

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE APPLICATION OF)	
ROCKY MOUNTAIN POWER FOR A)	
CERTIFICATE OF CONVENIENCE AND)	DOCKET No. 08-035-42
NECESSITY AUTHORIZING CONSTRUCTION)	
OF THE POPULUS-TO-TERMINAL 345 kV)	DPU EXHIBIT 1.0R
TRANSMISSION LINE PROJECT)	

REBUTTAL TESTIMONY

JONI S. ZENGER, PHD

ON BEHALF OF THE

UTAH DIVISION OF PUBLIC UTILITIES

AUGUST 13, 2008

1

I. INTRODUCTION

2 **Q. Please state your name and occupation.**

3 A. My name is Dr. Joni S. Zenger. I am employed by the Division of Public Utilities
4 (Division) of the Utah Department of Commerce as a Technical Consultant.

5 **Q. What is your business address?**

6 A. Heber M. Wells Office Building, 160 East 300 South, Salt Lake City, Utah,
7 84114.

8 **Q. Are you the same Dr. Zenger who filed Pre-Filed Direct Testimony on the
9 behalf of the Division in this proceeding on August 1, 2008?**

10 A. Yes, I am.

11 **Q. What is the purpose of your rebuttal testimony in this case?**

12 A. My testimony today responds to some policy, filing, and legal issues that were
13 discussed in the Utah Committee of Consumer Services' (CCS) Evaluation and
14 Position Statement, which was filed in lieu of testimony in this docket. My
15 comments are brief, but relevant to this case and to future cases where an
16 Application for a Certificate of Public Convenience and Necessity (CPCN) to
17 construct transmission or other plant in the state is filed with the Commission.

18 **Q. What is your first point regarding filing requirements?**

19 A. On pages 5-6 of the aforementioned comments from the CCS, the CCS
20 specifically states that a “better and more efficient practice” in making a CPCN
21 determination and evaluation is to require that evidence, such as that found in an
22 IRP, accompany an application for a certificate “rather than requiring a search of
23 other dockets to find the evidence.”¹ Having searched a multitude of sources to
24 arrive at the Division’s findings and recommendations, as stated in my Pre-Filed
25 Direct Testimony, I would agree with the CCS comment here. A complete filing
26 with the Application would have facilitated and streamlined the analysis.

27 The Division recommends that the Commission provide guidance as to the types
28 of evidence it requires to support a CPCN for future transmission projects and
29 also to require that an Applicant’s supporting information be filed with the
30 Application for the CPCN. Thus, the Division and other intervening parties can
31 clearly identify whether the evidence that has been submitted meets the burden of
32 proof under UCA § 54-4-25. (See the Division’s legal comments filed
33 contemporaneously with this testimony.)

¹ Utah Committee of Consumer Services’ Evaluation and Position Statement, Docket No. 08-034-42, August 1, 2008, pp. 5-6.

34 **Q. Now that you have mentioned the filing requirements and request for**
35 **clarification, will you please provide your rebuttal comments regarding**
36 **policy issues?**

37 A. Yes. In this Docket, the Commission, in its Scheduling Order, clearly identified
38 the nature and scope of the proceeding—to consider the Application for the
39 CPCN. The Commission stated that siting and other issues would not be
40 addressed in any form in this proceeding.

41 However, for future proceedings there needs to be plain language that clarifies the
42 nature and scope of the Commission’s statutory authority. Perhaps this could take
43 the form of a rulemaking proceeding that defines the Commission’s authority
44 cited in UCA § 54-4-25. This might address future applications that the Division
45 expects the Commission will receive and would also apply a uniform process for
46 evaluating all applications for CPCNs. I also agree with the CCS comment on
47 this point.

48 In addition, the Division suggests that rulemaking also be undertaken to provide
49 guidance as to the circumstances under which a certificate is required. The issue
50 of reporting projects, but not filing for certificates, is addressed in R746-401-3(c)
51 In this docket, Rocky Mountain Power seeks a certificate for a 345 kV line.
52 However, the Division is aware of at least six 138 kV projects that the Company
53 is also planning to construct in the near future. As it has not filed for certificates

54 for these lines, we can assume that the Company is of the opinion that none are
55 required or are not required yet. It appears that neither the rules nor the statutes
56 distinguish these projects from the Populus project. As we expect to see several
57 more transmission projects into the future, it would be beneficial for all
58 stakeholders to have further guidance as to when a certificate is or is not required.

59 **Q. Your Pre-Filed Direct Testimony clearly stated that the CPCN proceeding**
60 **did not include any type of prudence review, cost allocation, or ratemaking**
61 **principles. Is that still your position in this case?**

62 A. Yes, the Division's attorney, Ms. Patricia Schmid, will respond to this as part of
63 the legal comments being filed contemporaneously with this rebuttal testimony.
64 However, to reiterate from my Direct Testimony, in no way should this
65 proceeding (or any other future proceedings requesting an a certificate to
66 construct facilities) be considered part of the in-depth prudency review that is
67 required for cost recovery and cost allocation in ratemaking cases. Ms. Schmid,
68 in her comments, will elaborate on the prudence issue, as well as other legal
69 issues surrounding the "public need and convenience" requirement of this and
70 future cases.

71 **Q. Does that conclude your prepared rebuttal testimony in this case?**

72 A. Yes it does.