before we go to
8 Rocky Mountain Power?

9 Okay, Ms. Wegener. You may move forward with
10 your first witness.

11 MR. KUMAR: Thank you, your Honor. This is Ajay
12 Kumar. I'll be calling Mr. Meredith on behalf of the
13 Company.

14 CHAIRMAN LEVAR: Good morning, Mr. Meredith.
15 Are you with us?

16 THE WITNESS: Yes, I am. Good morning. Can you
17 hear me okay?

18 CHAIRMAN LEVAR: I can hear you just fine and
19 see you.

20 Do you swear to tell the truth?

21 THE WITNESS: I do.

22 CHAIRMAN LEVAR: Thank you.

23 Go ahead, Mr. Kumar.

24

25

1 ROBERT M. MEREDITH,
2 was called as a witness, and having been first duly
3 sworn to tell the truth, the whole truth, and nothing
4 but the truth, testified as follows:

5
6 DIRECT EXAMINATION

7 BY MR. KUMAR:

8 Q. Mr. Meredith, could you state and spell your
9 name for the record.

10 A. Yes. Robert M. Meredith. That's R-O-B-E-R-T,
11 M, Meredith is spelled M-E-R-E-D-I-T-H.

12 Q. And by whom are you employed and in what
13 capacity?

14 A. I'm employed by PacifiCorp, and I'm the director
15 of pricing cost of service.

16 Q. And did you cause to be filed direct, rebuttal,
17 and surrebuttal testimony, and accompanying exhibits in
18 this proceeding?

19 A. Yes, I did.

20 Q. And did you file -- did you cause to be filed an
21 errata in this proceeding?

22 A. Yes.

23 Q. Could you briefly explain the errata that was
24 filed to your testimony?

25 A. Yes, I can do that.

1 In my direct testimony, I described the
2 "Unbundled Delivery Rate" category as being designed to
3 collect the costs associated with the distribution,
4 retail, miscellaneous functions as well as the portion of
5 transmission that is not part of EBA, which is most of
6 the transmission function.

7 In developing the unbundled rates, the Company
8 inadvertently did not include transmission costs in the
9 unbundled delivery category. Revised Exhibit Rocky
10 Mountain RMM-1SR and Exhibit RMP RMM-7R make this
11 correction. For the most part, the total prices are
12 unchanged, just the breakout by different unbundled
13 categories.

14 This change does increase the subscriber solar
15 delivery charge for current participants, which, in turn,
16 does result in very minor decreases to nonsubscribers'
17 solar-related total prices for residential and Schedule
18 23 customers.

19 **Q. Do you have any other changes or corrections to**
20 **your testimony, Mr. Meredith?**

21 A. Yes, I do. I have a couple. The first part of
22 Line 113 of my surrebuttal testimony reads, "transmission
23 to energy." This should read, "transmission to demand."

24 Also, Line 380 in my direct testimony reads,
25 "applied to generation." This should read, "applied to

1 delivery."

2 Q. Thank you, Mr. Meredith. With that errata and
3 those changes and corrections that we just identified, if
4 I were to ask you the same questions today that are in
5 your prefiled testimony, would you give the same answers?

6 A. Yes, I would.

7 MR. KUMAR: Your Honor, I'd like to move for the
8 admission of Mr. Meredith's testimony and exhibits.

9 CHAIRMAN LEVAR: Thank you, Mr. Kumar.

10 If anyone objects to that motion, please
11 indicate your objection.

12 I'm not seeing or hearing any objection, so the
13 motion is granted.

14 Go ahead.

15 Q. (BY MR. KUMAR:) Mr. Meredith, have you prepared
16 a summary of your testimony?

17 A. Yes, I have.

18 Q. Would you please provide it.

19 A. Yes. Good morning, Chair Levar, Commissioner
20 Clark and Commissioner Allen.

21 It has been several years since the Company was
22 last in for a general rate case. It may be several more
23 years before it has another one. With this in mind, the
24 Company has endeavored to pursue balanced, thoughtful,
25 and well-reasoned changes to its pricing. These changes

1 seek to move prices forward so they better match the
2 energy landscape we have today and what is expected for
3 the future.

4 Specifically my summary covers six contested
5 topics: Residential rate design, Schedule 6(a) redesign,
6 Schedule 32, large customer pilot options, unbundling,
7 and collaboratives.

8 First, the Company recommends a few notable
9 changes for residential rate design. This includes
10 eliminating the summer third-tier energy charge,
11 modifying the seasons so May is moved to the winter
12 season; splitting out the customer service charges for
13 multi-family and single-family customers; raising the
14 customer service charge for single family from \$6 per
15 month to \$10 per month and eliminating the \$8 minimum
16 charge. These very reasonable changes were made in an
17 effort to effect change while avoiding rate shock and
18 promoting the very important principle of gradualism.

19 It's especially important to begin the process
20 of unwinding the antiquated residential tiered rate
21 structure now. The third-tiered summer energy charge is
22 an acutely punishing price that also stands in the way of
23 electric vehicle adoption and should be eliminated. If
24 the Company's proposed residential rate design is
25 approved, the highest price a customer will pay during

1 the summer months will go down from about 14 cents per
2 kilowatt hour to about 12 cents per kilowatt hour. With
3 the highest rate still at 12 cents per kilowatt hour, I
4 do not believe this pricing structure will undermine
5 energy efficiency or encourage wasteful energy usage.

6 DPU witness Mr. Camfield recommends that a net
7 margin analysis be conducted to analyze the change to the
8 tiered-rate structure. I believe that the idea behind
9 this analysis is that the change in pricing would cause
10 customers to change their behavior, which would, in turn,
11 change the underlying billing determinants used to
12 develop the prices.

13 Such an analysis or dynamic revision to billing
14 determinants was never required for prior changes to
15 residential rates, including those which altered the
16 underlying structure to include seasons or additional
17 tiered categories, nor is such an analysis required now.
18 Using the historic billing determinants scaled to the
19 forecast level of energy sales and billing counts will
20 result in fair and just rates which are designed to
21 collect the target revenue requirement.

22 Eliminating the third-tier energy charge and
23 increasing the customers' service charge for
24 single-family residential customers is well-supported by
25 facts, analysis, and billing comparisons presented by the

1 Company. No additional evidence is required for the
2 Commission to make this determination and approve the
3 Company's proposed rate design.

4 It is my understanding that the DPU supports
5 eliminating the third tier. DPU witness Mr. Camfield
6 states in his direct testimony: Absent evidence of
7 significant systemic differences in the economic costs of
8 serving customers with marginal loads on the three
9 blocks, I concur with RMP's proposed reduction in tariff
10 blocks.

11 Figure 1 presented in my surrebuttal testimony
12 provides evidence the cost of serving additional load for
13 a residential customer does not become incrementally more
14 expensive.

15 Second, the Company recommends a redesigned
16 optional Schedule 6(a), which would lessen the cost for
17 nonresidential customers with the lowest load factors.
18 The Company's proposed modification is reasonable,
19 cost-based, and would remove a disincentive to the build
20 out of electric vehicle charging infrastructure.
21 Importantly, the revenue impact for this redesign is
22 fully accounted for. If bills are reduced for some
23 customers, that revenue has to be collected somewhere
24 else.

25 Western Resource Advocates has correctly pointed

1 out that some customers on Schedule 6(a) would pay more
2 under the redesign. This is the way rate design works.
3 Bill reductions for some result in increases for others.
4 Instead of dealing with this as the Company has, Western
5 Resource Advocates and Utah Clean Energy recommend just
6 making the Company's redesign another option.

7 As I've stated in testimony, the differences
8 between current Schedule 6(a) and proposed Schedule 6(a),
9 which UCE and WRA want to call Schedule 6(c), are too
10 similar to justify a different rate option. Making this
11 redesign another new option is highly problematic, will
12 be confusing for customers, and will necessarily create a
13 deficiency in revenue for the Company, which I estimate
14 could be as high as \$2 million.

15 Third, the Company recommends that pricing for
16 Schedule 32 be set such that participants pay their fair
17 share of delivery costs. The delivery facilities charges
18 should be set at levels that recover distribution and
19 transmission costs as the Company has proposed.

20 If the Commission has concerns with this
21 approach, since the Company does not have a cost of
22 service study that specifically analyzes Schedule 32
23 customers since it had less than a year of data for only
24 one participant, I recommend applying the increase to all
25 elements in a way that maintains the present composition

1 of daily and monthly demand-based charges. It is not
2 reasonable for a Schedule 32 to be structured such that
3 participants should be able to avoid delivery costs from
4 their offsite renewable resource.

5 As demonstrated in my rebuttal and surrebuttal
6 testimony, UAE and the University of Utah's proposed
7 Schedule 32 price changes would create such an
8 unsustainable situation.

9 UAE also argues that a capacity credit should be
10 developed for the renewable resources, Schedule 32
11 participants connect to the grid. Schedule 32
12 participants already have the opportunity to offset their
13 share of nondelivery, demand-related costs, and such a
14 capacity credit would be duplicative and should,
15 therefore, be rejected.

16 Fourth, the Company's proposed interruptible and
17 realtime pricing pilot options are reasonable and would
18 give large customers an opportunity to save on their
19 bills in as much as they align their usage with
20 lower-cost times or agree to be interrupted. DPU witness
21 Mr. Camfield recommends an alternative two-step type of
22 realtime pricing program that he believes would be more
23 appropriate.

24 I continue to believe that a two-step program
25 would be problematic because of the differences in

1 circumstance between the Company and utility conditions
2 in the southeast where such a program has enjoyed a
3 degree of success.

4 Mr. Camfield has not addressed the concerns I
5 raised in my rebuttal testimony with such a structure and
6 the unique circumstances faced by the Company. Such a
7 structure as proposed by Mr. Camfield would be a
8 significant departure from the Company's proposed program
9 design and should be rejected by the Commission.

10 In his surrebuttal testimony, OCS witness
11 Mr. Nelson mistakenly confuses examples the Company
12 provided in discovery of interruptible programs offered
13 by other utilities as programs offered by the Company in
14 its other states. The Company provided these examples to
15 show that its pricing was conservative.

16 In terms of its plans for both the interruptible
17 and realtime pricing pilots, the Company has
18 intentionally avoided forecasting when the pilots will
19 end or providing specific goals for them because it hopes
20 to use what it learns to inform their future disposition.
21 The Company does not have a perfect road map of how the
22 pilots will work, like Mr. Nelson seems to desire because
23 these options are pilots, programs to be tested whose
24 outcome is uncertain.

25 Fifth, the Company's proposed

1 subfunctionalization and subsequent unbundling of rates
2 into the delivery, fixed supply, and variable supply
3 categories creates two benefits. It will allow delivery
4 costs in rates to be delineated from supply so that
5 programs like those envisioned in House Bill 411 can be
6 designed. It also allows base EBA costs and rates to be
7 identified so that the accuracy of the EBA can be
8 improved.

9 Contrary to some parties' belief, this is not a
10 secret plan to conflate that which is considered energy
11 related with variable supply. Besides the subscriber
12 solar delivery charge, unbundling does not influence the
13 Company's overall total rate design calculations. It
14 does not make demand charges higher or energy charges
15 lower. It merely slices these categories up for
16 convenience. It doesn't change the total price.

17 OCS witness Mr. Nelson claims that Figure 1 in
18 his direct testimony is unrebutted and that it
19 demonstrates cost shifting. His Figure 1 very simply
20 shows that the variable component of production and
21 transmission is less than the energy-related component of
22 production and transmission. This does not mean that the
23 Company has considered variable costs to be equal to
24 energy-related costs or that the variable supply
25 unbundled category has influenced an increase in total

1 demand charges or a decrease in total energy charges. In
2 fact, part of the energy charges for nonresidential
3 customers are in the fixed supply unbundled category.

4 Mr. Nelson has no evidence of the covert shift
5 away from energy charges that he alleges, only
6 speculation and unsubstantiated belief that the Company
7 is acting in bad faith.

8 Six, the Company recommends a collaborative view
9 to explore cost of service methodology changes and
10 another to explore future rate design changes. Cost
11 recovery of AMI, or flattening of the residential tiered
12 rate structure, should not be conditioned upon the future
13 rate design collaborative.

14 As discussed by Company witness Mr. Mansfield
15 the AMI project is justified by quantifiable metering
16 savings alone. That does not mean that the Company will
17 not pursue further benefits of AMI of a nonquantifiable
18 or more qualitative nature, like better time-bearing rate
19 options for customers.

20 The substantial rate design changes proposed
21 across different customer categories in this rate case by
22 the Company, absent an AMI system that is fully in place,
23 are evidence that the Company is committed to innovative
24 rate design.

25 I believe that parties will be able to work

1 constructively and come to a consensus on scope and
2 timeline for both collaborative reviews.

3 I recommend the Commission approve the Company's
4 cost of service study, rate spread, and rate design as
5 presented in my rebuttal and surrebuttal testimony, and
6 direct the Company to work with the DPU to initiate the
7 two proposed collaborative review processes.

8 Thank you for your consideration. This
9 concludes my summary.

10 **Q. Thank you, Mr. Meredith.**

11 MR. KUMAR: I'd like to make Mr. Meredith
12 available for cross.

13 CHAIRMAN LEVAR: Thank you, Mr. Kumar.

14 I'll go to Division of Public Utilities next.

15 Do you have any questions for Mr. Meredith?

16 MR. JETTER: I have no questions this morning.
17 Thank you, Mr. Chairman.

18 CHAIRMAN LEVAR: Thank you, Mr. Jetter.

19 I'll go to the Office of Consumer Services.

20 Do you have any questions for Mr. Meredith?

21 Mr. Snarr, I'm not hearing you. I think my
22 volume is on this time. I can see you but I can't hear
23 you.

24 MR. SNARR: Let me make sure it's working.

25 CHAIRMAN LEVAR: Now we can hear you.

1 MR. SNARR: Thank you very much.

2
3 CROSS-EXAMINATION

4 BY MR. SNARR:

5 Q. Good morning, Mr. Meredith.

6 A. Good morning, Mr. Snarr.

7 Q. I have just a few questions. I'd like to focus
8 on Rocky Mountain Power's proposal to introduce the
9 subfunctionalization of fixed and variable production and
10 transmission costs into the cost of service study.

11 A. Okay.

12 Q. In your direct testimony at Lines 70 and 71, you
13 state, "The Company is including new subfunctional
14 categories to provide a more detailed breakdown of
15 costs."

16 Did I read that correctly?

17 A. Yes.

18 Q. Okay. Thereafter, in Lines 74 through 87, you
19 state that your cost of service study provided for new
20 functional breakdowns for the costs incurred in the
21 production transmission functions to include
22 demand-related and energy-related costs; is that right?

23 A. Yes.

24 Q. And then you describe how those costs would be
25 respectively categorized as fixed and variable demand

1 within the production function and fixed and variable
2 demand within the transmission function; is that correct?

3 A. Yes. I think the best way to think about it is
4 it's like having two different dimensions layered on top
5 of production and transmission. So you're breaking
6 production and transmission into demand-related and
7 energy-related, and then further breaking those pieces
8 into fixed and variable.

9 Q. Okay. Now, also in your testimony, your direct
10 testimony, you talk about how the production and
11 transmission plant and nonfuel expense would be
12 categorized, classifying 75 percent of those costs as
13 demand-related and 25 percent as energy-related; isn't
14 that correct?

15 A. Right. So fixed production and transmission
16 costs are classified 75 percent to demand and 25 percent
17 to energy, that's correct.

18 Q. Okay. And then at Line 159 to 160 of your
19 surrebuttal testimony -- I'll let you get there.

20 A. Just one minute. You said Line 159?

21 Q. Yeah 159 and 160 of your surrebuttal.

22 A. Uh-huh.

23 Q. You state, "No change is recommended to the
24 method the Company uses to break out demand-related
25 versus energy-related costs."

1 A. Yes.

2 Q. Meaning that the Company is not recommending a
3 classification or allocation to the change; is that
4 right?

5 A. Right. So when we break out fix and variable --
6 or really, almost in some ways a better way to think of
7 it, I know those are the terms we used is what is related
8 to the EBA and what is not related to the EBA?

9 When we're doing that, we're breaking them out
10 for convenience in order to help determine the unbundled
11 categories. It does not directly influence the
12 classification or allocation of costs to any customer
13 class. It just breaks out those categories so we can
14 identify the proportions that go to fixed -- what we're
15 calling fixed and variable subfunctions.

16 Q. So with respect to any energy-related costs
17 within the production transmission functions, is it true
18 that the subfunctionalization you spoke of really has not
19 changed the way those costs have been classified?

20 A. That's correct.

21 Q. Now, there's been some discussion in the
22 testimony back and forth about the way you have done
23 this.

24 Am I correct in saying that nowhere in the
25 testimonies that you've provided have you noted any other

1 utility outside of the Company in the filings made here
2 in Utah or Wyoming that has utilized this (inaudible)
3 production (inaudible) --

4 CHAIRMAN LEVAR: Let me -- oh, go ahead,
5 Ms. Mallonee. I was going to ask him to repeat the
6 question.

7 THE COURT REPORTER: So was I.

8 COMMISSIONER CLARK: Pardon me, this is
9 Commissioner Clark. I apologize, but I'm seeing that
10 Mr. Snarr -- I'm seeing him on two different screens, and
11 I'm wondering if he's in the meeting twice and if that's
12 creating the feedback issues. I apologize for
13 interrupting.

14 MR. SNARR: Thank you for the interruption. I
15 am on twice, and I'll cut one off. It's because I've
16 been having computer problems. But I'll change the
17 (inaudible).

18 CHAIRMAN LEVAR: Whatever you did, we lost your
19 audio, Mr. Snarr. Now we can't hear you. I see you
20 connected as "Unknown," but I can't hear you. You don't
21 look to be muted, but we're not getting audio.

22 I'm sorry. I'm still not hearing any audio from
23 you.

24 (Pause in the proceedings.)

25 CHAIRMAN LEVAR: Mr. Snarr, would you indicate

1 if you'd object to a short recess to try to work this
2 out. I still can't hear you but maybe give me some kind
3 of nonverbal signal.

4 Okay. Why don't we take a 10-minute recess and
5 see if we can resolve any of this during that time.

6 Thank you. We'll reconvene in 10-minutes.

7 (A break was taken from 9:38 a.m. to 9:49 a.m.)

8 CHAIRMAN LEVAR: We will be back on the record.
9 Why don't you continue with the last question before we
10 had the technical problem.

11 MR. SNARR: Thank you, and thank you for your
12 patience on the technical issues.

13 Q. (BY MR. SNARR:) Just a simple question. We're
14 aware the Company has made filings in Utah and Wyoming
15 utilizing the subfunctionalization approach that you
16 describe in your testimony.

17 Have you noted or indicated anywhere in your
18 testimony other jurisdictions or other companies that
19 have used this same approach?

20 A. No.

21 Q. All right. Let's move to another area of
22 discussion. It's related to the residential rate class.

23 In your direct testimony, you propose a rate
24 increase from residential customers of 6.9 percent; is
25 that correct?

1 A. I believe so, yes.

2 Q. All right. And this was associated with a
3 proposed revenue requirement initially of 95.8 million,
4 which represented a rate increase of approximately
5 4.8 percent; is that right?

6 A. Subject to check, yes. I could confirm it if
7 you want. I don't have it memorized, but I believe that
8 that's right, yes.

9 Q. Okay. Thank you. And your proposal is only to
10 raise Schedule 9 by 4.9 percent; is that right?

11 A. Yes. Yes, that is correct.

12 Q. So you proposed a percentage rate increase for
13 residential customers that is about 40 percent more than
14 what you were proposing for Schedule 9; is that right?

15 A. Yes. And that was guided by the last cost of
16 service study.

17 Q. That study did show, didn't it, even using your
18 assumptions that Schedule 9 did not perform 40 percent
19 better than the residential class?

20 A. Let's take a look at it. I would need to
21 confirm that.

22 Q. Okay.

23 A. So what I show in the class cost of service
24 study -- and this is my direct testimony, Exhibit RMM-1.

25 What I show is that the residential class needed

1 a 12.78 percent increase and that Schedule 9 needed a
2 7.16 percent increase. So I'd need to pull out a -- if I
3 can look at a calculator here, I can probably tell you
4 whether that's 40 percent or not.

5 **Q. We'll accept that subject to check if you will.**

6 A. Let me just

7 So what I show is that it's actually an
8 increase, okay. So if I compare 12.78 percent to
9 7.16 percent, that's roughly a 78 percent greater
10 increase that the cost of service study indicates that
11 the residential class should get.

12 **Q. All right. Let's move to another exhibit. You,**
13 **I believe, indicated in your witness summary that you'd**
14 **looked at that the table presented by Mr. Ron Nelson.**
15 **I'm wondering if it's the one I have for this next**
16 **question.**

17 He presented a table in his rebuttal testimony
18 at page 27. You're familiar with that table?

19 A. Yeah, let me get there.

20 **Q. Okay.**

21 A. This is on page 27, you said?

22 **Q. That's right.**

23 A. I don't think this was the table I was
24 referencing, but in my summary

25 **Q. All right. Let's go with --**

1 A. Go ahead.

2 Q. Let's go with a question on this table, if we
3 might.

4 A. Sure.

5 Q. This table shows that if you take into
6 consideration previous years results, the residential
7 class actually outperforms Schedule 9; is that right?

8 A. Yes. That's what Mr. Nelson's survey of prior
9 periods indicates.

10 Q. And did you make some adjustments as a result of
11 kind of looking at this -- these facts?

12 A. No. The Company, when we designed and developed
13 our proposed rate spread, it was based upon the results
14 in the instant proceeding and the cost of service study
15 that we had for it.

16 Q. But in your rebuttal testimony, you lowered your
17 proposed increase to Schedule 9 from 4.9 to 3.7; is that
18 right?

19 A. Well, I think that that was more so related to
20 the change in the revenue requirement. So I think
21 Schedule 9 still, I'm pretty sure they got the midpoint.
22 And so that was a result of the reduction in the overall
23 revenue requirement is why they -- their requested base
24 revenue increase was lowered.

25 Q. And yet in the rebuttal testimony, you only

1 lowered the residential increase from 6.9 to 6.7 percent;
2 is that right?

3 A. Yes. Because the cost of service study still,
4 even with the lower revenue requirement, indicated that
5 the residential class would need substantially higher
6 than the average increase. And we did want to moderate
7 the impacts for other classes who were paying well above
8 what the cost of service indicated they should get for an
9 increase.

10 Q. In your rebuttal testimony, you did lower the
11 revenue requirement down to \$72 million; is that right?

12 A. Let me just confirm that.

13 Yeah. Yeah, 72 million, yes, that's right.

14 Q. And if you look at everything on average, that
15 would only represent an increase of 3.6 percent; is that
16 right?

17 A. Let me just confirm.

18 Yes, that's correct.

19 Q. Now, we're in an interesting period of time, and
20 there's been some discussion about the pandemic and how
21 that might affect electric service loads.

22 Do you dispute that load trends created by the
23 pandemic, such as large portions of residential customers
24 working from home, has increased residential consumption
25 and leads to increased revenue paid to Rocky Mountain?

1 A. I don't have any specific numbers on that, but I
2 think generally across the industry I think residential
3 loads have been higher. I don't have any specific
4 numbers on that right now.

5 **Q. But you don't dispute that trend, right?**

6 A. No.

7 **Q. All right. Thank you. Now, continuing, I want**
8 **to focus a little bit on the small residential users.**

9 Rocky Mountain has proposed a monthly customer
10 **service charge for its residential customers; isn't that**
11 **correct?**

12 A. Yes.

13 **Q. And with respect to applying that charge, isn't**
14 **it true that when compared with the charges applied to**
15 **residential customers with higher use, the charge would**
16 **increase the bills of lower-use residential customers at**
17 **a higher rate; isn't that right?**

18 A. In percentage terms for a small customer, yes.
19 If you have a customer, for example, who has no usage, it
20 looks like a very high percentage increase. But it may
21 be, in fact, a smaller dollar value.

22 **Q. Rocky Mountain has also proposed to eliminate**
23 **one of the rate tiers in the residential classes of**
24 **customers; is that right?**

25 A. Yes. The Company is proposing to eliminate the

1 third tier in the summer season.

2 Q. Isn't it true that the implementation of that
3 proposal would disproportionately increase the bills of
4 low-use residential customers when compared to the
5 higher-use residential customers?

6 A. Not necessarily. If you look at the overall
7 impact of the rates, you can see that the rates for the
8 winter months, which are more months now -- so we have
9 moved May over from the summer period to the winter
10 period -- the prices for the first tier in the winter
11 months have actually declined from what was in current
12 rates.

13 But generally speaking, I think when you look at
14 those combinations of the higher basic charge and the
15 elimination of the third tier, you know, there's a lot of
16 things that are happening to rate design overall. That's
17 why I recommend -- there's that table in my rebuttal
18 testimony that describes -- and that is -- actually,
19 Table 2, I think that's the best picture of the impacts
20 for different customers because there you can see all the
21 different things that are happening.

22 You have a basic charge that's higher for
23 customers who live in single-family homes. You also have
24 the change of the seasons. You have the elimination of
25 one of the tiers. And then you have differentiation

1 between the summer and winter prices for the first year.

2 And what those -- the impact of all of that
3 means that the summer first tier is higher than it was
4 previously; however, the winter months, which are
5 two-thirds of the months of the year, that first tier is
6 actually a lower rate for small-usage customers.

7 **Q. Looking at all those rate changes in**
8 **combination, isn't it true that one result is that it**
9 **sends price signals to the higher-use residential**
10 **customers based on a cheaper average price per kilowatt**
11 **that as they consume more energy, it will be cheaper for**
12 **them; isn't that right?**

13 A. It doesn't say that it will be cheaper for them.
14 In fact, it still has two tiers. There's still a price
15 for the first 400 kilowatt hours, and then a price for
16 all additional. And that price, as I indicated in my
17 summary, is still about 12 cents per kilowatt hour. So I
18 don't think that that is a price signal that tells
19 consumers to use more. It still is a significant cost
20 for energy that will still encourage customers to pursue
21 energy efficiency and not to waste energy.

22 **Q. All right. Let's move to another topic now.**
23 **I'm interested in your pilot program.**

24 **With respect to the pilot program the Company**
25 **has proposed related to industrial interruptible service,**

1 isn't it true that that program does not have a proposed
2 end date?

3 A. It does not have a proposed end date. I think
4 that with -- with this type of program, it's hard to
5 gauge how much information we may need or how long it may
6 even take just to get some customers to enroll. And
7 that's, I think, one of the main reasons why we haven't
8 proposed an end date to this.

9 You know, if we set out ahead of time that it's
10 going to be two years or three years, we may find that it
11 takes, you know, a year just to get a customer to enroll
12 in it and to get customers familiar with the concept
13 enough to get on board and to participate. And then we
14 do need some time to see how it works, and our operations
15 needs to get used to it.

16 And then I think that's where, when we have
17 enough information, as a pilot option, we would issue
18 some kind of a final report or a recommendation to the
19 Commission. It might be in a rate case, it might be
20 outside of a rate case where we could say once we've
21 evaluated it, Is this pilot program -- does it make
22 sense? Is it something where the benefits exceed the
23 costs? And is it something that we would either want to
24 maybe terminate, maybe change some of the parameters
25 associated with it, or maybe ask to expand it and make it

1 a permanent offering?

2 We haven't set out an exact road map for that
3 because it's a pilot. And, quite frankly, I don't have
4 any idea what's going to happen once we make that tariff
5 available. But I think we can gauge that information and
6 look at it and determine whether it will be beneficial
7 for customers or not.

8 **Q. Is it fair to say that at this point, you don't**
9 **have any specific methodologies for measuring the**
10 **specific outcomes of that program?**

11 A. We don't -- we haven't laid out any specific
12 methodologies right at this point, that's correct.

13 **Q. All right. And is it true that the Company's**
14 **currently not planning to treat to interruptible capacity**
15 **procured in that pilot as part of its next IRP?**

16 A. It is not because since it's a pilot, as I
17 indicated we may terminate it if we decide that it
18 doesn't work very well. So we don't really see it as a
19 permanent option.

20 Once a pilot like that, if it did become a
21 permanent option, I think that's where then we could put
22 it into an IRP and say this is interruptibility that we
23 can count upon and we can plan for.

24 **Q. All right. Thank you. I'm going to shift to**
25 **another topic now, that of the AMI meters.**

1 In your rebuttal testimony, and I'm looking at
2 Lines 1261 through 1263 at this point.

3 A. Okay. One minute.

4 Okay. I'm there.

5 Q. You state, "AMI is close enough in the future
6 that it does not make sense to launch new time-varying
7 rate options now which would use conventional meters."

8 Did I read that correctly?

9 A. Yes, you did read that correctly.

10 Q. And is it a fair conclusion that Rocky
11 Mountain's existing conventional meters cannot be
12 programmed to deal with time-of-use rates?

13 A. That's not correct for -- so, for time-of-use
14 rates, most meters -- most residential meters would
15 require a meter man to go drive up to their home, change
16 out the meter. But for some nonresidential customers, it
17 may be possible that that meter could be reprogrammed.
18 So a meter man could go and change some of the settings
19 on it and download a program into it and be able to
20 measure the time-of-use billing determinants that are
21 needed to bill that customer.

22 However, I think when we think about AMI, one of
23 the main benefits of that is that, let's say that you do
24 do a residential time-of-use pilot. Like, for example,
25 Schedule 2(e). That's a good example of a pilot that we

1 have going right now. We haven't been able to put on AMI
2 meters. And so if those time-of-use periods change or we
3 need to change the program parameters, we would have to
4 send another truck out and send a meter man out to
5 reprogram that meter.

6 But with AMI, I think one of the real great --
7 and there are a number of benefits. But I think one of
8 the main benefits is you can send a signal remotely out
9 to that meter. And so you could say -- if we decide that
10 a time-of-use period doesn't really make sense, you can
11 send a signal out and change it over to another
12 time-of-use period without rolling a truck.

13 Also, one of the main benefits of AMI for new
14 time during rate options is the data that you get to be
15 able to design those rate options.

16 So it can be done with conventional meters, but
17 I think that it does create some stranded costs there
18 right now if you have to go and change out meters to a
19 new conventional meter when AMI is so close in time. So
20 that's what I was trying to indicate with my rebuttal
21 testimony there.

22 **Q. All right. Rather than switching all the**
23 **conventional meters to accommodate time-of-use rates,**
24 **this next question just presumes that you'll put the AMI**
25 **meters into service.**

1 How long will it be before those meters -- how
2 long do you anticipate it will take for those meters to
3 be installed broadly across the Rocky Mountain
4 distribution system, such that time-of-use rates will
5 then be able to be seriously considered by Rocky
6 Mountain?

7 A. Well, when you say that time-of-use rates will
8 be able to be seriously considered by Rocky Mountain
9 Power, I proposed a collaborative review process, where I
10 think that's one of the things we're going to look at is
11 the WRA has an intriguing idea which is an opt-out
12 time-of-use, where you just put all residential customers
13 on time-of-use and you make that the default option.

14 The Company is not foreclosing that as a
15 possibility as one of the topics that we'll explore and
16 look into the costs of and see what -- you know, with all
17 the parties present, discuss that.

18 You could also do an opt-in time-of-use pilot
19 where the benefit there is somebody might have an AMR
20 meter, and so there may be some costs. But then once you
21 put on that AMI meter, you don't have the stranded costs
22 associated with an old conventional meter that can't
23 shift and be flexible with changes in those time-of-use
24 periods. So wouldn't say that we're foreclosing that.

25 And back to your original question, I don't know

1 exactly when -- you know, I think there's some level of
2 meter replacements, and there's new connects. And I
3 don't have a specific number for you, or a specific date
4 for you, rather, when we would have AMI installed in
5 every household.

6 **Q. One of the options you mentioned by WRA, though,**
7 **if you're using the opt-out option, it would suggest**
8 **that, to begin with, you'd have to have everybody fitted**
9 **with the new AMI meter before they could opt out of going**
10 **to time-of-use.**

11 A. Right. And that's something we would have to
12 look at specifically to see the costs and the benefits
13 and discuss that with stakeholders. I think you could do
14 that, but there's a big cost associated with it.

15 **Q. Now, what about the Company's billing system?**
16 **Is it fully capable of accommodating the implementation**
17 **of time-of-use rates?**

18 A. Yes. As a matter of fact, in our Oregon service
19 territory, we do have AMI. And so a customer with AMI,
20 as I mentioned, you can send a signal over the air to
21 that meter and have it reprogram it to whatever
22 time-of-use period you want to have -- whatever is in the
23 tariffs, of course. But you can change it, and it has a
24 lot of flexibility. And the billing system is fully able
25 to take those registers back to the billing system and

1 bill that customer.

2 Now, when you say is AMI able to do it? There
3 is a second part to this, which is that we are going to
4 be getting the data from AMR through the mesh network.
5 We would not be able to bill customers who did not have
6 an AMI meter on time-of-use. But if it were an opt-in,
7 we could replace their meter with an AMI meter and then
8 be able to use that.

9 Q. Let me ask: Do you have access to, or have you
10 reviewed the responses to data requests that were
11 provided to the OCS? I'm looking particularly at
12 No. 18-14. And if --

13 A. Yes. I reviewed some of the data responses,
14 but -- yeah, go ahead. Sorry.

15 Q. Now, I have that available if I need to get it
16 in front of you to look at it. Or for purposes of moving
17 this examination along, I'd just like to quote a section
18 out of it and get your reaction, if I might.

19 A. Sure.

20 Q. It states, "The MDMS will be able to provide
21 billing determinants for advanced rate designs for
22 customers with AMI, AMR, or load profile meters.
23 However, the existing customer service system does not
24 have the ability to accept these determinants and would
25 require a major overhaul or replacement before advanced

1 rates can be appropriately calculated and billed."

2 Now, I can let you double check that I've read
3 that correctly. But assuming I have, wouldn't that
4 suggest there's some further work that needs to be done
5 by the billing system?

6 MR. KUMAR: Mr. Chairman, at this point, I would
7 object. I'd ask either Mr. Snarr to either provide us
8 the entire data request, or -- I know this is -- if he
9 could share his screen.

10 MR. SNARR: I believe that we were going to have
11 these circulated as possible OCS cross-examination
12 exhibits. I need to check with our staff. I believe it
13 was sent around. And counsel for the Company should have
14 access to it if we need to take a minute to provide that
15 to Mr. Meredith.

16 CHAIRMAN LEVAR: I can see that I received that
17 email just before 9 a.m. this morning.

18 MR. SNARR: Is there a way you can provide it to
19 Mr. Meredith so he can double check what is in that?

20 CHAIRMAN LEVAR: I'm not seeing Mr. Kumar as one
21 of the recipients. I'm seeing Ms. Wegener as one of the
22 recipients but not Mr. Kumar.

23 MS. WEGENER: I just forwarded it to
24 Mr. Meredith.

25 THE WITNESS: Hang on a minute. I'm logged out

1 of Outlook. Just one minute. Okay. Okay. Got an email
2 from Emily Wegener.

3 Which one -- was this the response to OCS 1814
4 that you were referencing?

5 MR. SNARR: That's right.

6 THE WITNESS: Hang on just a minute here. Okay.

7 **Q. (BY MR. SNARR:) It's the second paragraph in**
8 **that response that I have referenced?**

9 CHAIRMAN LEVAR: Let me just ask Mr. Kumar.
10 Sorry, Mr. Meredith.

11 Mr. Kumar, do you have this, and are you
12 prepared for the questioning to go forward?

13 MR. KUMAR: Yes, your Honor, I have the exhibit
14 now, and I withdraw my objection.

15 CHAIRMAN LEVAR: Okay. Thank you.

16 THE WITNESS: Okay. So I think what this is
17 saying here -- and I remember reviewing this request.
18 And this gets to what I was speaking about is that we can
19 design a time-of-use rate for a customer who has an AMI
20 meter.

21 If they are a customer with an AMR meter where
22 we will still be getting their hourly information, we
23 cannot bill that customer on the hourly AMR information.
24 We can use that information to use the data to design
25 rates or to do analysis on it. But we don't have the

1 ability without a major overhaul of our customer service
2 system to be able to take the data from the AMR meters
3 that are coming through into our metering systems and
4 bill customers specifically on those. But we can
5 absolutely bill customers on time during rate options
6 with our AMI system and be able to also remotely
7 reprogram those for different time-of-use options.

8 **Q. (BY MR. SNARR:) Okay. Thank you for your**
9 **response there.**

10 MR. SNARR: And this would conclude my cross of
11 Mr. Meredith.

12 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

13 I'll go to Mr. Russell next.

14 MR. RUSSELL: Thank you, Chairman.

15

16 CROSS-EXAMINATION

17 BY MR. RUSSELL:

18 **Q. Good morning, Mr. Meredith.**

19 **A. Good morning, Mr. Russell.**

20 **Q. I've got several topics that I want to address.**
21 **Let's start with distribution classification.**

22 **There's been some discussion in the prefiled**
23 **testimony about distribution classification. And this is**
24 **the issue of how the Company classifies certain costs in**
25 **FERC Accounts 364 through 368.**

1 Do you recall the discussion from the prefiled
2 testimony on that matter?

3 A. Yes, I do.

4 Q. And can you just describe briefly how the
5 Company -- what methodology the Company uses to classify
6 distribution costs in those FERC accounts?

7 A. Yes, I can. So what we do is we look at a
8 10-year period of time, and we look at all the different
9 materials that go from the inventory and get placed into
10 service over that 10-year period of time. And
11 specifically, we look at those materials that relate to
12 those FERC accounts. This includes poles, overhead
13 conductor, underground conductor, conduit.

14 And then what we do is we have a list of all
15 these different types of stock item identification
16 numbers and descriptions associated with those. And we
17 work with our distribution engineering group to identify,
18 okay, this type of conductor, is this used in secondary
19 applications or in primary applications? This type of
20 pole, is this a pole that would be set for a primary line
21 or a secondary line?

22 And those discussions, it's not just a single
23 discussion, these have happened over years. And so over
24 several years, as we get new stock items that come into
25 play, we'll go back to that group and ask them how would

1 you recommend that this gets assigned?

2 Q. Thank you for that. I think, though, that your
3 answer addressed a slightly separate topic, which is
4 distribution subfunctionalization rather than
5 distribution classification.

6 A. Oh, okay.

7 Q. Although, that was a question I was going to
8 ask. So maybe we can just move to the
9 subfunctionalization because I wanted that explanation as
10 well.

11 A. Okay.

12 Q. And so just to kind of reset here, distribution
13 classification, my understanding is, addresses whether
14 costs in a certain FERC account are assigned to the
15 customer or are assigned to demand, right?

16 A. Right. Right. That's correct.

17 Q. Okay. And then subfunctionalization takes it an
18 additional step of assigning certain costs within an
19 account to either primary or secondary distribution; is
20 that right?

21 A. Yeah. I know there's some discussion of that.
22 I think technically, I would probably consider that part
23 to be part of the allocation step in terms of -- but it's
24 kind of a finer point.

25 Q. Okay. Fair enough. I'm glad you gave the

1 explanation about how you've historically done the
2 distribution subfunctionalization.

3 You included an exhibit, I believe it's 8R with
4 your rebuttal testimony that identifies the different
5 pieces of distribution plant in each of those accounts.
6 And we can go to it if it's necessary.

7 But there's been some criticism of the Company's
8 method of doing this. In fact, I think it was Mr. Nelson
9 from the Office criticized the Company for what he
10 perceived to be a failure to adequately explain how it
11 did that.

12 The process that you just described, is that a
13 process that the Company has employed for some period of
14 time now?

15 A. Yes, for many years.

16 Q. And how was that process developed?

17 A. I think that it was something that we developed
18 in talking with different departments in the Company,
19 trying to understand what information was available and
20 trying to see what was specific to these FERC accounts
21 and what we could use where we could specifically
22 delineate the nature of that equipment and whether it was
23 being used for primary or secondary.

24 And this was the data that was the most readily
25 available and that we could identify. And so that

1 process took place quite a while back. I was pretty
2 involved with that when I was an analyst in the
3 regulatory department.

4 I don't remember the specific year when it
5 happened. I want to say it was in the early 2010s when
6 we did that. It might have been in the late 2000s.

7 **Q. Okay. Thank you. In response to some testimony**
8 **offered by UAE witness Mr. Bieber, the Company made an**
9 **adjustment to its allocation in Account 364.**

10 **Can you describe what was done there?**

11 A. I don't remember the exact numbers of what was
12 done. But I think basically, the Office took secondary
13 and reduced the percentage that was being assigned to
14 secondary.

15 **Q. Yes. That was the adjustment proposed by Office**
16 **witness Mr. Nelson to just increase the amount allocated**
17 **to primary by 10 percent across, I think it was accounts**
18 **365, 366 and 367. I was actually asking about a**
19 **different witness.**

20 **But while we're on that topic, is that an**
21 **adjustment that you find any basis for?**

22 A. No, I didn't find any basis for that adjustment.

23 **Q. Okay. What I wanted to talk about was an**
24 **adjustment that you made in your rebuttal testimony to**
25 **FERC Account 364 in response, I think, to some testimony**

1 offered by Mr. Bieber on behalf of UAE.

2 That account had been allocated almost entirely
3 to primary, I think it was something like 99.6 or
4 something percent was --

5 A. Yeah.

6 Q. -- allocated to primary.

7 And in your rebuttal testimony, you changed
8 those allocations between primary and secondary. And I
9 just wanted you to explain what that change was and how
10 you reached that change.

11 A. Yes. And actually, where we initially
12 discovered that correction was in our Wyoming rate case.
13 There was some testimony back and forth on that related
14 to the assignment of those different FERC accounts to
15 primary and secondary voltage.

16 One of the witnesses in that proceeding felt
17 that the percentage of primary to poles was too high, so
18 we dug quite a bit deeper into that to see if there was
19 basis behind that and spoke with the distribution
20 engineering standards department to see if what we were
21 using right now made sense and discussing that with them.

22 They said that this one type of pole should not
23 have been assigned to the primary voltage category but
24 should have, instead, been assigned to the secondary
25 voltage category.

1 So we made that change consistent with what we
2 found in the Wyoming rate case.

3 **Q. Understood. I believe that the type of pole**
4 **you're referencing as you explain in your rebuttal**
5 **testimony was a 35-foot Class 4 pole?**

6 A. Yes, that's right.

7 **Q. Okay. And so I gather from your response here**
8 **that what you did was you asked, I think it was the**
9 **distribution engineering standards department to kind of**
10 **dig through that list of stuff in Account 364, and they**
11 **identified that particular pole as one that belongs more**
12 **on the secondary side of the distribution than on**
13 **primary; is that right?**

14 A. That's right.

15 **Q. Okay. Thank you for that.**

16 **Let's shift now to the distribution**
17 **classification.**

18 A. Okay.

19 **Q. My understanding is that the way that the**
20 **Company classifies distribution costs is for those four**
21 **FERC accounts. It classifies the costs, all of the costs**
22 **in each of those accounts as either demand-related or**
23 **customer-related.**

24 **Is that an accurate understanding?**

25 A. It's all demand-related, is the way that it's

1 classified right now.

2 Q. Okay. There's been some testimony offered
3 about -- about the Company's classification of
4 distribution costs. The Division witness Mr. Chapman
5 proposes a couple of different methods that are
6 identified in the NARUC manual, the minimum-size method
7 and the minimum-intercept method.

8 Do you have any objection to the use of either
9 of those two methods?

10 A. I think for the instant proceeding, I do have
11 objections to the use of them in the cost of service
12 study for this case. I think that we do have -- I
13 mention in my rebuttal and surrebuttal testimony a study
14 that was done by the Company quite a while ago in the
15 late 1980s. That study was completed that comprehensibly
16 looked at the distribution system and came to the
17 conclusion that it should be classified as
18 demand-related.

19 I do think that since the 1980s, the Company
20 does have a lot more data than what we had back then. We
21 also have a lot more computing power than that time. And
22 so I think that this is a topic, I think, that is ripe
23 for discussion and in the collaborative review process
24 that I recommend to discuss different cost of service
25 methodologies.

1 Q. Okay. Understood.

2 Let's shift gears a little bit and talk about
3 production and transmission classification. There's been
4 some discussion in the prefiled testimony about the
5 Company's classification of fixed production and
6 transmission costs as 75 percent demand and 25 percent
7 energy, right?

8 A. Yes.

9 Q. Okay. And the Company has utilized that split,
10 that 75/25 split for some period of time; is that right?

11 A. Yes, for many decades -- or for a few decades.

12 Q. I think you said in your rebuttal testimony it
13 goes back at least to a general rate case in 1997; is
14 that --

15 A. Right. Yeah. It's quite a while.

16 Q. Okay. And have you seen any evidence or data or
17 analysis in this record that would suggest to you that
18 that classification should be changed in this rate case?

19 A. No.

20 Q. Let's talk about Schedule 32. There's been a
21 fair bit of discussion in the prefiled testimony. I
22 don't, frankly, intend to do much more than what's
23 already been done. But I think it might be useful for us
24 to walk through how Schedule 32 works.

25 A. Sure.

1 Q. And I think maybe the way to do that would be to
2 look at the Table 6, which is the work paper for your
3 Table 6 from your rebuttal testimony, which I can share
4 on the screen just so we're all looking at it.

5 A. Sure. That would be helpful.

6 Q. Yeah. I will find it. There we are.

7 So this is the Table 6. It was a
8 nonconfidential work paper filed with your rebuttal
9 testimony. Can you see that on your screen?

10 A. Yes, I can.

11 Q. Okay. Great. The work paper shows the Schedule
12 32 service from renewable energy facilities in the
13 various billing components in this column under "Price."
14 I just kind of want to walk through what it looks like
15 just to make it so we're all talking about the same
16 thing.

17 This shows the customer charges for the various
18 distribution or transmission voltages. It also shows the
19 administrative fee, which is applied to all voltages, and
20 then the delivery facilities charges, which are, again,
21 to different voltage levels, right?

22 A. Correct.

23 Q. Okay. So there's been a fair bit of discussion
24 about the delivery facilities charge. And I'm going to
25 focus on the transmission voltage because it's easier

1 just to focus on one.

2 This is the current Schedule 32 pricing for the
3 transmission voltage charge -- excuse me, delivery
4 facilities charge for transmission voltage customers,
5 right, 3.85 cents per kilowatt?

6 A. Yes, I would agree with that.

7 Q. Okay. And the delivery facilities charge, I
8 gather, is the transmission demand component of the
9 pricing; is that right?

10 A. There are two different demand components.
11 There's a delivery facilities charge, and there's also a
12 daily demand charge. This is the component that is
13 assessed on a monthly basis, based upon the highest
14 15-minute interval reading during the monthly period.
15 And it's one part of the overall demand related charges
16 that participants on Schedule 32 pay.

17 Q. And the other part is these trans -- or excuse
18 me, the daily power charges; is that right?

19 A. Correct.

20 Q. Yes. So for the transmission voltage, just to
21 stick with them, you've got a different charge for the
22 summer months and the winter months. And that's the
23 other component of the demand charge; is that right?

24 A. That's correct.

25 Q. Okay. And a Schedule 32 customer, these are the

1 charges, the ones that we've just walked through that
2 apply up to the capacity of the renewable energy facility
3 with which the Schedule 32 customer enters into a
4 contract, right?

5 A. Yes.

6 Q. And above that capacity, the Schedule 32
7 customer goes onto their regular full service scheduled
8 rates, right?

9 A. Yes. If they have usage above that amount, it
10 becomes supplemental service from the Company.

11 Q. Right. And so sticking again with the
12 transmission voltage customer, they would go and be
13 billed consistent with Schedule 9 tariff rates, right?

14 A. Yes. For supplemental power that they're taking
15 from the Company, you know, the calculations of when that
16 happens and -- you know, that gets pretty complicated.
17 You'd have to look at the tariff to see exactly when it
18 becomes supplemental power versus backup power on the
19 tariff.

20 But yes, if this is -- you know, if there's a
21 customer who is serving some of their load with
22 renewables from Schedule 32, the other part of their
23 service would be on the regular Schedule 9.

24 Q. And for the Schedule 9 rate, the facilities
25 charge is this \$2.22. This is the proposed change

1 identified in your rebuttal testimony, right?

2 A. I don't know if it's proposed.

3 Q. No, this is -- I apologize --

4 A. I think it's the present.

5 Q. Yeah, I apologize, you're right. That is -- the
6 current charge is \$2.22.

7 In the other portion of that demand are these
8 charges relating to on-peak kilowatts, summer and winter
9 months, right?

10 A. Right. And for Schedule 9, we have two
11 different demand-related charges. One is the facilities
12 charge, and then one is the power charge. We call it the
13 power charge. It's basically a demand charge.

14 The difference between these two is the
15 facilities charge is based upon any 15-minute interval.
16 The power charge for Schedule 9 in particular is only
17 during the on-peak period.

18 It's never been a key concern with Schedule 9 to
19 set that facilities charge such that it recovers all
20 delivery-related costs. And so it's more important for
21 that to take place with Schedule 32, where we're
22 specifically having a customer bring a renewable resource
23 and have them serve their load, so to speak, with that
24 renewable resource for those delivery costs to be fully
25 recovered from those participants.

1 Q. Thank you. And I want to talk about the three
2 proposals that have been identified in the prefiled
3 testimony.

4 The Company's, I guess, primary proposal would
5 be to increase this charge, this delivery facilities
6 charge, such that it is -- it is the same amount that is
7 identified in the cost of service study for the full
8 requirements customers, correct?

9 A. Right. So that way it recovers the full cost of
10 service related to delivery for those customers, yes.

11 Q. Which is not something that you do for any of
12 those Schedule 6, 8, or 9 customers on the regular rate,
13 right?

14 A. Right. We don't do that because they have two
15 different charges -- and I think this is the very key
16 distinction -- that are assessed on a monthly basis. So
17 they're looking at the highest 15-minute interval period
18 either during an on-peak period in the case of a power
19 charge, or any time during the month in the case of a
20 facilities charge. And it's that highest 15-minute for
21 the whole month relative to Schedule 32, where we're
22 looking at daily power charges. And so for that, it's,
23 you know, it's a different type of measurement.

24 And so I think the two cannot be compared where
25 the facilities charge has not been designed such to

1 recover all of delivery. It's been a relatively modest
2 component of overall demand charges for Schedule 9.

3 Q. And there's been some testimony submitted both
4 by UAE and the University of Utah that went back and
5 looked at the Commission's report and order in Docket
6 14-035-T02 that identified the Commission's decision
7 about creating a Schedule 32 tariff in declining to adopt
8 a structure for Schedule 32 that makes -- or that would
9 set a delivery facilities charge for a Schedule 32
10 customer that is different from its full-service
11 requirements customers; is that right?

12 A. It's a little bit different than that. So if we
13 look at that actual order itself, I think what the
14 Commissioner order said was that they declined to have an
15 effective rate that was different than those overall
16 customers, overall full requirements customers.

17 What was at -- what was contentious in that
18 particular proceeding which established Schedule 32 was
19 whether to accept the Company's proposal, which was to
20 use specifically the cost of service for
21 full-requirements customers, or to make an adjustment to
22 that cost of service to reflect the fact that at that
23 time, Schedule 9 and some of those different schedules
24 were paying something different than cost of service.

25 So Schedule 9 was paying less than cost of

1 service, making an adjustment to that deliveries facility
2 charge to bring it in alignment with the rates that are
3 currently effective for Schedule 9.

4 You know, they did not propose that that
5 facilities charge be the same as the facilities charge
6 for the full requirements customers. That's clear from
7 the prices that we have today. The Commission, I think,
8 rightly ordered that this delivery facilities charge
9 needs to recover the delivery costs that are in rates for
10 those full requirements customers.

11 **Q. So as I mentioned, there's a couple of different**
12 **proposals in addition to the one that the Company has**
13 **offered which would set this delivery facilities charge**
14 **at the full cost of service for the full requirements**
15 **customers. One of them is from UAE and the University of**
16 **Utah, which would set this delivery facilities charge at**
17 **the same rate as in -- as the full requirements customers**
18 **would pay, right?**

19 A. Right. And so UAE and the University of Utah's
20 proposal is to set that delivery facilities charge the
21 same as the facilities charge for full requirements
22 customers. And that's something that the Company
23 believes would be highly problematic and would be a major
24 departure from the way the rates are set right now.

25 **Q. And a third proposal which the Company has**

1 offered -- I don't recall whether it was your rebuttal or
2 surrebuttal testimony -- is to keep the ratio, I guess,
3 between the delivery, the current delivery facilities
4 charge and the daily power charges by just increasing
5 each of those components by the same amount, whatever
6 percentage would apply to, I guess, the full service
7 requirement customer. Is that how it would work?

8 A. It's not exactly that. So I think not -- let me
9 clarify, if I may.

10 It's not just increasing those charges on an
11 equal percentage basis, because part of what the Company
12 is proposing is modified time-of-use periods. And so
13 that will, in turn, change the amount of collection and
14 the billing determinants from these different components
15 so that the proposal is that that amount of money that
16 would be collected from facilities -- delivery facilities
17 charges and daily power charges, that amount of money
18 collected from those two components would maintain the
19 same ratio. So not necessarily an equal percentage to
20 both those prices just because the underlying billing
21 determinants have changed because those time-of-use
22 periods have changed for the full requirements customers.

23 And I think it's important to have consistency
24 between those time-of-use periods for these participants
25 and those for full requirements customers.

1 Q. Okay. Give me just a moment. I think we're
2 done with Table 6, so I'll stop sharing.

3 You criticize the proposal offered by UAE and
4 the University of Utah on the grounds -- well, on several
5 grounds. But one of them is that it would -- that it
6 would alter the ratio of the costs that are collected
7 from the delivery facilities charge and the daily power
8 charges; is that right?

9 A. Yes, that's right.

10 Q. Okay. And if that is a concern that the
11 Commission has about altering that ratio, isn't your
12 alternative proposal closer to the current ratio than
13 your primary proposal, which would be to have the
14 delivery facilities charge set at the full service rates?

15 A. My alternative proposal is just to maintain that
16 same proportionality between delivery facilities charges
17 and daily power charges.

18 Q. And that proposal would maintain the current
19 ratio. So if that's something that the Commission is
20 concerned about, the alternative proposal is closer to
21 the current than your primary proposal, right?

22 A. Yes.

23 Q. Okay. That is all the questions I have for you.
24 Thank you, Mr. Meredith.

25 A. Thank you.

1 CHAIRMAN LEVAR: Thank you, Mr. Russell.
2 We'll go to Mr. Holman next.

3 MR. HOLMAN: I have no questions. Thank you,
4 Chair.

5 CHAIRMAN LEVAR: Thank you.
6 Ms. Hayes?

7 THE WITNESS: I think she was on mute.

8 CHAIRMAN LEVAR: I'm not hearing you.

9 MS. HAYES: I'm so, so sorry. I clicked the
10 wrong button.

11 CHAIRMAN LEVAR: Sure. Go ahead.

12 MS. HAYES: I have no questions for
13 Mr. Meredith. Thank you.

14 CHAIRMAN LEVAR: And thank you, Ms. Hayes.
15 Ms. Baldwin, do you have any questions for
16 Mr. Meredith?

17 MS. BALDWIN: No. Walmart has no questions.
18 Thank you.

19 CHAIRMAN LEVAR: Okay. Thank you.
20 Mr. Boehm?

21 MR. BOEHM: Thank you, your Honor. Yes, just a
22 few questions.

23 CHAIRMAN LEVAR: Okay. Go ahead.
24
25

CROSS-EXAMINATION

BY MR. BOEHM:

Q. Good morning, Mr. Meredith.

A. Good morning.

Q. I just want to talk a little bit about Schedule 6 rate design.

A. Okay.

Q. On page 35 of your direct testimony, you state that the Company proposes to apply the proposed revenue requirement change when applying the average percentage price change to the customer service charge, facility charge, power charges, and energy charges for Schedule 6; is that correct?

A. Yes. Well, where is this at? Thirty-five --

Q. Yes. Top of the page.

A. Yes, that's what I said.

Q. Okay. So essentially, for all the different elements of the Schedule 6 charges that a customer charged, the kWh charges and the kW charges, you are proposing the same percentage increase; is that correct?

A. Yep.

Q. And did you review Mr. Baudino's testimony, his direct testimony?

A. I did.

Q. On page 14 of Mr. Baudino's testimony, he took

1 your RR -- I'm sorry, your RMM2 exhibit, and he divided
2 the kWh related cost in that exhibit by the total kWh
3 billing determinants, and he determined that the unit
4 energy cost for Schedule 6 per your RMM2 was 2.77 cents
5 for kWh.

6 Do you agree with that?

7 A. Right. This was Table 4 of his direct
8 testimony. And he looked at the different energy-related
9 components of Schedule 6 and the cost of service study.
10 Yes, and determined that it was 2.7667 cents as the
11 energy-related cost of service for Schedule 6. I don't
12 dispute that value or that calculation.

13 Q. Thank you. And then the second part of his
14 analysis was that he determined the weighted average kWh
15 charges under present and proposed rates; is that
16 correct?

17 A. Yes. And I think you're referencing Table 5 of
18 his direct testimony.

19 Q. And do you dispute his calculation that it's
20 3.65 cents per kWh at present rates and 3.71 cents per
21 kWh at proposed rates?

22 A. I don't dispute that.

23 Q. The proposed per kWh energy charges for Schedule
24 6 are 34 percent higher than the unit energy costs per
25 kWh, according to your RMM schedules?

1 A. Yes, that's correct.

2 Q. Now, if a utility's energy charges are above the
3 cost of energy, does that mean its other costs are -- its
4 other charges will be underpriced? Like, for example --

5 A. Yeah.

6 Q. -- if the --

7 A. Yes. I think that's what it would indicate is
8 that the other components, like the customer service
9 charge, power charge might be below what the
10 classification in the cost of service studies indicates
11 is related to demand or related to customer.

12 Q. And in this case when we have higher energy
13 charges and lower demand charges than are indicated by
14 cost to service, that would -- you could argue that
15 higher load factor customers within that class are paying
16 a subsidy to the lower load factor customers within the
17 class; is that correct?

18 A. I think there are a variety of different things
19 that are (inaudible).

20 (Court reporter interruption.)

21 THE WITNESS: I would decline to say, per se,
22 that there is a subsidy. I think that the cost of
23 service is a very good guide for setting rates. But
24 there are other considerations that I think are relevant.

25 Q. (BY MR. RUSSELL:) If you were using cost --

1 hypothetically, if you were using cost of service as the
2 only guide for setting rates, then that would be true
3 that there would be a subsidy paid by higher load factor
4 customers to lower load factor customers within a class;
5 is that correct?

6 A. Yes, I think that in some rate schedules there
7 can be intra-class subsidies, you know, from one customer
8 to another within the same rate schedule.

9 Q. Thank you. And Schedule 6, in general, is
10 paying an inter-class subsidy, largely the residential
11 class; is that correct?

12 A. That's what the cost of service study indicates.

13 Q. Thank you. Could you just -- one other area.

14 I think you stated that you are proposing a
15 futures rate design collaborative; is that correct?

16 A. Yes.

17 Q. And did you review Mr. Baudino's proposal that
18 the Company look at a multi-site customer rate for
19 Schedule 6?

20 A. Yes, I did.

21 Q. Would that proposal be the type of proposal that
22 could be explored in a future rate design collaborative?

23 A. Yes, I've indicated that in my, I believe in my
24 rebuttal testimony that that is one topic that we could
25 address in that process.

1 **Q. Thank you, Mr. Meredith. Those are all the**
2 **questions I have.**

3 A. Thanks.

4 CHAIRMAN LEVAR: Thank you, Mr. Boehm.
5 Mr. Sanger, do you have any questions for
6 Mr. Meredith?

7 MR. SANGER: No, I do not have any questions.
8 Thank you.

9 CHAIRMAN LEVAR: Okay. Why don't we take a
10 10-minute break, then we'll go back to Rocky Mountain
11 Power for any redirect. So why don't we just recess
12 until about 11:00.

13 (A break was taken from 10:49 a.m. to 11:00 a.m.)

14 CHAIRMAN LEVAR: Going back on, and I'll go to
15 Mr. Kumar for any redirect questions for Mr. Meredith.

16 MR. KUMAR: Thank you, your Honor. Just a very
17 few.

18
19 REDIRECT EXAMINATION

20 BY MR. KUMAR:

21 **Q. Mr. Meredith, has the Company's unbundling**
22 **methodology or a very similar methodology been approved**
23 **by any state commissions in any of the Company's other**
24 **jurisdictions?**

25 A. Yes, a very similar unbundling methodology has

1 been used in Wyoming by the Company.

2 **Q. And how long has that been used by the Company**
3 **in Wyoming?**

4 A. It's been used by the Company since 2005.

5 MR. KUMAR: Thank you, your Honor. That's all
6 the questions I have for Mr. Meredith.

7 CHAIRMAN LEVAR: Okay. Thank you.

8 If anyone has any recross questions based on
9 those questions, please indicate to me that you do.

10 I'm not seeing or hearing anyone with recross,
11 so I'll go to Commissioner Allen next.

12 Do you have any questions for Mr. Meredith?

13 COMMISSIONER ALLEN: Thank you. No questions.

14 CHAIRMAN LEVAR: Thank you, Commissioner.

15 Commissioner Clark, do you have any questions
16 for Mr. Meredith?

17 COMMISSIONER CLARK: Yes, I have a couple of
18 questions.

19 CHAIRMAN LEVAR: Go ahead.

20
21 CROSS-EXAMINATION

22 BY COMMISSIONER CLARK:

23 **Q. Exclusively related to the reduction in tiers**
24 **for residential customers from three to two. And without**
25 **using a specific numeric example, would I be right in**

1 concluding that the conservation incentives that
2 currently exist are going to be dampened at least by the
3 rate design that you propose for residential customers
4 and the rate levels that are proposed for the two tiers
5 versus the rate levels that exist for the three now?

6 A. I actually don't believe that they will be
7 dampened because there is also a little bit of an
8 increase in the first tier. I think that, generally
9 speaking, 12 cents is a high enough level that it still
10 supports energy efficiency along with the different
11 programs that are offered for conservation. I really
12 don't think it's going to put a dent in conservation by
13 eliminating that third tier.

14 Q. If I'm -- holding all other things equal, let's
15 take a customer that in the summer uses 2,000 kilowatt
16 hours a month.

17 A. Umm-hmm.

18 Q. Is that customer going to pay more or less for
19 energy under the new rates and new two-tiered structure
20 as opposed to the existing structure and rates?

21 A. Right. That customer would pay less
22 incrementally for their energy over 2,000. And so I
23 think that they still have a very strong incentive to
24 conserve at 12 cents a kilowatt hour. If you did look at
25 a specific, you know, piece of equipment that they were

1 looking to procure for themselves, like maybe a more
2 energy-efficient air conditioner, I think they would
3 still have a pretty good payback period for that at 12
4 cents. But certainly that payback would be a little
5 longer for a more energy-efficient piece of equipment at
6 that 12-cent level than at that 14-cent level.

7 **Q. And if we take a customer that uses 3,000**
8 **kilowatt hours a month, residential customer, the**
9 **differential of the reduction in their -- the relative**
10 **reduction in their energy costs would be even less,**
11 **right?**

12 A. It would be the same as if we were looking at
13 incrementally, okay.

14 **Q. Right, incrementally.**

15 A. So if we're looking at -- you know, if we're
16 looking at those same two customers, one that's at 2,000
17 kWh and one that's at 3,000 kWh, their decision making
18 process for that example that I used of a more efficient
19 air conditioner would be the same just because that
20 additional amount that they would be able to save or that
21 they would have to use more, whatever that -- that
22 incremental amount would still be the same price, that
23 around that 12-cent per kilowatt hour price.

24 **Q. The -- as I understand your testimony, the**
25 **principal reasons for the transition from three tiers to**

1 two tiers that you offer relate more to cost rather than
2 conservation incentives in that there isn't a strong or
3 maybe any cost justification to charge more for the
4 1,201st kilowatt hour as opposed to the 1,199th kilowatt
5 hour in a month, right? I mean, is that ...?

6 A. I think that's a big part of our justification
7 is that there isn't a difference incrementally in that
8 cost. We look at a variety of different goods for
9 customers to purchase. It's really unusual that
10 purchasing -- from an economic standpoint, purchasing
11 that additional unit or purchasing more would become more
12 costly as you produce more. And particularly, I think
13 with power, there just isn't any evidence. And so
14 it's -- I think our justification rests upon the cost of
15 service and how that doesn't change.

16 Also issues of fairness and how this may
17 disproportionately impact some types of customers over
18 other types of customers.

19 And then finally, just some of the incentives
20 that it may change to, especially now that we're thinking
21 about electric vehicles and how it may not be that -- you
22 know, promoting efficiency, especially when we think
23 about electric vehicles, that may mean actually
24 increasing your load to use an electric vehicle, which
25 would be a more efficient option but kind of flies in the

1 face of those tiered rate structures that we have.

2 Q. You, I think in your testimony, referred to a
3 tiered structure as a blunt instrument for accomplishing
4 conservation objectives and for aligning cost causation;
5 whereas, like time-of-use rates right be more -- would be
6 more precise instruments.

7 A. Yes, I --

8 Q. I'm sorry.

9 A. I was going to say --

10 Q. But we don't have those yet, certainly not in
11 any -- I mean, in any significant respect.

12 And so I'm wondering why now we would make this
13 change in the residential structure as opposed to waiting
14 until the collaborative process that you've described
15 might lay a stronger groundwork for the change that
16 you're recommending.

17 A. I think -- I think there's maybe a couple
18 reasons why I think now is important to do it. I think,
19 first of all, we've been outside of rate cases so long
20 that if we want to start making that change, I think that
21 we want to think about gradualism and how we can minimize
22 those bill impacts and start to make changes gradually
23 over time, so that way it doesn't dislocate anybody or
24 cause too adverse of a rate impact.

25 I also think we've gotten to a place where if we

1 just keep on -- if we have rate increases and costs, at
2 least in the past what was happening if we look at those
3 previous rate cases, more and more costs were going into
4 those higher tiers, and the tiers were widening and
5 getting more and more divergent. And I think now we're
6 faced with that being problematic, especially when we
7 think about electric vehicle adoption. So I think those
8 are a couple of reasons why I think now is important.

9 I do very much support having either a better
10 time-of-use option or possibly -- as we've indicated, we
11 want to consider, at least -- it may be very costly, but
12 at least consider an opt-out option for all customers.
13 But I do believe that things have changed significantly
14 to where that 14 cents is really punishing a lot of
15 customers in a way that I think is unfair.

16 **Q. Thank you. That concludes my questions.**

17 **A.** Thank you.

18 CHAIRMAN LEVAR: Thank you, Commissioner Clark.

19 I don't have any additional questions, so thank
20 you for your testimony this morning, Mr. Meredith.

21 THE WITNESS: Thank you.

22 MR. SNARR: Chair Levar, this is Mr. Snarr.

23 Just in connection with Witness Meredith, we
24 presented as a cross-examination exhibit the Company's
25 response to OCS Data Request 1814. We've provided that

1 to all parties.

2 I'd like to move the admission of that to make
3 the record complete.

4 CHAIRMAN LEVAR: If anyone objects to that
5 motion, please indicate your objection.

6 I am not seeing or hearing any objection so that
7 motion is granted.

8 (OCS Cross Exhibit 1 was admitted into the record.)

9 CHAIRMAN LEVAR: And with that, we'll go back to
10 Rocky Mountain Power for your next witness.

11 MS. WEGENER: One second. I'm having trouble
12 with my camera.

13 The Company calls Curtis Mansfield.

14 CHAIRMAN LEVAR: Good morning, Mr. Mansfield.

15 THE WITNESS: Good morning.

16 CHAIRMAN LEVAR: Do you swear to tell the truth?

17 THE WITNESS: I do.

18 CHAIRMAN LEVAR: Thank you.

19 Ms. Wegener, go ahead.
20

21 CURTIS B. MANSFIELD,
22 was called as a witness, and having been first duly
23 sworn to tell the truth, the whole truth, and nothing
24 but the truth, testified as follows:
25

DIRECT EXAMINATION

BY MS. WEGENER:

Q. Mr. Mansfield, can you please state and spell your name for the record.

A. Curtis B. Mansfield, C-U-R-T-I-S, B, Mansfield, M-A-N-S-F-I-E-L-D.

Q. Mr. Mansfield, where are you employed and in what capacity?

A. I'm employed at Rocky Mountain Power. I'm the vice president of transmission and distribution operations.

Q. Did you prepare and file testimony in this proceeding, including direct testimony, rebuttal testimony, and surrebuttal testimony?

A. I did.

Q. Do you have any corrections to that testimony?

A. I do. I have one correction.

The correction is in response to direct testimony of Ron Nelson's, my rebuttal testimony on Line 233 -- 232 and 233. It states, "The Company began the project in 2018 and has already placed in service approximately 22 million in project costs." It hasn't actually placed the 22 million in service, it's 22 million in cash flow.

Q. Thank you. With that correction, if I asked you

1 **the same questions today that are in your prefiled**
2 **testimony, would your answers be the same?**

3 A. They would be.

4 MS. WEGENER: I move to admit the rebuttal and
5 surrebuttal testimony of Mr. Mansfield. I believe his
6 direct and the exhibits accompanying that were admitted
7 in the earlier phase. So I don't think I need to admit
8 those. But I move to admit the rebuttal testimony and
9 surrebuttal testimony.

10 CHAIRMAN LEVAR: Thank you.

11 If anyone objects to that motion, please
12 indicate your objection.

13 I'm not seeing or hearing any objection, so the
14 motion is granted.

15 **Q. (BY MS. WEGENER:) Mr. Mansfield, can you please**
16 **provide a summary of your testimony.**

17 A. I can.

18 Good morning, Commissioner Chair Levar,
19 Commissioner Clark, and Commissioner Allen. Thank you
20 for the opportunity to testify before you.

21 My testimony today will address issues raised by
22 Mr. Nelson from the OCS, Mr. Howe from WRA, and
23 Ms. Wright from UCE in this phase of the proceeding
24 regarding the Company's Utah advanced meter
25 infrastructure projects, which is commonly referred to as

1 "AMI."

2 The AMI project is cost-effective and will
3 provide benefits to customers during the test period of
4 this case and beyond.

5 In my direct testimony, I refer to a number of
6 specific customer benefits, including hourly consumption
7 data, better customer service, more accurate bills,
8 quicker outage response and cost reductions and
9 environmental benefits from reducing drive-by operations.

10 Rocky Mountain Power believes the core AMI
11 installation plan delivers the initial benefits through a
12 thoughtful, cost-conscious technology study and leverages
13 a beneficial procurement contract while delivering
14 advanced technology and integration design standards to
15 allow the business to manage through a transformational
16 phase. This should be allowed to occur before any other
17 deliverable targets or savings for advanced applications
18 is developed.

19 Other utilities have learned from hot meter
20 sockets, billing mixups, and batching errors, and each
21 utility has unique and differing assets to integrate. A
22 realtime gathering from AMI will permit the Company and
23 stakeholders to optimize the grid and engage in a more
24 productive discussion around modernization and rate
25 designs in future proceedings.

1 The Company has calculated 5 million annual
2 benefits from AMI, which will increase over time.
3 Contrary to the testimony of Mr. Howe and Ms. Wright,
4 these quantified benefits justify the cost of the
5 program.

6 Potential future benefits that have not yet been
7 quantified will justify the program even further but are
8 not necessary to demonstrate that AMI is a prudent
9 investment.

10 The Company has been thoughtful about the way it
11 planned the rollout of AMI. AMI is not a new technology
12 for the industry. Two-thirds of all meters installed
13 today in the United States are AMI meters, and over
14 100 million AMI meters are already in service. The
15 Company has recently successfully deployed AMI in its
16 service territories in Oregon and California.

17 Based on our experience with AMI, I agree with
18 intervenors Mr. Nelson, Mr. Howe, and Ms. Wright that AMI
19 benefits extend beyond meter reading savings only.

20 When you consider that the project is
21 cost-effective based upon the current scope, additional
22 benefits asserted by these parties make the project an
23 even more prudent investment on behalf of our Utah
24 customers. All parties who filed testimony on AMI
25 express support at some level for installing AMI. The

1 parties' arguments against the Company's request for
2 recovery of the AMI project can be summarized as
3 proposals to see it more broadly justified and with
4 additional upfront planning.

5 As I noted, the Company has been thoughtful in
6 its planning, and the AMI project is justified. The
7 Company has taken no steps in its AMI implementation that
8 would foreclose future opportunities to take advantage of
9 AMI technologies as proposed by the intervenors.

10 With respect to planning, the Company has
11 proposed a collaborative process to address rate design
12 issues, as previously stated by Mr. Meredith in this
13 general rate case, including possible advanced rate
14 design opportunities from AMI.

15 Mr. Nelson, Mr. Howe, and Ms. Wright all support
16 the idea of a collaborative process with some additional
17 proposals. The two key proposals are, first, parties
18 believe the collaborative process should occur prior to
19 investment in AMI. And second, parties believe the scope
20 of the collaborative process should be expanded to
21 include a lengthy list of items.

22 Although the Company anticipates many future
23 opportunities for projects that are enabled by AMI, it is
24 unrealistic and premature to require the Company to have
25 a plan for these future projects at the level requested

1 by the parties before implementation of AMI.

2 Also, expanding the scope of the collaborative
3 beyond rate design to include all of the items raised by
4 parties would place an undue burden on the collaborative.
5 And if resolution of all these issues is required prior
6 to implementation, it would result in the project being
7 further delayed, which delays the benefits and raises
8 costs.

9 In conclusion, the Company has committed to
10 exploring additional benefits beyond what was listed in
11 my direct testimony and will justify those as they are
12 identified. A complete picture of all the future
13 applications of AMI is not necessary at this stage in the
14 process, since the scope of the project is presented in
15 my testimony as cost-effective.

16 I request the Commission approve the Company's
17 request for the recovery of the project costs that have
18 already been installed, plus those that are anticipated
19 to be installed by the end of the test period in this
20 case. Thank you very much.

21 **Q. Thank you.**

22 MS. WEGENER: I have nothing further, and this
23 witness is now available for cross-examination and
24 questions from the Commission.

25 CHAIRMAN LEVAR: Thank you. I'll go to the

1 Division of Public Utilities first.

2 Do you have any questions for Mr. Mansfield?

3 MR. JETTER: I have no questions for
4 Mr. Mansfield. Thank you, Commissioner.

5 CHAIRMAN LEVAR: Thank you, Mr. Jetter.

6 I'll go to the Office of Consumer Services.

7 Do you have any cross-examination?

8 MR. SNARR: Yes, just a few questions, if I
9 might.

10 CHAIRMAN LEVAR: Go ahead.

11 MS. BALDWIN: Commissioner, this is Vicki
12 Baldwin. I don't believe that the witness has been
13 sworn, and I'm concerned that any of this testimony is
14 not sworn testimony.

15 CHAIRMAN LEVAR: Okay. I think I did. Why
16 don't I ask the court reporter if it's possible to check
17 if he was sworn at the very beginning before his summary.

18 THE COURT REPORTER: Yes, he was sworn.

19 CHAIRMAN LEVAR: Thank you, Ms. Mallonee.

20 MS. BALDWIN: I'm very sorry.

21 CHAIRMAN LEVAR: No problem. Thank you for
22 double checking. We don't want to miss things like that.

23 Go ahead, Mr. Snarr.

24 MR. SNARR: Thank you.

25

1 CROSS-EXAMINATION

2 BY MR. SNARR:

3 Q. Good morning, Mr. Mansfield.

4 A. Good morning, Mr. Snarr.

5 Q. You indicated a clarification to begin with in
6 your testimony about the \$22 million worth of AMI meters
7 being placed in service.

8 Could you just clarify that correction so that I
9 have it clear in my mind?

10 A. Yeah. So the way that I read my testimony after
11 review was we have two ways that we look at how we
12 execute a project. One is cash flow, and then more
13 specific to this rate case and what we're asking for is
14 plant placed in service that is used and useful. So cash
15 flow is -- you're spending dollars, but the assets aren't
16 necessarily in place yet and identified as used and
17 useful.

18 Q. So is the \$22 million a cash flow amount?

19 A. That's correct.

20 Q. And do you have a number associated with the
21 plant placed in service thus far?

22 A. I do. One moment to make -- I believe it's
23 1.2 million as of today. But let me verify that that
24 number is absolutely correct.

25 At the end of 2020, we will have plant placed in

1 service of \$2,438,000.

2 Q. Okay. Thank you.

3 I'd like to focus with you a little bit on your
4 rebuttal testimony where you discuss the functionality of
5 the current meters.

6 In direct testimony, OCS witness Mr. Nelson
7 talks about Green Button initiatives that are supported
8 by the Department of Energy.

9 Do you recall that subject in his testimony?

10 A. I do.

11 Q. What do you understand the functionality to be
12 that Green Button technology would provide for the
13 Company's customers?

14 A. So the way that I understand how the technology
15 would assist our customers, Green Button specifically, is
16 two-fold. It's, one, the ability for customers to have
17 access to their data; and secondly, their ability to
18 share it with third parties. And the Green Button, what
19 it does is it actually provides the technical oversight
20 to make it so it's secure, and then standards on trying
21 to make a standard across all utilities on the way that
22 you download it and share with the parties.

23 Q. Now, focusing on the AMI meters that you're in
24 the process of installing.

25 Do those meters provide that Green Button

1 **technology?**

2 A. Yes, they do.

3 And so maybe I need to clarify that, Mr. Snarr,
4 if I could, please.

5 **Q. Go ahead.**

6 A. When you say do they -- the technology itself,
7 the meter doesn't allow the data to be transferred to a
8 computer. And that's really what Green Button is all
9 about is the ability to use computer information to
10 transfer the data.

11 Now, what the AMI meter does is it provides
12 data, interval data by the usage in that particular
13 location or for that customer. So it feeds into the
14 system, and then the system is then designed to be able
15 to communicate that to customers.

16 **Q. Okay. Now, let's kind of back up and talk about**
17 **the functionality that is currently being provided prior**
18 **to AMI meters.**

19 **Do you understand that the current meters**
20 **provide the technology or functionality to deal with the**
21 **Green Button connect?**

22 A. They do. Again, it's the ability to share the
23 information. The meters today only provide a monthly
24 information usage, so it just gives you a total for the
25 month that you've used.

1 The Green Button, we've been involved with Green
2 Button. If you look at when it was initiated in 2012,
3 Rocky Mountain Power signed up PacifiCorp and has been
4 actively engaged with Green Button since 2012. We've
5 been sharing our data. It's not interval data.

6 Just recently, I think Mr. Meredith outlined
7 that we rolled out AMI in Oregon and California. So
8 we're relooking at our standard now to be able to provide
9 more data to our customers using the Green Button
10 recommendations for distribution of the data.

11 But as of today, Rocky Mountain Power, we're
12 still -- you have a green button that you can click, and
13 you can download your information. But it doesn't
14 provide the avenue to share it with a third party. You
15 have to do that on your own as a customer.

16 **Q. But it's contemplated the Green Button**
17 **technology would actually allow sharing with a**
18 **third party if the customer so desired; is that right?**

19 A. That's correct.

20 **Q. Okay. Now, you mentioned -- you discussed that**
21 **third-party access in your testimony. I believe you**
22 **mention that in your surrebuttal, Lines 129 and 130.**

23 **Are you aware of any party to this proceeding**
24 **that is recommending that that third-party access be**
25 **provided right now?**

1 A. I am not.

2 Q. So to be clear, there's no party suggesting or
3 implying that third-party access is something that is
4 necessary at this point in time; is that right?

5 A. What I'm aware of, not at this time.

6 Q. All right. Thank you.

7 MR. SNARR: I have no other questions of
8 Mr. Mansfield.

9 CHAIRMAN LEVAR: Thank you, Mr. Snarr. I'll go
10 to Mr. Russell next.

11 MR. RUSSELL: I have no questions. Thank you.

12 CHAIRMAN LEVAR: Thank you.

13 Mr. Holman, I'll go to you next.

14 MR. HOLMAN: No questions. Thank you, Chair.

15 CHAIRMAN LEVAR: Thank you.

16 Ms. Hayes.

17 MS. HAYES: Just a couple questions for
18 Mr. Mansfield. Thank you.

19

20 CROSS-EXAMINATION

21 BY MS. HAYES:

22 Q. Good morning.

23 A. Good morning.

24 Q. I just want to clarify a couple of things.

25 In Dr. Howe's testimony, he recommended that

1 Rocky Mountain Power move forward with the AMI project,
2 correct?

3 A. That's correct.

4 Q. Okay. And he indicated that there are
5 additional benefits beyond what has been discussed in
6 this case, correct?

7 A. That's correct.

8 Q. And that more work could be done with the
9 parties to this case to figure out how to extract that
10 value from the AMI project; is that correct?

11 A. That's correct.

12 Q. Okay. And Dr. Howe didn't actually address any
13 cost recovery issues regarding the AMI project, correct?

14 A. I believe that's correct.

15 Q. Okay. That's all the questions I have.

16 CHAIRMAN LEVAR: Thank you, Ms. Hayes.

17 Ms. Baldwin, do you have any questions for
18 Mr. Mansfield?

19 MS. BALDWIN: No. Walmart has no questions.
20 Thank you.

21 CHAIRMAN LEVAR: Thank you.

22 Mr. Boehm.

23 I'm not hearing any questions from Mr. Boehm.

24 So I'll go to Mr. Sanger. Do you have any
25 questions for this witness?

1 MR. SANGER: No. Thank you, your Honor.

2 CHAIRMAN LEVAR: Okay. Thank you. I'll go back
3 to Ms. Wegener, then.

4 Do you have any redirect?

5 MS. WEGENER: No redirect. Thank you.

6 CHAIRMAN LEVAR: Okay. Thank you. I will go to
7 Commissioner Clark next, then.

8 Do you have any questions for this witness.

9 COMMISSIONER CLARK: No questions, thank you.

10 CHAIRMAN LEVAR: Thank you.

11 Commissioner Allen.

12 COMMISSIONER ALLEN: No questions. Thanks.

13 CHAIRMAN LEVAR: I don't have any, either.

14 So thank you for your testimony this morning,
15 Mr. Mansfield.

16 THE WITNESS: Thank you.

17 CHAIRMAN LEVAR: Does Rocky Mountain Power have
18 anything further?

19 MS. WEGENER: No, nothing further at this time.
20 Thank you.

21 CHAIRMAN LEVAR: Okay. Thank you.

22 I will go then to the Division of Public
23 Utilities for your first witness.

24 MR. JETTER: Thank you, Mr. Chairman. Good
25 morning. The Division would like to call and have sworn

1 in Mr. Robert A. Davis.

2 CHAIRMAN LEVAR: Good morning, Mr. Davis.

3 THE WITNESS: Good morning.

4 CHAIRMAN LEVAR: Do you swear to tell the truth?

5 THE WITNESS: I do.

6 CHAIRMAN LEVAR: Thank you.

7 Go ahead.

8

9 ROBERT A. DAVIS,

10 was called as a witness, and having been first duly

11 sworn to tell the truth, the whole truth, and nothing

12 but the truth, testified as follows:

13

14 DIRECT EXAMINATION

15 BY MR. JETTER:

16 Q. Mr. Davis, would you please state your name and
17 occupation for the record.

18 A. My name is Robert Davis, and I'm a utility
19 technical consultant for the Division of Public
20 Utilities.

21 Q. Thank you. And Mr. Davis, in the course of your
22 employment with the Division, have you had an opportunity
23 to review the testimony relevant -- I guess the filings
24 and various exhibits and whatnot that have been filed
25 relevant to the testimony you've provided in this phase

1 of this docket?

2 A. Yes.

3 Q. And based on your review of the various
4 testimonies and your own work, did you create and cause
5 to be filed direct testimony filed on, I believe,
6 September 15, 2020, in this docket?

7 A. Yes, I did.

8 Q. And if you were asked the same questions
9 contained in that prefiled written testimony, would your
10 answers be the same?

11 A. They would.

12 Q. Thank you.

13 MR. JETTER: I'd like to move at this time to
14 enter into the record of this hearing the prefiled direct
15 testimony of Robert Davis.

16 CHAIRMAN LEVAR: If anyone objects to that
17 motion, please indicate your objection.

18 Was somebody trying to say something?

19 MR. JETTER: I think I jumped ahead of you.

20 CHAIRMAN LEVAR: The motion is granted.

21 MR. JETTER: Thank you, Mr. Chairman.

22 Q. (BY MR. JETTER:) Mr. Davis, would you please
23 provide a brief summary of the Division's position.

24 A. Yes. Good morning, Chair Levar and
25 Commissioners Clark and Allen.

1 On May 8th, 2020, Rocky Mountain Power filed its
2 application requesting an increase to its Utah retail
3 rates by \$95.8 million. According to RMP, the primary
4 cost drivers of the requested rate increase are the
5 additions of major new capital investments and changes in
6 depreciation rates.

7 In addition to the Commission's review of the
8 forecast test period, parties have offered testimony to
9 the Commission in Phase I concerning cost of capital and
10 revenue requirement. In the final phase of this general
11 rate case, Phase II, the parties will offer testimony to
12 the Commission for the cost of service and rate design.

13 The Division has reviewed the testimony and
14 exhibits of the other parties' witnesses in this general
15 rate case. The Division has submitted numerous data
16 requests, reviewed answers to its data requests and those
17 of other parties. The Division has previously filed
18 direct, rebuttal, and surrebuttal testimony for the
19 forecasted test period, cost of capital, revenue
20 requirement, and cost of service in this document.

21 Based on statutes enacted by the Utah
22 legislature, the Division's objectives in reviewing cost
23 of service and rate design are for rates to be stable,
24 simple, understandable, and acceptable to the public, to
25 be economically efficient, to promote fair apportionment

1 of costs among individual customers within each customer
2 class with no undue discrimination, and to protect
3 against wasteful use of utility services.

4 Consistent with these statutorily-defined
5 objectives, the Division has developed and refined a set
6 of guiding principles over the years. These principles
7 are cost causation based on embedded and marginal costs,
8 simplicity, correct price signals, rate structures,
9 gradualism, and customer charges. The Division and its
10 consultant, CA Energy Consulting, relied on these
11 principles to formulate cost of service and rate design
12 conclusions and proposals in this case.

13 The Division's consultants reviewed Rocky
14 Mountain Power's filing and determined that Rocky
15 Mountain Power used a cost of service method that is
16 mainly consistent with the Commission-approved cost of
17 service method with some exceptions and recommendations.

18 Rocky Mountain Power also studied the marginal
19 cost per the Commission's request from the last general
20 rate case in Docket No. 13-035-184.

21 The Division has two witnesses that will provide
22 further details of the Division's review and conclusions
23 of Rocky Mountain Power's cost of service and rate design
24 in Phase II of this docket.

25 Mr. Bruce Chapman serves as vice president for

1 CA Energy Consulting, and is testifying on behalf of the
2 Division, addressing Rocky Mountain Power's cost of
3 service study including three main areas. Issues
4 associated with production and transmission, issues
5 associated with distribution and other cost of service
6 issues.

7 Mr. Robert Camfield is a senior regulatory
8 consultant for CA Energy Consulting and is testifying on
9 behalf of the Division, addressing the following areas:
10 Expected price inflation across the US economy, marginal
11 electricity costs for determination of retail tariffs and
12 rate design, Rocky Mountain Power's marginal cost study,
13 and Rocky Mountain Power's proposed tariff and rate
14 changes as advanced for the consideration by its witness,
15 Meredith.

16 This concludes my summary. Thank you.

17 CHAIRMAN LEVAR: Mr. Jetter, I believe you're
18 muted.

19 MR. JETTER: Thank you.

20 **Q. (BY MR. JETTER:) Thank you, Mr. Davis. I'd**
21 **like to ask you one clarifying question. It's been a**
22 **little bit unclear on the Division's position with**
23 **respect to the removal of the third tier for residential**
24 **customers.**

25 **Is it accurate to clarify that the Division has**

1 taken a not oppose removal position in that with respect
2 to the removal of the third tier?

3 A. That's correct.

4 Q. Thank you for that clarification.

5 MR. JETTER: And with that, I have no further
6 questions. The Division would, I guess, make Mr. Davis
7 available now for cross-examination and questions from
8 the Commission.

9 CHAIRMAN LEVAR: Thank you, Mr. Jetter.

10 I'll go to the Office of Consumer Services
11 first.

12 Do you have any questions for Mr. Davis?

13 MR. SNARR: No questions of Mr. Davis. Thank
14 you.

15 CHAIRMAN LEVAR: Thank you. I'll go to
16 Mr. Russell next.

17 MR. RUSSELL: No questions for Mr. Davis. Thank
18 you.

19 CHAIRMAN LEVAR: Thank you.

20 Mr. Holman?

21 MR. HOLMAN: No questions. Thank you.

22 CHAIRMAN LEVAR: Ms. Hayes?

23 MS. HAYES: No questions for Mr. Davis. Thanks.

24 CHAIRMAN LEVAR: Thank you.

25 Ms. Baldwin?

1 MS. BALDWIN: No questions. Thank you.

2 CHAIRMAN LEVAR: Mr. Boehm?

3 MR. BOEHM: No questions. Thank you.

4 CHAIRMAN LEVAR: Thank you.

5 Mr. Sanger?

6 MR. SANGER: No questions. Thank you.

7 CHAIRMAN LEVAR: Okay. I'll go to Rocky
8 Mountain Power.

9 Do you have any questions for Mr. Davis?

10 MS. WEGENER: No questions. Thank you.

11 CHAIRMAN LEVAR: Okay. Then I will go to
12 Commissioner Allen.

13 Do you have any questions for Mr. Davis?

14 COMMISSIONER ALLEN: Thank you. No questions.

15 CHAIRMAN LEVAR: Commissioner Clark?

16 COMMISSIONER CLARK: No questions. Thanks for
17 the clarification on residential tiers.

18 CHAIRMAN LEVAR: I don't have any additional
19 questions. So thank you for your testimony this morning,
20 Mr. Davis.

21 THE WITNESS: Thank you.

22 CHAIRMAN LEVAR: And we'll go back to the
23 Division of Public Utilities for your next witness.

24 MR. JETTER: Thank you. The Division would like
25 to call and have sworn in Mr. Bruce Chapman. And I think

1 I saw him on here, but let me verify.

2 CHAIRMAN LEVAR: Mr. Chapman, if you're here,
3 let us know.

4 THE WITNESS: I'm here.

5 CHAIRMAN LEVAR: Good morning, Mr. Chapman.
6 Do you swear to tell the truth?

7 THE WITNESS: I do.

8 CHAIRMAN LEVAR: Okay. Thank you.
9 Go ahead.

10

11

12 BRUCE R. CHAPMAN,
13 was called as a witness, and having been first duly
14 sworn to tell the truth, the whole truth, and nothing
15 but the truth, testified as follows:

16

17

DIRECT EXAMINATION

18 BY MR. JETTER:

19 **Q. Good morning, Mr. Chapman. Would you state your
20 name and occupation for the record.**

21 **A. My name is Bruce R. Chapman, that's B-R-U-C-E,
22 R, C-H-A-P-M-A-N. And I'm a vice president at
23 Christensen Associates Energy Consulting in Madison,
24 Wisconsin.**

25 **Q. Thank you. And were you retained by the Utah
Division of Public Utilities to provide testimony and**

1 analysis in this docket in this third phase -- or second
2 phase, excuse me?

3 A. I guess your microphone is still on. Yes, I was
4 retained.

5 Q. Thank you. And did you create and cause to be
6 filed with the Commission direct, rebuttal, and
7 surrebuttal testimony in this docket?

8 A. Yes, I did.

9 Q. And do you have any corrections or edits or
10 changes you'd like to make to your prefilled testimony?

11 A. No, I do not.

12 Q. And if you were asked the same questions that
13 are contained in your prefilled written testimonies that
14 I've identified today at the hearing, would your answers
15 be the same?

16 A. Yes, they would.

17 Q. Thank you.

18 MR. JETTER: I'd like to move at this time to
19 enter into the record the prefilled direct, rebuttal, and
20 surrebuttal testimony of Bruce Chapman.

21 CHAIRMAN LEVAR: If anyone has an objection,
22 please indicate it.

23 I'm not seeing or hearing any objection, so the
24 motion is granted.

25 MR. JETTER: Thank you.

1 Q. (BY MR. JETTER:) Mr. Chapman, have you prepared
2 a brief summary of your testimony?

3 A. I have.

4 Q. Please go ahead.

5 A. During the course of these proceedings, I have
6 reviewed the portions of the filing by RMP pertaining to
7 its embedded cost of service study followed by direct,
8 rebuttal, and surrebuttal testimony of the several
9 parties to the docket that pertained to the cost of
10 service study.

11 My own testimony concluded that RMP's ECOSSE was
12 prepared in a manner that adhered to industry standards
13 of cost allocation of the main functions that constitute
14 integrated electricity services: Production,
15 transmission, and distribution.

16 I discussed a number of technical and policy
17 issues with RMP's proposed methodology. One, RMP's
18 classification rule, 75/25 demand-energy split for
19 production and transmission; two, the approach to
20 distribution cost classification; three, certain details
21 regarding the federal income tax adjustment. I
22 recommended that the Utah Public Services Commission
23 review RMP's approach to each of these issues.

24 Regarding cost allocation of production
25 services, Issue 1, I recommended that the RMP and

1 stakeholders explore a load weighted marginal cost-based
2 allocation of production costs. The Department finds
3 this approach to be a potential path for resolving
4 ongoing concerns with respect to demand-energy
5 classification of production costs.

6 My review of the several parties' testimony
7 confirmed my views on the first issue, as some
8 intervenors also raised serious concerns regarding RMP's
9 approach to the classification of production-related
10 costs.

11 On the subject of distribution cost
12 classification, I was persuaded that the basic customer
13 method merits consideration in view of its current use in
14 Utah and elsewhere. However, I harbor concerns insofar
15 as this approach does not match my own views regarding
16 distribution cost causation.

17 Regarding one issue that I did not raise in my
18 direct testimony, the use by RMP of a fixed variable
19 split in production and transmission costs that the
20 Utility Witness Meredith termed a "form of
21 subfunctionalization," I was persuaded that this
22 methodology bears further review with respect to its
23 potential impacts on cost classification; and hence, cost
24 allocation.

25 This concludes my summary. Thank you.

1 Q. Thank you. I'd like to ask you just one
2 clarification question for the record.

3 During your summary statement, you mentioned
4 ECOSS. And is that intended to be an Embedded Cost of
5 Service Study?

6 A. You caught me. Yes, I forgot to use the ECOSS
7 acronym when I first introduced it.

8 Q. Okay. Thank you. It's not a common term, so I
9 wanted to make sure our court reporter had the correct
10 meaning for that on the record.

11 MR. JETTER: And with that, I have no further
12 questions. And Mr. Chapman is available for cross and
13 questions from the Commissioners.

14 CHAIRMAN LEVAR: Thank you, Mr. Jetter.

15 I'll go to the Office of Consumer Services
16 first.

17 Do you have any questions for Mr. Chapman?

18 MR. SNARR: Yes, just a few questions, if we
19 might.

20 CHAIRMAN LEVAR: Go ahead.

21
22 CROSS-EXAMINATION

23 BY MR. SNARR:

24 Q. Good morning, Mr. Chapman.

25 A. Good morning, sir.

1 Q. I have just a few questions concerning your
2 testimony.

3 As I understand it, you're employed by the
4 Division to review aspects of Rocky Mountain's filings in
5 this proceeding; is that correct?

6 A. With respect to the ECOSSE, yes, sir.

7 Q. Okay. And as part of that assignment, did
8 you -- you undertook a review of the cost of service
9 study the Company submitted in support of this rate
10 design; is that right?

11 A. I reviewed Mr. Meredith's testimony and his
12 attachments and work papers.

13 Q. Mr. Meredith indicated in his testimony he was
14 making one change to the Company's cost of service study,
15 that being unbundling.

16 Do you recall that in his testimony?

17 A. I'm sorry, I couldn't hear your question. Could
18 you please repeat it?

19 Q. Sure. Mr. Meredith indicated in his testimony
20 that he was making one change to the Company's cost of
21 service study, that being unbundling.

22 Do you recall that testimony?

23 A. Yes.

24 Q. Did you review Mr. Meredith's testimony,
25 including review of what he did to try to accomplish that

1 unbundling?

2 A. I'm sorry, your voice cut out there.

3 "Accomplish that unbundling" was the last thing you said?

4 Q. Did you review Mr. Meredith's testimony as it
5 relates to this unbundling?

6 A. Yes, sir.

7 Q. And did your review consider what he described
8 as subfunctionalization of production and transmission
9 costs as fixed and variable related?

10 A. Yes, I reviewed his testimony on that topic.

11 Q. Is it accurate that you frame Rocky Mountain's
12 categorization of fixed and variable costs as a
13 classification method?

14 A. I did not frame it in that fashion, I believe,
15 because -- and again, I'm referring to his testimony
16 here, not mine.

17 I believe he framed it as subfunctionalization,
18 a process that occurs after functionalization but prior
19 to classification.

20 Q. How do you characterize what he was doing?

21 A. The question seems a little broad. Can you tell
22 me what you're asking for?

23 Q. Wasn't it a form of classification that he was
24 trying to accomplish, although doing it under description
25 of subfunctionalization?

1 A. I think his description was
2 subfunctionalization. And he described the order in his
3 testimony -- again, you can correct me if I'm wrong -- as
4 functionalization, subfunctionalization, and
5 classification.

6 Q. All right. But usually when you're dealing with
7 functionalization or subfunctionalization, that's the
8 first step in one of these studies; isn't that right?

9 A. Yes, sir.

10 Q. And is it accurate also that classification is
11 traditionally a second step?

12 A. Yes.

13 Q. All right. Now, I'd like you to listen
14 carefully. I have something from Mr. Nelson's
15 surrebuttal testimony I'd like you to comment on.

16 He states: "Classifying and/or allocating costs
17 differently is the entire purpose of
18 subfunctionalization. If costs are not classified or
19 allocated differently, as is the case with Rocky
20 Mountain's proposed subfunctionalization of P&T, there's
21 no reason to subfunctionalize."

22 Do you agree with that?

23 CHAIRMAN LEVAR: Mr. Snarr, I apologize to cut
24 in. We lost some of that. I think we got most of it. I
25 hate to ask you to repeat that entire question, but I

1 think it's best for the record to be complete.

2 MR. SNARR: I'll be happy to do so.

3 Q. (BY MR. SNARR:) Here's just a quote from
4 Mr. Nelson's testimony. I'm going to ask you whether
5 you agree or disagree with what Mr. Nelson is saying.

6 "Classifying and/or allocating costs differently
7 is the entire purpose of subfunctionalization. If costs
8 are not classified or allocated differently, as is the
9 case with Rocky Mountain Power's proposed
10 subfunctionalization of P&T, there is no reason to
11 subfunctionalize."

12 Would you agree with that?

13 A. I would agree with that partly. And the reason
14 I say partly is that, as it says in my testimony summary,
15 the onus, I believe, is on Rocky Mountain Power to
16 indicate clearly, more clearly than it has, what the
17 subfunctionalization that it proposes actually achieves.

18 Q. All right. Thank you for your responses.

19 MR. SNARR: I have no further questions.

20 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

21 I will go to Mr. Russell next.

22 Do you have any questions for Mr. Chapman?

23

24 CROSS-EXAMINATION

25 BY MR. RUSSELL:

1 Q. Just a brief couple of lines of inquiry for you,
2 Mr. Chapman. The first addresses production and
3 transmission classification.

4 Your testimony indicates that the Company's
5 methodology for production and transmission
6 classification is at variance with the industry standard;
7 is that right?

8 A. Let me ask you for a clarification. Are you
9 referring to the 75/25 demand-energy split? Is that
10 where your question is going?

11 Q. Yes.

12 A. Yes.

13 Q. Okay.

14 A. My answer to your question is yes.

15 Q. Yes. It's at variance with the industry
16 standard, but you acknowledge that it is a methodology
17 that the Commission has previously approved, correct?

18 A. Yes.

19 Q. Okay. And you're not recommending that the
20 Commission adopt some other methodology in this docket,
21 are you?

22 A. No, sir. My recommendation, I believe, is that
23 at some point when the Commission assents, their
24 methodology with respect to production and transmission
25 classification should be reviewed.

1 Q. Right. Thank you for that.

2 And a separate line of questions that I have for
3 you relates to distribution classification. And this is
4 the Company's approach to classifying costs as either
5 demand related or customer related, okay.

6 You offer a critique that the Company's method
7 differs from industry practice and doesn't comport with
8 methods identified in the NARUC manual; is that correct?

9 A. Partly correct. I think the first part of your
10 statement was correct. I was not critical, I believe, to
11 the extent of saying that the basic customer method did
12 not comport with the standard manuals.

13 Q. Okay. The basic customer method is one that's
14 identified in the marginal cost of service study portion
15 of the standard manual, right?

16 A. Yes, sir.

17 Q. And you identify two alternative, I guess,
18 methods that are identified in the embedded cost of
19 service portion of the manual; is that right?

20 A. Yes.

21 Q. Okay. And are you recommending that the
22 Commission adopt either of those two methods from the
23 embedded cost of service portion of the manual in this
24 proceeding, or are you proposing that they be considered
25 in some separate proceeding?

1 A. The latter. I'm recommending that they be
2 considered in subsequent proceedings.

3 **Q. All right.**

4 MR. RUSSELL: Thank you. That's all I had.

5 CHAIRMAN LEVAR: Thank you, Mr. Russell.

6 I'll going to Mr. Holman next.

7 MR. HOLMAN: No questions. Thank you.

8 CHAIRMAN LEVAR: Thank you.

9 Ms. Hayes, do you have any questions for this
10 witness?

11 MS. HAYES: No questions. Thank you.

12 CHAIRMAN LEVAR: Thank you.

13 Ms. Baldwin, do you have any?

14 MS. BALDWIN: No. Walmart has no questions.
15 Thank you.

16 CHAIRMAN LEVAR: Thank you.

17 Mr. Boehm?

18 MR. BOEHM: No questions, your Honor. Thank
19 you.

20 CHAIRMAN LEVAR: Mr. Sanger?

21 MR. SANGER: No questions. Thank you.

22 CHAIRMAN LEVAR: Okay. I will go to Rocky
23 Mountain Power next, then.

24 Do you have any questions for Mr. Chapman?

25 MS. WEGENER: No questions. Thank you.

1 CHAIRMAN LEVAR: Okay. Mr. Jetter, do you have
2 any redirect?

3 MR. JETTER: I have no follow-up questions.
4 Thank you.

5 CHAIRMAN LEVAR: Okay. Thank you, Mr. Jetter.
6 I will go to Commissioner Clark next.

7 Do you have any questions for Mr. Chapman?

8 COMMISSIONER CLARK: Thank you. I have no
9 questions.

10 CHAIRMAN LEVAR: Okay. Thank you.

11 Commissioner Allen, do you have any questions?

12 COMMISSIONER ALLEN: No questions. Thank you.

13 CHAIRMAN LEVAR: Okay. I do not, either.

14 So thank you for your testimony this morning,
15 Mr. Chapman.

16 THE WITNESS: Thank you, sir.

17 CHAIRMAN LEVAR: And I'll go to Mr. Jetter for
18 your next witness.

19 MR. JETTER: The Division would like next to
20 call and have sworn in Robert Camfield.

21 CHAIRMAN LEVAR: Good morning, Mr. Camfield.
22 Can you hear us? You appear to be muted. I can see that
23 you're on the participant list, but you're muted on my
24 screen.

25 Okay. Can you hear us, Mr. Camfield?

1 THE WITNESS: I can hear you. Can you hear me?
2 Sounds like you can.

3 CHAIRMAN LEVAR: I can hear you clearly now.
4 Thank you.

5 THE WITNESS: Thank you very much.

6 CHAIRMAN LEVAR: Do you swear to tell the truth?

7 THE WITNESS: I do.

8 CHAIRMAN LEVAR: Okay. Thank you.

9 Go ahead, Mr. Jetter.

10

11

ROBERT J. CAMFIELD,

12 was called as a witness, and having been first duly
13 sworn to tell the truth, the whole truth, and nothing
14 but the truth, testified as follows:

15

16

DIRECT EXAMINATION

17 BY MR. JETTER:

18 **Q. Mr. Camfield, would you please state your name**
19 **and occupation for the record.**

20 A. My name is Robert J. Camfield. I serve with
21 Laurits R. Christensen Associates, otherwise known as
22 Christensen Associates Energy Consulting as a senior
23 regulatory consultant.

24 The spelling of my name is Robert, R-O-B-E-R-T,
25 J., middle initial J, Camfield, C-A-M-F-I-E-L-D.

1 Q. Thank you. And were you retained by the
2 Division of Public Utilities to provide analysis and
3 testimony in this docket?

4 A. I was.

5 Q. And in the course of your analysis and testimony
6 in this docket for the Division of Public Utilities, did
7 you create and cause to be filed with the Utah Public
8 Service Commission direct, rebuttal, and surrebuttal
9 testimonies?

10 A. I did.

11 Q. And if you were asked the same questions in
12 those prefiled testimonies today, would your answers be
13 the same?

14 A. They would be.

15 Q. Do you have any corrections or changes you'd
16 like to make to that prefiled testimony?

17 A. Yes. There is one change that I would like to
18 enter into the record. That is on my direct testimony,
19 Line 153, it indicates "Schedule 31." That should read
20 "Schedule 21." Again, Line 153.

21 Q. Thank you. And with that correction, I would
22 like to move to enter into the record of the hearing the
23 prefiled direct, rebuttal, and surrebuttal testimony of
24 Robert Camfield.

25 CHAIRMAN LEVAR: Thank you, Mr. Jetter. If

1 anyone objects to that motion, please indicate your
2 objection.

3 I am not seeing or hearing any so the motion is
4 granted.

5 MR. JETTER: Thank you.

6 **Q. (BY MR. JETTER:) Mr. Camfield, have you**
7 **prepared a brief summary of your testimony in this**
8 **docket?**

9 A. I have.

10 **Q. Please go ahead.**

11 A. Thank you. On behalf of the Division of Public
12 Utilities, I am pleased to appear before the Public
13 Service Commission of Utah in Phase II of this immediate
14 proceeding. And my participation here is focused on cost
15 of service allocation and rate design, predominantly on
16 rate design in the case of cost of service, marginal cost
17 of service.

18 My direct testimony is centered on Rocky
19 Mountain Power's marginal cost study and proposed rate
20 design. And I also assess expectations of overall price
21 inflation gauged according to available information at
22 the time that my testimony was prepared.

23 Turning to the marginal cost, cost of service.
24 As a matter of definition, "marginal cost" reflects the
25 economic cost in worth, resources employed in the

1 provision of electricity services, and provides important
2 guidance in the determination of retail tariff prices.

3 And to this end, RMP's marginal cost study
4 appears to be constructed with substantial care and
5 diligence. And I was rather impressed with the overall
6 study itself. It's largely inline with contemporary
7 studies in a classic way, a classic methodology approach
8 that reaches back several decades.

9 However, I do have several suggested changes
10 that RMP give consideration to for marginal cost
11 destination prospectively. The first is in terms of
12 supply-demand balance, which affects the reliability or
13 generation capacity costs as well as transmission
14 capacity costs used in the determination of marginal
15 costs, which, of course, enters into the setting of the
16 prices to the degree that marginal costs are used in
17 determining retail rates.

18 And I would suggest that the study going forward
19 take into account the fact that a supply-demand balance
20 varies over time because of the inherent uncertainty
21 associated with both the level of supply and, of course,
22 near-term levels of demand.

23 And then secondly, I would suggest that Rocky
24 Mountain Power give consideration to the inclusion of
25 operating reserve costs within the energy prices that it

1 uses for estimation of marginal generation costs.

2 The third item that I suggest is focused on
3 ancillary support services, and these are the A&G,
4 general plant, and working capital materials and
5 supplies, elements of marginal costs. They are
6 comparatively small compared to the direct cost elements;
7 namely, the capacity and fixed O&M costs associated with
8 the major functions of electricity supply generation,
9 transmission, and distribution.

10 And in my review of the RMP study, it doesn't
11 take account of the full complement of these ancillary
12 support service costs. And so I would suggest that they
13 consider the inclusion of these other elements as well.

14 The fourth element that I suggest they give
15 consideration to has to do with A&G costs, and I would
16 suggest that they measure the A&G cost element within the
17 capacity costs on the basis of the real value of capital
18 rather than the embedded cost of capital, essentially the
19 book value of capital as the current methodology holds.

20 And then finally -- and this is a rather
21 important element. And this has to do with the load and
22 nonrelated -- nonload related distribution costs. And
23 here, while, on the one hand RMP employs substantial
24 detail in the construction of its distribution capacity
25 costs, but the methodology that, or approach to

1 determining what share of distribution capacity costs is
2 demand-related, energy-related, and customer-related is
3 fairly weak. And I would suggest that they consider two
4 alternative approaches that I detail in my testimony in
5 lieu of the current approach that RMP employs.

6 Turning to tariff design, I have reviewed the
7 retail tariffs, as I indicate, as proposed by Rocky
8 Mountain Power. And as you and everyone understands,
9 it's a major overhaul of the tariff design, retail tariff
10 design package of the Company. And it has a number of
11 components.

12 And so just touching on here in my summary, the
13 high points, one is, of course, a compression of the
14 residential block tiers from three to two. And while the
15 analysis is carried out with the use of a lot of customer
16 data, it doesn't take account of the cost of -- marginal
17 cost of service and calculation of what I refer to as the
18 "net margins," the net returns, the net revenue returns
19 that the Company realizes from the customers that they
20 serve under its residential tariff.

21 And so the better way to handle this, in my
22 view -- and this is detailed in my testimony -- is to
23 carry out the analysis in a way that takes account of the
24 net margins and the changes in response -- the changes in
25 the loads and customer consumption responses with respect

1 to the changes in prices, which overall for the class, I
2 think, can be substantial.

3 And as a result of that, the net changes in
4 margins that you realize with the detail data that comes
5 available through such a study tends to alter both the
6 boundary between the tiers and, thus, the tier prices.
7 And so it's an important change that I think needs to be
8 incorporated in the analytics that currently is not
9 carried out.

10 Turning now to TOU rates. This is the TOU rate
11 design for general services. I concur with the approach
12 that the Company has proposed here. And I should
13 mention -- and this is not in my direct testimony -- but
14 we carried out some formal analysis, statistical analysis
15 of the tier prices -- excuse me, I mean to say the
16 off-peak and peak load prices as suggested for the TOU
17 rates. These would be the TOU Rate Options 8 and 9 as
18 well as 6(a) as proposed -- and found that using our
19 analytical procedures at my consulting group, we tend to
20 confirm the peak and off-peak periods that the Company
21 has proposed.

22 Turning to Tariff Schedules 9(a) and 6(a) here,
23 both these tariffs involve moving customers to new rates,
24 the new rate design options that are being made available
25 by the Company, at least as proposed. And so here I

1 would suggest that the Company take account of, in some
2 cases, very large changes in the overall prices paid by
3 the customers that are being moved. In most cases, I
4 mean, these customers are few in number. But the changes
5 in the prices that they will realize on the new tariffs
6 as proposed are substantial. And so I suggest simply
7 that we phase in those changes.

8 Moving on to two other areas, and one is the
9 backup power services. And here, the Company proposes to
10 use the peak and off-peak prices associated with backup
11 power services. And I had suggested as an option here --
12 this would be the backup power services Schedule 31 --
13 that the Company consider placing these customers on a
14 two-part tariff. And that's just a matter of energy and
15 resource efficiency associated with rates, which is one
16 of the key objectives, of course, in rate design. And
17 the reason for that is because, as we know from the
18 wholesale power markets, that there's substantial
19 variation in prices according to -- by time of day as
20 well as by hourly time frame. I mean, prices can vary
21 dramatically. And in this case, the prices are the
22 relevant opportunity cost basis for which resources are
23 optimally determined.

24 And because the backup services also draw upon
25 resources that are available on site to the customers,

1 it's important that those customers be confronted with
2 the efficient value of the resources that are being
3 employed, both in the terms of their employment of
4 on-site resources as well as in the case of the backup
5 services being charged by the Company, that those backup
6 services prices reflect the higher level of frequency and
7 variation that is inherent to the efficient wholesale
8 markets that are at play here in the Western system.

9 As we're considering the retail tariff design or
10 redesign as proposed by the Company, the options that are
11 being offered up here that I think are really the most
12 important options, namely drawing in dynamic pricing
13 options in the form of, on one hand, interruptible
14 service tariff options, and then on the other hand
15 realtime pricing.

16 And in the case of the interruptible service
17 tariff option as proposed, I would suggest that the
18 Company consider a menu of service options. And that's
19 simply because the customers that may have interest in
20 participating in these options, in providing valuable
21 capacity available to the customer and reducing overall
22 total system costs for customers as a whole, have varying
23 capabilities to respond. And so it's not the sort of
24 one-size-fits-all customers that might like to
25 participate. Rather, they have various needs in terms

1 of -- and capability to participate according to the
2 ability of interrupting their demand services as drawn
3 from the Company. It's commonly referred to as notice,
4 the speed with which customers are noticed of
5 interruption, and then also in terms of the number of
6 hours that they can be interrupted, both on a weekly or a
7 monthly time frame, as well as an annual time frame.

8 So the menu service option approach, as I
9 suggest for consideration by the Utah Public Service
10 Commission and the Company, would provide that varying
11 capability for customers to participate.

12 Turning finally to realtime pricing, here I
13 would suggest that the Company consider not the one-part
14 approach, as proposed and discussed by Witness Meredith,
15 but rather a two-part tariff option, which, in my view,
16 provides greater stability in the flow of embedded
17 cost-based revenue under the current baseline tariff; and
18 then secondly, provides greater efficiency, particularly
19 in the long run with respect to the use of resources.

20 That concludes my summary. Thank you.

21 **Q. Thank you, Mr. Camfield.**

22 MR. JETTER: I have no further questions on
23 direct examination. And Mr. Camfield is available for
24 cross or questions from the Commission.

25 I'm guessing, given that it's about 12:05, that

1 it may be a point where we take a break. But we're happy
2 to proceed in either fashion.

3 CHAIRMAN LEVAR: Okay. Thank you, Mr. Jetter.

4 I think you're right. It's probably appropriate
5 to take a break right now and come back for any
6 cross-examination questions. So why don't we recess for
7 one hour, and then we'll return and continue with any
8 cross-examination questions.

9 (A break was taken from 12:08 p.m. to 1:10 p.m.)

10 CHAIRMAN LEVAR: Okay. We'll be back on the
11 record. And we'll go now to cross-examination questions
12 for Mr. Camfield. I'll going to the Office of Consumer
13 Services first.

14 MR. SNARR: Thank you.

15

16 CROSS-EXAMINATION

17 BY MR. SNARR:

18 Q. Good afternoon, Mr. Camfield.

19 A. Good afternoon.

20 Q. I'd like to focus on just a few issues that
21 you've examined in connection with your employment here
22 in this proceeding.

23 In your surrebuttal testimony, you outline a
24 six-part process for determining the residential pricing
25 tiers. It's basically at Lines 194 through 225, if I'm

1 correct.

2 With respect to those recommendations, did you
3 end up making a specific recommendation in terms of the
4 tiers that ought to be employed by Rocky Mountain Power?

5 A. I did not. Those analysis procedures would
6 obtain results of both the tiers, that is tiers including
7 the boundary between the tiers -- tier prices as well as
8 the prices.

9 Q. Now, who would you envision would do those
10 calculations to develop those tiers?

11 A. I would imagine that Rocky Mountain Power would
12 carry out those procedures or similar procedures that
13 would give rise to the results that I identify.

14 Q. And as you've looked at the issue, when should
15 that take place?

16 A. Well, on this question, I would have to defer to
17 Mr. Jetter, perhaps, because I don't know the procedures,
18 should I say the regulatory procedures and processes well
19 in the state of Utah. But it would seem to me that
20 should those analytics be implemented, that it would be a
21 process that would take place following the conclusion of
22 this hearing.

23 Q. Okay. And just to address a little bit of your
24 concern as you've expressed it there, do you understand
25 that in a rate proceeding here in Utah that the

1 Commission is obligated to come up with a definitive
2 answer and render an opinion within 240 days of the date
3 of initial filing?

4 A. I'm aware of that, yes.

5 Q. Yeah. And as you outline those -- the six-part
6 process for looking at the issues, is it fair to say that
7 that kind of a calculation or investigation of the tiers
8 and pricing hasn't been accomplished as yet as you've
9 seen it in the testimony?

10 A. That's correct.

11 Q. Okay. Let's go to another couple of questions.
12 In your direct testimony at page 7, you raise
13 concerns about Rocky Mountain's proposal in stating it
14 will result in sizable windfalls and losses for
15 residential customers; is that correct?

16 A. That's correct.

17 Q. And does your testimony contain a proposed
18 solution for those problems you've identified?

19 A. No. But that solution I suggest happens to be
20 the six-step process outlined in the surrebuttal.

21 Q. To your understanding, do you or does the
22 Division have a particular position as to how residential
23 rates should be designed in this proceeding?

24 A. I cannot say that I have discussed it in depth
25 with the Division. But the sheer fact that the Division

1 has authorized me to present these analytical steps leads
2 me to infer -- and I defer to them on this point -- but
3 lead me to infer that they -- they would endorse that
4 methodology.

5 Q. So the methodology is one that you recommend and
6 you think ought to be used in order to come up with the
7 best answer?

8 A. That's correct.

9 Q. Okay. Thank you. Now, just a couple more
10 questions here.

11 In your testimony, you state that Rocky Mountain
12 is actually better off in that there's an improvement in
13 how it collects its revenues or how much revenue it
14 collects; is that correct?

15 A. Could you give me a citation, please?

16 Q. Let me see. I had it -- I'm sorry, I've lost
17 that. But let me just go on.

18 Are there any particular items you would note
19 that are improvements in how the Company is going to
20 collect its revenues as it relates to residential rates?

21 A. I don't know how to respond to that. Could I
22 hear the question again, please, if you don't mind?

23 Q. Sure. I'm just wondering: Are there any
24 improvements, as you see it, in how the Company is going
25 to collect its revenues such that it secures its revenues

1 **easier in light of the design of its residential rates?**

2 A. I cannot see or envision improvement.

3 **Q. Okay.**

4 A. Perhaps I'm not following you exactly.

5 **Q. Perhaps I should have had the citation to the**
6 **testimony, and let me just look for that quickly. Hang**
7 **on.**

8 MR. SNARR: May I take just a minute,
9 Commissioner?

10 CHAIRMAN LEVAR: Yes, certainly. We won't take
11 a recess, we'll just wait for you for a moment.

12 MR. SNARR: Sure. Sure.

13 (Pause in the proceedings.)

14 MR. SNARR: I'm back.

15 **Q. (BY MR. SNARR:) Maybe I could just follow up**
16 **on a question I posed to one of the Rocky Mountain**
17 **witnesses.**

18 **Mr. Camfield, would you agree that the load**
19 **trends created by the pandemic, such as large portions of**
20 **residential customers working from home, has increased**
21 **residential consumption and leads to increased revenues**
22 **for the utility?**

23 A. Well, as you appreciate, I haven't seen the
24 historical records so far through 2020 to make the claim,
25 as you suggest. But I would expect that residential

1 revenues have increased. I would expect that a
2 nonresidential, should we say the business class customer
3 revenues, both general small and general large service
4 customers, is likely to be somewhat less.

5 What's important here is that the net margins
6 between the business class customers and the residential
7 customers weigh in on, should we say, net gains that
8 would not otherwise be available as a consequence of
9 COVID-19.

10 I would anticipate that overall -- again, this
11 is just some speculation on my part here -- that overall
12 revenues are down somewhat and that sales are down
13 somewhat and that the impact on net margins overall
14 across the Company and the various markets that it serves
15 is comparatively small.

16 **Q. Just a minute. I think I have an exhibit I'd**
17 **like to use.**

18 MR. SNARR: And for counsel, there were five
19 possible cross-examination exhibits we shared with the
20 attorneys earlier.

21 Mr. Jetter, is there a way you can get to
22 Mr. Camfield the fifth one, the Moody's report?

23 THE WITNESS: Oh, I have received that.

24 MR. SNARR: You have?

25 MR. JETTER: I sent those to him this morning.

1 THE WITNESS: Mr. Jetter sent those to me. Hang
2 on.

3 Q. (BY MR. SNARR:) I'd just like to look at that
4 one, No. 5, and get you to comment on something within
5 that report.

6 A. Hold on just a moment.

7 Q. Sure.

8 A. I think you are referring to the Moody's press
9 release or report here?

10 Q. Yes, and I'm looking at the third page, the
11 second to the last paragraph. I'd like to have you read
12 that into the record, if you would.

13 A. Which paragraph again?

14 Q. Well, why don't you read the last two
15 paragraphs.

16 A. Okay. It reads: "Moody's also noted that the
17 increased residential electricity sales, which have
18 helped offset falling commercial and industrial demand,
19 will be among the key credit drivers for the industry
20 during 2021." It goes on to say, and this is the last
21 paragraph: "'As economic activity picks up in 2021,
22 utilities will benefit from recovery,'" and this is
23 within parens "'[commercial and industrial] sales
24 together with higher than historical residential sales as
25 some customers continue to work and study from home,' the

1 rating agency wrote."

2 **Q. And you don't have any reason to disagree with**
3 **those conclusions, do you?**

4 A. Well, let me take a look at this here. Hold on.
5 This is not inconsistent with my expectations.

6 **Q. All right. I have no other questions of**
7 **Mr. Camfield. Thank you.**

8 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

9 I'll go to Mr. Russell next. Do you have any
10 questions for Mr. Camfield?

11 MR. RUSSELL: I do not, thank you.

12 CHAIRMAN LEVAR: Thank you.

13 Mr. Holman, do you?

14 MR. HOLMAN: No questions. Thank you.

15 CHAIRMAN LEVAR: Thank you.

16 Ms. Hayes?

17 MS. HAYES: No questions. Thank you.

18 CHAIRMAN LEVAR: Ms. Baldwin?

19 MS. BALDWIN: No questions. Thank you.

20 CHAIRMAN LEVAR: Thank you.

21 Mr. Boehm?

22 MR. BOEHM: No questions. Thank you.

23 CHAIRMAN LEVAR: Mr. Sanger?

24 MR. SANGER: No questions. Thank you.

25 CHAIRMAN LEVAR: Ms. Wegener or Mr. Kumar? If

1 someone from Rocky Mountain Power is speaking, you're
2 still muted.

3 Ms. Wegener, you're showing as unmuted on the
4 screen.

5 MS. WEGENER: There we go. My phone was muted
6 for once. I'm sorry. No questions, thank you.

7 CHAIRMAN LEVAR: Okay.

8 Mr. Jetter, any redirect?

9 MR. JETTER: I have no questions for redirect.
10 Thank you.

11 CHAIRMAN LEVAR: Okay. Thank you.

12 Commissioner Allen, I'll go to you next. Do you
13 have any questions for this witness?

14 COMMISSIONER ALLEN: I do not. No questions.
15 Thank you.

16 CHAIRMAN LEVAR: Okay. Thank you.

17 Commissioner Clark?

18 COMMISSIONER CLARK: I also have no questions.
19 Thank you.

20 CHAIRMAN LEVAR: Thank you.

21 And I do not, either. So thank you for your
22 testimony this afternoon, Mr. Camfield.

23 THE WITNESS: Thank you very much. It was a
24 pleasure to appear before you.

25 CHAIRMAN LEVAR: Thank you.

1 MR. SNARR: Chairman Levar, I'd like to move the
2 admission of the cross-examination exhibit, which I think
3 we have listed on our list of possible cross exhibits as
4 No. 5. It's the Moody's report that we just discussed
5 with Mr. Camfield.

6 CHAIRMAN LEVAR: If anyone objects to that
7 motion, please indicate your objection.

8 I'm not seeing or hearing any so the motion is
9 granted.

10 (OCS Cross Exhibit 5 was admitted into the record.)

11 CHAIRMAN LEVAR: Anything further from the
12 Division of Public Utilities?

13 MR. JETTER: The Division has nothing further to
14 present during this phase of the hearing. Thank you.

15 CHAIRMAN LEVAR: Okay. Thank you.

16 Mr. Snarr?

17 MR. SNARR: Thank you. We'd like to proceed by
18 calling first as a witness Ms. Alyson Anderson.

19 CHAIRMAN LEVAR: Good afternoon, Ms. Anderson.

20 THE WITNESS: Good afternoon.

21 CHAIRMAN LEVAR: Do you swear to tell the truth?

22 THE WITNESS: I do.

23 CHAIRMAN LEVAR: Okay. Thank you.

24 Go ahead.

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ALYSON ANDERSON,
was called as a witness, and having been first duly
sworn to tell the truth, the whole truth, and nothing
but the truth, testified as follows:

DIRECT EXAMINATION

BY MR. SNARR:

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

A. My name is Alyson Anderson, A-L-Y-S-O-N,
A-N-D-E-R-S-O-N.

Q. And could you tell us where you're employed and in what capacity?

A. I'm employed by the Utah Office of Consumer Services as a utility analyst.

Q. And as an analyst there with the Office, have you participated in reviewing matters filed in this case and proceeding and prepared testimony for submission in connection with this case?

A. I have.

Q. And with respect to Phase II, the cost of service and rate design aspect of this case, is it correct that you submitted direct testimony on September 15 of 2020?

1 A. I did.

2 Q. And in connection with that testimony, have you
3 reviewed that testimony and determined whether or not
4 it's complete and accurate as originally submitted?

5 A. Yes, it is.

6 Q. So there wouldn't be any corrections or changes
7 you would suggest today; is that right?

8 A. No.

9 Q. All right.

10 MR. SNARR: We'd offer the submission of Alyson
11 Anderson's testimony, direct testimony for Phase II,
12 which was submitted to the Commission on September 15,
13 2020.

14 CHAIRMAN LEVAR: Thank you.

15 If anyone objects to this motion, please
16 indicate your objection.

17 I'm not seeing or hearing any, so the motion is
18 granted. Thank you.

19 Q. (BY MR. SNARR:) Now, Ms. Anderson, did you
20 prepare a summary of the testimony you submitted?

21 A. Yes, I have.

22 Q. Would you provide that summary for us now.

23 A. I will.

24 Good afternoon. My testimony in the cost of
25 service rate design phase of Rocky Mountain Power's

1 general rate case introduces the witnesses who provide
2 the cost of service and rate design testimony on behalf
3 of the OCS. My testimony also addresses the OCS's policy
4 recommendations regarding Rocky Mountain Power's proposed
5 change to the block rate tiers in this docket.

6 OCS Director Michele Beck filed rebuttal
7 testimony regarding the classification of non-fuel
8 production and transmission costs at 75 percent demand
9 related and 25 percent energy related and the appropriate
10 timing for the Commission to consider breaking the link
11 between intrastate and interstate treatment of those
12 resources.

13 Mr. Ron Nelson of Stratagem Consulting presents
14 the OCS's analysis and recommendations on Rocky Mountain
15 Power's embedded class cost of service study, rate
16 unbundling proposal, the Utah Advanced Meter
17 Infrastructure Project, interruptible service pilot,
18 revenue apportionment, residential customer service
19 charge, and the residential bill impact.

20 The OCS supports the split of the residential
21 customer charge between single-family and multi-family,
22 but recommends that the customer charges be set at \$6 per
23 month for multi-family customers and \$7 per month for
24 single-family customers.

25 As stated in my testimony, the OCS also believes

1 it is in the public interest to maintain tiered energy
2 rates for some level of price signals to consumers until
3 the prerequisite circumstances are in place to facilitate
4 time-of-use rates for residential customers.

5 Nevertheless, the OCS did not object to Rocky
6 Mountain Power's proposal to move from three tiers to two
7 in direct testimony under the expectation that Rocky
8 Mountain Power would amend the bill impacts for low-use
9 customers. However, as Ron Nelson has stated in his
10 testimony, if the Commission does not accept the OCS's
11 recommendations for residential customer charge, then it
12 should not change the three-tier rate. Increasing the
13 customer charge and decreasing the number of tiers in the
14 same case results in too great of a bill impact for the
15 low-use residential customers.

16 Again, the OCS supports the split of the
17 residential customer charge between multi- and
18 single-family and does not object to moving to a two-tier
19 rate for both summer and winter seasons, so long as the
20 specific rate calculations do not result in a
21 disproportionate increase on low users.

22 And that concludes my summary.

23 MR. SNARR: Ms. Anderson is available for
24 cross-examination.

25 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

1 I'll go to the Division of Public Utilities
2 first.

3 Do you have any cross-examination questions for
4 Ms. Anderson?

5 MR. JETTER: I do not have any questions from
6 the Division. Thank you.

7 CHAIRMAN LEVAR: Okay. Thank you.

8 I'll go to Mr. Russell next.

9 Do you have any questions?

10 MR. RUSSELL: No questions for Ms. Anderson.
11 Thank you.

12 CHAIRMAN LEVAR: Mr. Holman, do you have any
13 questions?

14 MR. HOLMAN: No questions. Thank you.

15 CHAIRMAN LEVAR: Ms. Hayes, do you have any
16 questions for this witness?

17 MS. HAYES: No questions. Thank you.

18 CHAIRMAN LEVAR: Okay. Thank you.

19 Ms. Baldwin, do you have any questions?

20 MS. BALDWIN: No questions. Thank you.

21 CHAIRMAN LEVAR: Thank you.

22 Mr. Boehm?

23 MR. BOEHM: No questions, your Honor. Thank
24 you.

25 CHAIRMAN LEVAR: Mr. Sanger?

1 MR. SANGER: No questions. Thank you.

2 CHAIRMAN LEVAR: Ms. Wegener or Mr. Kumar?

3 MR. KUMAR: No questions, your Honor. Thank
4 you.

5 CHAIRMAN LEVAR: Okay.

6 Commissioner Clark, do you have any questions
7 for Ms. Anderson?

8 COMMISSIONER CLARK: No questions. Thank you.

9 CHAIRMAN LEVAR: Commissioner Allen?

10 COMMISSIONER ALLEN: No questions.

11 CHAIRMAN LEVAR: And I don't have any, either.

12 So thank you for your testimony this afternoon,
13 Ms. Anderson.

14 THE WITNESS: Thank you.

15 CHAIRMAN LEVAR: Mr. Snarr.

16 MR. SNARR: Yes. The Office would next like to
17 call Michelle Beck as a witness.

18 CHAIRMAN LEVAR: Good afternoon, Ms. Beck.

19 THE WITNESS: Good afternoon.

20 CHAIRMAN LEVAR: Do you swear to tell the truth?

21 THE WITNESS: Yes, I do.

22 CHAIRMAN LEVAR: Okay. Thank you.

23

24 MICHELE BECK,

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

1 sworn to tell the truth, the whole truth, and nothing
2 but the truth, testified as follows:

3
4 DIRECT EXAMINATION

5 BY MR. SNARR:

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

8 A. Yes. My name is Michele, spelled M-I-C-H-E-L-E,
9 Beck, B-E-C-K.

10 Q. And could you tell us where you're employed and
11 what capacity.

12 A. Yes. I am the director of the Utah Office of
13 Consumer Services.

14 Q. And in connection with your responsibility as a
15 director of that office, have you participated in
16 reviewing Rocky Mountain's rate case in this proceeding?

17 A. Yes, I have.

18 Q. And have you prepared testimony for submission
19 in connection with this case?

20 A. Yes.

21 Q. And is it accurate to say that you submitted
22 rebuttal testimony in Phase II of this proceeding on
23 October 16, 2020?

24 A. That's correct.

25 Q. And in connection with that submission, if we

1 were to ask you the questions presented there today,
2 would the answers be the same?

3 A. Yes, they would.

4 Q. Do you have any corrections or additions to that
5 testimony?

6 A. No.

7 MR. SNARR: We would offer the testimony of
8 Ms. Michelle Beck as we've outlined here today.

9 CHAIRMAN LEVAR: If anyone objects to that
10 motion, please indicate your objection.

11 I'm not seeing or hearing any objection, so the
12 motion is granted.

13 MR. SNARR: Thank you.

14 Q. (BY MR. SNARR:) Ms. Beck, have you prepared a
15 summary of your testimony?

16 A. Yes, I have.

17 Q. Will you please present it.

18 A. Yes.

19 My testimony addresses the classification of
20 nonfuel production and transmission costs as 75 percent
21 demand-related and 25 percent energy-related. I rebut
22 the suggestion that this issue should be addressed in
23 ongoing MSP discussions and recommend that the Commission
24 consider breaking the link between the interstate and
25 intrastate processes in this case rather than waiting for

1 a potential future case that could be over 5 years from
2 now.

3 Instead, the Commission should consider a
4 classification that more accurately reflects the current
5 and evolving resource mix, as more fully developed and
6 supported in OCS Witness Nelson's testimony. That
7 concludes my summary.

8 MR. SNARR: Ms. Beck is available for
9 cross-examination or Commissioner questions.

10 CHAIRMAN LEVAR: Thank you.

11 I'll first go to the Division of Public
12 Utilities.

13 Do you have any questions for Ms. Beck?

14 MR. JETTER: No questions from the Division.
15 Thank you.

16 CHAIRMAN LEVAR: Okay. Thank you.

17 Mr. Russell?

18 MR. RUSSELL: No questions for Ms. Beck. Thank
19 you.

20 CHAIRMAN LEVAR: Mr. Holman?

21 MR. HOLMAN: No questions. Thank you, Chair.

22 CHAIRMAN LEVAR: Ms. Hayes?

23 MS. HAYES: No questions for Ms. Beck. Thank
24 you.

25 CHAIRMAN LEVAR: Thank you.

1 Ms. Baldwin?

2 MS. BALDWIN: No questions. Thank you.

3 CHAIRMAN LEVAR: Okay. Thank you.

4 Mr. Boehm?

5 Not hearing any questions from Mr. Boehm, so
6 I'll go to Mr. Sanger.

7 MR. SANGER: No questions, thank you.

8 CHAIRMAN LEVAR: Thank you.

9 Ms. Wegener or Mr. Kumar?

10 MR. KUMAR: No questions, your Honor. Thank
11 you.

12 CHAIRMAN LEVAR: Okay. Thank you.

13 I'll go to Commissioner Allen. Do you have any
14 questions for Ms. Beck?

15 COMMISSIONER ALLEN: Thank you. No questions.

16 CHAIRMAN LEVAR: Commissioner Clark?

17 COMMISSIONER CLARK: No questions. Thank you.

18 CHAIRMAN LEVAR: We're all getting lots of
19 practice in our politeness saying thank you today. So
20 thank you, Commissioner Clark.

21 And I don't have any further questions. So,
22 Ms. Beck, thank you for your testimony this afternoon.

23 Mr. Snarr?

24 MR. SNARR: Yes. The Office has one additional
25 witness, Mr. Ron Nelson. We'd like to call him at this

1 time.

2 CHAIRMAN LEVAR: Good afternoon, Mr. Nelson.

3 THE WITNESS: Good afternoon.

4 CHAIRMAN LEVAR: Do you swear to tell the truth?

5 THE WITNESS: I do.

6 CHAIRMAN LEVAR: Thank you.

7

8 RON NELSON,

9 was called as a witness, and having been first duly
10 sworn to tell the truth, the whole truth, and nothing
11 but the truth, testified as follows:

12

13 DIRECT EXAMINATION

14 BY MR. SNARR:

15 Q. Mr. Nelson, would you please state and spell
16 your name for the record.

17 A. My name is Ron Nelson. Ron is R-O-N, Nelson is
18 N-E-L-S-O-N.

19 Q. And could you tell us where you're employed.

20 A. Stratagem Consulting.

21 Q. And is it true that you were engaged in that
22 capacity to participate with the OCS in examining the
23 Rocky Mountain rate case?

24 A. I was.

25 Q. And in connection with that examination and that

1 assignment, did you prepare testimony and related
2 exhibits for submission in connection with this
3 proceeding?

4 A. I did.

5 Q. And is it accurate to say that your
6 participation in this proceeding has been focused on
7 Phase II, the cost of service and rate design portion of
8 the proceeding?

9 A. That is correct.

10 Q. And did you or under your direction cause the
11 filing of testimony and related exhibits to be submitted
12 as direct testimony on September 15th, 2020?

13 A. Yes.

14 Q. And did you also file rebuttal testimony on
15 October 16th of 2020?

16 A. Yes.

17 Q. And did you also file surrebuttal testimony on
18 November 6th of 2020, including exhibits?

19 A. Yes.

20 Q. Okay.

21 MR. SNARR: The Office would move for the
22 admission of the direct testimony, including exhibits, of
23 Mr. Nelson.

24 THE WITNESS: Excuse me, Mr. Snarr, can I --

25 Q. (BY MR. SNARR:) Yes.

1 A. I do have modifications, small modifications to
2 my direct and surrebuttal.

3 **Q. Thank you for reminding me. Why don't you**
4 **proceed to provide any corrections or modifications that**
5 **are appropriate or necessary.**

6 A. Thank you. So my direct testimony, Footnote 83
7 says "Date of Request 18.4." It should say "18.14."

8 My surrebuttal, at Line 486, I want to strike
9 "that it offers." At Line 847 strike "that RMP appears
10 to offer." And then 852, strike "companies." That
11 concludes my edits. Thank you.

12 **Q. With those corrections or modifications, if we**
13 **were to ask you the questions today, would your answers**
14 **be the same except for those additions or corrections**
15 **you've explained?**

16 A. Yes.

17 **Q. Okay. And with that, then, we'd like to move**
18 **the admission of the respective testimonies filed in**
19 **September, October, and November with the related**
20 **exhibits that were attached to the first and last filings**
21 **made by Mr. Nelson.**

22 CHAIRMAN LEVAR: If anyone objects to that
23 motion, please indicate your objection.

24 MR. KUMAR: Your Honor, I have no objection, but
25 I would ask if Mr. Nelson could repeat his corrections

1 again. And was he making those corrections to his
2 surrebuttal or his direct testimony?

3 THE WITNESS: So there's two. There's one
4 change to my direct, that was Footnote 83. I cited to
5 Data Request 18.4. I should have cited to Data Request
6 18.14.

7 MR. KUMAR: Umm-hmm.

8 THE WITNESS: So in my surrebuttal, I make
9 alterations at Line 846, and I strike "that it offers."
10 And 847, "that RMP appears to offer."

11 852, I strike "companies."

12 MR. KUMAR: Thank you, Mr. Nelson.

13 THE WITNESS: You're welcome.

14 CHAIRMAN LEVAR: Thank you for that.

15 If anyone has an objection to the motion, please
16 indicate your objection.

17 I'm not seeing or hearing any, so Mr. Snarr's
18 motion is granted.

19 Go ahead.

20 **Q. (BY MR. SNARR:) Mr. Nelson, have you prepared a**
21 **summary statement describing what's in your testimony?**

22 A. I have.

23 **Q. Will you please present it now.**

24 A. Yes.

25 Good afternoon, Chair Levar and Commissioners.

1 I appreciate the opportunity to submit testimony in this
2 proceeding and look forward to answering parties'
3 questions.

4 There are six topics that I will summarize.
5 First, I provide a high-level overview of the embedded
6 cost of service study, or ECOSS.

7 Second, I summarize my testimony in RMP's
8 proposed subfunctionalization of production and
9 transmission costs into fixed and variable cost
10 components within the ECOSS and RMP's related unbundling
11 rate proposal.

12 Third, I summarize my revenue apportionment
13 recommendation and justification.

14 Fourth, I summarize the Office's position on
15 residential rate design.

16 Fifth, I provide my rationale and
17 recommendations related to RMP's C&I interruptible load
18 pilot and a potential for critical peak pricing within
19 the C&I classes.

20 Finally, I summarize my analysis and make
21 recommendations related to RMP's proposed AMI projects.

22 So moving to the ECOSS overview. The concepts
23 that need to be understood are pretty basic with respect
24 to the ECOSS. There are two high-level takeaways. The
25 first is that the ECOSS has three sequential steps. The

1 second takeaway is that a traditional ECOSSE results in
2 energy, demand, and customer-related cost components that
3 are used to inform rate design for each customer class.
4 The three steps to a cost of service study are, first,
5 functionalization; second, classification; and third,
6 allocation.

7 So the functionalization step functionalizes
8 different levels of the power system most frequently. So
9 it's divided into generation, transmission, distribution,
10 retail costs. The analyst can often go further and
11 subfunctionalize those generation or transmission or
12 distribution related costs.

13 The second step of classification results in a
14 categorization of costs into energy, demand, or
15 customer-related based on cost causation.

16 The third step is once those costs are
17 allocated -- or sorry, once they're classified, they're
18 allocated to customer classes based on load
19 characteristics.

20 So Steps 1 through 3 are traditionally not
21 always sequential. And the reason for that is that they
22 build on one another. So, for instance,
23 subfunctionalization distribution costs -- let's take
24 that for an example. It's split into primary and
25 secondary distribution. So distribution voltages' span

1 come approximately 34,000 volts down to the customers'
2 service line. So you've got high and low voltages. And
3 because there's a large difference in voltage, the cost
4 causation drivers of high and low voltage distribution is
5 often subfunctionalization so that those costs can be
6 allocated differently to reflect the differing cost
7 causation. So, this demonstrates that the reason that
8 these steps are sequential is because
9 subfunctionalization leads to a different classification
10 or allocation.

11 My second takeaway is that the results of an
12 ECOSS are class-specific, energy-demanding
13 customer-related cost components that are used to inform
14 that class's rate design. For example, the energy cost
15 component is traditionally used to inform the kWh
16 component of each respective class.

17 So let's move on to the subfunctionalization and
18 rate unbundling proposal that RMP has proposed. So it's
19 first important to note that RMP's subfunctionalization
20 of production and transmission and rate unbundling are
21 two distinct proposals. One occurs, the
22 subfunctionalization, in the ECOSS, and the other happens
23 within the rate design classes; i.e, rate unbundling.

24 The subfunctionalization of production and
25 transmission flows through the ECOSS to RMP's unbundling

1 proposal. For that reason, the subfunctionalization step
2 needs to be reasonable in order for RMP's unbundling
3 proposal to be reasonable.

4 So there are three primary areas that I address
5 in my testimony on these issues. These points are
6 generally the technical mechanics of RMP's
7 subfunctionalization proposal, the practical ECOSS and
8 rate design impacts, and the fact that RMP's recommending
9 a move away from traditionally-set ECOSS based rates.

10 So first, the technical mechanics of RMP's
11 fixed and variable subfunctionalization are not an
12 accepted or recognized ECOSS approach. So while I'm not
13 against alternatives or innovative approaches within a
14 cost study or a rate design or even rate unbundling
15 itself, any time an unprecedented ECOSS approach is
16 proposed, it should be clearly explained and robustly
17 supported.

18 I demonstrate in my testimony that RMP not only
19 failed to provide sufficient detail in support for
20 subfunctionalization, but its message is also highly
21 flawed both technically and theoretically.

22 From a technical perspective, RMP's proposed
23 production and transmission subfunctionalization does not
24 change classification or allocation of costs to
25 customers. It's illogical for subfunctionalization not

1 to impact the classification or allocation of costs
2 within an ECOSS.

3 Subfunctionalization's purpose is to better
4 reflect cost causation. When it does not change the
5 classification and allocation of costs, costs cannot be
6 more accurately categorized into energy, demand, and
7 customer-related, nor split more accurately between
8 classes.

9 So this fact begs the question of why this
10 subfunctionalization approach is needed? It adds
11 unnecessary complexity to the ECOSS, and it's very
12 unclear as to why it belongs in there. And this
13 technical standing demonstrates that RMP's proposal does
14 not follow generally-accepted ECOSS practices, and
15 therefore, it creates this unnecessary confusion within
16 the ECOSS. And then it flows into rate design.

17 So the second point here is RMP's
18 subfunctionalization proposal is not transparent, along
19 with its associated rate unbundling proposal. In fact,
20 the subfunctionalization proposal could be interpreted as
21 a way to circumvent the long-standing 75/25 demand in
22 energy split precedent for production and transmission
23 classification. So the way in which the proposal could
24 be used to circumvent the 75/25 split is that the
25 subfunctionalization proposal introduces new fixed and

1 variable cost categories, including their fixed and
2 variable supply components.

3 So the variable supply includes all costs
4 associated with RMP's energy balancing account, or EBA.
5 RMP then uses these newly-constructed fixed and variable
6 cost components to inform the rate design.

7 So rather than the traditional energy demand and
8 customer-related cost components, we have these
9 newly-formed cost components that it's not clear how the
10 utility is using them. So the practical implication of
11 creating these fixed variable components is that these
12 alternative cost components can be used to inform rate
13 design instead of traditional cost categories. Doing so
14 can alter rate design so that they do not reflect the
15 75/25 split that the ECROSS results would and -- would
16 create.

17 So RMP's use of its own subfunctionalized cost
18 components as opposed to traditional cost components
19 demonstrates my third point, which is that RMP uses
20 subfunctionalization to potentially deviate from
21 cost-based rates and creates a confusing and complicated
22 rate design process.

23 Importantly, having these dual cost components
24 creates significant -- creates a significant lack of
25 clarity within the rate design process. So, for example,

1 Meredith states in direct at Lines 394 to 400, which I
2 will slightly paraphrase for efficiency, that fixed
3 supply is allocated on both demand and energy.
4 Accordingly, the Company proposes to recover these costs
5 through both energy and demand rates. While cost
6 causation principles would support recovery of generation
7 fixed costs through demand charges, not all customers
8 currently have the metering capabilities for demand
9 charges. For these customers, most fixed costs are
10 currently recovered through energy rates. The Company
11 proposes to recover variable supply through energy
12 charges.

13 So this example demonstrates how the Company's
14 fixed-supply component will be collected through energy
15 and demand rates but not exactly how. And that's not
16 specified in the -- it's not quantified within the
17 utility's pricing model or anywhere in their testimony
18 that I'm aware of.

19 And so you get the Company using both
20 traditional and unbundled cost components to inform their
21 rates, and so deciphering which cost component is
22 influencing the rate design decisions is not feasible
23 within the information that they provide. And
24 furthermore, quantifying how much these rates move
25 from -- move toward or away of the unbundled cost

1 components versus the traditional components would be
2 extremely resource intensive.

3 Additional comment made by the Company further
4 demonstrates the lack of clarity within their rate design
5 process. Meredith's rebuttal states that the unbundled
6 rate categories segmented the different prices but did
7 not really influence the total prices.

8 So, to be careful with the wording here. Saying
9 that the Company's rates did not really influence rates
10 is distinct from saying that they did not. This comment
11 demonstrates that RMP's rate design was informed by
12 unbundled rate categories. It also demonstrates that RMP
13 has not quantified how much these unbundled rate
14 components did influence the rate design.

15 The Company -- so, this is where the confusion
16 is created is how exactly they're constructing rates and,
17 importantly, how are they going to use this information
18 in the future to design rates?

19 So based on my analysis, I conclude that RMP's
20 proposed production and transmission costs for
21 functionalization is technically unsound, creates
22 significant confusion through a lack of transparency, and
23 represents an unprecedented move from ECOSSE base rate
24 making.

25 So moving on to rate spread, or as I refer to it

1 occasionally, revenue apportionment. My rate spread
2 recommendation is in Table 7 in my surrebuttal at Line
3 692. To inform my rate spread, I analyzed RMP's initial
4 rate spread recommendation, it's updated recommendation.
5 I also considered alternative ECROSS results under various
6 revenue requirement scenarios, including the Office's
7 recommended remedy requirement in the midpoint between
8 OCS and RMP.

9 I found RMP's initial and update rate spreads to
10 be unreasonable. I especially found RMP's approach to
11 updating its rate spread in rebuttal testimony to be
12 unsupported.

13 As I demonstrated in surrebuttal, RMP's -- had
14 RMP used the same rate spread approach for rebuttal as it
15 used in direct, the rate increases for Schedules 6 and 8
16 would have been 50 percent higher than what the Company
17 proposed in rebuttal. In the residential class, it would
18 have been 7 million less.

19 The treatment of RMP's Schedule 9 class was also
20 notable. I demonstrated in my rebuttal testimony that
21 Schedule 9 is historically and currently one of the
22 worst-performing classes in RMP's system. However, RMP
23 does not discuss Schedule 9 in rate spread testimony in
24 direct, rebuttal, or surrebuttal that I'm aware of. It's
25 also not clear how or why RMP chose to assign Schedule 9

1 essentially an average increase of 3.9 percent in
2 rebuttal when the class would require an almost 7 percent
3 increase to get to cost.

4 My rate case scenario analysis included my
5 recommended ECOSS changes, which significantly impacted
6 the results. A summary of those are provided in -- the
7 summary of the scenario analysis is provided in Table 7.
8 Based on -- pardon me one second -- based on my scenario
9 analysis, I concluded, among other things, that Schedule
10 9 should be assigned the largest rate increase, if there
11 is one. Beyond that, I grouped similar-performing
12 classes to assign rate increases or decreases that were
13 closer to the average rate increase than RMP assigned.

14 As a general rule, I find the ECOSS has many
15 subjective assumptions, and when these assumptions are
16 buried, the associated results show significant variance.
17 For this reason, I find it reasonable to heavily
18 prioritize rate stability when making directional
19 progress towards costs.

20 Now, moving on to residential rate design. I
21 will summarize my bill impact analysis and customer
22 charge recommendations.

23 But I will -- first, just to remind the Chair
24 and the Commissioners what the Company is proposing. The
25 Company has proposed to create a multi-family and a

1 single-family residential tariff in support of the
2 creation and propose residential customer charge for
3 multi-family rate class. The Company is also proposing
4 to move from three to two tiers within their inverted
5 block rate design, or IBR, along with a \$4 increase in
6 the customer charge to the single-family class.

7 So these are two of my direct bill impact
8 implications associated with RMP's proposal. It
9 demonstrates that the majority of customers,
10 approximately 60 percent, will see a significant rate
11 increase during the summer months. It also demonstrates
12 that low-usage customers are hardest hit by RMP's
13 proposal and that, in fact, high-usage customers will see
14 incremental rate decreases based on their proposal.

15 For example, using summer rates, 20 percent of
16 the lowest-usage residential customers will see over a
17 20 percent rate increase under RMP's initial proposal.
18 While RMP's proposal has been revised, it hasn't been
19 revised significantly. And so these bill impacts are
20 still relatively accurate.

21 The extreme bill impacts that result from RMP's
22 proposal to both significantly increase the single-family
23 residential customer charge and to reduce the number of
24 tiers of its inverted block rate from three to two, so
25 those two changes both impact low-usage customers. And

1 together, they significantly exacerbate these bill
2 impacts.

3 So based on my analysis in direct, I recommended
4 the single-family customer charge be increased by \$1 to
5 \$7. Later in the Office's testimony, we agreed to moving
6 from a three-tier to a two-tier IBR contingent on that
7 recommendation.

8 Given that RMP has so far declined to do so, the
9 Office's preferred recommendation is for the PSC to adopt
10 the Office's customer charge recommendations when
11 lowering the number of IBR tiers as proposed. However,
12 if the PSC does not adopt our customer charge and opts to
13 increase the customer charge beyond the recommended
14 amount, the OCS recommends the number of tiers remain at
15 three to avoid undue rate impacts and bill impacts.

16 So moving on to C&I rate design. As for the C&I
17 rate design, the summary is related to RMP's proposal to
18 propose interruptible rate pilot, Schedule 35, and the
19 need for additional, more structured dynamic pricing
20 pilots. Overall, I found RMP's proposed interruptible
21 pilot to omit critical information and not be developed
22 with enough information and structure.

23 So, for example, the Company has claimed that
24 it's unsure what the pilot -- what will occur in the
25 pilot; and therefore, they can't design these --

1 additional structure. I disagree with that and --
2 because a pilot is necessarily used to test the
3 hypothesis. So the Company should be making an educated
4 guess as to what will happen in the pilot and then
5 testing whether it actually happens. So that is a very
6 basic component of a pilot that should be required by the
7 PSC.

8 To create additional structure, I recommend that
9 the PSC require the Company to file a pilot framework
10 that discusses more of this structure, and it's really to
11 help the utility in the long run by not having to debate
12 pilot structures on an ongoing basis. In other
13 jurisdictions, pilot frameworks have been referred to as
14 regulatory sandboxes that create more streamline pilot
15 processes and enable a more transparent and efficient
16 pilot deployment.

17 So, for example, so moving on to the critical
18 peak pricing component. One example of pricing
19 innovation which should be explored is the critical peak
20 pricing rate design -- really sorry about this. Maybe I
21 should write a shorter summary -- thus, hearings on
22 (inaudible) rates. So critical peak pricing rate design
23 is an event-based dynamic pricing approach that is in use
24 in multiple jurisdictions and has been piloted in many
25 jurisdictions.

1 Basically, these prices are triggered when
2 there's high-peak demand and in a few high peaks during
3 the year to try to drive demand down through price
4 signals. And I've recommended that the PSC order -- that
5 the PSC should order RMP to evaluate -- use critical peak
6 pricing pilots in the next rate case.

7 My final subject is the AMI, the proposed AMI
8 project. I will briefly summarize RMP's proposal, then
9 summarize my high-level response.

10 So RMP proposes to invest in multiple grid
11 modernization assets, including a field area network, or
12 FAN; meter data management system, or MDMS; website
13 alterations; outage detection system; and AMI itself.

14 RMP's primary objectives for the AMI projects
15 are convert to outage management, allowing RMP to
16 remotely connect and disconnect electric service,
17 lowering their operating costs, provide customers with
18 some additional data -- consumption data, lay the
19 foundation for smart grid investments, including
20 customer-facing rate design.

21 So, at a high level, my analysis of RMP's
22 proposed AMI project is an exercise in describing why
23 grid modernization investments are different than
24 traditional infrastructure investments, traditional
25 utility investments, but still have (inaudible) in the

1 ground, such as poles and transformers.

2 Grid modernization, on the other hand, are often
3 investments in technology and communication to enable
4 data collection and enable tangible interactions between
5 the utility and its customers, among other things. The
6 difference between these traditional modern investments
7 are significant and they require disparate regulatory
8 treatment.

9 One of the primary shortcomings of RMP's
10 proposal is it's focused on narrowly defining the
11 benefits and evaluating them. The issue with this
12 approach is that it treats AMIs similar to traditional
13 investments. For example, meter reading savings do not
14 require the utility -- excuse me. Almost through. Meter
15 reading savings do not require the utility to leverage a
16 software and do a bunch of data analytics compared to the
17 other functions that AMI enables. That benefit kind of
18 comes similar to a pole or a transformer. By narrowly
19 focusing on the AMI project unlimited benefits, RMP is
20 foregoing any discussion or development of a
21 comprehensive transparent grid modernization strategy
22 that better leverages the inside resources, allows the
23 utility and third parties to provide new energy services,
24 and improves load flexibility.

25 The overall goal of the PSC should be to ensure

1 RMP is deploying modern grid investments pursuant to
2 appropriate priority and sequence at an optimal pace to
3 ensure these -- at an optimal pace.

4 I will provide a summary of the results and
5 recommendations in my more granular analysis, which is,
6 first, I determine that additional process and detail
7 would improve the Company's proposal. I have three
8 recommendations. The first is advanced rate design road
9 map. It's been discussed. Second, I recommended that
10 PSC evaluates the Company's data access framework.
11 Third, I recommended that the PSC require additional
12 information related to planning operational improvements.

13 The second area in the analysis was the
14 cost-benefit analysis. I found RMP's cost-benefit
15 analysis to omit important costs and benefits. Overall,
16 the cost-benefit analysis had numerous deficiencies, and
17 in the end, RMP did not demonstrate that the project was
18 cost-effective for many reasons beyond its model.

19 The cost-benefit analysis should be a way to
20 hold utilities accountable for providing the
21 comprehensive benefits that AMI can provide repairs. In
22 order for the analysis to be useful, it needs to be
23 comprehensive of both costs and benefits.

24 RMP is recommending a more piecemeal approach to
25 cost recovery and review. This can lead to an incomplete

1 analysis.

2 I recommend that the PSC require the Company to
3 come up with a more comprehensive cost-benefit analysis
4 that incorporates, to the extent possible, reasonable
5 operational and system benefits and costs as well as
6 direct customer benefits.

7 Overall, I recommend that the PSC reject the AMI
8 project without prejudice and order RMP to provide
9 additional information I discussed here and per my direct
10 testimony.

11 That concludes my summary. Thank you.

12 MR. SNARR: Mr. Nelson is available for
13 cross-examination and responding to Commissioner
14 questions.

15 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

16 I'll go to the Division of Public Utilities
17 first.

18 Do you have any questions for Mr. Nelson?

19 MR. JETTER: No questions from the Division.
20 Thank you.

21 CHAIRMAN LEVAR: Thank you. I'll go to
22 Mr. Russell next.

23 Do you have any questions for Mr. Nelson?

24 MR. RUSSELL: I do.
25

1 CROSS-EXAMINATION

2 BY MR. RUSSELL:

3 Q. I have two short lines of inquiry for you,
4 Mr. Nelson. Good afternoon.

5 A. Good afternoon, Mr. Russell.

6 Q. First, I want to start with one of the topics
7 that you raise in your discussion of the Company's
8 embedded cost of service study, and that is
9 subfunctionalization of distribution costs.

10 A. Yes.

11 Q. I had a short conversation with Mr. Meredith
12 earlier about these. I don't know if you were on.

13 A. I was.

14 Q. Just as a reminder, these are the -- this is the
15 stage at which a certain distribution plant is identified
16 as either being primary or secondary, right?

17 A. Yes, correct.

18 Q. Okay. And your criticism of the Company's
19 subfunctionalization of distribution costs is that the
20 Company hasn't provided sufficient data or analysis to
21 identify how it reached its conclusions; is that
22 accurate? I'm not trying to put words in your mouth.

23 A. No. No. For the most part, I think yes. I
24 think it's -- I think where part of what we're getting
25 tripped up on is the data they provide might be out

1 there. There's a missing framework of how they determine
2 whether something is primary or secondary. There's no
3 objective framework from which I can -- from which I can
4 analyze or rebut. So does that clarify?

5 Q. That's fine. I mean, like I said, I'm not
6 trying to put words in your mouth.

7 A. Yeah, no worries.

8 Q. So Mr. Meredith described a process through
9 which he spoke to some folks in a department at the
10 Company. And I gather from my conversation with him that
11 those folks identified the appropriate category, primary
12 or secondary, for the distribution plant to go in.

13 Are you just saying you don't have access to
14 those folks, or you don't have the rubric by which they
15 made those determinations? Is that your concern?

16 A. My concern is that an internal conversation is
17 not a framework. And I also don't have access to those
18 people, to my knowledge.

19 Q. And your proposal is to take that split between
20 primary and secondary that the Company reaches in its
21 process and for at least three of the FERC accounts,
22 Accounts 365, 366, and 367, to simply increase the amount
23 of plant costs that are allocated to primary by
24 10 percent, right?

25 A. Correct.

1 Q. Okay. And what is the rubric that you used to
2 reach that conclusion?

3 A. I didn't have one because the utility didn't
4 provide me one.

5 Q. Okay. So if your underlying critique of the
6 Company is that it didn't provide you with sufficient
7 information or it hasn't provided the Commission with
8 sufficient information for its starting point, why is
9 adding 10 percent to primary using theirs as a starting
10 point a helpful thing to do?

11 A. I was providing a sensitivity analysis,
12 essentially, to say, Hey, check this out. It makes a
13 difference in the results if you check out 10 percent.

14 Q. Okay. But by that same notion, it would make a
15 difference to the results if you reduced primary by
16 10 percent, correct?

17 A. Correct.

18 Q. All right. Let's, then, shift gears to talking
19 about production and transmission classification.

20 As has been discussed, the Company utilized a
21 split between demand and energy for this classification
22 where production and transmission plant is classified as
23 75 percent to demand and 25 percent to energy. You, in
24 your prefiled testimony, acknowledged the Commission's
25 prior rulings on this but suggest a split where it's

1 40 percent demand to 60 percent energy, right?

2 A. Correct.

3 Q. And you have acknowledged some responses to data
4 requests. Your 40/60 split is not really based on any,
5 sort of, quantitative analysis. It's, once again, a
6 sensitivity, right?

7 A. Correct.

8 Q. And so I guess I'm wondering how is a -- is a
9 split where it's 40 percent demand to 60 percent energy
10 more useful to the Commission based on the analysis that
11 you've done than any other split might be?

12 A. Well, it's reflective of my perspective of how I
13 see the power system changing. There's been a lot of
14 discussion about going to time-of-use rates. And the
15 need for moving to time-of-use rates is really driven by,
16 you know, in part, by the changing generation mix that
17 we're going to be seeing over the next decade or so. As
18 we get more and more variable resources on the system,
19 the ability to shift demand -- shift -- well, shape load
20 and shift load increases in importance.

21 And from my perspective, you're going to see
22 more of those -- you're going to see more of a trajectory
23 of generating resources be energy-related and more of
24 those costs be related to time temporal (phonetic)
25 components that can be translated more through

1 energy-related price signal. You know, critical peak
2 pricing is a good example.

3 Q. Understood. But you haven't done any, as I say,
4 quantitative analysis to determine whether the 40/60
5 split that you propose is or will be sometime in the next
6 10 years the appropriate split, right?

7 A. As stated in my direct, I did not.

8 Q. Okay. Those are all the questions I have.

9 Thank you.

10 CHAIRMAN LEVAR: Thank you, Mr. Russell.

11 Mr. Holman, do you have any questions for this
12 witness?

13 MR. HOLMAN: No questions. Thank you, Chair.

14 CHAIRMAN LEVAR: Ms. Hayes, do you have any
15 questions for Mr. Nelson?

16 MS. HAYES: I have no questions for Mr. Nelson,
17 thank you.

18 CHAIRMAN LEVAR: I'm sorry, I didn't quite --
19 you broke up. I think you said you had no questions; is
20 that right?

21 MS. HAYES: None -- none at all.

22 CHAIRMAN LEVAR: Thank you.

23 Ms. Baldwin?

24 MS. BALDWIN: Walmart has no questions. Thank
25 you.

1 CHAIRMAN LEVAR: Okay. Thank you.

2 Mr. Boehm?

3 MR. BOEHM: No questions, your Honor. Thank
4 you.

5 CHAIRMAN LEVAR: Mr. Sanger?

6 MR. SANGER: No questions. Thank you.

7 CHAIRMAN LEVAR: Ms. Wegener or Mr. Kumar?

8 MR. KUMAR: Yes, your Honor.

9 CHAIRMAN LEVAR: Go ahead.

10 MR. KUMAR: I have a few questions.

11

12

CROSS-EXAMINATION

13 BY MR. KUMAR:

14 Q. Good afternoon, Mr. Nelson.

15 A. Good afternoon, Mr. Kumar.

16 Q. I think I'd like to ask you a couple questions
17 about residential rate design first.

18 Now, Mr. Nelson, you state in your testimony
19 that the Company's rate design creates inequitable bill
20 impacts for low-use residential customers; is that true?

21 A. Yeah. Can you just provide me a reference so I
22 know where we're headed?

23 Q. If you turn to your, I believe your direct
24 testimony, page 77. In Lines 1506 and 1507, you discuss
25 the inequitable bill impacts.

1 A. Yes, thank you.

2 Q. And that is based on the analysis that you
3 conducted and you show in Figure 2 of your direct
4 testimony, which is, I believe, on the previous page,
5 page 76?

6 A. Correct.

7 Q. In Figure 2, you specifically show the impacts
8 during summer, which is the months of June, July, August,
9 and September, correct?

10 A. Correct.

11 Q. Now, Mr. Nelson, did you receive -- I believe I
12 sent some exhibits around 12 -- they may have got sent
13 around 12:30. Do you have those exhibits?

14 A. I do.

15 Q. Okay.

16 MR. KUMAR: And if you'll give me a moment, your
17 Honor, I'd like to share my screen.

18 CHAIRMAN LEVAR: Go ahead.

19 Q. (BY MR. KUMAR:) Can you see what I'm showing
20 you, Mr. Nelson?

21 A. Yeah, would you mind -- Exhibit 16?

22 Q. Yes.

23 A. Just so I can get a little bit of a larger
24 version. I see.

25 Q. Yeah. And so you would accept that this is

1 RMP's current residential rate schedule, Electric Service
2 Schedule No. 1?

3 A. Yes.

4 Q. And this has been in place since 2014, correct?
5 You can see down at the bottom right corner, the
6 effective date?

7 A. Yes.

8 Q. And if you turn to the, I guess the second page,
9 or Sheet No. 1.2. Are you there?

10 A. I am.

11 Q. This shows that the first kilowatt hour block
12 under RMP's current residential rates is about 8.849
13 cents per kilowatt hour, correct?

14 A. Correct.

15 Q. And this summer period encompasses May through
16 September, correct?

17 A. Correct.

18 Q. And that is one more month than RMP is currently
19 proposing in this case, correct?

20 A. Correct.

21 Q. And, also, so the energy charge for the first
22 kilowatt hour for the winter months, which is October
23 through April, is also 8.498 [sic]. It's the same as the
24 summer months currently?

25 A. Correct.

1 Q. Okay. Mr. Nelson, I'm going to -- hold on --
2 switch exhibits here and show you RMP -- this is -- I
3 believe this was the RMP, SR -- RMP RMM 1SR, the errata
4 filing that was made, and this is the most recent version
5 of this exhibit. Let me rotate it, and I can share my
6 screen again.

7 Now these are the rates that RMP is proposing in
8 this proceeding, correct?

9 A. Subject to check.

10 Q. Yes. But subject to check, this appears to be
11 the -- Mr. Meredith's exhibit -- I apologize it's
12 sideways -- the RMP RMM S1, correct?

13 A. Yes.

14 Q. And this first page is Schedule No. 1
15 Residential Service, correct?

16 A. Correct.

17 Q. Okay. Now, Mr. Nelson, this shows that the
18 volumetric energy charge for the first block in the
19 summer months is -- let me make sure I can get there --
20 9.347 cents, correct? If you can see my screen --

21 A. Correct.

22 Q. -- I highlighted it.

23 A. Okay.

24 Q. And the volumetric charge for the winter months
25 is 8.27 cents per kilowatt hour?

1 A. Correct.

2 Q. And this is actually lower, this 8.27 cents is
3 lower than the current volumetric energy charge for the
4 first 400 kilowatt hours of RMP's current rates, which is
5 8.849 cents per kilowatt hour, correct?

6 A. Correct.

7 Q. So for two-thirds, or approximately eight months
8 of the year, the energy charge for customers who use
9 under 400 kilowatt hours per month is lower, correct?

10 A. Correct.

11 Q. And your Figure 2 analysis does not include the
12 full annual impacts from those eight months in the
13 Company's -- on the Company's residential rate design,
14 correct?

15 A. Correct.

16 Q. Okay. Now, Mr. Nelson, you state in your
17 testimony that you oppose RMP's unbundling because the
18 Company is using it to make, quote, covert rate design
19 changes; isn't that true?

20 A. Can you provide me a reference, please?

21 Q. Sure. Let's go to page 69 of your testimony. I
22 believe it's Lines 1357 through 1358.

23 A. Yes, I'm there.

24 Q. You'll agree on Lines 1357 and 1358 you say that
25 the Company is using unbundling to make covert rate

1 design changes?

2 A. Correct.

3 Q. And you also state in your testimony that the
4 Company is using costs from its unbundled categories to
5 set rates rather than using costs classified as energy or
6 demand?

7 A. Yes. That's how it appears.

8 Q. And, Mr. Nelson, you support this view with
9 Figure 1 of your direct testimony, which I believe is on
10 the next page, page 70 of your testimony, where you
11 show that costs --

12 A. Correct.

13 Q. -- that are classified as energy are higher than
14 those costs that are characterized as "variable supply"?

15 A. Correct.

16 Q. So your conclusion for Figure 1 --

17 A. In part, I guess. In part, correct.

18 Q. But the conclusion that you're drawing from
19 Figure 1 is that the Company is substituting "variable
20 supply" for the energy classification in rate design?

21 A. No. That wouldn't be my takeaway here.

22 So in my schedule that supports this figure,
23 you'll see that there's also the fixed supply component.
24 So as -- as energy -- so the -- you've got the variable
25 component, which is lower than the energy-related

1 component, which means that the fixed component is higher
2 than the demand-related component. And you're looking at
3 a residential rate class that does not have
4 demand-related meters. So, you've got to go to a
5 demand-related class, and then examine the quotes that I
6 provided in my summary to discuss why -- or to understand
7 why it's unclear how the utility is designing the rate.
8 So you've got this fixed-supply cost component, and then
9 you've got demand-related components, and then you've got
10 a demand charge that doesn't match either one of them.

11 So which is -- costs don't normally match
12 directly, but there's at least one number you can
13 reference. With the Company, there's two. So, you can't
14 tell whether the Company's referencing fixed supply or
15 the demand-related component. And those changes are
16 related to this, but they're not -- this Figure 1
17 doesn't, you know, provide the whole picture there,
18 right?

19 And where you are quoting me on the covert rate
20 design tactics, we're talking about two different things
21 here. We're talking about the delivery charge, which
22 we're moving from having a fixed charge to a delivery
23 charge. That widens the categories of costs within that
24 function because you're putting in transmission, you're
25 putting in distribution substations. And when I'm saying

1 "covertly" is really there is just less transparency.
2 When you're talking about a customer charge, you're
3 talking about customer-specific costs. When you move to
4 a delivery charge, the lines become more blurred. And so
5 from my perspective, you need to have clean lines and
6 clear divisions between these costs so you can talk about
7 them more precisely.

8 And sorry. So you've got the ability to
9 function. And then this is about talking about fixed and
10 variable supply. And so with respect to --
11 Mr. Meredith's kind of got this a little confused in the
12 rebuttal. I'm not worried about the subfunctionalization
13 of production and transmission impact on residential rate
14 design because it doesn't impact their rate design. It's
15 the unbundling that can be used to kind of make less
16 transparent changes to the residential class. I hope
17 that clarifies.

18 **Q. Let me unpack that a little bit, Mr. Nelson.**
19 **You're saying that the subfunctionalization of production**
20 **and transmission has not affected residential rates in**
21 **this case, correct?**

22 A. Let me be precise here. So let's pull up
23 your -- so, it's in aggregate, those two functions are
24 influencing the volumetric rate, right? I mean, part
25 of -- so you're breaking out more components. So I guess

1 I'd need you to be a little more specific there. It does
2 change the tariff because it divides it into different
3 components, right?

4 **Q. Mr. Nelson, let's go to page -- surrebuttal**
5 **testimony page 39, if we could, specifically Lines 752**
6 **and 753.**

7 A. All right. 752, 753, Mr. Kumar?

8 **Q. Yes.**

9 A. Thank you.

10 **Q. And you state on Line 752 to 753 that, "RMP's**
11 **unbundling shifts cost collection from energy to**
12 **demand-related components," correct?**

13 A. Correct. But I don't say it for every class.
14 And that's the summary that -- that was a quote from my
15 summary, is that Mr. Meredith discusses how fixed supply
16 could potentially be recovered through energy or demand
17 charges as long as the customer has a demand meter.

18 And he also said that it's more correct in his
19 view to recover it through a demands charge. That is
20 what I'm talking about here, is that you can use that
21 fixed supply and associated variable supply to shift it.

22 Now, you wouldn't necessarily be doing that in
23 the residential class because they don't have demand
24 meters yet.

25 **Q. So let me understand your testimony. You're**

1 saying that this is a possible future outcome for
2 residential customers, this shifting that occurred?

3 A. So, that's good. Let's group it, right.

4 So we've got residential, i.e., non-demand
5 metered customers. You don't have an option. You're
6 using a large volumetric rate for them, so you set that
7 aside, right.

8 Now we're talking about the larger customers.
9 In this proceeding, it's completely unclear as to how the
10 fixed and variable cost components impacted the larger
11 classes rate design. There's no quantification of, Well,
12 we looked at the demand charge and we looked at the fixed
13 supply, and we used part of it and didn't use the other
14 part of it. I mean, it's basically that paragraph in
15 Mr. Meredith's rebuttal -- or in his direct. And the
16 pricing model doesn't break that out.

17 Q. Mr. Nelson, I don't believe you answered my
18 question. I was asking you specifically --

19 A. Okay.

20 Q. -- to clarify your position about the
21 residential customers. You just stated that -- you
22 clearly explained that large customers do have demand
23 charges; whereas, that's not a component for -- there's
24 no demand related charge on customers. They have a
25 volumetric charge and a customer charge, correct?

1 A. Correct.

2 Q. So there wouldn't be a change to your
3 residential customers. Your testimony is limited to
4 large industrial customers -- large customers, not
5 industrial customers, but nonresidential customers?

6 A. I'm not sure that the Company has demonstrated
7 that one way or the other. But -- let me think for a
8 second on that.

9 Can you repeat the question, Mr. Kumar?

10 Q. I apologize, Mr. Nelson, there was a long enough
11 pause there that I believe I've forgotten the question.

12 MR. KUMAR: Ms. Mallonee, would you be able to
13 read back my question?

14 THE COURT REPORTER: QUESTION: "So there
15 wouldn't be a change to your residential customers. Your
16 testimony is limited to large industrial customers --
17 large customers, not industrial customers, but
18 residential customers?"

19 MR. KUMAR: Nonresidential customers.

20 THE WITNESS: Um, I hope this clarifies. The
21 subfunctionalization would be applicable to all classes.
22 The rate unbundling, as proposed, impacts the residential
23 class through the proposed delivery charge, not through
24 the fixed supply and variable supply necessarily.

25 Does that clarify, Mr. Kumar?

1 **Q. I think it does.**

2 CHAIRMAN LEVAR: So, Mr. Kumar, is this a
3 terrible time to take a break? Are you in the middle of
4 a -- if this question is a follow-up, you can continue
5 for a little while. But we're getting close to needing
6 to take a short break.

7 MR. KUMAR: I think it might be a good idea to
8 take a short break, your Honor. I appreciate that.

9 CHAIRMAN LEVAR: Why don't we recess for about
10 10 minutes or so.

11 MR. KUMAR: Thank you.

12 CHAIRMAN LEVAR: Thank you.

13 (A break was taken from 2:37 p.m. to 2:50 p.m.)

14 CHAIRMAN LEVAR: Okay. We are back on the
15 record.

16 Mr. Kumar, why don't you continue.

17 MR. KUMAR: Thank you, your Honor.

18 **Q. (BY MR. KUMAR:) Mr. Nelson, I think we were**
19 **talking about residential customers before the break.**

20 **I would like to ask you a few questions about**
21 **unbundling and larger customers -- or nonresidential**
22 **customers now.**

23 A. Okay.

24 **Q. Schedule 9 is the tariff, or the schedule under**
25 **which the Company serves some of its largest customers,**

1 correct?

2 A. Correct.

3 Q. And I was wondering if we can go back to that
4 RMM 1SR exhibit that we were looking at earlier. Again,
5 one of Mr. Meredith's exhibits.

6 MR. KUMAR: And again, your Honor, I'm going to
7 share my screen for just the ease.

8 Q. (BY MR. KUMAR:) And this shows the rates for
9 Schedule 9, correct, Schedule 9 composite?

10 A. Correct.

11 Q. And if you're using your own PDF, I believe I'm
12 on page 12 of the PDF or page 11 of the exhibit.

13 A. Thank you.

14 Q. And if we look through the rates here, you can
15 see that the -- there's -- as we discussed earlier,
16 there's the "Delivery Fixed Supply" and "Variable Supply"
17 under "Price," correct?

18 A. Correct.

19 Q. And this shows that there's a demand component
20 of "fixed supply," correct? And this is that \$9.61 and
21 \$8.50 Schedule 9, correct?

22 A. Correct.

23 Q. And there's also a volumetric component under
24 "Fixed Supply" as well.

25 A. Correct.

1 Q. And because they have a volumetric component in
2 that fixed supply, they are paying some greater energy
3 charges than what's simply reflected in the variable
4 supply category; isn't that true?

5 A. I don't believe that that's clear. You said
6 energy-related costs? Because it's under "Fixed Supply,"
7 which includes demand and energy-related costs.

8 Q. Now, you've stated, I believe both in your
9 summary and in your testimony and throughout some of the
10 questions I've asked to you today that it is unclear to
11 you how the Company is unbundling and sort of
12 differentiating between fixed supply and variable supply,
13 correct?

14 A. No. The difference that -- what I'm not clear
15 about is how they are using energy and demand,
16 traditional cost components, and fixed and variable cost
17 components. Because the fixed and variable cost
18 components are created through a process in the cost of
19 service study that is not a real -- it's not a
20 subfunctionalization process. So the credence that I
21 give to that category is very little.

22 So, we need to know also how we're dealing with
23 the energy and demand-related costs and how those flow
24 through to rate design. This is exactly what's not
25 clear. This is what -- what is highlighted right here,

1 "big supply." Where is "energy" and "demand" in there?
2 Where are the cost components? How do they map to these
3 rates? And they do not map according to their pricing
4 model. And I haven't seen anything that the Company has
5 provided that demonstrates how energy and demand maps.

6 **Q. Mr. Nelson, you read Mr. Meredith's rebuttal and**
7 **surrebuttal testimony, correct?**

8 A. Correct.

9 **Q. And you've read in Mr. Meredith's testimony**
10 **where he states that fixed supply is essentially non EBA**
11 **costs, and variable supplies EBA costs, correct?**

12 A. Correct.

13 **Q. And so isn't it true that unbundling is**
14 **essentially a method by which it allows customers to see**
15 **the transparency of their EBA and non EBA costs and**
16 **doesn't relate to the functionalization?**

17 A. I don't know if I would agree with that.
18 Subfunctionalization is still related to the EBA, or --
19 I'm aware, didn't Mr. Meredith say that they would have
20 called variable supply "EBA" in rebuttal? So they would
21 be subfunctionalizing and creating an EBA cost category?

22 **Q. So -- okay. I think I just have a few final**
23 **questions, Mr. Nelson.**

24 **You've stated throughout this cross that this**
25 **entire process is unclear to you, that the -- the process**

1 of how the Company is unbundling, correct?

2 A. Me and others, that's correct.

3 Q. And I'd just like to turn to your surrebuttal
4 testimony very quickly. I believe it's page 7, Lines 145
5 through 147. You state in your testimony that you're the
6 only one -- the only intervenor that understands the
7 mechanics of RMP's subfunctionalization and rate and
8 bundling proposals. That's your testimony, correct?

9 A. According to my review of the record.

10 Q. Okay.

11 A. I mean, I guess external intervenor. I'm not
12 trying to include the Company.

13 Q. Yeah. I understand. Thank you, Mr. Nelson.

14 MR. KUMAR: I have no further questions at this
15 time.

16 CHAIRMAN LEVAR: Thank you, Mr. Kumar.

17 I'll go back to Mr. Snarr.

18 Do you have any redirect for Mr. Nelson?

19 MR. SNARR: No redirect for Mr. Nelson. Thank
20 you.

21 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

22 Commissioner Clark, do you have any questions
23 for Mr. Nelson?

24 COMMISSIONER CLARK: I have no questions. Thank
25 you very much.

1 CHAIRMAN LEVAR: Thank you.

2 Commissioner Allen?

3 COMMISSIONER ALLEN: No questions. Thank you.

4 CHAIRMAN LEVAR: And I don't, either.

5 So thank you for your testimony this afternoon.

6 THE WITNESS: Thank you.

7 CHAIRMAN LEVAR: Anything further from the
8 Office of Consumer Services?

9 MR. SNARR: No. That would conclude our
10 presentation today. Thank you.

11 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

12 As I'm looking at the remaining witnesses and
13 the time considerations that were expressed earlier, I
14 think I will go to Utah Clean Energy next.

15 Mr. Holman?

16 MR. HOLMAN: Thank you, Chair Levar. Utah Clean
17 Energy calls Sarah Wright.

18 CHAIRMAN LEVAR: Good afternoon, Ms. Wright.
19 Are you with us?

20 THE WITNESS: Yes, trying to get there, but I
21 am. Thank you.

22 CHAIRMAN LEVAR: So you may not have been
23 expecting to go next. Sorry about that.

24 THE WITNESS: That's no worries. Keep me on my
25 toes.

1 CHAIRMAN LEVAR: Okay. Sure.

2 Ms. Wright, do you swear to tell the truth?

3 THE WITNESS: I do.

4 CHAIRMAN LEVAR: Thank you. Go ahead.

5

6 SARAH WRIGHT,

7 was called as a witness, and having been first duly

8 sworn to tell the truth, the whole truth, and nothing

9 but the truth, testified as follows:

10

11 DIRECT EXAMINATION

12 BY MR. HOLMAN:

13 Q. All right. Ms. Wright, could you please state
14 your name and title for the record.

15 A. Sarah Wright, executive director of Utah Clean
16 Energy.

17 Q. And did you submit direct, rebuttal, and
18 surrebuttal testimony on behalf of Utah Clean Energy in
19 this phase of the docket?

20 A. Yes, I did.

21 Q. Do you have any corrections to that prefiled
22 testimony?

23 A. I do not.

24 Q. If I asked you the same questions that are
25 within your prefiled testimony today, would your answers

1 **be the same?**

2 A. They would.

3 **Q. All right.**

4 MR. HOLMAN: Chair Levar, I'd like to move to
5 admit Ms. Wright's direct, rebuttal, and surrebuttal into
6 the record.

7 CHAIRMAN LEVAR: Thank you.

8 If anyone objects to that motion, please
9 indicate your objection.

10 I am not seeing or hearing any objection, so the
11 motion is granted. Thank you.

12 MR. HOLMAN: Thank you, Chair.

13 **Q. (BY MR. HOLMAN:) Ms. Wright, have you prepared**
14 **a brief summary of your testimony here today?**

15 A. I have.

16 **Q. Please proceed.**

17 A. Thanks. Good afternoon, Chair Levar and
18 Commissioners Clark and Allen.

19 My testimony in this phase of the case focused
20 on several issues within and throughout each round of
21 testimony. The first issue that I addressed in my direct
22 testimony was Rocky Mountain Power's proposal to replace
23 the current 6(a) with a new design that is better suited
24 to sporadic loads, such as EV charging infrastructure.
25 And while I completely agree with Rocky Mountain Power

1 that it is important to create a rate design that
2 facilitates the buildout of EV charging infrastructure, I
3 do not believe that Rocky Mountain Power's proposed
4 Schedule 6(a) is well-tailored to address this unique
5 load on its own. It's too inflexible to accommodate the
6 various load factors across customers who may want to
7 install EV charging infrastructure. And while it works
8 for very low-load factor customers, such as customers
9 that install a new EV charging station, it is not
10 well-suited for low to moderate load factors in the range
11 of 6 to 29 percent. The current 6(a) is better suited
12 for these customers. So while this rate may work for
13 new, underutilized charging stations, it is more costly
14 for stations or other customers that have moderate load
15 factors.

16 Ultimately, we do need EV-specific rates in
17 Utah. And I support Western Resource Advocates'
18 recommendation to create a separate proceeding to develop
19 one. But in the meantime, my proposal to keep the
20 existing 6(a) and add Rocky Mountain Power's proposed
21 6(a) as an incremental rate design will create a more
22 flexible rate structure that will help integrate
23 EV-charging infrastructure across a greater range of load
24 factors.

25 I also recommended adding a mechanism within

1 Schedule 11 for street lighting that allows customers
2 taking service under the schedule to initiate a
3 regulatory proceeding to evaluate the cost-effectiveness
4 of purchasing their street lighting infrastructure from
5 Rocky Mountain Power.

6 Utah Clean Energy has heard from a number of
7 communities that they would like to begin installing
8 smart city technology on their streetlights, but they are
9 unable to do so because Rocky Mountain Power owns a
10 portion of their streetlights and doesn't allow the
11 installation of this technology.

12 Utah Clean Energy's proposed regulatory
13 mechanism would create a transparent venue where
14 communities could determine whether utility customers and
15 the communities could benefit if Rocky Mountain Power
16 sold Schedule 11 streetlights to the communities.

17 Regarding advanced metering infrastructure, I
18 support the recommendations put forward by the Office of
19 Consumer Services. Rocky Mountain's proposal to charge
20 customers for the cost associated with AMI before
21 identifying a plan to leverage the full range of benefits
22 from this technology seems premature. I do, however,
23 support the Commission approving Rocky Mountain Power's
24 AMI proposal if it is conditioned upon the creation of a
25 stakeholder proceeding guided by the Office's second,

1 third, and fourth recommendations on this issue that were
2 outlined in Mr. Nelson's direct testimony, beginning on
3 Lines 2285. And the intent would be to develop advanced
4 rate designs and a plan that gets the most out of AMI
5 customers before the next rate case so that it could be
6 implemented.

7 Regarding third tier and the unbundled rates.
8 This proposed stakeholder proceeding that I just
9 discussed could also be used to discuss different methods
10 from unbundling rates and an adequate replacement for the
11 third tier of residential block rates. I recommend that
12 the Commission deny Rocky Mountain's proposal for both of
13 these issues at this time because the utility has not
14 shown that either proposal will result in the most just
15 and reasonable rate structure.

16 The residential third tier was implemented to
17 encourage customers to conserve energy. Removing it
18 without replacing it simply removes an energy efficiency
19 measure and, therefore, is not in the public interest.
20 The most likely replacement would flow from advanced rate
21 design, which makes good use of the AMI stakeholder
22 process to address these issues together.

23 Further, Rocky Mountain Power has not shown that
24 its largely untested proposal to unbundle rates that, to
25 my knowledge has only been used in Wyoming, is better

1 than more established methods of unbundling. Since the
2 Company needs to establish an advanced rate design to
3 leverage the full suite of AMI benefits, unbundling could
4 also be studied along with this new rate design.

5 And finally, I recommend that the Commission
6 implement Schedule 32 rates consistent with the method
7 that UAE -- with the methods proposed by UAE and the
8 University of Utah.

9 The Commission said in its 2015 order approving
10 Schedule 32 that the rates should reflect consistent
11 treatment for similarly-situated customers and be
12 relatively stable and predictable.

13 Based on my understanding of Rocky Mountain
14 Power's, UAE's, and University of Utah's proposals, Rocky
15 Mountain Power's proposal creates greater disparity
16 between Schedule 32 customers and their full-service
17 counterparts.

18 And as Mr. Meredith said, it is not based on the
19 cost of service study. This disparity appears to be
20 discriminatory and inconsistent with the principles that
21 the Commission used to create the original Schedule 32
22 rates.

23 That concludes my summary. Thank you very much.

24 **Q. Thank you, Ms. Wright.**

25 MR. HOLMAN: Chair Levar, Ms. Wright is

1 available for cross-examination.

2 CHAIRMAN LEVAR: Thank you.

3 I will go to the Division of Public Utilities
4 first.

5 Do you have any questions for Ms. Wright?

6 MR. JETTER: No questions from the Division.

7 Thank you.

8 CHAIRMAN LEVAR: Thank you. I'll go to the
9 Office of Consumer Services.

10 MR. SNARR: No questions for Ms. Wright today.

11 Thank you.

12 CHAIRMAN LEVAR: Okay. Thank you.

13 Mr. Russell, do you have any questions for
14 Ms. Wright from any of your clients?

15 MR. RUSSELL: No, I don't. I did want to note
16 that both of my witnesses are available this afternoon
17 when the Commission is ready to hear from them.

18 CHAIRMAN LEVAR: Okay. Mr. Bieber does not have
19 a -- he doesn't have to be finished by 4:00 today?

20 MR. RUSSELL: No, he does not. He resolved that
21 issue.

22 CHAIRMAN LEVAR: Okay. I think we'll go to the
23 Salt Lake City witness next, though. I think it makes
24 sense to do that. And then after that, we'll go back to
25 the Energy User's witness. Sorry, I got off.

1 Mr. Holman, do you have any questions for your
2 witness from Salt Lake City?

3 MR. HOLMAN: I do not. Thank you, Chair.

4 CHAIRMAN LEVAR: Thank you.

5 Ms. Hayes, do you have any questions for
6 Ms. Wright?

7 MS. HAYES: I have no questions for Ms. Wright.
8 Thank you.

9 CHAIRMAN LEVAR: Okay. Thank you.

10 Ms. Baldwin, do you have any questions?

11 MS. BALDWIN: No. Walmart has no questions.
12 Thank you.

13 CHAIRMAN LEVAR: Thank you.

14 Mr. Boehm?

15 MR. BOEHM: No questions, your Honor. I would
16 like to note that I need to drop off for the remainder of
17 the day today.

18 CHAIRMAN LEVAR: Okay. Thank you for informing
19 us of that.

20 MR. BOEHM: Thank you.

21 CHAIRMAN LEVAR: Mr. Sanger?

22 MR. SANGER: No questions. Thank you.

23 CHAIRMAN LEVAR: Okay. Thank you.

24 Ms. Wegener or Mr. Kumar? I'm not hearing
25 anyone from Rocky Mountain Power. Is your microphone

1 off?

2 MR. KUMAR: I think Ms. Wegener should be
3 appearing, your Honor. Let me check.

4 CHAIRMAN LEVAR: I don't see that she's muted,
5 so my screen is showing that she's not muted. But I'm
6 not hearing her.

7 MR. KUMAR: Your Honor, I believe we're having
8 some technical difficulties. If you could give us maybe
9 2 to 5 minutes? We could maybe work them out and
10 Ms. Wegener could appear.

11 CHAIRMAN LEVAR: Why don't we just do a 5-minute
12 recess, then.

13 MR. KUMAR: Okay. Thank you.

14 (A break was taken from 3:09 p.m. to 3:15 p.m.)

15 CHAIRMAN LEVAR: Why don't we continue with
16 Ms. Wegener.

17 Do you have any questions for Ms. Wright.

18 MS. WEGENER: I do. Just a few.

19 CHAIRMAN LEVAR: Go ahead.

20

21 CROSS-EXAMINATION

22 BY MS. WEGENER:

23 Q. Good afternoon, Ms. Wright.

24 A. Good afternoon.

25 Q. You support maintaining the third tier because

1 you believe that higher prices deter energy consumption,
2 right?

3 A. They send a signal to deter energy consumption.

4 Q. Okay. Does Utah Clean Energy support electric
5 vehicle adoption?

6 A. Yes. And in my testimony, I forget which round,
7 I spoke to that, that, you know, even with our higher
8 tiers, it's -- electric vehicles are still a good idea.
9 And I think that what we need to do is develop electric
10 vehicle rates.

11 Q. In the future, we should develop electric
12 vehicle rates. But right now, we don't have those,
13 right?

14 A. Right. And I don't see it as a deterrent.

15 Q. Okay. But you would admit that purchasing an
16 electric vehicle would likely increase an individual's
17 electric use, right?

18 A. Yes, I have one.

19 Q. And in many cases, that could push that
20 individual into the third tier of the inclining blocks,
21 right?

22 A. It might. But the overall energy costs for
23 electricity are still cheaper than gasoline consumption.

24 Q. Still cheaper than gasoline, but more expensive
25 than the second tier?

1 A. Yeah, of course.

2 Q. Right. And would you agree that it's possible
3 that if you have a price-sensitive consumer that the
4 difference or the increase in electricity could deter
5 them from purchasing an electric vehicle?

6 A. No. No, because they would have fuel savings.
7 And there's a variety. You can get really affordable
8 used electric vehicles right now, so the combination of
9 used vehicle and the savings from electricity would still
10 present savings for those customers.

11 Q. A cost-sensitive buyer might not be deterred if
12 they're willing to look for a used vehicle and that sort
13 of thing?

14 A. And if they could afford a new vehicle, it
15 probably wouldn't be a big issue.

16 Q. You also stated in your summary and in one of
17 your rounds of testimony that you advocate tariffs to
18 facilitate communities purchasing street lighting from
19 RMP; is that right?

20 A. Not tariffs. What I would like is an option for
21 some sort of proceeding where there can be a
22 determination as to whether it makes sense for utility
23 customers as a whole and the community to buy those
24 streetlights. And we're hearing from some communities
25 that they are facing barriers to that.

1 **Q. Are you aware that communities have sold**
2 **streetlights to the Company without a Commission**
3 **proceeding?**

4 A. Yes, some communities have, but there isn't kind
5 of a consistent way to look at that. And that's all
6 we're asking for is a consistent mechanism that
7 communities can evaluate that with the Company or with
8 some sort of proceedings.

9 **Q. That's all the questions I have this afternoon.**
10 **Thank you.**

11 A. Thank you.

12 CHAIRMAN LEVAR: Thank you, Ms. Wegener.

13 Mr. Holman, do you have any redirect for
14 Ms. Wright?

15 MR. HOLMAN: No redirect. Thank you.

16 CHAIRMAN LEVAR: Thank you.

17 Commissioner Allen, do you have any questions
18 for Ms. Wright?

19 COMMISSIONER ALLEN: No questions. Thank you.

20 CHAIRMAN LEVAR: Thank you.

21 Commissioner Clark, do you have any questions.

22 COMMISSIONER CLARK: I don't have any questions.

23 THE WITNESS: Thank you.

24 CHAIRMAN LEVAR: Okay. I don't, either. So
25 thank you for your testimony this afternoon, Ms. Wright.

1 THE WITNESS: Thank you.

2 CHAIRMAN LEVAR: Mr. Holman, if you want to go
3 ahead and call Salt Lake City's witness, we can do that
4 now.

5 MR. HOLMAN: Thank you, Chair. On behalf of
6 Salt Lake City, I'd like to call Christopher Thomas.

7 THE WITNESS: Good afternoon.

8 CHAIRMAN LEVAR: Good afternoon, Mr. Thomas.
9 Do you swear to tell the truth?

10 THE WITNESS: Yes, I do.

11 CHAIRMAN LEVAR: Thank you.
12 Go ahead.

13

14 CHRISTOPHER THOMAS,
15 was called as a witness, and having been first duly
16 sworn to tell the truth, the whole truth, and nothing
17 but the truth, testified as follows:

18

19 DIRECT EXAMINATION

20 BY MR. HOLMAN:

21 Q. Good afternoon, Mr. Thomas.

22 A. Good afternoon, Mr. Holman.

23 Q. Can you please state your name and title for the
24 record.

25 A. Christopher Thomas, and I work for Salt Lake

1 City Corporation. And my title is senior energy and
2 climate program manager.

3 **Q. Thank you. And did you submit surrebuttal**
4 **testimony in this phase of the rate case?**

5 A. Yes, I did.

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

7 A. No, I do not.

8 **Q. If I were to ask you the same questions that are**
9 **in that testimony, would your answers be the same?**

10 A. Yes, they would.

11 **Q. Okay.**

12 MR. HOLMAN: Chair Levar, I'd like to move to
13 admit Mr. Thomas' surrebuttal testimony into the record.

14 CHAIRMAN LEVAR: Thank you.

15 If anyone objects to that motion, please
16 indicate your objection.

17 I'm not seeing or hearing any, so the motion is
18 granted.

19 **Q. (BY MR. HOLMAN:) Mr. Thomas, could you provide**
20 **a brief summary of your testimony here today?**

21 A. Yes, I would.

22 **Q. Great. Please proceed.**

23 A. Chairman Levar and Commissioners and other
24 stakeholders, thank you for the opportunity to testify
25 today in this proceeding.

1 My primary responsibility is to fulfill
2 renewable energy goals set forth in joint mayoral and
3 city council resolutions on behalf of Salt Lake City
4 Corporation. And I -- and we have appreciated working
5 with many of the stakeholders in this current proceeding
6 as well as others.

7 While I cannot offer an expert opinion on Rocky
8 Mountain Power's subfunctionalization methodology, I do
9 share a concern raised by Witness Nelson testifying for
10 the Office that aspects of the subfunctionalization
11 proposal do appear to be unprecedented. Furthermore, I
12 do not understand the proposal well enough at this time
13 to support it.

14 Rocky Mountain Power witness Robert Meredith
15 asserts in his rebuttal testimony that unbundling rates
16 can provide stakeholders with useful information and that
17 it can be helpful for developing new programs, such as
18 the community renewable energy program. While I agree
19 that unbundling can provide useful information and may
20 help simplify the exercise of designing a new rate for
21 the community renewable program, I was not personally
22 consulted by Rocky Mountain Power when the Company
23 developed its subfunctionalization and unbundling
24 methodologies.

25 Therefore, I believe it is premature to assume

1 that unbundled rates in the form proposed by Rocky
2 Mountain Power would benefit the community renewable
3 program.

4 So in conclusion, Salt Lake City Corporation
5 recommends that the Commission not adopt Rocky Mountain
6 Power's proposed subfunctionalization and unbundling
7 methodology at this time. And we also recommend that the
8 Commission support the formation of a working group to
9 consider an unbundling methodology applicable to future
10 rate designs, including the community renewable program
11 rate design.

12 And that concludes my statement. Thank you.

13 **Q. Thank you, Mr. Thomas.**

14 MR. HOLMAN: Chair Levar, Mr. Thomas is
15 available for cross-examination.

16 CHAIRMAN LEVAR: Thank you, Mr. Holman.

17 I'll go to the Division of Public Utilities.
18 Do you have any questions for Mr. Thomas?

19 MR. JETTER: No questions from the Division.
20 Thank you.

21 CHAIRMAN LEVAR: Okay. Thank you.

22 Does the Office of Consumer Services have any
23 questions for Mr. Thomas?

24 Mr. Snarr, if you're speaking, we can't hear
25 you. Do you have any questions for Mr. Thomas?

1 MR. SNARR: Did you get that? The Office has no
2 questions for Mr. Thomas. Apologize.

3 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

4 Mr. Russell, do you have any questions for
5 Mr. Thomas?

6 MR. RUSSELL: I do not. Thank you.

7 CHAIRMAN LEVAR: Okay. Thank you.

8 Ms. Hayes, do you have any questions for
9 Mr. Thomas?

10 MS. HAYES: No questions, thank you.

11 CHAIRMAN LEVAR: Ms. Baldwin?

12 MS. BALDWIN: No questions from Walmart. Thank
13 you.

14 CHAIRMAN LEVAR: Mr. Sanger?

15 MR. SANGER: No questions. Thank you.

16 CHAIRMAN LEVAR: Thank you.

17 Ms. Wegener or Mr. Kumar?

18 MS. WEGENER: No questions. Thank you.

19 CHAIRMAN LEVAR: Okay. Thank you.

20 Commissioner Clark, do you have any questions
21 for Mr. Thomas?

22 COMMISSIONER CLARK: I have no questions. Thank
23 you.

24 CHAIRMAN LEVAR: Thank you.

25 Commissioner Allen?

1 COMMISSIONER ALLEN: Also no questions. Thanks.

2 CHAIRMAN LEVAR: Thank you. I do not, either.

3 So thank you for your testimony this afternoon,

4 Mr. Thomas.

5 THE WITNESS: Thank you very much.

6 CHAIRMAN LEVAR: Mr. Holman, anything further

7 from Utah Clean Energy or Salt Lake City?

8 MR. HOLMAN: Nothing further. Thank you.

9 CHAIRMAN LEVAR: Thank you.

10 Then I will go to Mr. Russell. I'll let you
11 choose whether you want to go with University of Utah or
12 the Association first.

13 MR. RUSSELL: Thank you. And on behalf of the
14 University of Utah, I'll call Chris Benson to the stand
15 to be sworn.

16 CHAIRMAN LEVAR: Thank you.

17 Mr. Benson, are you with us?

18 THE WITNESS: Yes, can you hear me okay?

19 CHAIRMAN LEVAR: Yes, I can hear you great.

20 Thank you.

21 Do you swear to tell the truth?

22 THE WITNESS: I do.

23 CHAIRMAN LEVAR: Okay. Thank you.

24

25

1 CHRISTOPHER F. BENSON,
2 was called as a witness, and having been first duly
3 sworn to tell the truth, the whole truth, and nothing
4 but the truth, testified as follows:

5
6 DIRECT EXAMINATION

7 BY MR. RUSSELL:

8 Q. Thank you, Mr. Benson. Could you state and
9 spell your name for the record, please.

10 A. You bet. I'm Christopher F. Benson. That's
11 C-H-R-I-S-T-O-P-H-E-R, middle initial F, Benson is
12 B-E-N-S-O-N.

13 Q. And can you tell us who you work for and what
14 your position is?

15 A. I work for the University of Utah in the
16 Department of Facilities Management, and my position is
17 associate director of sustainability and energy.

18 Q. Thank you. And you have prefiled testimony on
19 behalf of the University of Utah in this phase of the
20 proceeding, correct?

21 A. That's correct.

22 Q. And specifically, you filed direct testimony and
23 surrebuttal testimony along with an exhibit to that
24 surrebuttal testimony; is that right?

25 A. Yes, that is correct.

1 **Q. And with respect to that testimony, do you have**
2 **any corrections to make?**

3 A. I do have a correction on Line 330 of my direct
4 testimony. I would like to change the phrase "more than
5 200 percent higher than the facilities charge for
6 Schedule 9 customers" to "more than 200 percent of the
7 facilities charge for Schedule 9 customers."

8 **Q. Okay. Thank you for that. And with that**
9 **change, do you have any other corrections?**

10 A. No, I do not.

11 **Q. Okay. And if you were asked the same questions**
12 **today that were posed in your prefiled testimony, other**
13 **than the one change you just noticed, would you provide**
14 **the same answers?**

15 A. Yes, I would.

16 **Q. Okay.**

17 MR. RUSSELL: At this point, Mr. Chairman, I
18 will move for the admission of Mr. Benson's direct and
19 surrebuttal.

20 CHAIRMAN LEVAR: If anyone objects to that
21 motion, please indicate your objection.

22 I'm not seeing or hearing any, so the motion is
23 granted. Thank you.

24 **Q. (BY MR. RUSSELL:) Mr. Benson, have you**
25 **prepared a summary of your testimony for us today?**

1 A. I have.

2 **Q. Please proceed.**

3 A. Thank you for allowing me to be here today.

4 I do recommend declining Rocky Mountain Power's
5 original proposal to modify Schedule 32. I have
6 suggested both a reduction of the Schedule 32 delivery
7 facilities charge to be consistent with those in
8 Schedules 6, 9, and 8, and an increase to daily demand
9 fees, which is both consistent with Schedule 31 and would
10 maintain an effective rate of transmission. I understand
11 that to align with the original intent of the tariff and
12 Commission.

13 To my knowledge, the University of Utah is the
14 only customer currently utilizing Schedule 32. The
15 University of Utah uses about 1 percent of electricity in
16 Utah and has a goal of carbon neutrality by 2050. Access
17 to large-scale renewable energy is a necessary component
18 of the sustainability goal.

19 The University selected use of Schedule 32 for
20 off-site production because of physical space limitations
21 on the main campus and to unlock economies of scale
22 available to large projects. With this, the University
23 consultants developed a strategy to provide a mix of
24 geothermal as a baseload and solar for peaking to align
25 renewables production with the University's realtime

1 loads.

2 The University issued its first RFP for
3 large-scale renewable suppliers under Schedule 32 in
4 2017, requesting bids for a 25-year contract. From
5 proposed pricing of suppliers under Schedule 32, the
6 University of Utah did significant financial modeling and
7 sensitivity analysis regarding market rate escalation and
8 electrical load projections.

9 We anticipated fair and reasonable revisions of
10 the tariff and that the basic structure and principles
11 would be upheld by the Commission. We expect proposed
12 changes to be well justified through true cost of service
13 analysis.

14 To be clear, the University did not pursue
15 Schedule 32 to avoid demand charges. The structure was
16 selected to accelerate sustainability goals while
17 providing a set of tools that allow the University to
18 manage loads and costs over the long-term life of the
19 contract.

20 Our analysis determined that the University's
21 load match strategy was most likely to be neutral in cost
22 over the life of the contract and gave leadership
23 adequate confidence to move forward with the 25-year
24 PPAs.

25 Our first effective Schedule 32 PPA was with

1 Cyrq Energy for geothermal, signed in 2018, reviewed and
2 approved by the Public Service Commission, and which
3 began delivery in November of 2019.

4 Under the original RFP, the University of Utah
5 had also awarded to a solar provider, Berkshire Hathaway
6 Renewable Energy, who was unable to meet commitments of
7 their proposal and caused the University to cancel that
8 component of the agreement and repeat the RFP process in
9 2010 to replace the renewable peaking scope.

10 This summer, the University of Utah signed its
11 second 25-year contract for 20 megawatts of solar under
12 Schedule 32 for the Castle Solar Project, expected to
13 begin delivery in 2022. Once that supplier is in
14 operation, the University's base load peaking strategy
15 will be effective, and 71 percent of the University of
16 Utah's total electricity will be provided by renewable
17 energy.

18 In my testimony, I summarize the basic structure
19 of Schedule 32 that has existed since adoption by the
20 Commission in its report and order in Docket No.
21 14-035-T02, the Schedule 32 order.

22 It is a complicated rate tariff. Charges
23 include those of Schedule 32 and the customer's
24 qualifying base tariff, which is Schedule 9 in our case.
25 It uses a combination of admin fees, energy costs,

1 renewable supplier and excess, and several components of
2 demand above and below renewable contract levels. That's
3 for monthly peak, some of daily on-peak power, and
4 monthly on-peak.

5 Although all charges flow through Rocky Mountain
6 Power, the renewable energy charges are directly
7 negotiated between the Schedule 32 customer, us, and
8 specific suppliers. The transmission and supplemental
9 charges apply as outlined in both Schedule 32 and
10 supplementary base tariffs, like Schedule 9.

11 Regarding energy, it is time dependent. When
12 total load exceeds that of our renewable contract, such
13 as high-load conditions or cloudy days and periods of
14 maintenance when renewables are reduced, the energy above
15 renewables production is purchased at the supplemental,
16 or Schedule 9, rate. When renewables production exceeds
17 the University's loads, we must re-sell the excess energy
18 at market rate.

19 The Schedule 32 delivery facilities charge is
20 based on measured monthly peak demand up to renewables
21 contract. When monthly peak demand exceeds the renewable
22 contract level, the Schedule 9 facilities charge applies
23 to each kW above that. That is a different delivery rate
24 for different portions of our load.

25 For on-peak hours, additional demand charges are

1 based on, one, daily power of Schedule 32, which is a sum
2 of daily on-peak demand up to renewables contract level;
3 and two, monthly on-peak demand of supplementary power,
4 in our case Schedule 9, for loads above the renewables
5 contract level.

6 For a customer like the University of Utah, we
7 are currently purchasing renewable energy through Rocky
8 Mountain Power from a single, renewable supplier, Cymq
9 Energy for geothermal, and deliver this to three
10 substations. Proportional allocations of renewable
11 production are specified by delivery point and can be
12 periodically revised.

13 I believe the demand charges of existing
14 Schedule 32 structure are appropriate to penalize impacts
15 to system capacity loss and to incentivize better-managed
16 operations. We believe it is fair for Schedule 32
17 customers to pay less in demand compared to full-service
18 customers during peak periods when we do not require use
19 of the Rocky Mountain Power system. I understand the
20 original methods to determine delivery charges didn't
21 actually have unbundled rates at the time, and it was
22 intended to have customers of Schedule 32 and Schedules
23 6, 8, and 9 pay the same effective rate.

24 Rocky Mountain Power has made some proposed --
25 has proposed some changes, including keeping the basic

1 structure of Schedule 32 intact but proposing modifying
2 how the components are determined. I do not object to
3 proposed changes to customer charges in admin fees.

4 I would remind the Commission that Rocky
5 Mountain Power did not perform a true cost of service
6 analysis for Schedule 32. At the time of the proposal,
7 Rocky Mountain Power had less than one year of data for a
8 single customer. Instead, I understand revised
9 calculations were based on billing determinants for
10 Schedules 6, 8, and 9 customers.

11 Rocky Mountain Power outlined rates that are
12 unbundled by functional category, including facilities
13 charges. With this, I understand full-service customers
14 of Schedules 6, 8, and 9 are already paying less than the
15 true cost of transmission.

16 Rocky Mountain Power's original proposal for
17 Schedule 32 would increase the current charge of those
18 customers from \$3.85 per kW to \$5.32 per kW, which is a
19 38 percent increase of that charge for transmission
20 voltage customers.

21 In the Phase I rebuttal, updated proposal to
22 increase from \$3.85 per kW to \$5.01 per kW, which is a 30
23 percent increase in that charge for transmission
24 customers. Although the rebuttal is more reasonable, we
25 believe the increase is discriminatory. It clearly

1 widens the discrepancy of delivery facilities charge
2 between Schedule 32 and full-service customers and
3 appears to unfairly burden renewables customers. I
4 consider the proposed change delivery charges to be
5 premature and poorly justified.

6 The University of Utah did propose an alternate
7 calculation of rates. We are looking for consistency in
8 basic structure of 32, as was previously approved, and to
9 recognize -- asking the Commission to recognize impacts
10 to large financial commitments already in place.

11 We have suggested an alternative calculation
12 which would decrease delivery facilities charge to match
13 full-service based tariffs but increase daily power
14 charges to balance effective charges and more
15 closely-align to Schedule 31, a similar tariff with daily
16 demand fees.

17 With this, we believe the original intent is
18 preserved. These changes would offer more consistency
19 between tariffs and simplicity for customers. We suggest
20 awaiting a true cost of service study of Schedule 32 to
21 determine whether large changes are appropriate and
22 necessary.

23 And that conclude my summary.

24 CHAIRMAN LEVAR: Mr. Russell, you're muted.

25 MR. RUSSELL: Thank you.

1 Thank you, Mr. Benson.

2 The witness is available for cross-examination
3 and Commission questions.

4 CHAIRMAN LEVAR: Thank you.

5 I'll go to the Division of Public Utilities
6 first.

7 Do you have any questions for Mr. Benson?

8 MR. JETTER: We have no questions. Thank you.

9 CHAIRMAN LEVAR: Thank you.

10 Does the Office of Consumer Services have any
11 questions for this witness?

12 MR. SNARR: No questions today. Thank you.

13 CHAIRMAN LEVAR: Thank you.

14 Mr. Holman?

15 MR. HOLMAN: No questions. Thank you.

16 CHAIRMAN LEVAR: Ms. Hayes?

17 MS. HAYES: No questions. Thanks.

18 CHAIRMAN LEVAR: Ms. Baldwin?

19 MS. BALDWIN: No questions. Thank you.

20 CHAIRMAN LEVAR: Mr. Sanger?

21 MR. SANGER: No questions. Thank you.

22 CHAIRMAN LEVAR: Okay.

23 Ms. Wegener or Mr. Kumar?

24 MS. WEGENER: I just have a few questions.

25 CHAIRMAN LEVAR: Go ahead.

1 CROSS-EXAMINATION

2 BY MS. WEGENER:

3 Q. Good afternoon. The University of Utah is
4 currently the only Schedule 32 customer, correct?

5 A. That's my understanding, yes.

6 Q. And you have two facilities, did you say, that
7 you take power from under Schedule 32?

8 A. We currently do take renewable energy from one,
9 and we're under contract for another. It's now in the
10 financing and construction stage.

11 Q. And the one that you take power under, that's a
12 geothermal facility in Nevada; is that right? And then
13 the other -- the other facility that's under construction
14 is a solar facility, right?

15 A. That's correct.

16 Q. And that one is located in Huntington, Utah; is
17 that right?

18 A. Yes.

19 Q. Okay. So you use the Company's electric system,
20 the grid, to transport the power that's produced in those
21 locations to the University, right?

22 A. That's correct.

23 Q. And you testified, I heard, in your summary
24 about one of the purposes that the University has chosen
25 to use Schedule 32 for is to achieve its carbon

1 neutrality goals, right?

2 A. That's correct.

3 Q. Would you say that aligning the University's
4 consumption of electricity with renewable production
5 helps you to achieve those goals?

6 A. I would say it does under the way that the
7 Schedule 32 tariff is currently structured, yes.

8 Q. Okay. And if you do that, if you align your
9 consumption with production, that also reduces or
10 minimizes the University's power demand charge, right?

11 A. I would maybe caveat that. There are different
12 paths for electricity. But when you look at the
13 University's load, our load is not changing. We are just
14 changing how much renewables are being added to the grid
15 at the same time we're receiving them.

16 Q. I don't know that I understand your answer.
17 So I'm saying that if you're able to align your
18 consumption with your production -- or with your
19 renewable production, then you are going to have less
20 power -- power -- power demands charge; is that right?

21 A. That is correct.

22 Q. Okay. And ask your understanding that the power
23 demands charge includes a component of fixed
24 demand-related delivery charges?

25 A. It is not my understanding that there are fixed

1 costs within there.

2 Q. If some of the costs to deliver that power, if
3 there were fixed costs within the power demands charge,
4 then the University pursuing its cost reduction and
5 environmental goals could result in the Company not
6 recovering its fixed delivery costs if that were the
7 case; is that right?

8 A. I think that assumes that our decisions would
9 create fixed costs, which I don't believe is correct.

10 Q. Okay. Thank you.

11 MS. WEGENER: That's all I have.

12 CHAIRMAN LEVAR: Thank you.

13 Mr. Russell, any redirect?

14 MR. RUSSELL: No redirect.

15 CHAIRMAN LEVAR: Okay. Thank you.

16 Commissioner Clark, do you have any questions
17 for Mr. Benson?

18 COMMISSIONER CLARK: No questions. Thank you.

19 CHAIRMAN LEVAR: Commissioner Allen?

20 COMMISSIONER ALLEN: Thank you. No questions.

21 CHAIRMAN LEVAR: I don't, either. So thank you
22 for your testimony this afternoon, Mr. Benson.

23 THE WITNESS: Thank you.

24 CHAIRMAN LEVAR: Mr. Russell.

25 MR. RUSSELL: Thank you. On behalf of the Utah

1 Association of Energy Users, I call Justin Bieber to be
2 sworn in.

3 CHAIRMAN LEVAR: Good afternoon, Mr. Bieber.
4 Are you with us?

5 THE WITNESS: Good afternoon. Can everyone see
6 me and hear me?

7 MR. RUSSELL: Your microphone is a little faint.
8 I don't know if you can turn the mic up or get closer to
9 it, perhaps.

10 THE WITNESS: Is this better?

11 MR. RUSSELL: Yeah.

12 THE WITNESS: Okay.

13 CHAIRMAN LEVAR: Thank you. That made a
14 significant difference.

15 Mr. Bieber, do you swear to tell the truth?

16 THE WITNESS: I do.

17 CHAIRMAN LEVAR: Okay. Thank you.

18 Go ahead, Mr. Russell.

19 MR. RUSSELL: Thank you.

20

21 JUSTIN BIEBER,
22 was called as a witness, and having been first duly
23 sworn to tell the truth, the whole truth, and nothing
24 but the truth, testified as follows:

25

DIRECT EXAMINATION

BY MR. RUSSELL:

Q. Can you state and spell your name for the record, please.

A. Yes. My name is Justin Bieber. It's J-U-S-T-I-N, last name B-I-E-B-E-R.

Q. And can you tell us who you work for and on whose behalf you're offering testimony in this proceeding?

A. I work for Energy Strategies, and I'm offering testimony on behalf of the Utah Association of Energy Users.

Q. Thank you. And have you prefiled testimony on behalf of UAE in Phase II of this proceeding?

A. Yes, I have.

Q. And specifically, have you prefiled direct testimony along with associated exhibits, rebuttal testimony plus exhibit, and surrebuttal testimony?

A. Yes, I have.

Q. And with respect to that testimony, do you have any corrections to make?

A. I don't have any corrections, but I do have a clarification based on what I heard during Mr. Meredith's cross-examination this morning.

Q. Okay. We'll get to that, I think, after we do

1 **the summary.**

2 **If asked the same questions today that were**
3 **posed in your prefiled testimony, would you provide the**
4 **same answers?**

5 A. Yes, I would.

6 **Q. Okay.**

7 MR. RUSSELL: And at this point, Mr. Chairman,
8 I'll move for the admission of Mr. Bieber's prefiled
9 testimony and exhibits.

10 CHAIRMAN LEVAR: If anyone objects to the
11 motion, please indicate your objection.

12 I'm not seeing or hearing any. The motion is
13 granted. Thank you.

14 **Q. (BY MR. RUSSELL:) Mr. Bieber, have you prepared**
15 **a summary of your testimony for us today?**

16 A. Yes, I have.

17 **Q. Please proceed with that.**

18 A. I address several issues in my prefiled
19 testimonies in this proceeding related to cost of
20 service, rate spread, and rate design. I will address
21 each of these categories of issues in turn.

22 Cost of service. In the Company's embedded cost
23 of service study for the State of Utah, the Company
24 proposed a classified production and transmission plant
25 as 75 percent demand-related and 25 percent

1 energy-related, or 75/25, which is consistent with past
2 precedent set by the Commission on this issue.

3 In light of this long-standing practice, I do
4 not recommend any changes to the proposed cost of service
5 study methodology in my direct testimony.

6 In rebuttal, I responded to the Utah Office of
7 Consumer Services' witness, Ron Nelson, regarding his
8 proposed alternative cost of service study, which
9 includes three proposed modifications: No. 1, to change
10 the classification of production and transmission from
11 75/25 to 40 percent demand-related and 60 percent
12 energy-related, or 40/60;

13 No. 2, to increase the proportion of
14 distribution plant that is considered primary by 10
15 percent;

16 And No. 3, to refunctionalize metering costs as
17 one-third production, one-third transmission, and
18 one-third distribution.

19 In my rebuttal testimony, I demonstrated that
20 Mr. Nelson's alternative cost of service study is
21 unsubstantiated and should not be relied upon to inform
22 the rate spread between customers' losses.

23 A proposal to classify production and
24 transmission costs as 40 percent demand-related and 60
25 percent energy-related. Mr. Nelson did not perform any

1 quantitative analyses or provide any evidence to
2 demonstrate that his proposed 40/60 classification of
3 production and transmission plant would be better aligned
4 with cost causation. Further, it would be inconsistent
5 with cost causation resulting from the
6 interjurisdictional cost allocation that was agreed to in
7 the 2020 protocol.

8 Proposal to increase the proportionate
9 distribution plant that is considered primary by
10 10 percent. Similarly, I explained that Mr. Nelson does
11 not provide any evidence to show that his proposed
12 adjustment to increased primary distribution plant by
13 10 percent more accurately represents the Company's
14 facilities.

15 Proposal to functionalize metering costs as
16 one-third production, one-third transmission, and
17 one-third distribution. I also explained that
18 Mr. Nelson's proposed modification to the
19 functionalization of metering costs is inconsistent with
20 cost causation principles and that Mr. Nelson's proposed
21 beneficiary pays logic is flawed.

22 I also addressed the classification of
23 distribution costs between demand-related and
24 customer-related. I responded to the Division of Public
25 Utilities' witness, Bruce Chapman, and Office of Consumer

1 Services' witness, Ron Nelson, on this topic. To the
2 extent that the Commission considers any modifications to
3 the Company's cost of service methodologies in this case,
4 then I recommend that the Commission adopt a
5 commonly-accepted distribution classification methodology
6 such as a minimum size method or a minimum intercept
7 method that is better aligned with cost causation.

8 Rate spread. In my direct testimony, I
9 recommended that the Commission adopt the Company's
10 proposed rate spread methodology because it makes gradual
11 movement towards cost while mitigating the impacts to the
12 more heavily-subsidized customer costs, such as the
13 residential costs.

14 I also provided an example of how this rate
15 spread approach would work at UAE's proposed revenue
16 requirement. I did not have an opportunity in my
17 prefiled testimony to respond to the Office of Consumer
18 Services' witness Ron Nelson's rate spread recommendation
19 since it wasn't offered until surrebuttal.

20 However, I'm opposed to Mr. Nelson's
21 recommendation and have demonstrated that Mr. Nelson's
22 alternative cost of service study is unsubstantiated and
23 should not be relied upon to inform the rate spread
24 between customer classes.

25 Rate design on peak periods for Schedules 8 and

1 9. The Company proposed changes to the on-peak periods
2 for Schedules 8 and 9 in its direct filing. In my direct
3 testimony, I recommended relatively small modifications
4 to the Company's proposal that would allow for a full
5 eight-hour, off-peak, nighttime shift during the winter
6 season.

7 In rebuttal, the Company generally agreed with
8 my proposal but with one small modification. I recommend
9 that the Commission accept the Company's rebuttal
10 position regarding the on-peak periods for Schedules 8
11 and 9.

12 Schedule 32 rate design. The Company's proposed
13 rate design would result in significantly higher rates
14 for delivery service for Schedule 32 customers than their
15 full-requirements counterparts on Schedules 6, 8, and 9.

16 This mismatch between the effective rates for
17 delivery service is unduly discriminatory and creates an
18 unreasonable economic disadvantage for Schedule 32
19 customers. In my direct testimony, I recommend that the
20 Schedule 32 facilities charges be set equal to the
21 Company's proposed facility charges for the corresponding
22 full-requirements rate schedules.

23 Similarly, I recommend that the daily power
24 charges should be adjusted accordingly to recover the
25 same level of cost as the power charges that are

1 applicable to full-requirements customers. I also
2 explained my concern that the rate structure for Schedule
3 32 provides little credit towards avoiding the daily
4 power charge for customers that contract with a solar
5 resource because the on-peak periods include evening
6 hours during which there is no solar generation. I
7 recommended that the Commission order the Company to
8 convene a workshop to solicit feedback from stakeholders
9 regarding an appropriate method to address this issue.

10 And the proposed elimination of Schedule 6(b).
11 In my direct testimony, I recommended that the Commission
12 allow customers currently taking service on Schedule 6(b)
13 to remain on Schedule 6(b). However, in my surrebuttal,
14 I withdrew my opposition to the Company's proposal to
15 eliminate this rate schedule. Thank you.

16 **Q. Thank you, Mr. Bieber. A few moments ago, you**
17 **indicated that you had a clarification to make regarding**
18 **your testimony.**

19 **Can you go ahead and inform us what that might**
20 **be?**

21 A. Yes. Thank you.

22 In rebuttal testimony, Mr. Meredith offered an
23 alternative proposal for the Schedule 32 rate design,
24 which was to maintain the present composition of
25 demand-related charges.

1 I responded in my surrebuttal testimony that
2 this alternative would not make any movement towards
3 improving the alignment between effective delivery rates
4 for Schedule 32 and corresponding full requirements rate
5 schedules, but that it would not make it worse, either.

6 However, my understanding was that
7 Mr. Meredith's alternative proposal would increase the
8 delivery facilities charges for Schedule 32 by the same
9 percentage as the overall increase with a corresponding
10 full-requirements rate schedule.

11 For example, if the overall Schedule 9 rate
12 increase were to be 3.7 percent, as the Company has
13 proposed in its rebuttal filing, then the transmission
14 voltage Schedule 32 facilities charge would also increase
15 by 3.7 percent.

16 I also understood that the percentage increase
17 to the Schedule 32 daily power charges could vary
18 relative to the percentage increase for the facilities
19 charges due to changes in the winter and summer and
20 on-peak and off-peak periods.

21 But based on Mr. Meredith's cross-examination
22 this morning, it appears he may be suggesting a different
23 method for maintaining the present composition of
24 Schedule 32 demand charges that could result in an
25 increase to the Schedule 32 facilities charge that is

1 significantly greater than the overall increase to the
2 corresponding full-requirements rate schedules.

3 To the extent that Mr. Meredith is, in fact,
4 suggesting a different alternative method to maintain the
5 current composition of Schedule 32 demand-related charges
6 than what my initial understanding was, then I withdraw
7 my conclusion in surrebuttal that his alternative would
8 not worsen the alignment between effective delivery rates
9 for Schedule 32 and corresponding full-requirements rate
10 schedules. Indeed, it might make it worse, although not
11 as much as the Company's initial proposal would.

12 **Q. Okay. Thank you for that.**

13 MR. RUSSELL: Mr. Bieber is now available for
14 cross-examination and Commission questions.

15 CHAIRMAN LEVAR: Does the Division of Public
16 Utilities have any questions for Mr. Bieber?

17 MR. JETTER: No questions from the Division.
18 Thank you.

19 CHAIRMAN LEVAR: Thank you.

20 The Office of Consumer Services?

21 MR. SNARR: Yes. Thank you. Just a few
22 questions, if I might.

23 CHAIRMAN LEVAR: Go ahead.
24
25

1 CROSS-EXAMINATION

2 BY MR. SNARR:

3 Q. Good afternoon, Mr. Bieber.

4 A. Good afternoon.

5 Q. I have just a few questions concerning your
6 testimony.

7 You were employed by UAE to review various
8 aspects of Rocky Mountain's filing; is that right?

9 A. I'm employed by Energy Strategies, but my
10 testimony is being sponsored by UAE, that's correct.

11 Q. Thank you for that correction.

12 As part of that assignment, did you undertake to
13 review the cost of service study that the Company
14 submitted in support of its rate design?

15 A. Yes, I did.

16 Q. Can you confirm that functionalization,
17 including any subfunctionalization, is traditionally
18 carried out as the first step of a cost of service study?

19 A. Typically functionalization is carried out as
20 the first step.

21 Q. Right.

22 A. I'm not saying that functionalization is always
23 being carried out first, though.

24 Q. All right. And the classification is
25 traditionally the second step; is that correct?

1 A. Yes, that's correct.

2 Q. And with allocation being the third step; is
3 that right?

4 A. Yes.

5 Q. Now, Mr. Meredith indicated in his testimony
6 that he was making one change to the Company's cost of
7 service study, that being unbundling.

8 Do you recall that testimony?

9 A. I'm sorry, can you be more specific? Are you
10 talking about with respect to unbundling?

11 Q. Yes.

12 A. Yes. I'm aware that he has proposed unbundling
13 in his cost of service study.

14 Q. And as you've reviewed his efforts to unbundle,
15 do you have an understanding of what he did and where the
16 costs are going as he attempts to unbundle?

17 A. Yes. I think I have an understanding of where
18 the costs are going.

19 Q. And wasn't it some misunderstanding as to what
20 was happening with Schedule 32 and comparable rate
21 schedules that resulted in your clarification just a few
22 minutes ago?

23 A. So the clarification that I provided just a few
24 minutes ago was not related to subfunctionalization or
25 functionalization. It was related to an alternative

1 proposal that Mr. Meredith provided for Schedule 32 rate
2 design.

3 I'd also note that the Company did not perform
4 an actual cost of service study for Schedule 32.

5 **Q. All right. And do those changes fit under the**
6 **broad category of "unbundling"?**

7 A. I'm not sure which changes you're referring to
8 specifically.

9 **Q. Well, the proposal as it relates to Schedule 32**
10 **and comparable rate schedules.**

11 A. So the Schedule 32 rate design proposal has
12 unbundled rates, if that's what you're asking.

13 **Q. I think you've confirmed what I was asking, yes.**
14 **Thank you.**

15 A. Okay.

16 **Q. Did the results of Rocky Mountain's cost of**
17 **service study inform you or inform your revenue**
18 **requirement and your rate design analysis that you were**
19 **doing?**

20 A. For Schedule 32 specifically?

21 **Q. Well, did you use the cost of service study that**
22 **Rocky Mountain provided to make your suggestions and**
23 **recommendations?**

24 A. Well, the Company did not perform a true cost of
25 service study for Schedule 32. They provided an

1 analysis.

2 But my proposal with respect to the Schedule 32
3 rate design was that the effective delivery rates for
4 Schedule 32 customers should be consistent with the
5 delivery rates for the corresponding full-requirements
6 rate schedules.

7 **Q. I appreciate you responding to my questions.**

8 MR. SNARR: That's all I have. Thank you.

9 CHAIRMAN LEVAR: Thank you, Mr. Snarr.

10 Mr. Holman, do you have any questions for
11 Mr. Bieber?

12 MR. HOLMAN: No questions. Thank you.

13 CHAIRMAN LEVAR: Thank you.

14 Ms. Hayes?

15 MS. HAYES: No questions. Thank you.

16 CHAIRMAN LEVAR: Thank you.

17 Ms. Baldwin?

18 MS. BALDWIN: No questions. Thank you.

19 CHAIRMAN LEVAR: Okay. Thank you.

20 Mr. Sanger?

21 MR. SANGER: No questions. Thank you.

22 CHAIRMAN LEVAR: Thank you.

23 Ms. Wegener or Mr. Kumar?

24 MS. WEGENER: Yes, I just have a few questions.

25 CHAIRMAN LEVAR: Okay. Go ahead.

1 CROSS-EXAMINATION

2 BY MS. WEGENER:

3 Q. Good afternoon, Mr. Bieber.

4 A. Good afternoon.

5 Q. Would you agree with me that the purpose of the
6 power charge in Schedule 32 is, in part, to ensure that
7 Schedule 32 customers pay their fair share of fixed
8 delivery-related costs?

9 A. I believe the power charge is intended to
10 recover fixed supply costs.

11 Q. Fixed supply costs? Let's go -- I'd like to go
12 to Exhibit RMM 1SR. And I think I have conscripted one
13 of my colleagues to put that up on the screen.

14 And I want to take a look -- this is Schedule 9,
15 which is one of the fixed requirement schedules that I
16 believe it's your position needs to be consistent with
17 Schedule 32; is that right?

18 A. What I'm proposing is that Schedule 32 be
19 consistent with Schedule 9, yes.

20 Q. Okay.

21 MS. WEGENER: Robert, is there any way to zoom
22 in a little bit? It's so tiny. It's really hard to see.
23 Yes. Okay. So -- except we can't see the top where it
24 says "Delivery." So let's scroll up.

25 You'll see at the top -- I'm pointing to it on

1 my screen hopefully for you. Yep.

2 At the top under "Price," there's "Delivery,"
3 "Fixed Supply," and "Variable Supply." And Robert's
4 highlighted it there.

5 Do you see that?

6 A. Yes, I do.

7 Q. Okay. And then scrolling down to Schedule 9,
8 it's got a facilities charge on the side, and that's what
9 we've been referring to as the facilities delivery
10 charge, and that's 2.20 -- or 2.30. Do you see that?

11 A. Yes, I do.

12 Q. And 2.30 is just under the delivery -- the
13 "Delivery" column of the schedule. Do you see that?

14 A. Well, it's not on the screen, but I know it's
15 there, yes.

16 Q. And then under the "Facilities Charge," we've
17 got the "Power Charge." Is that your understanding, that
18 this on-peak -- over here, yep, that's getting
19 highlighted -- that that is the power charge that we've
20 been discussing?

21 A. What's highlighted, yes.

22 Q. Okay. And so you go over under the "Delivery"
23 column, which is now highlighted. And there's a \$4.80
24 number for a summer -- a summer power charge relating to
25 delivery. Do you see that?

1 A. Yes, I do.

2 Q. And that's a portion of the total 14.48 for the
3 summer demands charge. Would you agree with me on that?

4 A. Yes.

5 Q. Okay. So based on this, the power charge for
6 Schedule 9 includes fixed delivery costs -- or, yeah,
7 fixed delivery costs, right?

8 A. Right. Yes.

9 Q. And then fixed delivery costs aren't solely in
10 the facilities charge, but they're also -- a portion of
11 them -- and actually, in this schedule, possibly a
12 greater proportion of them included in that power charge;
13 is that right?

14 A. When you say a "greater proportion," what are
15 you referring to?

16 Q. I'm referring to the fact that the facilities
17 charge is \$2.30 component relating to delivery, where the
18 power charge is \$4.80 relating to delivery.

19 A. Yes, that number is greater.

20 Q. Okay. Would you agree that a Schedule 32
21 customer can take measures to align their usage with
22 production from their renewable facility?

23 A. Some customers certainly can, yes.

24 Q. Okay. And if they did that, the result would be
25 that the power charge would go down because they would be

1 receiving less power from Company-generation sources,
2 right?

3 A. That's correct.

4 Q. And it could be possible with the right
5 technology or the right measures to reduce that power
6 charge in a way that goes below the fixed demand-related
7 delivery costs, right?

8 A. Can you repeat that question?

9 Q. It would be possible to reduce the power charge,
10 this \$4.80 component, in a way that goes below the fixed
11 demand-related delivery costs?

12 A. Well, the charges we're looking at here are for
13 Schedule 9 customers, so --

14 Q. Correct.

15 A. -- are you referring to --

16 Q. I guess I'm saying: If they're aligned, so if
17 it's the same treatment, if it's the same proportion for
18 Schedule 32 customers, then it would be possible for that
19 Schedule 32 customer to reduce that, the amount of power
20 demand charge that they pay, right?

21 A. I guess I'm not completely following your
22 statement here because a Schedule 32 customer would be
23 paying different power charges.

24 So are we assuming the Company's proposed power
25 charges? Can you help me clarify?

1 Q. We're assuming a power charge that's consistent
2 with the Schedule 9 power charge. So if the same
3 proportion of delivery, fixed delivery costs, were
4 included in the power charge for Schedule 32 customers,
5 and then the Schedule 32 customers were able to align
6 their usage with production, so they reduce that power
7 charge a substantial amount. And I think you agreed with
8 me that that would be something that's possible. A
9 Schedule 32 customer could reduce their power charge by
10 aligning their production with consumption?

11 A. Right. That's correct.

12 Q. Okay. So I'm just going the next step, that
13 since the power -- there is a delivery component to that
14 power charge.

15 If a Schedule 32 customer were able to reduce
16 its power charge substantially by taking measures to
17 align their production and consumption, then it's
18 possible that they would not be paying their fair share
19 of the fixed delivery-related costs?

20 A. So I think what you're suggesting assumes that
21 we would know the cost of service for Schedule 32
22 customers -- or that we would be assuming that it is the
23 same as it is for Schedule 9 customers.

24 And I agree that if you have rates that are not
25 aligned with costs, you can have a situation where, you

1 know, you're not recovering cost through that rate to
2 them.

3 Q. Okay. Thank you.

4 If the rate for a full-requirements customer for
5 Schedule 9 captures the fixed costs of power delivery but
6 the rate for Schedule 32 does not, would that be
7 consistent treatment of the two classes of customers?

8 A. Would they be paying the same rates for delivery
9 service or --

10 Q. No, just would that treatment be consistent?
11 Would they both be paying their fair share of those fixed
12 delivery costs?

13 A. Can you repeat that question? What would be the
14 charges that they're paying?

15 Q. So I'm going back, and let me just -- maybe I
16 can frame this in a way that makes it easier to
17 understand.

18 There's a reference in testimony, although I'm
19 not sure if it's yours, to the order that set up the
20 Schedule 32 rates to begin with. And it talks about
21 having a consistent treatment between fixed-requirements
22 customers and Schedule 32 customers.

23 Would you agree that that's a goal that was
24 established by the Commission when it established
25 Schedule 32 rates?

1 A. My reading of that order is that the Commission
2 stated that it did not accept the Company's proposed rate
3 design and accepted UAE's because the Company's proposed
4 rate design had different effective delivery rates, which
5 I take to mean the delivery facilities charges between
6 full-requirements schedules and Schedule 32.

7 Q. Okay. So if a Schedule 32 customer were paying
8 a lower proportion of the amount of delivery services
9 that it uses, so it is not paying for the full cost of
10 delivery of that power where a full-requirement customer
11 is, are they being treated consistently?

12 A. I think if they have the same rates, then
13 they're being treated consistently. And if they don't,
14 then they're not being treated consistently.

15 Q. Okay. Thank you. That's all I have.

16 CHAIRMAN LEVAR: Thank you.

17 Mr. Russell, do you have any redirect?

18 MR. RUSSELL: Just very briefly.

19
20 REDIRECT EXAMINATION

21 BY MR. RUSSELL:

22 Q. Mr. Bieber, you fielded some questions from
23 Ms. Wegener about the possibility that a Schedule 32
24 customer could align its usage with its renewable energy
25 such that it could reduce the power charge below whatever

1 the component of the delivery charge is.

2 Are you aware of any data in this case that
3 would support the notion that that's ever happened?

4 A. I'm not aware of data in this case, no.

5 Q. And as you stated a couple of times, the Company
6 was not able to perform a cost of service analysis for
7 Schedule 32 that might yield that type of information; is
8 that right?

9 A. Yes, that's correct. I would also add it is
10 difficult, and one of the points that I addressed in my
11 testimony, to decrease your daily power charge, given the
12 off-peak periods, especially with a renewable
13 intermittent resource. For example, a solar resource
14 obviously does not generate at night. So if you have an
15 on-peak period that includes nighttime hours, then it's
16 difficult to get credit for the generation that that
17 resource is providing.

18 Q. Okay. Thank you. I have nothing further.

19 CHAIRMAN LEVAR: Thank you, Mr. Russell.

20 If anyone has recross they would like to do,
21 please let me know.

22 I'm not seeing or hearing any recross. So I'll
23 go to Commissioner Allen.

24 Do you have any questions for this witness,
25 Mr. Bieber?

1 COMMISSIONER ALLEN: No questions. Thank you.

2 CHAIRMAN LEVAR: Thank you.

3 Commissioner Clark, do you have any questions
4 for Mr. Bieber?

5 COMMISSIONER CLARK: No questions. Thank you.

6 CHAIRMAN LEVAR: I don't, either.

7 Thank you for your testimony this afternoon.

8 THE WITNESS: Thank you.

9 CHAIRMAN LEVAR: All right. Considering the
10 progress we've made and considering that we have some
11 witnesses who have to testify in the morning, I'm going
12 to suggest this might be an appropriate time to recess
13 for the day, unless, Ms. Hayes, if one of your witnesses
14 is really wanting to testify now, we can. But it might
15 be a good time to break for the day.

16 MS. HAYES: I'm very happy to break for the day.
17 I think we are prepared to put Mr. -- or Dr. Howe on the
18 stand, but I certainly don't oppose recessing at this
19 point.

20 CHAIRMAN LEVAR: Okay. I'm not hearing any
21 objection from anyone else.

22 So I think with that, we'll recess until
23 9:00 a.m. tomorrow morning. Thank you.

24 (The hearing adjourned at 4:11 p.m.)

25

CERTIFICATE

1
2
3 State of Utah)
 ss.
4 County of Salt Lake)

5 I, Michelle Mallonee, a Registered
6 Professional Reporter in and for the State of Utah, do
hereby certify:

7 That the proceedings of said matter was
8 reported by me in stenotype and thereafter transcribed
into typewritten form;

9 That the same constitutes a true and correct
10 transcription of said proceedings so taken and
transcribed;

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

14 WITNESS MY HAND at Salt Lake City, Utah,
this 19th day of November, 2020.

15
16 

17 _____
18 Michelle Mallonee, RPR, CCR
19 Utah CCR #267114-7801
20 Expires May 31, 2022
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