

Gary A. Dodge (0897)
HATCH, JAMES & DODGE
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Telephone: (801) 363-6363
Facsimile: (801) 363-6666
Email: gdodge@hjdllaw.com
Attorneys for US Magnesium LLC

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE APPLICATION OF US MAGNESIUM LLC FOR DETERMINATION OF RATES AND CONDITIONS FOR INTERRUPTIBLE SERVICE FROM AND QF SALES TO ROCKY MOUNTAIN POWER	Docket No. 09-035-20
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PREFILED REBUTTAL TESTIMONY OF ROGER J. SWENSON

US Magnesium LLC hereby submits the Prefiled Rebuttal Testimony of Roger J. Swenson in this Docket.

DATED this 25th day of November, 2009.

/s/ _____
Gary A. Dodge,
Attorney for US Magnesium LLC

PREFILED REBUTAL TESTIMONY

Of

ROGER J. SWENSON

On behalf of US Magnesium LLC

IN THE MATTER OF THE APPLICATION OF US MAGNESIUM LLC FOR
DETERMINATION OF RATES AND CONDITIONS FOR INTERRUPTIBLE SERVICE
FROM AND QF SALES TO ROCKY MOUNTAIN POWER

Docket No. 09-035-20

November 25, 2009

1 **Q. Please state your name and business address.**

2 A. Roger J. Swenson, 1592 East 3350 South, Salt Lake City, Utah 84106

3 **Q. Have you provided testimony in this matter previously?**

4 A. Yes.

5 **Q. What is the purpose of your rebuttal testimony?**

6 A. The purpose of my rebuttal testimony is to provide a brief response to the filings
7 made by the OCS and the DPU in support of the negotiated settlement that has
8 been arrived at between US Mag and Rocky Mountain Power (RMP) in regards to
9 new interruptible contract provisions for the period from January 1, 2010, as well
10 as a new QF agreement.

11 **Q. In general what is your response to the recommendation of the DPU and**
12 **OCS?**

13 A. US Magnesium appreciates that both the DPU and OCS are recommending that
14 the negotiated agreements between US Mag and RMP be approved. US Mag and
15 RMP negotiated the terms of these new agreements in good faith for more than a
16 year and took into account past operating experience to improve the next contract
17 operating arrangements. The agreements came from much effort and time to find
18 the best settlement that the parties could support.

19 **Q. Do you have any concerns or comments about those recommendations?**

20 A. Not as they relate to the contracts under review in this docket. However, I do
21 have concerns to the extent the comments may be interpreted to suggest that the
22 Commission should pre-impose conditions on contracts to be negotiated in the

1 future. I do not believe that it is fair or appropriate to bind parties or
2 commissioners in dockets that may be filed many years in the future. Of
3 necessity, the record in this docket does not and cannot reflect all of the facts and
4 circumstances that will be relevant to approval of future contracts.

5 **Q. What would you ask that the commission do in this matter?**

6 A. We would ask that the commission approve the contracts as presented and as
7 recommend by the parties. We would also ask that the commission not attempt to
8 pre-impose conditions or terms on future contracts. Rather, the terms and
9 conditions of future contracts should be reviewed and determined only after the
10 contracts have been presented for approval and in light of all circumstances
11 relevant at that time.

12 **Q. Does this conclude your rebuttal testimony?**

13 A. Yes it does.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email or US

Mail, postage prepaid, this 25th day of November, 2009, on the following:

Mark C. Moench
Yvonne R. Hogle
ROCKY MOUNTAIN POWER
201 South Main, Suite 2300
Salt Lake City UT 84111
mark.moench@pacificorp.com
yvonne.hogle@pacificorp.com

Michael Ginsberg
Patricia Schmid
ASSISTANT ATTORNEY GENERAL
Division of Public Utilities
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111
mginsberg@utah.gov
pschmid@utah.gov

Paul Proctor
ASSISTANT ATTORNEY GENERAL
Committee of Consumer Services
160 East 300 South, 5th Floor
Salt Lake City, UT 84111
mginsberg@utah.gov
pschmid@utah.gov

/s/ _____