

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the Application )	Docket No:
of Rocky Mountain Power for )	09-035-23
Authority to Increase its Retail )	
Electric Utility Service Rates )	
in Utah and for Approval of its )	
Proposed Electric Service )	
Schedules and Electric Service )	VOLUME 11 OF 11
Regulations. )	

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TRANSCRIPT OF HEARING PROCEEDINGS

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TAKEN AT: Public Service Commission  
160 East 300 South  
Salt Lake City, Utah

DATE: April 13, 2010

TIME: 9:02 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

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24  
25

WITNESSES

<u>DANIEL E. GIMBLE</u>	<u>Page</u>
Direct by Mr. Proctor	275
Cross by Ms. Schmid	282
Cross by Mr. Michel	283
Redirect by Mr. Proctor	302
<u>NEAL TOWNSEND</u>	
Direct by Mr. Dodge	307
Cross by Mr. Michel	311
<u>ELIZABETH A. WOLF</u>	
Direct by Mr. Proctor	320
Cross by Ms. Schmid	327
Cross by Mr. Michel	328
Redirect/Cross by Mr. Proctor	333
<u>JOHN E. CURL</u>	
Direct by Mr. Michel	336
Cross by Ms. Hogle	341
Cross by Mr. Proctor	343
Cross by Mr. Dodge	355
Redirect by Mr. Michel	365
<u>RICHARD S. COLLINS, Ph. D.</u>	
Direct by Ms. Hayes	371
Cross by Ms. Hogle	387
Cross by Mr. Proctor	398
Cross by Mr. Michel	414
Redirect by Ms. Hayes	427

-o0o-

	<u>EXHIBITS</u>		
	<u>No.</u>	<u>Description</u>	<u>Page</u>
1			
2			
3	OCS-5D- Gimble	Direct Testimony of Daniel E. Gimble	277
4			
5	OCS-5R- Gimble	Rebuttal Testimony of Daniel E. Gimble	277
6	OCS-5SR- Gimble	Surrebuttal Testimony of Daniel E. Gimble	277
7			
8	UAE-RD-1.0 through UAE-RD-1.3	Direct Testimony of Neal Townsend, with attached exhibits	316
9			
10	UAE-RD- 1.0-R	Rebuttal Testimony of Neal Townsend	316
11	UAE-RD- 1.0-SR	Surrebuttal Testimony of Neal Townsend	316
12			
13	SLCAP-1.0	Direct Testimony of Elizabeth A. Wolf	322
14	SLCAP- Rebuttal - 1.0	Rebuttal Testimony of Elizabeth A. Wolf	322
15			
16	WRA-1	Direct Testimony of John E. Curl	338
17	WRA-2	Rebuttal Testimony of John E. Curl	338
18			
19	WRA-3	Surrebuttal Testimony of John E. Curl	338
20	SWEEP and UCE-1.0 through 1.3	Direct Testimony of Richard Collins, with attached exhibits	374
21			
22	SWEEP and UCE-2.0	Rebuttal Testimony of Richard Collins	374
23			
24	SWEEP and UCE-4.0 and 4.1	Surrebuttal Testimony of Richard Collins, with attached exhibit	374
25			

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2  
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(The previous exhibits and related testimony were prefiled and are part of the PSC record and filed at the Commission.)

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EXHIBITS, CONTINUED

<u>No.</u>	<u>Description</u>	<u>Page</u>
RMP-Cross-1	Sweep Data Request 2.1	398
RMP-Cross-2	Rocky Mountain Power Electric Service Schedule No. 37 State of Utah	398

-o0o-

1 APRIL 13, 2010

9:02 A.M.

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

3 CHAIRMAN BOYER: Let's go back on the record  
4 in Docket No. 09-035-23, which is the Phase II rate  
5 design portion of the most recent Rocky Mountain Power  
6 rate case.

7 And I think today we are going to hear from  
8 Mr. Gimble, who's already taken his seat up front  
9 here. And have you been sworn in this proceeding  
10 already?

11 MR. GIMBLE: I have, sir.

12 CHAIRMAN BOYER: Okay, great. With that,  
13 we'll turn the time over to you and Mr. Proctor.

14 MR. PROCTOR: Thank you Mr. Chairman.

15 DANIEL E. GIMBLE,

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

18 DIRECT EXAMINATION

19 BY MR. PROCTOR:

20 Q. Mr. Gimble, would you state your name and by  
21 whom you're employed?

22 A. Dan -- turn on my mike here. I'm Daniel E.  
23 Gimble, and I'm employed by the Office of Consumer  
24 Services. My business address is 160 East 300 South,  
25 Salt Lake City.

1 Q. In connection with the rate design phase of  
2 this general rate case have you prepared prefilled  
3 written testimony?

4 A. I have.

5 Q. And what testimony did you file?

6 A. I filed direct testimony, rebuttal testimony,  
7 and surrebuttal testimony. I have an exhibit attached  
8 to my direct, and an exhibit attached to my  
9 surrebuttal.

10 Q. Do you have any corrections to either of  
11 those items of testimony?

12 A. I have one correction, please.

13 Q. To which part?

14 A. Surrebuttal.

15 Q. Okay.

16 A. And it's page, let's see, 1 of 8, line 26.  
17 And hopefully these lines match up. And it says in  
18 the middle: "past Commission's." The apostrophe s  
19 should be stricken. It should read: "past Commission  
20 decisions."

21 Q. And there are no other changes to any other  
22 parts of your testimony?

23 A. Not to my knowledge.

24 Q. Mr. Gimble, if I were to ask you the  
25 questions today that you answered in your prefilled



1 written testimony, would your answers remain the same?

2 A. Yes.

3 MR. PROCTOR: With that, Mr. Chairman, the  
4 Office would offer into evidence the testimony that  
5 has been listed on the exhibit list for Mr. Gimble.

6 CHAIRMAN BOYER: Are there any objections to  
7 the admission of Mr. Gimble's direct, rebuttal, and  
8 surrebuttal testimony, together with exhibits?

9 MS. SCHMID: None.

10 CHAIRMAN BOYER: Very well, they are  
11 admitted.

12 (Exhibit Nos. OCS-5D-Gimble, OCS-5R-Gimble,  
13 and OCS-5SR-Gimble were admitted.)

14 Q. (By Mr. Proctor) Mr. Gimble, do you have a  
15 summary of your testimony?

16 A. Yes.

17 Q. Would you provide that, please?

18 A. Okay. Good morning. Six alternative rate  
19 design proposals have been submitted to the Commission  
20 for consideration. These range from the Company's  
21 extreme proposal to place all the residential class  
22 revenue increase on the fixed customer charge, to the  
23 Division's equally extreme proposal to place all of  
24 the revenue increase on the variable components of  
25 rates: The energy charges.

1           The Office offers a more moderate proposal of  
2 splitting the class revenue increase 50/50 between the  
3 customer charge and the summer and non-summer energy  
4 rates.

5           By adopting the Office's balanced proposal  
6 the Commission raises the customer charge nearly to  
7 cost of service. It would raise it to \$3.75.  
8 Mr. Abdulle calculates cost of service at \$3.83, I  
9 believe. And you would still have half of the class  
10 revenue increase to apply to the energy rates.

11           The Office's proposal comports with past  
12 Commission orders, we believe, especially Docket  
13 06-035-21. And this is the last docket where a  
14 residential rate design was litigated.

15           In terms of our rate design proposal, the  
16 Office's rate design proposal we believe strikes an  
17 appropriate balance among some key ratemaking  
18 objectives, including cost causation, fairness, rate  
19 stability, and energy conservation.

20           Our proposal retains the current summer and  
21 non-summer energy rate structures. We apply half of  
22 the class revenue increase evenly among the second  
23 summer energy rate, the third summer energy rate, and  
24 the winter energy rate or the non-summer. And the  
25 first summer block in this case we left unchanged.

1           In terms of the customer charge, we applied  
2 half of the class revenue increase to the customer  
3 charge. That raises it from \$3 to \$3.75 per month.  
4 That 75 cents increase is less than the dollar  
5 increase that you approved in your order in the last  
6 case.

7           Fourth, we would propose, like the Division  
8 and the Company, to eliminate the minimum bill unless  
9 the ordered customer charge increase is less than  
10 \$3.75.

11           One topic that's been I think pretty heavily  
12 vetted so far is marginal cost. Artie calls it  
13 incremental cost, and I think he's more accurate  
14 calling it incremental cost. In terms of a marginal  
15 cost study, in its order in Docket 06-035-21 the  
16 Commission indicated that marginal cost information  
17 can and should be used to guide rate design.

18           In direct the Office recommended a Utah  
19 marginal cost study be prepared and filed by the  
20 Company. A recommendation that was supported both by  
21 the Division and the Company in its responsive  
22 testimony. The way things stand in terms of the  
23 testimony, the Company will file a Utah study in  
24 connection with its next rate case.

25           Moving to rebuttal testimony. My rebuttal

1 testimony discusses the Office's concerns with the  
2 rate design proposals of SWEEP, UCE, WRA, and the  
3 Division. These include, first, lack of cost support  
4 for the proposed significant increases to the tail  
5 block rates or surcharges. Lack of analysis showing  
6 how high tail block rates or surcharges are expected  
7 to impact residential demand. And lack of a  
8 significant increase in the customer charge.

9 My surrebuttal testimony responds to the  
10 Company's updated proposal. That proposal places the  
11 entire class revenue increase on the fixed customer  
12 charge, raising the customer charge from \$3 to \$4.45.

13 We believe this is an extreme proposal, one  
14 that fails to send any price signal whatsoever on the  
15 energy rates. It also results in a relatively higher  
16 percentage bill increase for low and medium-use  
17 customers compared to high-use customers.

18 In terms of some critiques of the Office's  
19 position, the Division criticized the Office for not  
20 addressing the Company's risk of recovering  
21 distribution fixed cost from residential customers  
22 through volumetric rates.

23 We responded in surrebuttal that it's  
24 balanced approach addresses this risk by allocating  
25 half of the class revenue increase to the fixed

1 customer charge.

2 Second, both SWEEP and the Division  
3 criticized the Office for putting too much class  
4 revenue increase in the customer charge, and not  
5 enough on the tail block energy rate.

6 The Office responded that its proposal only  
7 increases the customer charge by 75 cents, which is  
8 less than the dollar increase that the Commission  
9 approved in the last rate case.

10 I would also note if you look at the last  
11 three cases, the average -- and average it, starting  
12 with the 2006 case, the average increase in the  
13 customer charge has been pretty close to that  
14 75 cents. It's probably been just below 70 cents.

15 If the Commission decides to place more  
16 emphasis on the summer tail block rate, we think we --  
17 you can simply modify our proposal by lowering the  
18 first block rate and shift revenues to the tail block  
19 rate.

20 As you recall from my previous summary of my  
21 direct testimony, we left the summer first block  
22 unchanged. So you could go in and modify that and  
23 shift revenues to the tail block rate.

24 We think this is -- we believe this  
25 modification is directly -- directionally consistent

1 with the stipulated rate design approved by the  
2 Commission in the last rate case.

3 Third, SWEEP asserts that the Office's  
4 proposal unfairly impacts the bills of verily --  
5 very-low-use customers. The Office responded that it  
6 mitigated bill impacts on low-use customers by leaving  
7 the first summer energy rate unchanged.

8 If the Commission desires to further mitigate  
9 impacts on low-use customers, it could modify the  
10 Office's proposal by lowering the summer first block  
11 rate and move revenue to the second and third block  
12 energy rates. That concludes my summary.

13 CHAIRMAN BOYER: Thank you Mr. Gimble.

14 Okay, cross examination? Ms. Hogle, any  
15 questions for Mr. Gimble?

16 MS. HOGLE: No.

17 CHAIRMAN BOYER: Ms. Schmid, questions for  
18 Mr. Gimble?

19 MS. SCHMID: Just a few, thank you.

20 CROSS EXAMINATION

21 BY MS. SCHMID:

22 Q. Good morning.

23 A. Good morning.

24 Q. With its testimony did the Office file a  
25 study providing cost support for its rate design

1 proposal ?

2 A. Are you talking about in terms of the energy  
3 rates?

4 Q. Yes.

5 A. We didn't.

6 Q. In the Office's testimony did it file a price  
7 elasticity study for its rate design proposal?

8 A. It did not.

9 MS. SCHMID: Thank you.

10 CHAIRMAN BOYER: Thank you Ms. Schmid.  
11 Ms. Hayes?

12 MS. HAYES: No, thank you.

13 CHAIRMAN BOYER: Mr. Michel?

14 MR. MICHEL: Thank you Mr. Chairman.

15 CROSS EXAMINATION

16 BY MR. MICHEL:

17 Q. Good morning Mr. Gimple.

18 A. Good morning.

19 THE WITNESS: Is it okay if I turn?

20 CHAIRMAN BOYER: Absolutely. Many turn their  
21 backs on us.

22 THE WITNESS: I'll try to go both ways.

23 Q. (By Mr. Michel) Mr. Gimple, you in your  
24 summary characterized the Division's rate design  
25 proposal as "extreme." And I was a little

1 disappointed that WRA's proposal didn't also make it  
2 into that category.

3 I was wondering why -- on what basis you used  
4 to define a rate design proposal as being extreme.  
5 What is the criteria?

6 A. In this case you have the Company that's  
7 putting all of the class revenue increase -- which is  
8 roughly \$12 million -- on the fixed customer charge.  
9 We view that as an extreme proposal and not sending  
10 any price signal whatever -- whatsoever on the energy  
11 blocks. And we think there should be a price signal  
12 there.

13 Q. You --

14 A. Just to finish.

15 Q. Sure.

16 A. The Division, on the other hand, in the past  
17 the Division's been a pretty strong proponent of  
18 moving the cost of service -- or the customer charge  
19 towards a cost-based level. If not all the way there,  
20 at least making steady progress. In this case they  
21 put all of the increase on the, the energy blocks.

22 Now SWEEP on the other hand, it does have a  
23 minimal increase to the customer charge. We do  
24 believe their -- they haven't really supported their  
25 high tail block rate.



1 Q. Have or have not?

2 A. Have not.

3 Q. Uh-huh.

4 A. In terms of the evidence that they put on the  
5 record.

6 Q. Okay. Are you aware that WRA's proposal  
7 would put the entire increase into the high-energy  
8 usage surcharge?

9 A. I'm aware of that.

10 Q. But that doesn't qualify it as being extreme?

11 A. I think it would qualify as being an extreme  
12 proposal.

13 Q. Okay.

14 A. But in terms of the surcharge, I've had some  
15 difficulty in terms of kind of matching up the  
16 surcharge with what it would mean in terms of tail  
17 block rates.

18 Q. Okay. So let me ask you, the residential  
19 increase is 2.2 percent; is that right?

20 A. That's correct.

21 Q. Let's say the increase was .2 percent, and a  
22 party proposed to put that entire increase into the  
23 energy charge. Would you consider that extreme, by  
24 your definition?

25 A. A .2 percent increase?

1 Q. Yes, but entirely -- not split, but put  
2 entirely into the energy charge.

3 A. I think the increase would be so small that I  
4 probably wouldn't view that as extreme, but.

5 Q. But to a point --

6 A. It would probably be, you know, you're  
7 talking in terms of less than \$1 million revenue,  
8 million, something like that.

9 Q. So that would not be extreme?

10 A. Given the level of the rev -- given the level  
11 of the class revenue increase.

12 Q. So simply the fact that an increase is going  
13 entirely into one category -- cost category as opposed  
14 to another, that in and of itself would not make a  
15 proposal extreme or not extreme?

16 A. I mean, I think the other thing that the  
17 Off -- the other thing that the Office considered in  
18 terms of its rate design proposal was, you know, the  
19 fact that the Commission back in 2006 had started a  
20 process of moving the customer charge gradually up to  
21 cost of service.

22 We're at \$3. Going to \$3.75 in this case in  
23 essence kind of completes that journey. You're very  
24 close to cost of service at 3.75.

25 Q. Okay. And is the -- the reason for moving

1 dollars into the customer charge, is that to protect  
2 the utility from lost fixed cost recovery, or is it to  
3 send a diminished price signal to customers for their  
4 energy usage, or what -- for what reason would you put  
5 money into the customer charge instead of into the  
6 energy rate? Or the variable rate?

7 A. To send a more accurate price signal to  
8 customers that that is the cost of certain components  
9 or rates: Metering, billing, et cetera.

10 Q. And recognizing that that also would result  
11 in a diminished conservation price signal?

12 A. Well, we're allocating half of the class  
13 revenue increase into the energy charges. I mean, by  
14 allocating -- I mean, I will agree with you that by  
15 allocating into the customer charge, it does diminish  
16 it. But on the other hand, we think our proposal in  
17 this case balances those objectives.

18 Q. Okay. And you understand -- have you seen  
19 Pacifi Corp's updated IRP? 2008 updated R -- IRP?

20 A. I've received it, but haven't reviewed it.

21 Q. Are you aware that Pacifi Corp or Rocky  
22 Mountain Power shows a great need for additional  
23 capacity?

24 MR. PROCTOR: Objection, assumes a fact not  
25 in evidence. And that's with respect to a document

1 that's not before this Commission. And this witness  
2 has said that he's not aware of it. He hasn't read it  
3 thoroughly yet.

4 MR. MICHEL: I'm simply asking him if he's  
5 aware of that part of the report.

6 MR. PROCTOR: With all due respect,  
7 Mr. Chairman, the question assumed some judgmental  
8 effect of the IRP with respect to great needs, for  
9 example. An inappropriate question, particularly in  
10 light of that.

11 MR. MICHEL: I can, I can --

12 CHAIRMAN BOYER: If you could reword that.

13 MR. MICHEL: Certainly.

14 CHAIRMAN BOYER: We don't, we don't object to  
15 you asking him if he's aware of the report.

16 Q. (By Mr. Michel) Mr. Gimble, do you have --  
17 are you aware that PacifiCorp has a need for  
18 additional capacity, and it's a significant need?

19 A. I am, yes, based on their last -- I think it  
20 was called the 2008 IRP.

21 Q. Okay. And --

22 A. And it was approximately just short of  
23 2,000 megawatts.

24 Q. And is it your belief as well that energy  
25 efficiency/energy conservation provides one of the

1 most cost-effective methods to meet a utility's demand  
2 in energy needs?

3 A. In terms of demand-side management programs,  
4 is that's what you're asking? Yes. And we have  
5 supported -- I largely supported the DSM efforts that  
6 the Company's made.

7 Q. And you don't believe the same applies to  
8 energy conservation rates? That those could also  
9 provide a very cost-effective mechanism for  
10 alleviating some of the requi -- needed demand in  
11 energy on that system? On Rocky Mountain Power's  
12 system?

13 A. I think it can, but I think you've got to  
14 look at insuring that when you're developing tail  
15 block rates that you do have good cost studies that  
16 you're relying on to develop those rates.

17 Q. Okay. Now, you had, you had indicated in  
18 your summary that establishing rates based on cost is  
19 not the only criteria by which to rate design; is that  
20 right?

21 A. That's right.

22 Q. And that another criteria is energy  
23 conservation; is that right?

24 A. That's right.

25 Q. So to some extent it's permissible, in your

1 mind, depending on the circumstances, to deviate from  
2 cost causation principles to accomplish energy  
3 conservation goals?

4 A. Yes, with a caveat is that we don't have a  
5 Utah marginal cost study to rely on to assist in the  
6 development of the inverted block rate structure. It  
7 changes through the inverted block rate structure.  
8 And we're recommending that that be prepared and filed  
9 by the Company, a recommendation that the Division and  
10 the Company have supported.

11 Q. Okay. So in fact we don't, we don't know for  
12 sure whether or not any party's rate design proposal  
13 is consistent with cost causation principles or not?  
14 At this time?

15 A. We think ours is pretty consistent, given  
16 that we haven't pushed up the tail look rate like  
17 other parties are proposing. We -- in terms of the  
18 tail block rate, we're proposing a 2.8 percent  
19 increase. On the second block it's right at the class  
20 average increase of 2.2 percent.

21 But I will agree, I mean, we don't have a  
22 Utah marginal cost study in front of us to help guide  
23 I think further significant changes to that inverted  
24 block rate structure.

25 Q. Well, by not having a cost study we don't

1 know that the existing rates are consistent with cost  
2 causation principles either, do we?

3 A. Well, that's one reason we're requesting that  
4 the -- and have requested going back to the 2007  
5 case -- the Utah marginal cost study be prepared and  
6 filed.

7 Q. Okay. Could you -- I'm referring to your  
8 rebuttal testimony. Could you turn to page 2, please?  
9 And I'm referring to lines 41 and 42, where you're  
10 discussing WRA's proposed surcharge, or high-energy  
11 surcharge, high-usage surcharge. Do you see that?

12 A. I'm there.

13 Q. And you indicate in this testimony that  
14 there's a ratchet effect associated with the proposed  
15 surcharge. And the Office consulted, or I guess  
16 discussed this with Mr. Curl. And is that -- is it  
17 still your understanding that there's a ratchet effect?

18 A. My, my understanding, based on that  
19 discussion, is that there isn't.

20 Q. Okay. And could you turn to page, page 10?  
21 And here you're discussing the decoupling proposal, I  
22 believe. Let me, let me just be sure.

23 When you -- on lines 275 to 277 you say that  
24 you want to insure that changes in the area of  
25 residential rate design are in the public interest.

1 Do you see that?

2 A. I see that.

3 Q. Yeah. Do you -- without this analytical,  
4 fact-based approach, can you conclude that no change  
5 is in the public interest?

6 A. In terms of the residential rate design?

7 Q. Yes.

8 A. Well, I, I think, based on -- I think our  
9 proposal was developed in mind with, number one, we do  
10 have information related to the customer charge in  
11 terms of the cost of service level. The customer  
12 charge that the Commission's been gradually moving to  
13 is \$3.75, so part of our proposal deals with that.

14 The other part of our proposal is to spread  
15 fairly evenly, but not quite evenly because we have  
16 given some away to the third block -- you know, the  
17 tail block, the summer tail block rate -- the rest of  
18 the revenue across the energy blocks.

19 But we have left that first block rate  
20 unchanged as a mitigation in terms of the impacts on  
21 low-use customers.

22 Q. Well, let me ask --

23 A. We, we've thought through this pretty  
24 carefully based on, you know, where the Commission was  
25 going on the customer charge. And the fact that we



1 needed a Utah marginal cost study to help, you know,  
2 inform decisions going forward on the energy blocks.

3 Q. Well, let me ask it this way. Let's say  
4 there is this analytical, fact-based approach that  
5 you, that you suggest here. And at the conclusion of  
6 that it determines that one of the other party's rate  
7 design is in the, is in the public interest.

8 By logic wouldn't that also indicate that the  
9 current rate design structure is not in the public  
10 interest?

11 A. I think we ought to deal with what's, what's  
12 before us in terms of the information we have now.  
13 That's what the Office, you know, developed its rate  
14 design proposal on.

15 Q. Your --

16 A. Well --

17 Q. You have, you have a presumption that the  
18 status quo is in the public interest; is that --

19 A. I think --

20 Q. Is that where you're going?

21 A. I think if you look at this in the context of  
22 the previous sentence, it was discussing revenue  
23 volatility and decoupling in terms of making a showing  
24 that there was a problem in terms of the Company's  
25 revenue volatility.

1 Q. Turning to the previous page, you're  
2 discussing WRA's high-energy surcharge. And you  
3 provide an example of a customer going from  
4 1,500 kilowatt hours a month to 1,501. And that that  
5 would trigger --

6 A. You're on line 239, 240, right?

7 Q. Yes, 239 to 242, I believe.

8 A. Okay.

9 Q. And you indicate that a change from 1,500 to  
10 1,501 would result in a 6.7 percent increase.

11 A. (Moves head up and down.)

12 Q. And the reason for that is because that  
13 customer has invoked that \$10 surcharge; is that  
14 right?

15 A. That's correct.

16 Q. Okay. And so the change there would be the  
17 \$10 surcharge plus the 11 cents for that kilowatt  
18 hour?

19 A. Yep.

20 Q. Is that?

21 A. Yeah.

22 Q. Okay.

23 A. Correct.

24 Q. And you indicate that there's a fundamental  
25 issue of fairness in that that requires some

1 consideration. Do you see that?

2 A. I see that.

3 Q. Now, you'd agree that, let's take an analogy  
4 of a, of, of a car driving. You -- there's speed  
5 limits; is that right?

6 A. There are. Not everybody obeys them, but  
7 there are speed limits.

8 Q. And a customer -- or a driver going, let's  
9 say they're in a 55-mile-per-hour zone. Customer  
10 driving 54 miles per hour would not get a ticket,  
11 whereas a -- or 55 miles per hour would not get a  
12 ticket, but a customer going 56 could; is that right?

13 A. They could.

14 Q. And as long as customers -- or drivers are  
15 aware of that, there really isn't a fairness issue.  
16 They can change their driving behavior to accommodate  
17 that; is that right?

18 A. They can develop expectations. I mean, if  
19 they're pulled over going 56 they're gonna develop an  
20 expectation really fast that there's gonna be a  
21 consequence.

22 Q. Okay. Finally, were you present when  
23 Mr. Taylor was testifying yesterday?

24 A. For most of his testimony.

25 Q. Were you here when he admittedly put out a --

1 you know, without much analytical basis put out an  
2 ex -- a suggestion that he thought that a rate -- a  
3 tail block on the order of 25 cents, more or less,  
4 would really be required to evoke a noticeable demand  
5 response? Were you here when he talked about that?

6 A. I was here when he --

7 MR. PROCTOR: Objection, the phrase "without  
8 anal -- an analytical basis," that I don't believe  
9 appears in the record, and we must limit our questions  
10 to what is in the record. That is a judgment and an  
11 assumption that cannot be made on the basis of the  
12 record that was -- is here.

13 CHAIRMAN BOYER: Okay, we'll sustain that.  
14 But you can ask the question again, Mr. Michel.

15 MR. MICHEL: Okay.

16 Q. (By Mr. Michel) You were here when that  
17 discussion regarding the 25 cents to evoke a demand  
18 response was, was had between I believe one of the  
19 commissioner's questions and Mr. Taylor?

20 A. I was here.

21 Q. Do you have any reason to disagree with that,  
22 that statement that a tail block on the order of that  
23 magnitude might be needed to evoke a demand response?

24 A. I haven't made any assessment of that.

25 Q. Okay. Would you agree that customers

1 within -- well, I'd like you to assume that that is  
2 the case. That -- if you can.

3 And would you agree that under WRA's  
4 high-usage surcharge the customers within 100 kilowatt  
5 hours, give or take, of a threshold would see a price  
6 signal on the order of 25 percent, or 25 cents per  
7 kilowatt hour or greater?

8 A. So you're -- are you saying that -- let me  
9 see if I understand your --

10 Q. Sure.

11 A. -- your hypothetical. It's you're saying  
12 that WRA -- why don't you just repeat your question?

13 Q. Okay. Maybe I can --

14 A. I apologize.

15 Q. Maybe I can clarify it a little bit. Let's  
16 say a customer is at, in your example instead of,  
17 well, instead of 1,501 kilowatt hours per month let's  
18 say they're at 1550 kilowatt hours a month, and they  
19 can reduce down to 1,500.

20 A. Okay.

21 Q. And if there -- okay? And if there is a \$10  
22 benefit in addition to the 11 cents per kilowatt hour  
23 benefit associated with that reduction, they are  
24 actually seeing a price signal that's very  
25 significant.

1           And I think that's consistent with your  
2 testimony. Your -- do you agree with that?

3           A.     Yes.

4           Q.     Okay. And would you also agree that from an  
5 energy conservation standpoint -- let's assume that  
6 that is a goal -- that having an effective price  
7 signal for some customers is preferable to having an  
8 ineffective price signal for all customers?

9           A.     I think you need to look at the -- in terms  
10 of developing those prices and the price signals  
11 you're sending, the cost structure underlying that I  
12 think is fundamental.

13           MR. MICHEL: Okay. I believe that's all the  
14 questions I have. Thank you, Mr. Gimble.

15           CHAIRMAN BOYER: Okay. Thank you Mr. Michel.  
16 Mr. Dodge?

17           MR. DODGE: No questions, thank you.

18           CHAIRMAN BOYER: Commissioner Allen?  
19 Commissioner Campbell?

20           COMMISSIONER CAMPBELL: Just a couple.  
21 Mr. Gimble.

22           THE WITNESS: Good morning.

23           COMMISSIONER CAMPBELL: Good morning. I'd  
24 just like to ask you about the customer charge  
25 briefly.

1 THE WITNESS: Sure.

2 COMMISSIONER CAMPBELL: On Page 7 of your  
3 direct testimony you go through and you outline what  
4 the calculation would be under the Commission's  
5 method. And I -- while I understand your position on  
6 distribution-related cost would you respond to  
7 something Mr. Taylor brought up, and that is customer  
8 service-type charges.

9 Have you thought or considered whether the  
10 Commission's method should be changed to include  
11 customer service-type charges? Or what's your opinion  
12 on that?

13 THE WITNESS: I haven't performed any  
14 analysis related to that. I would note that the  
15 formula that the Commission relies on does go back to  
16 a -- I think it was a Mountain Fuel decision in 1982.

17 The order -- the electric order, the old Utah  
18 Power goes to 1984. So it has been a while since the  
19 Commission, you know, thought about fully, you know,  
20 what belongs in a residential customer charge. So, I  
21 mean, we're going back 25 years.

22 COMMISSIONER CAMPBELL: Let me ask you  
23 another question related to minimum bill. You're,  
24 you're suggesting to eliminate the minimum bill.  
25 Would you comment on Idaho's approach, where they have

1 a \$10 minimum bill but no customer charge?

2 Have you, in your experience -- well, what  
3 would the effect of that be on the customers you  
4 represent?

5 THE WITNESS: Well, it probably wouldn't  
6 impact that many of the customers we represent. I  
7 mean, it's gonna impact the customers at a very low  
8 usage.

9 I mean, it is one alternative that could, you  
10 know, be analyzed and, you know, potentially proposed  
11 by a party. But I haven't studied the Idaho method.

12 CHAIRMAN BOYER: Mr. Gimble, just a couple of  
13 questions. You suggested this morning that if, for  
14 example, if we were to accept the Office's  
15 recommendation of splitting the increase between the  
16 customer charge and the inverted block rates, that if  
17 we were concerned about the impact on low-usage  
18 customers we could, you know, spread that increase  
19 just to the two higher blocks.

20 Have you done the math as to what would that  
21 do? What would the numbers be if we were to do that?

22 THE WITNESS: I don't have an impact analysis  
23 attached to my testimony. The impacts would be more  
24 in the direction of what you approved in the  
25 stipulation in the last case, because there was a



1 slight decrease to the first block rate. And the tail  
2 block rate was higher in the last case.

3 CHAIRMAN BOYER: Is your suggestion that the,  
4 that the increase be allocated more or less evenly  
5 between the two higher blocks?

6 THE WITNESS: I think you could use -- the  
7 Commission could exercise some judgment, but probably  
8 putting a little bit more in the third block than the  
9 second. If you modify the opposite approach. We  
10 already have a 2 -- 2.2 percent increase in the second  
11 block.

12 CHAIRMAN BOYER: And then another question  
13 on -- Mr. Michel asked you a bunch of questions about  
14 demand response. Are you aware of any studies or do  
15 you have a personal opinion as to whether or not  
16 demand response is different depending on the income  
17 of the customer receiving the price signal?

18 THE WITNESS: I think in most elasticity  
19 studies that I've reviewed, income is an important  
20 consideration in terms of expected response. It set  
21 the prices.

22 CHAIRMAN BOYER: And then you would expect  
23 that lower-income customers would be -- that it would  
24 be more elastic for them, or not? I mean, what I find  
25 sort of interesting is that low-income customers

1 really have fewer means of mitigating higher costs for  
2 utilities than --

3 For example, I'm not a high-income person. I  
4 work for the State, you know, and I'm here to help  
5 you. But, you know, I've done insulation, and I've  
6 had new order -- windows on order, and I've changed my  
7 furnaces and that sort of thing. And my house is  
8 fairly tight anyway. But low-income people don't  
9 necessarily have those options available to them.

10 THE WITNESS: And that's one reason, you  
11 know, in terms of developing our rate design proposal,  
12 you know, we'd love the first block unchanged, with  
13 our customer charge proposal going to 75 cents.

14 And in response to the Division and SWEEP,  
15 SWEEP rebuttal testimony we, you know, indicate you  
16 could lower the -- that first block rate and move  
17 right up into the second and third blocks.

18 CHAIRMAN BOYER: Okay. Thank you,  
19 Mr. Gimble.

20 Redirect, Mr. Proctor?

21 MR. PROCTOR: Yes. Thank you, Mr. Chairman.

22 REDIRECT EXAMINATION

23 BY MR. PROCTOR:

24 Q. Mr. Gimble, if one was to apply the cost  
25 causation methodology that's previously been used by

1 this Commission in calculating customer charges, what  
2 would the customer charge be?

3 A. In terms of a cost-based customer charge?

4 Q. Absolutely, yes.

5 A. Three dollars and eighty-three cents.

6 Q. What are parties other than the Office  
7 advocating as a customer charge based on costs?

8 A. They're advocating customer charges below  
9 cost. You want me to give you the precise?

10 Q. If you can, quickly.

11 A. The Division is advocating \$3. SWEEP is --  
12 so that's a non-changed level of customer charge. WRA  
13 is advocating a \$3 customer charge. The Divi -- or I  
14 already did the Division.

15 SWEEP has a 25 cents increase to the customer  
16 charge, which is \$3.25. And then the Company, as I  
17 indicated in my summary, proposed to increase the  
18 customer charge to \$4.45. Which exceeds the  
19 calculation per the Commission's existing method.

20 Q. May we correctly assume, from your answers to  
21 Mr. Michel's questions, that the Office believes that  
22 price signals are appropriate for the purpose of  
23 encouraging conservation?

24 A. The Office believes that.

25 Q. Does the Office also believe that cost

1 causation does play a role in ratemaking and in rate  
2 design?

3 A. Yes. We think it plays an important role.  
4 And that's one reason we encouraged the Commission to  
5 require the Company to, you know, prepare and file a  
6 Utah marginal cost study. And the Company and the  
7 Division both supported the Office's proposal.

8 Q. Are there any potential harms from placing  
9 all or the vast majority of a rate increase into a  
10 conservation -- for a conservation purpose, and not  
11 changing any of the cost-driven elements of rate  
12 design?

13 A. Yeah, I think there's a -- if you, for  
14 example, went with SWEEP's proposal to increase the --  
15 I mean, SWEEP's proposal does have -- has a third  
16 block and a fourth block. The third block I think is  
17 over 12 cents, slightly over 12. And the fourth  
18 block -- I just looked at it this morning -- I believe  
19 is 14.72 cents a kilowatt hour.

20 That could be greatly over, you know, the  
21 cost of -- or the, the residential incremental cost  
22 that would be provided through the marginal cost  
23 analysis. And so if you set up -- if the Commission  
24 was to approve in this case SWEEP's proposal, then it  
25 may have to backtrack on the marginal cost study and

1 the information contained therein.

2 Q. Now, Mr. Michel also asked you a question  
3 pertaining to the wisdom of an effective price signal  
4 for some as being better than an ineffective price  
5 signal for all.

6 What role would balancing the cost causation  
7 methodology with a conservation goal have to  
8 developing, in effect, an effective price signal for  
9 all?

10 A. Well, I think, I think that's what we're --  
11 that -- I think that's precisely what the Office has  
12 done in terms of thinking, thinking about this. In  
13 terms of trying to send accurate price signals both on  
14 the fixed cost component of rates and also the  
15 variable cost component of rates.

16 And then taking a closer look, probably at  
17 both, but particularly the energy rates once we get  
18 the marginal cost information.

19 MR. PROCTOR: Thank you Mr. Gimble. Thank  
20 you.

21 CHAIRMAN BOYER: I'm gonna take the Chair's  
22 prerogative and ask Mr. Gimble one more question. And  
23 that is, if we were to increase even higher -- the  
24 third block to even a higher rate than you've  
25 suggested, do you have an opinion as to whether or not

1 that would encourage greater participation in Cool  
2 Keeper?

3 THE WITNESS: I haven't performed such an  
4 analysis. I mean, it could poten -- it depends on how  
5 far, I think, you go. The information that I've, I've  
6 reviewed with respect to Cool Keeper, it seems like  
7 there has been pretty good partici -- or pretty decent  
8 participation already in the program.

9 And I think Ms. Beck kind of addressed that  
10 we are getting a little bit of push back in terms of,  
11 from some customer groups, in terms of the level of  
12 DSM effort that's been going on in Utah as is.

13 CHAIRMAN BOYER: Thank you.

14 In fairness, if you have any redirect on  
15 that?

16 MR. PROCTOR: No. Thank you very much.

17 CHAIRMAN BOYER: Okay, thank you Mr. Gimble.  
18 You may step down.

19 It's been suggested that we hear now from  
20 UCA -- or UAE's witness, Mr. Townsend, then go to  
21 Ms. Wolf, then Mr. Curl, and then Dr. Collins after  
22 lunch. Is that a satisfactory order?

23 MR. DODGE: Yes.

24 CHAIRMAN BOYER: Okay, let's do that then.  
25 Since Mr. Townsend is here.

1 Mr. Townsend, have you been sworn in this --

2 MR. TOWNSEND: I have not.

3 CHAIRMAN BOYER: -- proceeding?

4 (Mr. Townsend was sworn.)

5 CHAIRMAN BOYER: Thank you. Please be  
6 seated.

7 NEAL TOWNSEND,

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

10 DIRECT EXAMINATION

11 BY MR. DODGE:

12 Q. Mr. Townsend, would you please state your  
13 full name, by whom you're employed, and for whom  
14 you're appearing?

15 A. Neal Townsend. That's N-e-a-l,  
16 T-o-w-n-s-e-n-d. I'm employed by Energy Strategies.  
17 And I'm here today representing the Utah Association  
18 of Energy Users, otherwise known as UAE.

19 Q. Mr. Townsend, in this docket have you caused  
20 to be prefiled your direct testimony, marked as UAE  
21 Exhibit RD-1.0, with your resume and three  
22 attachments -- three exhibits, excuse me, UAE Exhibit  
23 RD-1.0-R, rebuttal testimony, and UAE Exhibit  
24 RD-1.0-SR, surrebuttal testimony?

25 A. That's correct.

1 Q. And does that testimony represent your  
2 testimony here this morning?

3 A. Yes, it does.

4 Q. Do you have any corrections or changes to it?

5 A. No, I do not.

6 Q. And do you have a summary prepared?

7 A. Yes, I do.

8 Q. Please deliver it.

9 A. In my direct testimony I addressed rate  
10 design for Schedules 6, 8, and 9, and proposed a  
11 slightly different approach to the derivation of  
12 certain energy charges. My recommendations for these  
13 schedules were adopted for the purposes of the  
14 stipulated rate design that is before the Commission  
15 for approval.

16 In my rebuttal testimony I addressed the  
17 issue of inverted rate block rates and decoupling. I  
18 noted that no party had yet proposed inverted block  
19 rates or decoupling for nonresidential classes.  
20 Nevertheless, I addressed the inappropriateness of  
21 extending either proposal to nonresidential rate  
22 schedules.

23 I discussed the differences between  
24 residential and commercial/industrial classes in their  
25 electricity usage. I explained that commercial and



1 industrial customers usage -- energy use is driven by  
2 business needs and is not a matter of discretionary  
3 choice.

4 Further, I expressed general opposition to  
5 decoupling. And noted that the rationale underlying  
6 decoupling does not extend to non-residential rate  
7 classes. I also noted that decoupling reduces RMP's  
8 risk. And that this reduction in risk should be  
9 reflected in its allowed return on equity,  
10 simultaneous with the implementation of decoupling.

11 In my surrebuttal testimony I reiterated my  
12 concern about extending inverted block rates to  
13 nonresidential classes, and responded to rebuttal  
14 testimony of various parties regarding decoupling.

15 I agreed with arguments made by the Office  
16 and Salt Lake CAP that the Division's decoupling  
17 proposal was not presented in a manner that permits  
18 fair and complete evaluation of that specific proposal  
19 and other alternatives, or the intended ROE  
20 implications, and that the proposal was not adequately  
21 supported by a demonstration of need.

22 As to ROE, I pointed out that the Commission  
23 expressly agreed with UAE, in the Questar Gas Company  
24 decoupling context, that decoupling reduces the  
25 utility's risk and should be considered in determining

1 ROE.

2 In my opinion, the inability of parties to  
3 address or the Commission to determine ROE impacts of  
4 the Division's decoupling proposal in this docket is  
5 reason alone to justify its rejection at this time.

6 To the extent further discussion or  
7 consideration of the Division's proposal may be  
8 warranted, I recommend that the parties be directed to  
9 evaluate the alleged need for decoupling or other rate  
10 design changes.

11 That the Division's decoupling proposal and  
12 other alternatives be evaluated for effectiveness in  
13 responding to demonstrated needs. And that the ROE  
14 and other implications of any proposals be considered.  
15 This completes my summary.

16 MR. DODGE: Thank you.

17 Mr. Townsend is available for cross.

18 CHAIRMAN BOYER: Thank you Mr. Townsend.

19 Ms. Hogle, any questions for Mr. Townsend?

20 MS. HOGLE: I have none.

21 CHAIRMAN BOYER: No?

22 MS. HOGLE: No.

23 CHAIRMAN BOYER: Ms. Schmidt?

24 MS. SCHMID: No questions.

25 CHAIRMAN BOYER: Mr. Proctor?

1 MR. PROCTOR: No, thank you.

2 CHAIRMAN BOYER: Ms. Hayes?

3 MS. HAYES: No.

4 CHAIRMAN BOYER: Mr. Michel? Can't resist,  
5 can you?

6 MR. MICHEL: Afraid not.

7 CROSS EXAMINATION

8 BY MR. MICHEL:

9 Q. Good morning Mr. Townsend.

10 A. Good morning Mr. Michel.

11 Q. In your rebuttal testimony I believe you  
12 discuss the concern of single-issue ratemaking  
13 associated with decoupling. Do you recall that?

14 A. Yes, I do.

15 Q. Would you agree that the concern with  
16 single-issue ratemaking is that it can be unfair to  
17 customers, because issues that may increase rates are  
18 not permitted to be offset by other issues that are  
19 not being considered that may have a countervailing  
20 effect and result in an overall view that maybe no  
21 rate change is, is necessary, or the rate change would  
22 be different than if you looked at the whole picture?

23 A. Correct.

24 Q. Okay. Now, how -- so I'm having trouble  
25 understanding why you opine that decoupling has a

1 single-issue ratemaking concern. What is the?

2 A. In my, in my opinion you're just changing  
3 rates due to a change in one factor, that being usage,  
4 and not looking at all other factors that would  
5 influence rates.

6 Q. What other factors, I mean --

7 A. Cost. Other costs.

8 Q. But all those costs are being considered as  
9 part of -- in other words, when the Commission set the  
10 revenue requirements that are being used for the  
11 decoupling, that number is not changing, is it?

12 A. That's correct, but we're talking about  
13 subsequent changes when you adjust the rates.

14 Q. Subsequent usage?

15 A. My opinion is, you'll be changing the rates  
16 subsequent to when the Commission determines the  
17 rates. But you'll only be changing it for a change in  
18 one item usage, and not for any other underlying cost  
19 change.

20 Q. So your, your -- you consider customer usage  
21 to be a single issue?

22 A. As one of the factors that goes into  
23 determining rates.

24 Q. I understand. Now -- and how would you  
25 remedy that?

1 A. I'd have a general rate case.

2 Q. So you would have no decoupling at all?

3 A. That would be my preference, right.

4 Q. And how would you deal with the issue of  
5 fixed -- lost fixed cost recovery?

6 A. Well, I'm -- as I said in my testimony, I'm  
7 not sure there is a lost fixed cost revenue yet. I  
8 don't think that's been demonstrated.

9 Q. You don't believe there is for even in the  
10 residential class?

11 A. I don't know whether there is or isn't. I  
12 don't think it's been demonstrated.

13 Q. If there is, how would you remedy that?  
14 Or --

15 A. I think the utility would have another rate  
16 case. To reset rates. So we can look at all the  
17 costs.

18 Q. And would you agree that that should be done  
19 with a future test year? To avoid regulatory lag?

20 A. I think that's the practice of this  
21 Commission.

22 Q. Okay. And it doesn't concern you that that  
23 could result in multiple pancake rate cases?

24 A. I make a living off of rate cases, so I don't  
25 know too much about that. But my clients might

1 object.

2 Q. Okay. I know where you're coming from. So  
3 let me -- could you turn to the last page of your  
4 surrebuttal testimony?

5 A. Sure. I'm there.

6 Q. And there you discuss the decoupling -- you  
7 talk about certain decoupling proponents, WRA and  
8 SWEEP/UCE. And you indicate that they support -- and  
9 I'm on lines 4 and 5 -- more complete revenue  
10 decoupling mechanisms and/or extending decoupling to  
11 other customer classes. Do you see that?

12 A. Yes.

13 Q. Now, the remainder of that answer deals only  
14 with the second of those two issues. Is that the  
15 issue that you're most concerned about, extending  
16 decoupling to other customer classes?

17 A. Correct.

18 Q. Okay. The notion of expanding decoupling to  
19 include, for example, transmission and distribu -- or  
20 transmission and generation costs within the  
21 residential class, that would not give you concern?

22 A. Well, in general our clients are concerned  
23 about decoupling. But, you know, I didn't directly  
24 address the extension of it beyond the distribution  
25 fixed cost in this.

1 Q. And are you aware that WRA has advocated  
2 extending decoupling to other customer classes beyond  
3 residential?

4 A. In this state?

5 Q. Yes.

6 A. Or in, or in general?

7 Q. Either.

8 A. I, I noticed they -- I believe their witness  
9 made a statement that they would support such a  
10 proposal.

11 Q. You believe Mr. Curl did make that statement?

12 A. Subject to check. But I -- maybe I'm  
13 confusing him with a different witness.

14 Q. Okay. Because -- would you accept, subject  
15 to check, that WRA's position is that decoupling  
16 should be expanded in terms of the costs that are  
17 included in that decoupling adjustment, as opposed to  
18 extended to other classes?

19 A. I would accept that. But once the precedent  
20 has been set that you have it for one class it  
21 wouldn't be a far reach to say it should be extended  
22 to other classes by other parties even not WRA.

23 Q. But you've provided some compelling reasons,  
24 or in your mind compelling reasons for why that should  
25 not be the case, right?

1           A.     I agree with that.

2                   MR. MICHEL: That's all I have. Thank you  
3 Mr. Townsend.

4                   THE WITNESS: Sure.

5                   CHAIRMAN BOYER: Before we turn to  
6 commissioner questions, Mr. Dodge, would you like to  
7 offer Mr. Townsend's written testimony into evidence?

8                   MR. DODGE: I would, thank you.

9                   CHAIRMAN BOYER: Are there any objections to  
10 the admission of Mr. Townsend's direct, rebuttal, and  
11 surrebuttal testimony?

12                   They are admitted.

13                   MR. DODGE: Thank you.

14                   (Exhibit Nos. UAE-RD-1.0, UAE-RD-1.1 through  
15 1.3, UAE-RD-1.0-R, and UAE-RD-1.0-SR were  
16 admitted.)

17                   CHAIRMAN BOYER: Commissioner Allen?

18                   COMMISSIONER ALLEN: Thank you Mr. Chair.

19                   Just a couple quick questions, Mr. Townsend,  
20 just kind of looking at the broad view now when we  
21 talk about business and industrial customers. I want  
22 to make certain that I'm informed in this area.

23                   Would you say in your opinion as a general  
24 rule the business and industrial customers that you  
25 deal with, are they more or less informed when it



1 comes to issues of efficiency, conservation?

2 THE WITNESS: I would say they're more  
3 informed.

4 COMMISSIONER ALLEN: Than residential?

5 THE WITNESS: Yes.

6 COMMISSIONER ALLEN: And as a result is their  
7 elasticity of demand, could it be described as being  
8 different? Does it have different factors? Are they  
9 more sensitive? Do they have other options that would  
10 affect the elasticity of their response?

11 THE WITNESS: They may have other factors  
12 that would affect their response other than  
13 residential. But, you know, their needs of  
14 electricity are driven by their business that they're  
15 operating in, so. That's the main driver.

16 COMMISSIONER: And I'm familiar with the fact  
17 that, you know, they have different, they have  
18 different options when it comes to their demand-side  
19 management that residential customers don't have.

20 But one of the questions I have is how  
21 sensitive are they to rate changes and increases in  
22 terms of their ability to move their businesses? Do  
23 you see them considering those kind of options?

24 THE WITNESS: Some customers have expressed  
25 that very opinion.

1           COMMISSIONER ALLEN: Is it also true that we  
2 might be picking up customers from other states,  
3 though, as a result of our lower rates?

4           THE WITNESS: It is possible.

5           COMMISSIONER ALLEN: And I guess the bottom  
6 line I'm getting at is, in terms of business and  
7 commercial awareness of conservation and sensitivity  
8 to crisis in the energy world, has that changed over  
9 the last few years? Is it -- are they more sensitive?  
10 Are --

11          THE WITNESS: I think the customers I've been  
12 involved with are -- have not changed. They're very  
13 sensitive. They were, they are, and they will be.

14          COMMISSIONER ALLEN: Okay, great. Thank you.

15          COMMISSIONER CAMPBELL: Does UE -- does UAE  
16 have any customers on Questar's GF -- GS tariff?

17          THE WITNESS: I believe there is some usage  
18 on the GS rate. It's, it's not a significant amount  
19 of their overall costs, but I think there's some.

20          COMMISSIONER CAMPBELL: And what has been  
21 their experience on that rate?

22          THE WITNESS: Well, given that it's an in --  
23 fairly small percentage of their probably total gas  
24 bill, I think they've been more concerned about the  
25 rates on which the bulk of their usage has been -- is

1 received, so.

2 I haven't heard anybody discuss it. I mean,  
3 I -- in general I think UAE has supported some of the  
4 proposals to break the GS class up and break the  
5 commercial away from the residential. And that issue  
6 has probably been more an issue that has grabbed their  
7 attention.

8 COMMISSIONER CAMPBELL: I guess more  
9 specifically, have any of those customers expressed  
10 areas of harm based on decoupling of the GS class?

11 THE WITNESS: I think it's more of an issue  
12 of the risk that was reduced to Questar when that was  
13 implemented. That's been reflected in a lower ROE.

14 In general they're not in favor of  
15 decoupling, but they accept that the circumstances on  
16 the gas side warranted it after a long study. That  
17 that was the appropriate way to handle the DSM issue.

18 CHAIRMAN BOYER: Okay, thank you.

19 Any redirect, Mr. Dodge?

20 MR. DODGE: No. Thank you, Mr. Chairman.

21 CHAIRMAN BOYER: Okay, thank you

22 Mr. Townsend. You may step down.

23 Let's hear now from Ms. Betsy Wolf.

24 Ms. Wolf, have you been sworn in this case?

25 MS. WOLF: No, I haven't.

1 (Ms. Wolf was sworn.)

2 CHAIRMAN BOYER: Thank you. I guess to begin  
3 with would you --

4 MR. PROCTOR: Mr. Chairman?

5 CHAIRMAN BOYER: -- state and cite -- or  
6 spell your name, I guess?

7 MR. PROCTOR: Mr. Chairman?

8 CHAIRMAN BOYER: Were you -- pardon me, go  
9 ahead.

10 MR. PROCTOR: Yeah, with your permission.

11 CHAIRMAN BOYER: Absolutely. That would be  
12 nice, Mr. Proctor.

13 ELIZABETH A. WOLF,

14 called as a witness, having been duly sworn,  
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. PROCTOR:

18 Q. Ms. Wolf, could you state your name and on  
19 whose behalf you're appearing here today?

20 A. Yes. My name is Elizabeth Wolf, and I'm  
21 appearing on behalf of Salt Lake Community Action  
22 Program.

23 Q. You've testified before, before this  
24 Commission?

25 A. Yes, I have.

1 Q. And could you describe very briefly the focus  
2 of the Salt Lake Community Action Program and your  
3 role with the Community Action Program?

4 A. Yes. Salt Lake Community Action Program is a  
5 nonprofit organization that works with low-income  
6 populations in Salt Lake and Tooele Counties. We  
7 provide direct services to those households, and do  
8 advocacy as well on a variety of issues.

9 I've participated in working on utility  
10 issues since 1997. And have participated in a number  
11 of various cases and dockets, including general rate  
12 cases and other cases before the Commission since that  
13 time.

14 Q. Have you participated in this case since  
15 its -- it was commenced with -- and the revenue  
16 requirement portion, the return of -- rate of return  
17 portion, and the cost-of-service portion?

18 A. We did not file testimony in the earlier  
19 portions.

20 Q. But you have participated and been involved  
21 with it?

22 A. Yes.

23 Q. And in this particular case for rate design  
24 did you prepare and file with the Commission two forms  
25 of testimony: Direct and rebuttal, marked Salt

1 Lake -- or SLCAP Exhibit 1.0, direct testimony filed  
2 February 22nd, and Salt Lake CAP Rebuttal Exhibit  
3 No. 1, rebuttal testimony on March the 23rd?

4 A. Yes, I did.

5 Q. Do you have any corrections to either of  
6 those items of testimony?

7 A. I have one correction. In my rebuttal  
8 testimony on page 3, line 32, I'd like to delete the  
9 word "full," please. That would be all.

10 Q. Okay. Ms. Wolf, if I were to ask you today  
11 the questions that you answered in your prefiled  
12 testimony, would your answers remain the same?

13 A. Yes, they would.

14 MR. PROCTOR: Salt Lake CAP then would offer  
15 into evidence the direct and rebuttal testimony that  
16 has been identified.

17 CHAIRMAN BOYER: Are there any objections to  
18 the admission of Ms. Wolf's direct and rebuttal  
19 testimony?

20 MS. SCHMID: None.

21 CHAIRMAN BOYER: Seeing none, they are  
22 admitted.

23 (Exhibit Nos. SLCAP-1.0 and SLCAP-Rebuttal -1.0  
24 were admitted.)

25 Q. (By Mr. Proctor) Ms. Wolf, do you have a

1 summary of your testimony?

2 A. Yes, I do.

3 Q. Would you provide it, please?

4 A. Yes. My testimony on behalf of Salt Lake  
5 Community Action Program addresses two primary issues  
6 in the Phase II portion of this case pertaining to  
7 residential rate design.

8 One, in direct testimony I recommended a  
9 balanced approach to rate design that included  
10 increases to the minimum bill, the customer charge,  
11 and the second and third blocks of the summer inverted  
12 block rates.

13 And two, in rebuttal testimony I recommended  
14 that the Commission reject the decoupling mechanism --  
15 approach initially proposed by the Division of Public  
16 Utilities. I'll address the decoupling proposal  
17 first, since it appears to be -- have become the  
18 central issue in this phase of the rate case.

19 Salt Lake Community Action Program continues  
20 to recommend that the Public Service Commission reject  
21 the decoupling proposal. The proposal for revenue  
22 decoupling, even the partial revenue decoupling  
23 covering the fixed distribution charge -- costs such  
24 as the one proposed by the Division of Public  
25 Utilities in its direct testimony in this case, is a

1 major change in the regulatory regime and should not  
2 be taken lightly.

3 First, there are issues related to timing,  
4 including the timing of the proposal outside the  
5 revenue requirement portion of the case is such that  
6 there is no way to consider an appropriate adjustment  
7 to rate of return that might otherwise be made to  
8 balance the reduction of risk to the Company.

9 Also, this change -- this significant a  
10 change merits significant -- sufficient examination,  
11 and the time frame in which it was presented and the  
12 time left to analyze the proposal and explore other  
13 alternatives we believe is insufficient.

14 Most important is the issue related to what  
15 the proposed mechanism aims to accomplish. Revenue  
16 decoupling mechanisms have largely been promoted as a  
17 means to incent demand-side management programs and  
18 conservation measures by assuring the utility of its  
19 revenues when those measures reduce sales.

20 Our concern is that this proposal is more  
21 singularly a revenue assurance mechanism, due to the  
22 relative price inelasticity of residential electric  
23 use.

24 We're concerned that only the use of an  
25 increased tail block in conjunction with decoupling is



1 utilize -- is utilizing a major change in the  
2 regulatory structure to make a potentially modest  
3 change in demand.

4 Our original proposal for rate design was  
5 meant to reflect a balance between the differing needs  
6 of the various interests, and we still believe that is  
7 what it represents. It does three things:

8 A, increases the minimum bill to insure that  
9 the very smallest customers pay more of their fixed  
10 costs. B, splits the remaining increase between the  
11 customer charge, bringing it to \$3.73 per month. And  
12 C, splits the remaining portion of the increase  
13 between the second and third summer block rates.

14 Our proposal recognizes a balancing of the  
15 need of the Company to collect more of its fixed  
16 distribution costs using the commonly-accepted  
17 methodology of calculating those costs with the spirit  
18 of gradualism and increasing the cost of the customer  
19 charge.

20 We are troubled by the notion that, as the  
21 customer charge begins to approach the target that has  
22 been put forward by the Company over the past couple  
23 of decades, that the Company has switched the  
24 calculation of its fixed distribution charges to a  
25 calculation that more closely resembles the straight

1 fixed variable rate.

2 We urge the Commission to consider our  
3 proposal as a balanced one, and to revisit the  
4 decoupling program if it merits further action in a  
5 later proceeding.

6 We remain troubled by the fact that Rocky  
7 Mountain Power supports the decoupling proposal only  
8 if it does not have a higher tail block, and is  
9 adopted solely as a mechanism that protects the  
10 company's revenue volatility.

11 While the Division views the proposal as a  
12 way to incent the efficient use of electricity by  
13 residential consumers through the use of a higher tail  
14 block rate, it also acknowledges that the price  
15 elasticity study it cites shows that residential  
16 electricity use is relatively price inelastic.

17 Dave Taylor of Rocky Mountain Power further  
18 confirmed that the creation of the inverted block  
19 rates has had little effect on usage over the years.  
20 We're concerned that the decoupling proposal on the  
21 table utilizes the major change in rate design to make  
22 a potentially modest or perhaps even negligible change  
23 in demand.

24 We conclude that there's no real need for a  
25 rush to judgment regarding establishment of a

1 decoupling mechanism. And urge the Commission to take  
2 a hard look at what the purported goals are and  
3 whether this proposal is warranted. And that  
4 concludes my summary.

5 CHAIRMAN BOYER: Thank you Ms. Wolf.

6 Ms. Hogle, have you questions for Ms. Wolf?

7 MS. HOGLE: No, thank you.

8 CHAIRMAN BOYER: Ms. Schmidt?

9 MS. SCHMID: Yes.

10 CROSS EXAMINATION

11 BY MS. SCHMID:

12 Q. Good morning.

13 A. Good morning.

14 Q. Does increasing the minimum bill charge send  
15 a price signal to promote conservation?

16 A. I don't -- let's see. Does -- I don't  
17 believe that increasing the minimum bill sends a price  
18 signal to increase conservation. But that's not what  
19 the intention of that suggestion was.

20 We -- there are some very low users in the  
21 sort of 100/200-kilowatt hours a month range that, you  
22 know, we agree with the Company that at the current  
23 customer charge and at their low-usage levels may not  
24 be making, you know, a contribution to the fixed  
25 costs.

1           That's the reason for proposing a higher  
2 minimum charge. It's not to incent conservation.  
3 That was never an element of that proposal.

4           Q.     What sort of users have such a low  
5 consumption?

6           A.     Well, we don't know for absolute sure. But  
7 we believe that there's some users in that category  
8 that might be things like summer cabins. Places that  
9 aren't used on a regular basis throughout the year,  
10 and so there's very minimal usage during portions of  
11 the year.

12                     And it's possible that some of those users  
13 use a larger portion say in the summer, when -- and so  
14 for part of the year, while they're a fixed  
15 distribution cost to maintaining the system, that  
16 they're not necessarily contributing to those costs.

17           MS. SCHMID: Thank you.

18           CHAIRMAN BOYER: Mr. Proctor, any questions?

19           MR. PROCTOR: No, thank you.

20           CHAIRMAN BOYER: Mr. Michel?

21           MR. MICHEL: Thank you.

22                                     CROSS EXAMINATION

23           BY MR. MICHEL:

24           Q.     Good morning Ms. Wolf.

25           A.     Good morning.

1 Q. I just have one issue -- one portion of your  
2 testimony I want to explore with you. Could you turn  
3 to your rebuttal testimony at page 6?

4 A. Yes.

5 Q. And at lines 127 through 129 you indicate  
6 that one of your concerns with decoupling is that the,  
7 the decoupling adjustment gets applied across all  
8 kilowatt hours and would go against the principle of  
9 maintaining an affordable first block. Do you see  
10 that?

11 A. Yes, I do.

12 Q. Have you had a chance to review Mr. Curl's  
13 surrebuttal testimony?

14 A. Yes, I have.

15 Q. All right. In that surrebuttal he suggests  
16 that the decoupling adjustment could be restricted to  
17 the high-usage surcharge so as to avoid that impact to  
18 low-use low-income customers.

19 Does that alleviate at least, at least this  
20 concern that you have with the decoupling proposal?  
21 Or would that -- could that alleviate that concern?

22 A. I think that that could alleviate that  
23 concern, although I think we have some other concerns  
24 about the high-usage charge.

25 MR. MICHEL: Okay. That's all I have, thank

1 you.

2 CHAIRMAN BOYER: I think I asked Ms. Hayes,  
3 do you have questions of Ms. Wolf?

4 MS. HAYES: No.

5 CHAIRMAN BOYER: Okay. Mr. Dodge?

6 MR. DODGE: No questions, thank you.

7 CHAIRMAN BOYER: Commissioner Allen?

8 COMMISSIONER ALLEN: No, thank you.

9 CHAIRMAN BOYER: Commissioner Campbell?

10 COMMISSIONER CAMPBELL: Just one. Ever since  
11 Mr. Taylor brought up Idaho I'm kind of intrigued with  
12 the concept. And you're the only one suggesting  
13 increasing the minimum bill, so how would, how would a  
14 minimum bill of \$10, with no customer charge, affect  
15 the clients you represent?

16 THE WITNESS: I have to tell you that I  
17 haven't analyzed a minimum bill of \$10. We've looked  
18 at a minimum bill of \$6.

19 And I also was intrigued by the Idaho  
20 situation, and am sorry that I did not have a chance  
21 to look at that before. But I think it's an  
22 interesting alternative approach to the methods that  
23 we're currently using.

24 CHAIRMAN BOYER: Just a couple of questions,  
25 Ms. Wolf. Based on your experience with low and fixed

1 income constituents do you have an opinion as to  
2 whether low-income customers' demand for electricity  
3 is elastic or inelastic?

4 THE WITNESS: Well, I would say that it's  
5 relatively inelastic.

6 CHAIRMAN BOYER: That was my next question,  
7 relative to higher income versus --

8 THE WITNESS: I was gonna say, certainly  
9 relative to higher-income households that utilize --  
10 that probably have, on average, larger houses, have  
11 more electronic appliances, and have more ability to  
12 make changes in those -- in their appliance and  
13 heating and cooling usage.

14 I would note that low-income customers very  
15 rarely -- I don't want to say that it doesn't exist,  
16 because we've seen more air conditioning coming into  
17 the market, particularly as new units -- new  
18 affordable housing units are built.

19 But in general, low-income households do not  
20 have air conditioning. So they use -- central air  
21 conditioning. They tend to utilize evaporative  
22 coolers. And so there's just -- because that's a much  
23 less expensive form of cooling, there's less  
24 ability -- even if you turned it off, you wouldn't --  
25 you'd save a minimal amount of money.

1           So I do think that there's less ability. We  
2 also find that many of the low-income customers have  
3 either young children, or have elderly people, or a  
4 disabled person in the household. And often those  
5 people, especially elderly or disabled, have issues  
6 around maintaining -- needing to maintain a  
7 warmer-than-average or a cooler-than-average household  
8 just to meet their medical needs.

9           And so there are less -- there's less ability  
10 there to make those changes. As well as many of those  
11 people are home most of the day. So, you know, we  
12 find elderly people who may sit in front of a  
13 television set for a good part of the day.

14           I suppose they could turn it off, but it may  
15 not leave them much else to.

16           CHAIRMAN BOYER: Gaze out the window, I  
17 suppose?

18           THE WITNESS: Right.

19           CHAIRMAN BOYER: Thank you, Ms. Wolf. Is  
20 there anything else you'd like to add in response to  
21 the questions that have been asked? Do your own  
22 redirect?

23           THE WITNESS: I can't think of anything.

24           CHAIRMAN BOYER: Thank you very much.

25           Mr. Proctor?



1 MR. PROCTOR: This is unusual and you can  
2 certainly tell me no, but I think there is a redirect  
3 that she may want to address.

4 CHAIRMAN BOYER: Why don't you give her a  
5 hint then?

6 MR. PROCTOR: Would that be by asking her the  
7 question, and she can refuse? I -- if you don't want  
8 me to do this, I won't. But I guess it's a question I  
9 should have asked in my own cross examination.

10 CHAIRMAN BOYER: Well, let's hear it. We  
11 don't want to leave the record incomplete.

12 REDI RECT/CROSS EXAMI NATION

13 BY MR. PROCTOR:

14 Q. Ms. Wolf, you stated that a higher-income  
15 customer may be better able to control their usage.  
16 You spoke in terms of appliances, electronic devices,  
17 and such.

18 Wouldn't it also be true that a higher-income  
19 customer would be better able to absorb a surcharge,  
20 for example such as WRA is proposing, and therefore it  
21 wouldn't have a conservation effect?

22 A. Yes. That -- thank you. I believe that is  
23 also true. As well as the ability of higher-income  
24 households to engage in energy efficiency practices  
25 and, and to purchase measures that could help reduce

1 their usage.

2 Where low-income households really do not  
3 have that kind of income available to invest in those  
4 purchases.

5 Q. And if a sufficient quantity of the  
6 higher-income customer in fact just simply absorbed  
7 the additional cost -- whether it be through the  
8 higher tail block rate or through a surcharge -- would  
9 that have the effect of shifting to all customers,  
10 including low income, the effect of the decoupling,  
11 because you're not recovering those fixed costs?

12 A. Could, could you restate that? I'm not sure  
13 I.

14 Q. If you had sufficient number of higher-income  
15 employee -- customers just absorbing the costs of  
16 greater use and therefore reducing the amount of the  
17 conservation, would that have any effect of increasing  
18 the decoupling effect which of course is spread  
19 upon -- across all customers, including low income?

20 MS. SCHMID: Objection to the form of the  
21 question. Friendly cross.

22 CHAIRMAN BOYER: Well.

23 MR. PROCTOR: I don't think it's friendly  
24 because I don't think that I'm giving her the answer  
25 or being particularly nice.

1 CHAIRMAN BOYER: I think it's an appropriate  
2 question.

3 THE WITNESS: An appropriate?

4 CHAIRMAN BOYER: It is appropriate, and you  
5 may answer it.

6 THE WITNESS: Okay.

7 CHAIRMAN BOYER: Do you need it repeated  
8 again?

9 THE WITNESS: Well, I guess I'm confused,  
10 because frankly if there's higher usage it goes the  
11 other way.

12 MR. PROCTOR: Okay. Thank you very much.

13 THE WITNESS: If there's -- yes. If it's  
14 lower usage, if the low-income households spend more  
15 money -- or I'm sorry.

16 If the higher-income households spend a lot  
17 of money and react to the higher charge, then that  
18 might cause more customers -- customers more charges  
19 through the decoupling.

20 MR. PROCTOR: Thank you very much.

21 Thank you Mr. Chairman.

22 CHAIRMAN BOYER: Okay. Thank you

23 Mr. Proctor.

24 Thank you Ms. Wolf.

25 I think -- now, we have one more witness this

1 morning, but I think we'll take a short break, let our  
2 reporter rest her weary fingers for ten minutes or so,  
3 and then we'll hear from Mr. Curl.

4 (A recess was taken from 10:16 to 10:33 a.m.)

5 CHAIRMAN BOYER: Mr. Curl, you probably have  
6 not been sworn in this proceeding.

7 MR. CURL: I have not.

8 (Mr. Curl was sworn.)

9 CHAIRMAN BOYER: Thank you, please be seated.  
10 Mr. Michel?

11 MR. MICHEL: Thank you.

12 JOHN E. CURL,

13 called as a witness, having been duly sworn,  
14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MICHEL:

17 Q. Good morning Mr. Curl.

18 A. Morning.

19 Q. Could you state your full name for the  
20 record?

21 A. My name is John E. Curl.

22 Q. And by whom are you employed?

23 A. I'm employed by Western Resource Advocates as  
24 a senior policy analyst.

25 Q. And is that who you're testifying on behalf

1 of in this proceeding?

2 A. I am.

3 Q. Okay. Have you prefilled direct, rebuttal,  
4 and surrebuttal testimony in Phase II of that case?

5 A. Yes, I have.

6 Q. And that's -- those are marked respectively  
7 as Exhibits 1, 2, and 3.

8 A. Yep.

9 Q. WRA Exhibits 1, 2, and 3?

10 A. That's correct.

11 Q. Do you have any changes or corrections to any  
12 of that testimony?

13 A. Yes, I have a typographical -- a couple  
14 typographical errors on Exhibit 3, my surrebuttal  
15 testimony. On page, on page 3, at line 59, the word  
16 "party" should be "part."

17 Q. Okay.

18 A. And on page 4, at line 74, I'm not sure what  
19 that last word in the line is, but it should be  
20 cause -- "causer."

21 THE REPORTER: Should be what?

22 THE WITNESS: Causer. C-a-u-s-e-r.

23 Q. (By Mr. Michel) And those changes have been  
24 marked on the court reporter's copy. With those  
25 changes and corrections, if I ask you the same

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

3 A. They would.

4 Q. And is that testimony true and correct to the  
5 best of your knowledge, information, and belief?

6 A. Yes, it is.

7 MR. MICHEL: I'd like to move the admission  
8 of WRA Exhibits 1, 2, and 3, subject to cross.

9 CHAIRMAN BOYER: Any objection to the  
10 admission of Mr. Curl's direct, rebuttal, and  
11 surrebuttal testimony? They are admitted.

12 (Exhibit Nos. WRA-1, 2 and 3 were admitted.)

13 Q. (By Mr. Michel) Mr. Curl, have you prepared  
14 a summary of your testimony?

15 A. Yes, I have.

16 Q. Could you provide that, please?

17 A. Yes. WRA supports a rate design for the  
18 residential class that gives a much stronger price  
19 signal to higher-use customers to encourage additional  
20 conservation and energy efficiency. This is in  
21 contrast to the Company's original proposal to simply  
22 increase the customer charge.

23 In order to have the maximum effect on  
24 consumer energy use decisions I recommend recovery of  
25 the entire amount of the Commission's revenue spread

1 decision, allocating \$12 million to the residential  
2 classes through a high-usage surcharge.

3 The high-usage surcharge would be added to  
4 each month's bill as a separate line item on the bill  
5 to get the customer's attention. The surcharge starts  
6 at \$2.50 per month for customers using between 1,000  
7 and 1,500 kilowatt hours per month.

8 The surcharge increases to \$10 per month for  
9 customers using 1,501 to 2,500 kilowatt hours. It  
10 increases again \$20 per month for customers in the  
11 2,500 to 3,500 kilowatt hour range.

12 The surcharge continues to increase by \$10  
13 increments for each thousand dollar -- I'm sorry, each  
14 thousand kilowatt hour increment, up to  
15 10,000 kilowatt hours, after which it continues, but  
16 in larger increments.

17 The purpose of the surcharge approach is to  
18 get the customer's attention and provide motivation  
19 for energy use reductions. I believe the separate  
20 identified surcharge will achieve this result by  
21 portraying the customer's energy use habits in a  
22 negative light.

23 In addition, customers whose usage is close  
24 to a threshold get a very strong price signal to  
25 manage their consumption in the future.

1           The surcharge is added to increasing block  
2 three tier rates proposed by the Company. I'm also  
3 supporting the Division's decoupling proposal. This  
4 proposal is attractive to WRA because it reduces  
5 utility revenue recovery concerns for DSM programs in  
6 conservation-oriented rates, such as our high-usage  
7 surcharge.

8           Decoupling, however, only makes sense if it's  
9 accompanied by efforts to reduce customer consumption.  
10 Absent such efforts, decoupling should not be  
11 employed.

12           If the Commission decides not to approve  
13 decoupling at this time, I recommend the Commission  
14 offer the parties an opportunity to develop the  
15 decoupling proposal for the Commission's consideration  
16 in another phase of this case. Or for consideration  
17 in RMP's next rate case. Thank you.

18           CHAIRMAN BOYER: Thank you Mr. Curl. Is he  
19 available now for cross examination, Mr. Michel?

20           MR. MICHEL: Yes, he is. Thank you.

21           CHAIRMAN BOYER: Ms. Hogle, questions for  
22 Mr. Curl?

23           MS. HOGLE: I just have a few.

24   \*\*\*

25   \*\*\*



CROSS EXAMINATION

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BY MS. HOGLE:

Q. Good morning Mr. Curl.

A. Good morning.

Q. You were in the room when your attorney asked Mr. Gimble whether he, Mr. Gimble, agreed with your attorney that there was no evidence on the record that any party's rate design proposal is cost based, correct?

A. Yes.

Q. So in terms of cost there is no evidence on the record supporting WRA's high-usage surcharge; is that correct?

A. Well, basically the answer to your question is yes. But I would point out that we're all dealing with a revenue requirement for the residential class, so to that extent we are constrained by cost in some way.

Q. Thank you. Have you read Mr. Griffith's testimony?

A. Yes, I have.

Q. Specifically his updated testimony filed March 11, 2010?

A. I'm sure I have.

Q. Okay. It's Exhibit 2-U. Isn't it true that

1 his exhibit shows that Rocky Mountain Power's proposed  
2 customer charge is supported by cost analysis? And I  
3 can give you a copy of his exhibit if you wish.

4 A. I think he has a cost of service study in  
5 support, yes.

6 Q. And you would agree with me that cost  
7 causation is an important principle in rate design?

8 A. I agree it is a principle. I agree it is an  
9 important principle. But I think at this point in  
10 time it's more important to focus on energy efficiency  
11 and energy conservation price signals to consumers.  
12 We've heard evidence today and yesterday regarding the  
13 update to the IRP indicating a pretty significant  
14 amount of new generations needed.

15 I think there's no time to be wasted in  
16 developing new programs to conserve energy, like DSM  
17 programs, or improved rate design to instill greater  
18 conservation efforts from consumers.

19 Q. Even if it pushes rates well beyond cost  
20 then?

21 A. Yes.

22 Q. Okay, thank you.

23 MS. HOGLE: I have no further questions.

24 CHAIRMAN BOYER: Ms. Schmidt?

25 MS. SCHMID: No questions.

1 CHAIRMAN BOYER: Mr. Proctor?

2 MR. PROCTOR: Thank you, Mr. Chairman.

3 CROSS EXAMINATION

4 BY MR. PROCTOR:

5 Q. Mr. Curl, the scale of your -- first of all  
6 the high-use charge itself and then the scale of the  
7 kilowatt usage to which it's applied, how did WRA  
8 develop those scales?

9 A. Well, I described it briefly in my testimony.  
10 But it was an effort to use a surcharge to recover  
11 \$12.6 million from residential consumers. Beyond  
12 that, it was also -- well, it was in recognition of a  
13 need to put a greater surcharge on higher levels of  
14 consumption.

15 So we were focussing on that as well. So it  
16 was an increasing surcharge. The fact that it's  
17 thousand kilowatt hour increments is relatively  
18 arbitrary. It could have been 500, it could have been  
19 2,000. We felt a thousand was a reasonable  
20 compromise.

21 Q. And the \$2.50, the \$10, the \$20, how did you  
22 calculate that scale?

23 A. Well, again, based upon the ranges we  
24 developed and the need to collect the \$12 million,  
25 the -- starting with \$10 in the 1,500 to 2,500

1 kilowatt hour range and ratcheting up, or I should say  
2 increasing them to higher levels, left us with a  
3 bit -- additional dollars to recover. We weren't  
4 quite to the 12 million level, so we came up with a  
5 \$2.50 charge for the 1,000 to 1,500 kilowatt range.

6 Q. So you determined the high-usage charge  
7 that -- in order to collect \$12 million by applying it  
8 to arbitrarily-selected ranges of kilowatt usage; is  
9 that fair?

10 A. I always hate to use the word "arbitrarily."  
11 We, we thought about this carefully. But yes, it  
12 could have been a different range.

13 Q. Well, you're the one who used the term  
14 "arbitrary" to describe your selection of thousand  
15 kilowatt ranges.

16 A. I'm -- I'll accept that.

17 Q. So in fact it is fair, the way I described  
18 your calculation? You have \$12 million you have to  
19 collect, pick a number, multiply it times an  
20 arbitrarily-selected scale of usage?

21 A. That's correct.

22 Q. Now, in order to get that \$12 million you  
23 also considered the monthly usage, calculated by the  
24 number of customers within each range, multiplied by  
25 12; is that correct?

1 A. That's correct.

2 Q. And you described that on page 2, at line 30  
3 through 32 of your surrebuttal testimony, correct?

4 A. That's correct.

5 Q. What percentage of customers are in the 1,000  
6 to 1,500 monthly kilowatt usage range?

7 A. I haven't done that calculation.

8 Q. And so you've done the calculation -- no  
9 calculation for any of those ranges?

10 A. It's a significant portion because there are  
11 700,000, and I think we've just eyeballed it that  
12 there's about 200,000. It would be a little less than  
13 200,000 that would be affected by the surcharge. So  
14 500 of 700 thousand would not be affected.

15 Q. And so that is an average monthly use over a  
16 12-month period?

17 A. These are cus -- the customers' usage would  
18 be measured each month, and that would determine which  
19 category they'd be in.

20 Q. Well, let's take all months except July,  
21 August, and September. What percentage of Rocky  
22 Mountain Power's residential customers would be using  
23 1,000 to 1,500 on a monthly basis in those nine  
24 months?

25 A. I don't think I have that calculation. I

1 could find the data, I suppose.

2 Q. You also mentioned on page 3 of your  
3 surrebuttal -- well, let me back up.

4 Is the driving purpose for your high-usage  
5 surcharge to incentivize energy conservation?

6 A. Yes.

7 Q. And it's the WRA's --

8 A. May I -- Mr. Proctor, I'm sorry. May I  
9 expand on that just a bit?

10 Q. Sure.

11 A. We're trying to drive energy conservation on  
12 the part of consumers, but we're also trying to make  
13 sure the Company is not -- well, maybe I'm not  
14 answering your question. I may have wrote the next  
15 step.

16 Q. Answer the question you want to answer.

17 A. Apparently I am, I'm sorry. I'll stick with  
18 your question. Yes, our primary purpose for the  
19 high-usage surcharge by itself is energy conservation  
20 and efficiency.

21 Q. That does have a collateral effect, however,  
22 of reducing the need, for example, for new energy  
23 resources, at least in theory --

24 A. Yes.

25 Q. -- that the Company also benefits because

1 they don't have to build, purchase, whatever, correct?

2 A. That's correct.

3 Q. But it's primarily relying upon the consumer  
4 to respond to a monthly bill that says there's a  
5 surcharge because you used X amount of energy prior to  
6 that?

7 A. That's correct. We're making the point that  
8 there are 700,000 customers making regular decisions  
9 about energy use. Whether to use it, whether not to  
10 use it. What kind of appliances to buy.

11 These are people who are not in any  
12 particular program from the utility, they're just  
13 making decisions on a regular basis. And they look at  
14 their bill every month. And if they see something  
15 called a high-usage surcharge and it says 10, 20, 30  
16 dollars on there we're hoping that will effect some  
17 additional response from them.

18 Q. The other thing that you said in describing  
19 those customers upon whom your program depends is --  
20 and this is on page 5, at line 101:

21 "As a practical matter" --

22 MR. MICHEL: Of the surrebuttal? Excuse me.

23 MR. PROCTOR: Surrebuttal, you bet. Yes,  
24 thank you, I'm sorry.

25 Q. (By Mr. Proctor) "As a practical

1 matter, most customers are unable to  
2 predict or control with great precision  
3 their level of energy use in any month."

4 So those are the people you're depending  
5 upon, right?

6 A. Well, we're depending on everyone who gets  
7 the bill. Particularly a bill with a high-usage  
8 surcharge. It's -- my point here is that, while the  
9 incremental rate that people see is very important in  
10 decision making in economic theory, as a practical  
11 matter most consumers don't know exactly what their  
12 monthly bill is going to be or how many kilowatt hours  
13 they're going to use.

14 They'll know what they used last month, maybe  
15 the month before, maybe the -- this month, the  
16 previous year. It's just difficult to be really  
17 precise with your usage. So if you understand that by  
18 reducing your usage some number of kilowatt hours  
19 you're able to perhaps drop into a lower range and  
20 save a quick \$10 on your bill, we're hoping that will  
21 be an additional incentive.

22 Q. You'd also expect those customers to respond  
23 to such things as, It's very hot and my newborn needs  
24 to be cool, correct?

25 A. Of course.



1 Q. Or the Tour de France is on and I want to  
2 watch it on my 50-inch plasma screen TV, correct?

3 A. I would definitely recommend that.

4 Q. Now, on page 3 to your surrebuttal, at  
5 line 52, you describe the higher customer charge as a  
6 tax that cannot be avoided, correct?

7 A. Yes.

8 Q. Let's assume that a customer is using five --  
9 between 1,500 and 2,500 kilowatts on a monthly basis.  
10 You're going to assess a surcharge after the fact of  
11 \$10. Is that \$10 cost based?

12 A. No.

13 Q. But --

14 A. It's an incentive.

15 Q. Is the customer charge cost based?

16 A. The \$3 customer charge?

17 Q. Yes.

18 A. A lot of cost items were in place to develop  
19 the customer charge. There's evidence in this case  
20 that it's low below cost base. I guess I agree --  
21 I'll agree it's cost based.

22 Q. It's --

23 A. Or close to cost based.

24 Q. It's attempting to recover the full cost, but  
25 it doesn't for other policy reasons; is that fair?

1 A. Yes.

2 Q. And are you aware that this Commission has,  
3 in recent rate cases, increased the customer charge in  
4 order to bring it to -- closer to cost, full cost  
5 recovery?

6 A. That is my understanding.

7 Q. You were present during Mr. Gimble's  
8 testimony?

9 A. Yes.

10 Q. You were also present yesterday during  
11 Mr. Powell's testimony?

12 A. Yes.

13 Q. And -- pardon me, Dr. Powell. Did you -- do  
14 you recall that Dr. Powell testified that there was a  
15 certain level, according to the Division, and they  
16 pegged it at roughly 11 percent, that if the tail  
17 block was raised 10 percent that there would be -- or  
18 excuse me by -- yeah, 10, 11 percent there would be an  
19 appropriate demand response or an acceptable demand  
20 response. But anything less would be a lesser demand  
21 response, and therefore decoupling was not justified.  
22 Did you -- do you recall that testimony?

23 A. Yes.

24 Q. In your judgment, from what you heard, did I  
25 fairly describe Dr. Powell's assessment?

1 A. I think so.

2 Q. For the customer using between 1,000 and  
3 1,500 kilowatts what would -- what percentage increase  
4 would the \$2.50 represent?

5 A. From a thousand?

6 Q. Your high-usage surcharge applies a \$2.50  
7 charge to the user in a month who uses between 1,000  
8 and 1,500 kilowatts?

9 A. Yes.

10 Q. What percentage is the \$2.50 of the total  
11 bill?

12 MR. MICHEL: Well, objection. I think  
13 Mr. Proctor needs to specify whether he's referring to  
14 a thousand kilowatt hour customer or a 1,500 kilowatt  
15 hour customer to make that determination.

16 Q. (By Mr. Proctor) Well, let's start with the  
17 extremes then between 1,000 and -- first, what  
18 percentage is the 2.50, and then the 1,500?

19 A. Okay. On my schedule JEC-2 it shows at  
20 1,100 kilowatt hours the \$2.50 surcharge would  
21 represent a 2.4 percent change.

22 Q. And at 1,500?

23 A. A 1.7 percent change.

24 Q. And does your table also reflect the  
25 percentage that \$10 would be to a 2,500 kilowatt hour

1 user?

2 A. Yes, it does.

3 Q. What is that number?

4 A. Three point eight percent. I'm sorry -- I'm  
5 taking a shortcut here looking at this exhibit. But  
6 it's also got -- it has the underlying increasing  
7 block rate involved, so I'm.

8 Q. Okay. That's --

9 A. Can you accept that?

10 Q. Yes, I'll accept that. Certainly. Your  
11 counsel asked Ms. Wolf just moments ago about the  
12 acceptance of Salt Lake CAP of a proposal that would  
13 apply decoupling only to the high-user surcharge.  
14 Have you addressed that in your testimony?

15 A. Yes. I think the discussion there is to  
16 apply the recovery of the decoupling adjustment to --  
17 through the high-usage surcharge. So instead of a \$10  
18 surcharge it might be \$10.15.

19 Q. And so that's at line -- on page 4, line 85  
20 to 87 of your surrebuttal?

21 A. Yes.

22 Q. Is that the only place within your  
23 surrebuttal that you describe that particular  
24 modification to the decoupling proposal?

25 A. I believe so.

1 Q. So could you explain in greater detail how it  
2 is then that the decoupling proposal now that WRA is  
3 considering would exclude impact of the decoupling  
4 upon consumers of less than 1,000 kilowatt hours?

5 A. Well, the surcharge would not be levied on  
6 anyone using less than a thousand kilowatt hours.

7 Q. Okay. But there would be less overall usage,  
8 theoretically, from the surcharge for those over  
9 1,000 hours?

10 A. We hope so.

11 Q. How would you design the decoupling such as  
12 to isolate the effect of decoupling, or the  
13 under-recovery of fixed costs, from those customers  
14 who are using under 1,000 kilowatt hours?

15 A. I think that's automatically occurring by the  
16 fact that the surcharge is only applied to customers  
17 using over a thousand.

18 Q. But the decoupling proposal, does not that  
19 spread the under-recovered fixed costs across all  
20 customers?

21 A. I think that was the Division's proposal.  
22 What I'm suggesting here in my testimony is you could  
23 also recover those costs through the surcharge.

24 Q. So that only high use -- high users would see  
25 any increase or decrease in their fixed-cost portion

1 of their bill?

2 A. It wouldn't be in the fixed-cost portion of  
3 the bill, it would be in the surcharge.

4 Q. Surcharge?

5 A. Yes.

6 Q. So you --

7 A. And I would also recommend that the recovery  
8 be done on pro rata basis, applied to the high-usage  
9 surcharge.

10 Q. And would that be done on a monthly basis?

11 A. I think it would just depend on how  
12 it's -- how the decoupling mechanism works. The  
13 Division proposed a six-month, and now it's agreeable  
14 to the Company's proposal for a year. So wherever  
15 that, wherever that adjustment is made it would be  
16 made to the surcharge.

17 Q. And so you would then go back and  
18 recalculate. Because the high-use surcharge is a  
19 monthly --

20 A. That's correct.

21 Q. -- assessment. So you would calculate what  
22 they would have owed in fixed cost recovery during  
23 those last six months, and then you'd add an  
24 additional charge to them? Or would you then be  
25 charging that going forward?

1 A. It would just be going forward. It would  
2 just be whatever the decoupling adjustment was.

3 Q. And it would be spread out over 6 months or  
4 12 months?

5 A. However that's determined in the decoupling  
6 mechanism.

7 Q. Isn't that a ratcheted rate?

8 A. It's more like a rate. I think what I'm  
9 proposing is essentially the same mechanism that's in  
10 the proposal the Division proposed. Except, rather  
11 than making the collection on all kilowatt hours you  
12 just apply it to the, to the surcharge so that only  
13 those customers in the high-use range pay it.

14 MR. PROCTOR: Thank you, Mr. Curl. Thank you  
15 very much.

16 Thank you Mr. Chairman.

17 CHAIRMAN BOYER: Thank you, Mr. Proctor.

18 Ms. Hayes, any questions of Mr. Curl?

19 MS. HAYES: No, thank you.

20 CHAIRMAN BOYER: Mr. Dodge?

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

22 CROSS EXAMINATION

23 BY MR. DODGE:

24 Q. Mr. Curl, you indicated in your testimony  
25 that elasticity studies tend to suggest that unless

1 the energy charge is "very high," that consumers won't  
2 react. How high is very high?

3 A. We've had that discussion in our office.  
4 We've had -- heard some of that discussion yesterday.  
5 Mr. Taylor mentioned 25 cents as the equivalent of \$4  
6 gasoline. I would agree in the 25 to 30 cent range.  
7 I've noticed that Proctor -- Pacific Gas and Electric  
8 is revisiting a 50 cents a kilowatt hour rate.

9 So there are some rates out there that are  
10 very high and getting some response. Where exactly  
11 that number is, I don't know. The studies that have  
12 been done usually don't deal with rates at that level.

13 Q. So is it fair to say that anything short of  
14 whatever that tipping point number is will produce  
15 relatively modest results?

16 A. I don't know if I'd say "modest." I would  
17 agree that they are tempered.

18 Q. And you accept that the Commission should  
19 properly balance cost causation against price signals  
20 and other factors that the Commission may consider  
21 appropriate in setting rate design. Would you agree  
22 with that?

23 A. Yes. I'm emphasizing that energy efficiency  
24 and conservation, at this point in time for this  
25 company, are very critical.



1 Q. And you reference that, I believe, in  
2 reference to the IRP and the suggestion of  
3 2,000 megawatts of need in the next several years. Is  
4 that, is that right?

5 A. That's an important factor, yes.

6 Q. Let me explore that just a little bit. I  
7 think you were in the courtroom -- or the hearing room  
8 yesterday when I asked Mr. -- or Dr. Powell whether he  
9 had quantified his projected demand response, if you  
10 will, or response to the higher prices.

11 In redirect he said, Well, you can easily  
12 calculate it. And so I, I think I'd like to have you  
13 help me do that. And I'm gonna ask you to start by  
14 accepting, subject to check if you will, that if we go  
15 to Mr. Griffith's testimony which was adopted by  
16 Mr. Taylor, his updated testimony, that the amount of  
17 forecasted units in the third tail block for the test  
18 period was roughly 640 million kilowatt hours. Will  
19 you accept that subject to check?

20 A. That was the third, third tail block?

21 Q. In the third tail block. I believe you heard  
22 Dr. Powell say that his demand response of 1 1/2 to  
23 3 percent would be applied to the usage in that tail  
24 block. Did you hear that?

25 A. Yes.

1 Q. Okay. So if you accept, subject to check,  
2 that it's 640 million. If we were to divide that by  
3 8,760, the number of hours in the year, that would  
4 produce about 19,200 megawatt hours at 3 percent.  
5 Excuse me, I'm sorry. Don't start at 8,760.

6 He indicated a demand response of roughly  
7 1.53 point -- 3 percentage points in that -- in the  
8 tail block. So we applied that -- the high end of  
9 that, the 3 percent, to the 640 million kilowatt  
10 hours, it would produce roughly 19,200 megawatt hours.  
11 Would you, would you accept that?

12 A. I'll accept that subject to check.

13 Q. And so that's the range of savings that -- in  
14 energy that Dr. Powell said would be the high end of  
15 his expected reaction to this proposal,  
16 19,200 megawatt hours, correct?

17 MR. MICHEL: I'm just going to object and  
18 ask, to be sure, that Mr. Dodge is cross examining  
19 Mr. Curl on his testimony, not Mr. Powell's testimony.

20 MR. DODGE: I am. I'm getting to that,  
21 Mr. Chairman, because he, he linked it to the 2,000  
22 megawatt need, capacity need. And that's my next  
23 point, to get to the capacity need.

24 CHAIRMAN BOYER: Okay. Let's, let's hear the  
25 answer to this one.

1 Q. (By Mr. Dodge) And so Mr. Curl, if we have  
2 19,200 megawatt hours of projected savings, if you --  
3 to do it simply, if you assume 100 percent load factor  
4 machine that would produce those hours you'd divide it  
5 by 8,760, correct?

6 A. Okay.

7 Q. And if you want to check my math you can do  
8 that. But my math says that would equal to  
9 2.1 megawatts. Now again, you can double check that  
10 if you would like.

11 But subject to check, if the demand reduction  
12 expected from the Division's proposal -- I understand  
13 this isn't your proposal. But you acknowledge they  
14 have a higher percentage increase at least across all  
15 usage in that tail block than you do, based on, based  
16 on the response to Mr. Proctor's testimony. They have  
17 an 11 percent increase in that tail block.

18 We'd be saving maybe 2 megawatts out of 2,000  
19 needed over the next several years. Is that a fair  
20 assumption? Now, I don't mean -- I'm sorry, go ahead  
21 and answer.

22 A. Go ahead.

23 Q. I don't mean to diminish any savings. But do  
24 you agree it's a proper exercise for this Commission  
25 to decide whether that level of response justifies the

1 rather significant change, at least in some people's  
2 mind, of decoupling and, and perhaps going well in  
3 excess of price in order to achieve that?

4 Do you at least agree that's a consideration  
5 the Commission ought to take into effect -- into  
6 consideration?

7 A. Well, I think there are a lot of assumptions  
8 here. I'm not sure where to start. I've got three  
9 witnesses developing assumptions about consumer  
10 behavior.

11 We've taken a fourth approach, which is to  
12 get a more obvious signal to consumers on the bill.  
13 Something that we haven't been able to measure, or has  
14 not been tested or measured, so I'm not sure what the  
15 response will be. I'm hoping it's very positive.

16 I don't think we can afford not to take any  
17 steps we can to improve our ability to conserve energy  
18 and avoid the need for new resources.

19 Q. So you're proposing yours more of as an  
20 experiment to see how the reaction is than something  
21 that you believe you've demonstrated the reaction up  
22 front and that the Commission can adopt it with some  
23 comfort as to what it will cause?

24 A. I'm not gonna call it an "experiment." I  
25 think we know there will be savings. Or we know

1 people will be aware of what their energy use is. The  
2 precise level of savings? No, we don't know.

3 Q. Would you agree that one reasonable reaction  
4 to the three or four proposals you mentioned for  
5 higher tail block designs perhaps warrant further  
6 analysis?

7 A. I'm not sure what you mean by "further  
8 analysis."

9 Q. Might there be some benefits to the  
10 deliberation, if you will, as to how best to go about  
11 tackling conservation with additional data? Like a  
12 more targeted elasticity. I think we heard yesterday  
13 that the Utah data was statistically insignificant in  
14 the RAND study.

15 Might data like that, or marginal or  
16 incremental cost data further enlighten this debate --  
17 or this discussion?

18 A. Well, actually I rather doubt you'd get a lot  
19 of enlightenment. I think we could develop studies.  
20 We could have more hearings.

21 I think at the end of the hearing, some  
22 studies, and analysis, you're still -- you'll still be  
23 left with a lot of uncertainty as to what will happen.  
24 Particularly as you move into higher usage levels and  
25 greater efforts to promote conservation.

1 MR. DODGE: Thank you. No further questions.

2 CHAIRMAN BOYER: Thank you, Mr. Dodge.

3 Commissioner Allen?

4 COMMISSIONER ALLEN: Thank you, Mr. Chairman.

5 Mr. Curl, I'm just curious. Is the  
6 high-usage -- use -- I can't even say it. High-usage  
7 surcharge -- I don't know what happened there.

8 Is it generally -- is it being applied or  
9 motivated mainly by the short -- the expected  
10 shortfall in capacity we have -- that we have coming  
11 up on us, or in -- are you -- or would you suggest  
12 that a high-capacity surcharge would be appropriate  
13 even if we had excess capacity?

14 THE WITNESS: I think even if you had excess  
15 capacity.

16 COMMISSIONER ALLEN: So you see it as a  
17 general public policy issue?

18 THE WITNESS: I -- yes.

19 COMMISSIONER ALLEN: Okay. And I'm not  
20 gonna -- I'm not trying to ask you a question as an  
21 attorney. I know you have a lot of experience in New  
22 Mexico, maybe not so much in Utah.

23 So perhaps what I'm really gonna ask is at  
24 WRA do you remember any discussions or policy meetings  
25 that dealt with whether or not this kind of policy

1 shift was within the purview of the current Commission  
2 within our current legislative intent?

3 I know we have some new laws that allow  
4 decoupling and other issues, but were -- was there any  
5 discussion about whether or not this kind of a  
6 surcharge that's not cost based but foments public  
7 policy regardless -- whether or not we can even do  
8 that. Did you have that discussion?

9 THE WITNESS: No, we did not.

10 COMMISSIONER ALLEN: Okay. I was just  
11 curious. And I'm not asking for a legal opinion, but  
12 it's just something we're thinking about -- or I'm  
13 thinking about. So, all right, I think that was it.  
14 I just wanted to know if it should always apply.  
15 Thank you.

16 CHAIRMAN BOYER: Mr. Curl, would it be fair  
17 to say that at least one of the reasons that you favor  
18 a high-usage surcharge over simply increasing the  
19 inverted blocks is that it's a more transparent  
20 signal, price signal to customers? Highlighted on a  
21 bill?

22 THE WITNESS: Yes. It's not only  
23 transparent, it's an extra notice on there. Kind of  
24 negative connotation that hopefully will get people's  
25 attention more than just an extra few dollars on a

1 bill. Particularly when you get to the higher levels.  
2 If you're looking at one, two, three hundred dollar  
3 monthly bills, you know, \$5 difference month to month  
4 might not get people's attention.

5 CHAIRMAN BOYER: Have you read the recent  
6 studies analyzing the effect of peer pressure on  
7 consumption? In other words, sending mailers out to  
8 customers saying that your neighbor has a similar  
9 house constructed in the same period and he or she is  
10 only using X kilowatt hours, and you're using four or  
11 five times that? Is that --

12 THE WITNESS: I heard your reference  
13 yesterday, and I would like to look into that.

14 CHAIRMAN BOYER: You're not --

15 THE WITNESS: That's not what we're proposing  
16 here.

17 CHAIRMAN BOYER: But it's a similar kind of  
18 signal? I mean, are you talking about guilt or?

19 THE WITNESS: Not quite guilt. And certainly  
20 not trying to shame people in comparison to their  
21 neighbors. But just to get their attention and let  
22 them know that they're in an area -- in a zone of use  
23 that is targeted as being high use.

24 CHAIRMAN BOYER: Okay, thank you.

25 Mr. Michel, any redirect?



1 MR. MICHEL: Just a couple questions, thank  
2 you.

3 REDIRECT EXAMINATION

4 BY MR. MICHEL:

5 Q. Mr. Curl, in response to some question that  
6 Mr. Dodge asked you, is it reasonable to assume that  
7 resident -- residential usage has a 100 percent load  
8 factor?

9 A. No.

10 Q. Is residential use -- how would you  
11 characterize residential usage in terms of load  
12 factor?

13 A. I can't think of a number at the moment, but  
14 lower.

15 Q. Lower? Tends to be some of the most  
16 expensive usage on the system?

17 A. Yes. Essentially driving the summer peak.

18 Q. I believe you were also asked about the level  
19 of bill impact or rate impact that the high-usage  
20 surcharge would create. Would you -- do you agree  
21 that as you get closer to those thresholds the savings  
22 potential per kilowatt hour increases significantly?

23 A. Yes. It increases very dramatically as you  
24 get closer to the boundary.

25 Q. Mr. Proctor asked you about this arbitrary

1 thousand-kilowatt-hour breakdown and these thresholds.  
2 Is it typical in rate design to make these kinds of  
3 determine -- determinations as far as thresholds, and  
4 breakpoints, and things like that?

5 A. Well, certainly you see that in the current  
6 rate design.

7 Q. Okay. Could you expand on that?

8 A. You see tiers -- new third tiers and fourth  
9 tiers taking effect at a thousand or 2,000 kilowatt  
10 hours.

11 Q. Okay. And does this surcharge apply just to  
12 summer rates or to -- throughout the year?

13 A. It applies throughout the year.

14 Q. And finally, Mr. Proctor asked you about  
15 whether you'd recommend watching the Tour de France on  
16 a 50-inch plasma TV. And you said you would very much  
17 recommend that. Were you referring to watching the  
18 Tour de France, or using the 50-inch plasma TV?

19 A. The Tour de France, actually. I would  
20 recommend an LCD.

21 MR. MICHEL: Thank you.

22 CHAIRMAN BOYER: Thank you, Mr. Curl. You  
23 may be excused. Thank you for your participation.

24 THE WITNESS: Thank you.

25 CHAIRMAN BOYER: We'll be in recess until

1 1:30, at which time we'll hear from Dr. Collins.

2 Thank you.

3 MS. HAYES: Dr. Collins can be here by one if  
4 you'd rather start at one.

5 CHAIRMAN BOYER: One o'clock is fine with us  
6 if that --

7 MR. TAYLOR: That doesn't work for us. We  
8 have something scheduled over the lunch hour. We're  
9 not planning to get back until --

10 CHAIRMAN BOYER: To which we're not invited,  
11 obviously.

12 MR. TAYLOR: I think people would have  
13 trouble if you were invited.

14 CHAIRMAN BOYER: Well, we did, we did --

15 MR. PROCTOR: Mr. Chairman, may I raise  
16 another issue? The Office would like an opportunity  
17 to file a post-hearing brief in this matter. We don't  
18 anticipate it being length -- being lengthy. And in  
19 fact, we would invite page limits. Severe page  
20 limits.

21 And we would like to do it as rapidly as  
22 possible, because we know you want to get to your,  
23 your work. I would propose a couple of weeks, but I  
24 would certainly be willing to have it to you by a week  
25 from Thursday.

1 But that, that would be our request, that we  
2 be permitted an opportunity to file something.

3 CHAIRMAN BOYER: Let us consider that during  
4 the break.

5 MR. PROCTOR: Thank you.

6 CHAIRMAN BOYER: Thank you.

7 (A luncheon recess was taken from  
8 11:13 to 1:32 p.m.)

9 CHAIRMAN BOYER: Let's go back on the record  
10 in Docket No. 09-035-23. We've saved the best for  
11 last, I guess, huh Dr. Collins? You would agree with  
12 that?

13 We've heard all the other witnesses. And  
14 we're all anxious to hear what you have to say, so.  
15 Have you been sworn in this case?

16 DR. COLLINS: I have not.

17 CHAIRMAN BOYER: I don't think you have.

18 MR. MICHEL: Mr. Chairman?

19 CHAIRMAN BOYER: Yes, Mr. Michel.

20 MR. MICHEL: Just before we get to that,  
21 Commissioner Allen had asked Mr. Curl about the  
22 authority of the Commission to effectuate a public  
23 policy. And I just wanted to refer the Commission to  
24 Section 54-4-4.1, and I'll just leave it at that.

25 CHAIRMAN BOYER: Okay. Thank you very much

1 for following through on that.

2 MR. MICHEL: Thank you.

3 MR. PROCTOR: Excuse me Mr. Chairman, but  
4 would the -- would we have an opportunity at some  
5 point to respond to the authority question? The  
6 question was asked of Mr. Curl. And he --

7 CHAIRMAN BOYER: It was Commissioner Allen's  
8 question.

9 MR. PROCTOR: Commissioner Allen's question  
10 to Mr. Curl, and now the lawyer is providing statutory  
11 references. And with all due respect, I -- there may  
12 be disagreement as to whether or not the Commission  
13 has the authority to assert -- or to assess a  
14 surcharge such as WRA has imposed -- or suggested  
15 being imposed.

16 So I don't know that that reference should  
17 be -- should remain un-responded to.

18 MR. MICHEL: I'm not advocating anything. I  
19 am simply providing the Commission with authority.  
20 And that is very typical to be done in commissions or  
21 courts --

22 MR. PROCTOR: And --

23 MR. MICHEL: -- where Counsel is aware of  
24 authority. And if you have authority you want to  
25 reference to the Commission I have no objection to you

1 citing the statutes or any other authority you may  
2 have.

3 CHAIRMAN BOYER: Well, why don't we do this,  
4 Mr. Proctor, or any of the other parties if you wish.  
5 We'll give you until tomorrow to reference any other  
6 citations you think appropriate to our authority.  
7 Just file them. We'll put them in the docket and give  
8 them appropriate weight. Will that satisfy your  
9 concern?

10 MR. PROCTOR: (Moves head up and down.)

11 CHAIRMAN BOYER: Okay.

12 MR. PROCTOR: You bet.

13 CHAIRMAN BOYER: Dr. Collins?

14 (Dr. Collins was sworn.)

15 CHAIRMAN BOYER: Thank you, please be seated.  
16 Mr. Michel?

17 MS. HAYES: Sorry, Ms. Hayes.

18 CHAIRMAN BOYER: I'm sorry, Ms. Hayes, of  
19 course.

20 MS. HAYES: Thank you Mr. Chairman.

21 \*\*\*

22 \*\*\*

23 RICHARD S. COLLINS, Ph.D.,

24 called as a witness, having been duly sworn,  
25 was examined and testified as follows:

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DIRECT EXAMINATION

BY MS. HAYES:

Q. Good afternoon, Dr. Collins.

A. Good afternoon.

Q. Would you state your name and business address for the record?

A. My name is Richard S. Collins. I work at Westminster College. It is 1840 South 1,500 East, in Salt Lake City.

Q. You -- your address kind of implies your employer, but would you just state by whom you're employed and in what capacity?

A. I'm an associate professor in economics and finance at Westminster College.

Q. Thank you. Have you participated in this docket for Utah Clean Energy and SWEEP?

A. I have.

Q. Did you file direct testimony marked for identification as SWEEP and UCE Exhibit 1.0 and 1.1?

A. I did.

Q. And did you also file corrected testimony marked as Exhibits 1.2 and 1.3?

A. I did.

MS. HAYES: Now, I'd just like to ask the Commission. Because the corrected -- the corrections

1 to the direct testimony were filed so recently, I'm  
2 wondering if you would like Dr. Collins to go through  
3 those changes.

4 THE WITNESS: If I could just explain, the  
5 changes are only changes in numbers. I -- the Company  
6 brought to my attention a calculational error in my --

7 CHAIRMAN BOYER: I assume that's what the  
8 corrections would be?

9 MS. HAYES: Yeah.

10 CHAIRMAN BOYER: I don't think it will be  
11 necessary for you to go through it line by line.

12 THE WITNESS: It doesn't change my  
13 conclusions or anything else. I do have a one-word  
14 change in my surrebuttal testimony.

15 MS. HAYES: And we'll get -- I'll ask you  
16 about it.

17 Q. (By Ms. Hayes) Okay. So, and then did you  
18 also file rebuttal testimony marked as Exhibit 2.0,  
19 and surrebuttal testimony marked as Exhibits 4.0 and  
20 4.1?

21 A. I did.

22 Q. All right. Do you have any changes or  
23 corrections to those?

24 A. I have just one change -- other than the  
25 changes in my direct testimony and -- numbers, I have



1 one change in my surrebuttal testimony. It is page 6,  
2 line 125. And I changed "well above" -- excuse me,  
3 "well below" to "well above."

4 Q. Okay. If you were asked the same questions  
5 today as set forth in your prefiled testimony, would  
6 your answers be the same?

7 A. Yes, they would.

8 MS. HAYES: We would then move to admit the  
9 prefiled testimony of Dr. Collins, as well as his  
10 correction made today to the record.

11 CHAIRMAN BOYER: Are there any objections to  
12 the admission of Dr. Collins' direct testimony, his  
13 corrected testimony, and his rebuttal testimony?

14 MR. PROCTOR: Yes, there is.

15 CHAIRMAN BOYER: Mr. Proctor?

16 MR. PROCTOR: To the extent that Dr. Collins  
17 has filed new direct testimony by changing the  
18 numbers, as he describes it -- Mr. Griffith certainly  
19 described it as a much more dramatic change -- the  
20 Office is of the position that either both the  
21 original direct be -- remain in the record as well as  
22 his changed direct testimony, or -- and so that there  
23 be no substitute of one direct for the, for the new.

24 CHAIRMAN BOYER: And I think that was the  
25 offer of the evidence.

1 MR. PROCTOR: If that was the offer, then  
2 that would be appropriate. And for the ease of  
3 understanding that, we would also ask that the  
4 redlined version be included in the record so that his  
5 changes can be readily identified.

6 MS. HAYES: Oh, I'm sorry. I didn't, I  
7 didn't mention it, but it is -- our Exhibit 1.3 is the  
8 redlined version.

9 MR. PROCTOR: If that's the case, then.

10 CHAIRMAN BOYER: Do you have any objection to  
11 the redlined version being entered into evidence?

12 MS. HAYES: No.

13 CHAIRMAN BOYER: Just for the sake of ease?  
14 Okay. We'll amend the offer then to offer the  
15 testimony in that respect. Are there any other  
16 comments on his testimony?

17 Okay, they are then admitted into evidence.

18 MS. HAYES: Thank you.

19 (Exhibit Nos. SWEEP and UCE-1.0, SWEEP and  
20 UCE-1.1 through 1.3, SWEEP and UCE-2.0, SWEEP  
21 and UCE-4.0, and SWEEP and UCE-4.1 were  
22 admitted.)

23 Q. (By Ms. Hayes) Dr. Collins, do you have a  
24 summary of your testimony that you would like to  
25 present to the Commission?

1 A. I do.

2 Q. Please proceed.

3 A. SWEEP and UCE is recommending that you, the  
4 Commission, adopt the Division's decoupling mechanism,  
5 which guarantees the collection of fixed distribution  
6 costs for -- from the residential customers. We  
7 believe that this mechanism will substantially reduce  
8 the Company's exposure to rate volatility. And we  
9 support that goal.

10 In turn, we recommend that the Commission  
11 adopt a rate design that will send appropriate price  
12 signals to customers which will encourage them to  
13 utilize their electricity more efficiently.

14 These two policies, decoupling and inverted  
15 block rates, will bring the Commission, the Company,  
16 and consumers closer to meeting two important and I  
17 believe critical rate design goals. The first goal is  
18 cost recovery and revenue assurance. And the second  
19 goal is the efficient utilization of electricity.

20 Now, there's been quite a bit of talk about  
21 the difference between conservation and efficient  
22 utilization of energy. And I think I would like to  
23 give you my take on that.

24 Conservation is where you have a reduction in  
25 use of energy. It's either brought about by rising

1 prices, or it's brought about by the fact that for  
2 some other reason you think that there is benefit in  
3 using less electricity. All right? So that's what,  
4 in my mind, conservation entails.

5           With more efficient utilization of energy  
6 what we're trying to do is provide the same service  
7 but use less energy. So I get the same amount of  
8 light, but by using a compact fluorescent bulb rather  
9 than an incandescent bulb I get the same lighting  
10 capacity but utilize less electricity.

11           I think both of those are important, but I  
12 think SWEEP and UCE emphasizes this utilization --  
13 more efficient utilization of energy. We -- our goal  
14 isn't having people shiver or sweat in the dark. I --  
15 it is to send price signals so they're gonna utilize  
16 and make investments in energy-saving devices. All  
17 right?

18           More efficient HVAC systems, more efficient  
19 lighting. More efficient appliances. Maybe cutting  
20 back -- with conservation, cutting back on uses of  
21 electricity that they don't value as much as others.

22           I'd like to take a minute to just discuss our  
23 proposal. Our proposal is for a four-block rate in  
24 the summertime. So what we are proposing is to add a  
25 fourth block. And that fourth block will be

1 delineated at greater than 2,000 kilowatt hours.

2 And we propose that you send a strong price  
3 signal to those customers that use greater than 2,000  
4 kilowatts per month in the summertime. We're  
5 proposing a 14.7 cent rate, all right? Which is a  
6 34 percent rate above the current third tier rate.

7 We are also requesting that you increase the  
8 rate for the third block to 11.97 cents. We are --  
9 that is, according to my calculations, a 7.6 percent  
10 increase. We are not recommending any rate increases  
11 for blocks 1 and block 2, all right? So most of the  
12 rate increases will go towards the last two blocks.

13 Now, there's a reason that I have delineated  
14 that third block into two, all right? The reason is  
15 that usage over 2,000 kilowatt hours, in my opinion  
16 and from the research I've done, is that that is  
17 normally usage for air conditioning. All right?

18 So -- and it's air conditioning for probably  
19 a pretty large house, or air conditioning which you're  
20 keeping your temperatures fairly low. Now, air  
21 conditioning load, according to the Company, is highly  
22 correlated to peak usage. All right?

23 So that particular uses of energy is putting  
24 large demands on the system. It's requiring -- it's  
25 driving peak. And it's requiring that the Company go

1 out and get new generation or new power to meet that  
2 peak load. So I want to send a price signal to those  
3 customers. All right? And that's one of the reasons  
4 I have delineated the fourth tier from the third tier.

5 And also, I believe that that fourth tier is  
6 probably larger homes. Probably higher-income  
7 bracketed consumers. And I think that they have the  
8 means and also the potential to utilize electricity  
9 more efficiently. All right?

10 So they can maybe invest in an HVAC system  
11 that is more efficient. Maybe they can decide to  
12 utilize their air conditioning -- conserve by cutting  
13 off certain portions of the, of the house that aren't  
14 utilized in the summertime.

15 And so what my intent is -- or by sending  
16 that price signal the hope is that they're gonna be  
17 able to utilize energy more efficiently.

18 The second aspect of rate design is to have a  
19 two-tiered winter rate. The delineation is at  
20 700 kilowatt hours. Now, it was my intent for the  
21 Company to collect roughly the same revenues from  
22 summer and winter as they have in the past.

23 And in order to institute a two-tiered rate I  
24 needed to lower the rate for the first 700 kilowatt  
25 hours and slightly raise the rate for people using

1 above 200 kilowatts.

2 Now, the reason I -- SWEEP and UCE is  
3 recommending this is that we want to send a consistent  
4 price signal to customers that the more energy you  
5 use, the higher the price that you will pay. Again,  
6 trying to encourage them to adopt more efficient  
7 utilization measures. Or, if they can't afford to do  
8 that, to conserve.

9 I -- our proposal also recommends a  
10 25 percent -- a 25 cents increase in the customer  
11 charge. This -- we're not truly married to that  
12 proposal. One of the reasons I made that proposal is  
13 that I believe it was important for the Company to be  
14 able to collect its fixed costs associated with  
15 serving a particular customer.

16 So I agree with the Commission's methodology  
17 for determining a customer charge. And I think,  
18 absent decoupling, that the Commission should try to  
19 meet that goal over time through rate graduation.

20 Now, there has been much discussion on  
21 marginal costs and their role in designing rates. I  
22 believe that the Commission should use long-run  
23 marginal cost as opposed to short-run marginal cost in  
24 developing their rates for the customers. All right?

25 So it's -- the difference between long-run

1 marginal cost and short-run marginal cost? Short-run  
2 marginal cost, as Dr. Powell tried to explain, is what  
3 is the cost of an additional kilowatt hour to produce,  
4 all right? That, in the theoretical sense, is the  
5 definition of marginal cost.

6 I don't think that's the cost that you should  
7 be concerned with, what the additional marginal cost  
8 is. That changes hour by hour and season by season.  
9 You're setting rates to send long-term pricing, so you  
10 should be using long-run marginal cost. That's the  
11 cost to build another unit. Or purchase more power to  
12 be able to meet the load in the future. So those are  
13 the relevant costs.

14 Now the question is, what is the marginal  
15 cost for Utah? Unfortunately, we do not have a  
16 marginal cost study. I was given -- I requested that  
17 information from the Company. The Company provided me  
18 with information on the marginal cost of California  
19 and their marginal cost study of Oregon.

20 In the -- they gave me two spreadsheets. One  
21 was -- appeared to be an interactive spreadsheet in  
22 which I could change jurisdictions. I could change  
23 assumptions about whether the avoided cost should be  
24 based on one year or not. There's a variety of  
25 different inputs that I could vary.



1           So I varied those inputs. And I chose  
2 Oregon. The other -- and I came up with, the  
3 spreadsheet told me that it was 16.7 cents for a  
4 10-year estimate of demand and energy. All right? I  
5 took that as a estimate of the marginal cost of  
6 generation and energy for generation.

7           There was also a spreadsheet that was listed  
8 as Oregon. And that did not have -- it was not  
9 interactive. They didn't provide me with the inputs  
10 that they had accepted. And then they came out  
11 with -- they just gave me the number, and it came out  
12 with a estimate of that 10-year marginal cost of 11.34  
13 or something. I'm not, I'm not sure if I'm correct.  
14 But right in there. I think it's on the record.

15           But I did base my calculation of that last  
16 tier based on what I thought the Company's estimate  
17 was of 16.7, and also based on information on marginal  
18 cost of other utilities that I have dealt with. In  
19 particular, the Public Service of Colorado. And those  
20 are -- and so that's how I based my estimates of cost.

21           Now, the question is, are -- is marginal cost  
22 essential for determining rates? All right? And must  
23 we adhere to marginal cost when setting rates? Well,  
24 I think, I think it is -- I don't think it's  
25 essential. I think it's a guide for you. You

1 shouldn't get too far out of whack pricing above or  
2 below marginal cost.

3 But I should mention that if you adhered to  
4 setting all prices based on marginal cost, then given  
5 the fact that marginal cost for the Company now is  
6 greater than its average cost you would ensure that  
7 the Company would over collect. All right?

8 So if you price at marginal cost and it's  
9 above the average cost, then you are going to over  
10 collect revenues. And the firm is gonna earn excess  
11 profits. Something that few parties in the room would  
12 want to see.

13 Another aspect is elasticity. We've had a  
14 lot of discussion on the role of elasticity and  
15 whether an inverted block rate would yield the  
16 necessary demand response. I can tell you  
17 unequivocally that economic theory tells us that we  
18 will get a demand response. All right?

19 This is simply known as the law of demand.  
20 All right? The law of demand is a law because almost  
21 in every single case, as we raise prices, we'll see a  
22 decrease in the quantity demanded. All right? So  
23 there's an inverse relationship between price and  
24 quantity.

25 There are some theoretical exceptions to

1 that. There is something known as a "given good."  
2 All right? Which you really don't want to know about,  
3 but it basically says you raise price and you increase  
4 the quantity demanded. It's a specific exception. Or  
5 there's times when you might have perfect  
6 inelasticity. A non-response.

7 So there shouldn't be any question in your  
8 mind whether there is a demand response or not. The  
9 question is, how much is it going to respond? And,  
10 and we -- for Utah we really don't know because I was  
11 unable to find a statistically-valid study on  
12 elasticity of electricity for Utah that showed what  
13 that variable was. What that coefficient was, what  
14 that response would be.

15 I did reference in my rebuttal testimony a  
16 meta-study by Esby and Esby which looked at, oh,  
17 approximately 30 different studies. And in those they  
18 found that the mean, when they took all the estimates,  
19 the average of the elasticities that were estimated  
20 was minus .35. I believe the median was minus .28.  
21 And their estimates, the average for long-run  
22 elasticity effects was minus .85. All right?

23 So this -- what this means is it's inelastic.  
24 If you change prices by 10 percent you would get a .35  
25 response. So you multiply .35 times 10 percent you

1 would get a decrease in the -- of demand by  
2 3.5 percent in the short run. In the long run it  
3 would be more like 8.5 percent. All right? According  
4 to these studies.

5 But -- and here's where I think the beauty of  
6 the decoupling mechanism comes in. The role of  
7 elasticity in rate setting, especially when you have  
8 an inverted block rate, is -- what we're trying to do  
9 and what my intention is to do with this  
10 steeply-inverted block rate is to get a demand  
11 response.

12 Why do I want a demand response? Because new  
13 generation is more expensive than existing generation.  
14 And so if we can delay or mitigate the Company  
15 acquiring new generation, we're gonna be able to keep  
16 rates down. And mitigate rate increases.

17 So we want to send price signals so customers  
18 are gonna utilize their energy more efficiently,  
19 conserve where they have to, and thereby lower the  
20 rate of growth of demand on the system and lower the  
21 rate -- future rate impacts. All right?

22 The role of elasticity is to anticipate what  
23 those demand responses are so we can adjust the  
24 quantity on which we are gonna base rates. So what I  
25 mean, if we got a 10 percent demand response, for

1 instance, we would expect that if we had -- when you  
2 calculate rates you assume a certain quantity that is  
3 gonna be sold, and then you spread the revenue  
4 requirement over that quantity in order for you to  
5 determine what the price per kilowatt hour is.

6 Now, if you get a demand -- if the Company  
7 gets a demand response and actually sells 10 percent  
8 less than they thought on which rates were based, they  
9 would under collect. And I believe that would be  
10 unfair.

11 So the way you would incorporate an  
12 elasticity figure in is that you would adjust kilowatt  
13 hours in order for you to be able to determine what  
14 the appropriate rates would be for them to collect  
15 their costs over that smaller number of kilowatt  
16 hours.

17 Well, getting back to what -- my point. This  
18 is the beauty of the decoupling mechanism. It  
19 guarantees that the Company is going to collect those  
20 fixed costs of distribution. So we don't have to know  
21 exactly what the kilowatt hours are. All right? So  
22 if they sell less kilowatt hours, then we make an  
23 adjustment and allow them to recover those costs.

24 And I guess, if for no other reason, I would  
25 recommend that you adopt the decoupling mechanism just

1 so you would avoid the discussion and -- of elasticity  
2 figure -- what elasticity means and what's the  
3 appropriate elasticity coefficient in future  
4 proceedings.

5 In summary, I believe that the Commission,  
6 and rate design, and inverted block rates, and  
7 decoupling serve two rule -- roles. First, decoupling  
8 is going to eliminate some of the incentives for the,  
9 for the Company to want to sell more kilowatt hours in  
10 order for it to recover their fixed costs. All right?

11 So, and so it, by eliminating that incentive  
12 to sell more kilowatt hours, it gives -- they'd have  
13 less disincentives to provide demand-side programs.  
14 So we expect to see more demand-side programs under a  
15 decoupling mechanism.

16 With the inverted block rates -- that's the  
17 second part of the equation -- we send price signals  
18 to customers to encourage them to participate in these  
19 demand-side programs.

20 If we didn't have the rate incentives, if you  
21 were to adopt a straight fixed variable cost recovery  
22 mechanism where you collect all the fixed costs up in  
23 a fixed charge and then the variable cost energy rates  
24 in a energy charge, there would be no incentive for  
25 customers to cut back on their use of energy. Because

1 most of their bill is fixed. It doesn't change.

2 So we need to send price signals to encourage  
3 customers to enter into demand-side programs. You get  
4 that with an inverted block rate. And we also need to  
5 create incentives for the Company to provide those  
6 demand-side programs.

7 So in summary, again, this is the perfect  
8 opportunity for the Commission to send the right price  
9 signals and assure that the Company is going to  
10 recover its fixed costs associated with distribution  
11 for the residential class. That ends my summary.

12 CHAIRMAN BOYER: Thank you Dr. Collins.

13 Ms. Hogle, any cross examination?

14 CROSS EXAMINATION

15 BY MS. HOGLE:

16 Q. Good afternoon Mr. Collins.

17 A. Good afternoon.

18 Q. I would like to ask you a few questions about  
19 the marginal cost study figures that you quoted in  
20 your prefiled testimony, and that Dave Taylor  
21 referenced during his cross examination.

22 The source for your information was the  
23 Company's response to your data request; is that  
24 correct?

25 A. That's correct.

1 Q. Okay.

2 MS. HOGLE: Your Honor, may I approach the  
3 witness so I can hand him what I think that data  
4 request and response was?

5 CHAIRMAN BOYER: You may.

6 MS. HOGLE: That he used as a source? Thank  
7 you.

8 (Pause.)

9 Q. (By Ms. Hogle) Okay, you just said that we  
10 provide you an interactive file, I believe. But if  
11 you had printed it out, this is what you would have  
12 received. Does this look familiar to you?

13 A. It does, but I believe you've left off a  
14 page.

15 Q. Well, I can bring that back. And if you  
16 could tell me what page that is, that would be  
17 helpful.

18 A. I believe it was the first tab -- well, is it  
19 the first tab? It was...

20 Q. What we have here is, the first set of  
21 documents between the blue tab and the second blue tab  
22 is the Oregon Marginal Cost Study. And the second set  
23 after the blue tab, the second blue tab, is the  
24 California Marginal Cost Study that we provided to  
25 you.



1 A. See, the, the tab or page that I think is  
2 missing is one that is the very first one that talks  
3 about selection of inputs.

4 Q. Just a moment.

5 (Pause.)

6 Q. (By Ms. Hogle) Okay, I've been informed that  
7 this is not the whole study, these are just the  
8 summary tables, but this was part of the response.

9 A. That, that is correct.

10 Q. Okay. Okay, so you informed us that it does  
11 look familiar to you, although it's not everything  
12 that you received.

13 A. It's not including the page that I decide to  
14 not use, the summary form for Pacifi Corp's Oregon  
15 Marginal Cost Study.

16 Q. That you decided not to use?

17 A. Yes. Based on that I was not -- I wasn't  
18 able to discern what the inputs that the Company had  
19 used in determining its marginal cost.

20 From, from my review of the California study,  
21 that California study was interactive. You got to  
22 choose different inputs to put into the study. Which  
23 would change the numbers.

24 Q. Okay.

25 A. The one that was submitted to me from Oregon

1 was not interactive, nor did they tell me what inputs  
2 they had chosen. Without knowing what the inputs were  
3 to determine what their estimate of marginal cost was,  
4 I wasn't able to evaluate whether that was valid or  
5 not. So I chose, and I thought it was prudent, not to  
6 include that in my testimony.

7 Q. Okay, but would you agree that the  
8 information that you used and represented to be  
9 Oregon's marginal cost study figures were actually  
10 California?

11 A. When I submitted the testimony I was under  
12 the -- I guess a false impression that by changing the  
13 state, that it would change it to state numbers, and I  
14 would get an estimate for that state.

15 I've been informed by Mr. Taylor that I was  
16 in error. That the -- that that spreadsheet that was  
17 provided to me was not interactive as far as changing  
18 state numbers. All it did was change the -- it  
19 changed it from California to Oregon.

20 Q. Okay. So then, then you do agree that,  
21 irrespective of whether you had all of the information  
22 or you did not reach out to the Company to clarify  
23 instead of assuming something, that wrong figures were  
24 used to represent the marginal cost studies in Oregon?

25 A. I did not have time to really look at all the

1 details of the marginal cost study. By the time I had  
2 looked at it I didn't have enough time to ask the  
3 Company and get a data response. It was less than  
4 seven days.

5 So you're correct, I did not get a  
6 clarification from the Company.

7 Q. Okay. Well, all I'm trying to do,  
8 Mr. Collins, is have a complete and accurate record.  
9 And I think this helps the Commission follow along  
10 with what Mr. Taylor testified to yesterday under  
11 cross examination. Specifically as to the accuracy of  
12 the numbers for Oregon.

13 So I think it's important that, in the  
14 interest of having a complete record, that I submit  
15 this as, you know.

16 A. I, I have no evidence to, or no reason to  
17 question Mr. Taylor's testimony on the accuracy of  
18 that supposedly-interactive spreadsheet.

19 Q. Okay, thank you.

20 MS. HOGLE: So your Honor, I would like to  
21 mark what I've just handed Mr. Collins as Rocky  
22 Mountain Power's Rate Design Cross-Exhibit 1.

23 CHAIRMAN BOYER: Okay. It's so marked.

24 MS. HOGLE: Okay.

25 (Exhibit No. RMP-Cross-1 was marked for

1 identification.)

2 Q. (By Ms. Hogle) Okay, so you -- Mr. Collins,  
3 you heard Mr. Taylor yesterday say that the difference  
4 between the Oregon and California figures were largely  
5 attributed to distribution costs; is that right?

6 A. I did.

7 Q. Okay. And it's not your testimony that the  
8 California distribution costs are more reflective than  
9 the Oregon marginal cost of what Utah's marginal cost  
10 would be. Is that inaccurate?

11 A. Could you repeat that?

12 Q. Sure. It's not your testimony that the  
13 figures that you used yesterday are more reflective  
14 than Oregon's actual marginal cost -- which includes  
15 11 point -- let me see, 11.351 cents per kilowatt  
16 hour -- of what Utah's marginal cost would be?

17 In other words, would Utah's marginal cost be  
18 closer to Oregon's or California's marginal cost?

19 A. I, I have no reason to make an assumption  
20 that it's one way or the other.

21 Q. Okay. During the course of this proceeding,  
22 I think mainly this morning, many parties have  
23 advocated for energy conservation. And you just, in  
24 your summary, indicated that that was the primary  
25 goal -- or the primary reason why SWEEP advocated its

1 position.

2 A. I don't -- I think you misunderstood what I  
3 said. It isn't conservation that is SWEEP's major  
4 goal, it's energy efficiency --

5 Q. Efficiency. Excuse me, that, that was my --

6 A. -- and efficient utilization of electricity.

7 Q. Sure.

8 CHAIRMAN BOYER: Excuse me one moment,  
9 Ms. Hogle, we're trying to adjust the sound.  
10 Apparently people who are borrowing our conference  
11 room over here are complaining that we're too loud --  
12 which is upsetting me a little bit -- but we're  
13 adjusting the volume a little bit.

14 The old "beggars can't be choosers" comes to  
15 mind. But we'll try to accommodate them as best we  
16 can. We're having -- the reporter is having a little  
17 trouble hearing Dr. Collins. So pardon the  
18 interruption, and I hope I didn't throw you off your  
19 train of thought.

20 MS. HOGLE: No, you're fine. Thank you.

21 CHAIRMAN BOYER: Okay, that sounds good.

22 Q. (By Ms. Hogle) And anyway, people -- parties  
23 have noted that it's particularly urgent, given the  
24 Company's shortage of resources in 2014, I believe; is  
25 that right?

1 A. That's correct.

2 Q. Okay. And that the reason why -- or one of  
3 the reasons why they proposed their rate designs was  
4 to send price signals to customers to a degree that  
5 they would change their behavior?

6 A. That's correct.

7 Q. Okay. So a comparison of SWEEP's fourth-tier  
8 pricing to what it costs the Company not to generate  
9 kilowatt hours would be appropriate, wouldn't it? And  
10 would make sense? It would make at least as much  
11 sense as your comparison of marginal cost in other  
12 states with your fourth-tier pricing?

13 A. As an economist, for most market structures,  
14 I would strongly advocate that prices should reflect  
15 marginal cost. Saying that, I don't think that a  
16 utility industry is a normal industry. As it is  
17 a -- it has particular characteristics, one of which  
18 is that it has elements of a natural monopoly. All  
19 right?

20 And that because of that, there is reasons  
21 why you don't let the market work. All right? And  
22 let the market determine prices. Because if the  
23 market was to determine prices, we would have monopoly  
24 pricing. Therefore, you have set up in almost every  
25 state a regulatory agency that oversees and sets the

1 prices for the regulated utility.

2 Now, to get back to marginal cost, I think  
3 that marginal cost is a guideline for you. Like I  
4 said before in my summary, that you can't set all  
5 prices according to marginal cost. I guess I would  
6 recommend that you -- for -- that you use marginal  
7 cost as a guideline.

8 You don't want to get too far out of line of  
9 charging prices above those marginal costs. But you  
10 have to -- it causes a misallocation of resources.  
11 But you have to kind of balance that with some of the  
12 benefits associated with possibly charging customers  
13 above those marginal costs.

14 Now, I guess the question -- and you haven't  
15 asked me that -- do I think that 11.3 cents is the  
16 actual avoided cost or the marginal cost of not  
17 providing electricity to customers who decide to cut  
18 back because their prices are up in the 14 cents,  
19 15 cents range.

20 Q. I think you probably answered your own  
21 question. That was not my question.

22 A. I believe that the -- if we had a valid  
23 marginal cost study and we tried to -- and we were  
24 able to estimate it? That the marginal cost of  
25 providing electricity during peak periods is well

1 above 14.7 cents.

2 Q. Okay. You just used "avoided cost" in your  
3 discourse. You heard Mr. Taylor testify yesterday  
4 that there's a schedule currently filed with the Utah  
5 Commission that reflects the cost to the Company of  
6 not generating kilowatt hours, correct?

7 A. And that is more --

8 Q. That's Schedule 37?

9 A. Again, I am well aware of avoided costs and  
10 how they're calculated. Um --

11 Q. Thank you, Mr. Collins.

12 MS. HOGLE: Your Honor, can I approach the  
13 witness to hand him a copy of the avoided cost pricing  
14 for Utah?

15 CHAIRMAN BOYER: You may.

16 MS. HOGLE: Thank you.

17 (Pause.)

18 Q. (By Ms. Hogle) Mr. Collins, do you have any  
19 reason to doubt that this is the Company's filed  
20 Schedule 37, which represents the Company's avoided  
21 cost pricing in Utah?

22 A. No, I don't.

23 MS. HOGLE: Your Honor, I'd like to mark this  
24 as Rocky Mountain Power Rate Design Exh --  
25 Cross-Exhibit 2.



1 CHAIRMAN BOYER: So marked.

2 (Exhibit No. RMP-Cross-2 was marked for  
3 identification.)

4 Q. (By Ms. Hogle) Okay. Can you turn to  
5 page 4, Mr. Collins?

6 A. Yes.

7 Q. Do you see that date down there on the bottom  
8 left-hand corner?

9 A. Two thousand and thirty-three?

10 Q. No.

11 A. Oh.

12 Q. December 21, 2009?

13 A. Yes, I do.

14 Q. Is that correct? That's pretty recent. Less  
15 than four months ago that this was filed, correct?

16 A. That's correct.

17 Q. Okay. So if you look at the first column  
18 there under Year. You don't -- do you see any number  
19 that's even close to your 14.72 cents kilowatt hours  
20 that you're proposing as your fourth tier?

21 A. I see 11.37.

22 Q. And that's in the year 2033?

23 A. That's correct.

24 MS. HOGLE: Your Honor, at this time I'd like  
25 to enter Rocky Mountain Power Rate Design

1 Cross-Exhibits 1 and 2 into the record.

2 CHAIRMAN BOYER: Are there any objections to  
3 the admission of Rocky Mountain Power Rate Design  
4 Cross-Exhibits 1 and 2? They are admitted.

5 (Exhibit Nos. RMP-Cross-1 and Cross-2 were  
6 admitted.)

7 MS. HOGLE: I have no further questions.  
8 Thank you.

9 CHAIRMAN BOYER: Thank you, Ms. Hogle.  
10 Ms. Schmid, any questions for --

11 MS. SCHMID: No.

12 CHAIRMAN BOYER: Okay.

13 Mr. Proctor?

14 MR. PROCTOR: Yes, thank you. Just give me a  
15 moment, if you would.

16 CROSS EXAMINATION

17 BY MR. PROCTOR:

18 Q. Dr. Collins, in your direct testimony was  
19 your proposed increase in the third tier 11 percent,  
20 and then the new tier was approximately 34 percent  
21 above what was the old third tier? That's what you  
22 proposed?

23 A. I believe it was, although -- it was  
24 34 percent. My calculation, which I had done really  
25 quickly just an hour or so or two hours ago was

1 7.6 cents -- or 7.6 percent increase in -- but I might  
2 be wrong there. But anyway, I'll take your numbers,  
3 subject to check.

4 Q. Well, those are the numbers that you gave in  
5 your summary, that the fourth tier was a 34 percent  
6 increase over the current third tier --

7 A. Right.

8 Q. -- and that the third tier was increased by  
9 11 percent.

10 A. No, it was increased by -- to 11.97 cents,  
11 which turns out to be a 7.6 percent increase.

12 Q. Okay. Thank you for that correction. Did  
13 you in your direct testimony also propose a 25 cents  
14 increase in the customer charge monthly?

15 A. I did.

16 Q. And did you propose in your direct testimony  
17 a decoupling proposal?

18 A. No, I did not.

19 Q. On page 8 to your direct testimony there was  
20 a question asked, line 14:

21 "Are there other reasons why the  
22 Commission should not pursue a large  
23 increase in the customer charge?"

24 The answer begins: "The collection of more  
25 revenue." Do you see that?

1 A. I do.

2 Q. On line 19 you reference Appendix A as -- and  
3 I assume it's for the purpose of demonstrating that  
4 company representatives have maintained that:

5 "Residential cooling has added  
6 considerably to the system peak, a fact  
7 confirmed in confidential information  
8 contained in Appendix A."

9 Do you see that?

10 A. I do.

11 Q. Do you have a copy of your confidential  
12 appendix there with you?

13 A. I do not.

14 Q. And it's interest -- Mr. -- Dr. Collins, we  
15 never received a confidential -- we never received  
16 Appendix A either. We had to acquire it from the  
17 Commission. Was it not distributed?

18 A. Boy, I, I'm not sure. I don't -- I did not  
19 distribute it electronically because I wasn't sure who  
20 had signed the waiver.

21 Q. But you don't have a copy in front of you?

22 A. I don't.

23 Q. Does your counsel have a copy that she could  
24 provide to you?

25 MS. HAYES: I don't.

1 (Pause.)

2 MR. PROCTOR: Could we have just a moment?  
3 Because -- I don't, I mean, I can use yours.

4 MS. HAYES: I do, actually. I just.

5 (Pause.)

6 MR. PROCTOR: May I approach the witness?

7 CHAIRMAN BOYER: You may, Mr. Proctor.

8 MR. PROCTOR: Okay.

9 Q. (By Mr. Proctor) Where did you -- what is  
10 the source of this document, sir?

11 A. It was a response by the Company to a data  
12 request.

13 Q. Rocky Mountain Power?

14 A. Yes.

15 Q. Which data request?

16 A. Off the top of my head, I cannot tell you. I  
17 could get that information, but I, you know. Data  
18 requests. It was a second set, No. 1, 2, or 3, I  
19 can't remember.

20 Q. What customer class is reflected in this  
21 exhibit?

22 A. I was under the impression that it was the  
23 residential class.

24 Q. Do you know that for certain?

25 A. I'm looking. I believe that's what I

1 requested, but I do not see that on the -- listed  
2 anywhere on the titles.

3 Q. What geographic region is covered by this  
4 exhibit?

5 A. It does not say.

6 Q. On the right -- or excuse me, on the  
7 left-hand vertical bar there are numbers from 1,000 to  
8 8,000. What do those units represent?

9 A. I would assume that they are total energy  
10 use.

11 Q. That's an assumption. Does it state anywhere  
12 what the units are?

13 A. They, they do not.

14 Q. And on the horizontal bar there are dates,  
15 January 11th to December 11th. Do you assume that  
16 that's a forecast?

17 A. No, I do not.

18 Q. What do you assume it to be?

19 A. I don't have my data request, but I was under  
20 the impression it was 2007 or 2008.

21 Q. So the note of January -- Jan. 11, Feb. 11,  
22 March 11, that means for you 2007?

23 A. Well, maybe it is a projection.

24 Q. Do you know when that projection may have  
25 been produced?

1 A. I do not.

2 Q. The top right-hand part of the copy that I  
3 received from the Commission, underneath 09-035-23 is  
4 a crossed-out number GU No. 64542. Does that appear  
5 on your copy?

6 A. It does not.

7 Q. And it says: "Prefiled Direct Testimony of  
8 Richard Collins" on my copy. Does that appear on  
9 yours?

10 A. It doesn't.

11 Q. On the, on the attach -- Appendix A itself?

12 A. No, it does not.

13 Q. And right above the word "Direct" on mine  
14 there's capital letters "NEC." Does that appear on  
15 yours?

16 A. It does not.

17 Q. Now, immediately following your reference to  
18 Appendix A on page 8 you state:

19 "According to a study performed by  
20 the Public Service Company of Colorado,  
21 the average annual residential central  
22 air-conditioning is about 2,700  
23 kilowatts per year."

24 Did you provide that study to the Commission?

25 A. I did not.

1 Q. Then you state:

2 "The air-conditioning load in Utah  
3 is likely to be similar."

4 Upon what analysis or valuation do you reach  
5 the conclusion that the Public Service Company of  
6 Colorado is re -- is similar to or reflective of  
7 Utah's?

8 A. They have very similar climates. They have  
9 very similar weather in the summertime. They are  
10 relatively similar in the form of socioeconomic  
11 criteria. You know.

12 Q. And what sources did you utilize in order to  
13 come up with that conclusion that they're, for  
14 example, similar socially and economically, weather  
15 patterns, and so forth?

16 A. I used my general observations.

17 Q. What, you've been to Colorado? Pardon me.

18 A. Yes, I have been to Colorado. And I've spent  
19 time in Colorado. Summers in Colorado.

20 Q. You can see Colorado from your front porch?

21 MS. HAYES: Objection, argumentative.

22 MR. PROCTOR: Withdrawn.

23 Q. (By Mr. Proctor) If you'll turn the page to  
24 page 9 of your direct testimony. Again, there's  
25 another question asked on line 5:



1 "Are there other reasons you object  
2 to the proposed increase in the customer  
3 charge?"

4 Do you see that?

5 A. Yes.

6 Q. And your answer was:

7 "Yes. When I worked at the  
8 Commission one of my responsibilities  
9 was to occasionally take complaint  
10 calls."

11 When did you work with the Commission?

12 A. I worked with -- started working at the  
13 Commission in 1985. Worked for a year and-a-half. I  
14 came back in, it was 1990, and worked until 2002.

15 Q. Was your period of taking customer complaint  
16 calls in '85 to '87, or was it in '90 to 2002?

17 A. It was in both.

18 Q. You state custom -- cus --

19 "Complaints about the customer  
20 charge was one of the more common  
21 complaints received by Commission  
22 staff."

23 Did the Commission at that time keep track of  
24 customer complaints and --

25 A. No, they did not.

1 Q. So this was your own personal experience?

2 A. Yes. And talking to other staff at the time.

3 Q. Did you -- does the Commission now keep track  
4 of customer complaints and the reasons for the  
5 complaint?

6 A. I do not know.

7 Q. Does the, does the Division keep track of  
8 customer complaints?

9 A. I would suspect that they do. They have a  
10 complaint division.

11 Q. Did you --

12 A. Representative.

13 Q. Did you inquire of the Commission or the  
14 Division as to whether or not, currently, customer  
15 complaints commonly are about customer charges?

16 A. I did not.

17 Q. Did you receive complaints about other  
18 billing issues?

19 A. Yes, I did.

20 Q. And would one of those have been just simply  
21 the charge for energy?

22 A. That one I'm not sure that -- no.

23 Q. Just --

24 A. Well, oh, for the charge -- for -- yes. For  
25 how much they charge per kilowatt hour? Yes, I did

1 receive some of those.

2 Q. And just --

3 A. But they weren't as common.

4 Q. And just the size of the bill, They  
5 overbilled me, for example?

6 A. I think I had one or two, maybe, of that.

7 Q. Following rate cases did those number of  
8 complaints tend to increase?

9 A. Yes, I believe they did.

10 Q. And did those complaints largely focus on the  
11 increase that the Commission may have granted to the  
12 Company?

13 A. More than likely.

14 Q. If you could turn to your surrebuttal  
15 testimony, please? At the bottom of page 8, it's line  
16 165.

17 Do you have it, sir?

18 A. One sixty-five?

19 Q. Yeah.

20 A. Yes.

21 Q. The question begins:

22 "OCS witness Beck argues against the  
23 Division's decoupling proposal, in part  
24 because it does not account for risk and  
25 adjust the Company's ROE."

1 Do you see that?

2 A. Yes.

3 Q. Your answer --

4 "And do you believe these concerns  
5 have merit?"

6 And your answer was:

7 "For this particular decoupling  
8 proposal, I do not.

9 Are there other decoupling proposals that  
10 would cause you concern over the adjust -- accounting  
11 for the risk and adjusting ROE, or tying cost recovery  
12 to performance goals?

13 A. Yes. I think if you had a full-blown  
14 decoupling proposal before you, covering all costs --  
15 distribution, generation, transmission for all  
16 customers -- I think that would substantially reduce  
17 the revenue volatility for the Company.

18 Now, that revenue volatility -- that  
19 reduction reduces the risk for the Company. And I  
20 would think that you would maybe try to adjust that,  
21 either with a ROE adjustment -- although I'm not sure  
22 that is the best way to do that -- but you could also  
23 do it through a capital structure adjustment.

24 Q. Now, in this particular proposal from the  
25 Division it's decoupling what charges?

1 A. It's decoupling the sales of electricity from  
2 the fixed residential distribution charges.

3 Q. What charges comprise the fixed residential  
4 distribution?

5 A. Maybe I misspoke. There aren't charges for  
6 that. They're costs.

7 Q. What components, what are the components, the  
8 cost components of that that are being decoupled in  
9 this particular proposal?

10 A. I don't have that information off the top of  
11 my head. It was provided in the Company's testimony  
12 when they talked about a \$23 charge. I would refer  
13 you to Mr. Griffin's (sic) testimony for that.

14 Q. And it's your testimony that for that  
15 decoupling proposal, the Division's, that would have  
16 no impact upon the Company's risk --

17 A. I didn't say --

18 Q. -- and therefore no adjustment --

19 A. I didn't say --

20 Q. -- to the ROE?

21 A. I didn't say no, no impact. I think that the  
22 impact would be minimal. And that for this  
23 proceeding, I didn't see that an adjustment was  
24 necessary.

25 Q. Did you -- what analysis or evaluation did

1 you perform to determine that it would have a minimal  
2 effect?

3 A. More of sort of back-of-the-envelope  
4 calculations.

5 Q. And what would a back-of-the-envelope  
6 calculation consist of?

7 A. It would consist of trying to figure out what  
8 the -- residential rates comprise around 40 percent of  
9 the costs of the Company. Again, these are back of  
10 the envelope. Thirty percent of that is in fixed  
11 costs for residential. All right? So you're down to  
12 12 percent.

13 You're gonna cap that by 1, 1 percent  
14 increase, so you're down at 1 percent. So you're down  
15 in really small levels of revenues.

16 Q. And what about tying cost recovery to  
17 performance goals? You were not concerned about those  
18 in this particular decoupling proposal. Are they  
19 minimal, too?

20 A. No, I, I think it's important. One of the  
21 strategies, I guess, of decoupling? All right? In  
22 order to get -- decoupling for many utilities is a  
23 very attractive ratemaking procedure. It limits their  
24 risk.

25 Many company -- many utilities seek some sort

1 of decoupling to minimize these risks. And generally,  
2 parties are able to extract concessions from the  
3 Company in return for agreeing to go on with  
4 decoupling.

5 I believe, you know, if I had -- if I could  
6 have changed the process? It would have been better  
7 to have included all parties in that process. And  
8 allow them to try to gain some concessions for the --  
9 from the Company.

10 Q. So you're troubled by the process of  
11 developing a decoupling proposal within a rate design  
12 following decisions on cost of service, revenue  
13 requirement, and ROE, are you not?

14 A. No, I did not say that. You're putting words  
15 in my mouth.

16 Q. If you could turn to page 11 of your  
17 surrebuttal.

18 At line 224 and 225 you're referencing an  
19 article, the Lesh article?

20 A. That's correct.

21 Q. It's cited, I believe in Footnote 3, back on  
22 page 9: Pamela Lesh, "Rate Impacts and Key Design  
23 Elements"?

24 A. That's correct.

25 Q. Within that study -- or that article was

1 there a study referenced as to the number of utilities  
2 that have -- or commissions, I should say, that have  
3 permitted a decoupling proposal for the electric  
4 utilities?

5 A. I don't recall. If you can enlighten me.

6 Q. Well, I'm just asking you whether or not you  
7 recall any reference in the Lesh article to a study  
8 about the number of utilities that had?

9 A. I don't recall.

10 MR. PROCTOR: Thank you, Dr. Collins.

11 CHAIRMAN BOYER: Is that all, Mr. Proctor?

12 MR. PROCTOR: Oh, no. Under the  
13 circumstances of the lack of foundation for Appendix A  
14 to his direct testimony, the Office would move that it  
15 be stricken.

16 CHAIRMAN BOYER: Ms. Hayes?

17 (Pause.)

18 MS. SCHMID: Perhaps in the interest of  
19 creating a full record, as Dr. Collins was provided a  
20 copy from the audience perhaps it would be  
21 appropriate, if the Commission so chooses, to allow  
22 Mr. Collins to get a copy from another source.

23 And then perhaps Mr. Proctor could ask his  
24 foundational questions then of that copy, rather than  
25 a copy received from the audience.



1 CHAIRMAN BOYER: Well, we'll consider that  
2 suggesti on, Ms. Schmi d.

3 (Pause.)

4 MS. HAYES: We'd like to follow Ms. Schmi d's  
5 suggesti on, if possi bl e. Otherwi se, otherwi se it -- I  
6 thi nk that's our only opti on.

7 CHAIRMAN BOYER: Well, Mr. Proctor does raise  
8 a val id foundati onal obje cti on. However, I thi nk  
9 we'll j ust let it remain in the record and we'll give  
10 it appropri ate wei ght. Rather than try to figure out  
11 where it came from and continue on and on and on.

12 THE WITNESS: Maybe I mi sunderstood hi s  
13 questi on.

14 CHAIRMAN BOYER: Well, he's obje cti ng to the  
15 admi ssi on, and wi shes that the Exhi bi t A that we've  
16 j ust been talki ng about, the confi denti al Exhi bi t A --  
17 Attachme nt A, I guess it is. Appendi x A.

18 THE WITNESS: Oh, is it Appendi x A?

19 CHAIRMAN BOYER: Appendi x A. There's not --  
20 you haven't lai d an appropri ate foundati on, or your  
21 counsel hasn't. And you don't know where it came  
22 from, whether they're proje cti ons, whether they're  
23 actual s. Whether they're from Utah or somepl ace el se.  
24 Whi ch year, and so on, and so forth.

25 So there are seri ous li mi tati ons. But wi th

1 that caveat, we'll let it in -- we'll let it remain in  
2 the record, but we'll give it appropriate weight in  
3 our deliberations.

4 MR. PROCTOR: Thank you very much.

5 CHAIRMAN BOYER: Thank you, Mr. Proctor.

6 Mr. Michel?

7 MR. MICHEL: Thank you, Commissioner.

8 CROSS EXAMINATION

9 BY MR. MICHEL:

10 Q. Good afternoon, Dr. Collins.

11 A. Good afternoon.

12 Q. I'd like to focus on your rebuttal testimony,  
13 at pages 7 and 8. And in that rebuttal testimony you  
14 take issue with WRA's proposed high uses -- high-usage  
15 surcharge?

16 A. That's correct.

17 Q. As I understand, you have basically two  
18 concerns. One is that it's complex. And the other is  
19 that it provides little or no incentive for customers  
20 to reduce -- for customers in the middle of a tier to  
21 reduce their consumption?

22 A. Yes.

23 Q. Okay. Now, the concern with the complexity,  
24 is that -- is your concern there the custo --  
25 customers will not understand the price signal that's

1 being given, and therefore not be able to act on it  
2 effectively?

3 A. I guess I -- my concern is that it's just, to  
4 borrow another word, "clunky." It's, you know, it  
5 doesn't send much of a price signal at lower levels.  
6 And then at higher levels it's -- I guess I have  
7 complaints about the fact that these high-uses  
8 surcharge occur at a thousand kilowatt increments.

9 It's -- there's too much opportunity to be in  
10 between there and not be able to get, get -- change  
11 your behavior in such a way to avoid those costs.

12 Q. Well, if your concern is not -- if customers  
13 understand it and can act on it does it matter whether  
14 or not you consider it complex?

15 A. I think customers can, can gain an  
16 understanding of it.

17 Q. Now, in fact, you know, on lines 20 -- 126  
18 through 128 on Page 7 you do say that:

19 "Customers will quickly recognize  
20 that unless they are near a demarcation  
21 line, changes in consumption will not  
22 impact their bill."

23 Do you see that?

24 A. Yes, I do.

25 Q. And it's true, nevertheless -- and I, I'm

1 concerned that you're not understanding Mr. Curl's  
2 proposal. But customers will always receive an  
3 11.2 cent incentive per kilowatt hour to reduce their  
4 consumption; isn't that right?

5 A. That is correct.

6 Q. And in the range up to 2,000 kilowatt hours,  
7 in fact, the incentive you provide is 11.97 cents?

8 A. Up to 2,000, that's correct.

9 Q. And you don't -- just to give an analogy, I  
10 think -- would you agree that most drivers would  
11 understand that -- the implications of speeding?

12 And that over -- if they're over the speed  
13 limit they might invoke a speeding ticket. And if  
14 they're significantly over the speed limit they might  
15 invoke a higher speeding ticket. That's a concept  
16 that --

17 A. That's correct.

18 Q. -- that folks can understand?

19 A. I think people -- most people understand  
20 that.

21 Q. I want to also refer to your page 8 here.  
22 And at lines 139 and 40 again you say the structure  
23 present -- creates little or no incentive. But you've  
24 agreed that the -- there's still an 11 -- roughly  
25 11 cent, or a little bit more than 11 cents --

1 A. When I was referring to this rate structure I  
2 was referring to really the rate element of the  
3 high-usage charge.

4 Q. But it's the total charge the customer and  
5 the total savings the customer will be able to  
6 achieve --

7 A. That's correct.

8 Q. -- is that right? Okay. And is that where  
9 the 12.9 percent number on 1 -- line 143 came from?  
10 Is that just looking at the surcharge, and not looking  
11 at the entire rate that that customer is --

12 A. Yes, that is.

13 Q. Okay. And in fact, using your example, would  
14 you agree, subject to check, that, that a customer  
15 reducing their usage from 2,000 kilowatt hours to  
16 1,500 kilowatt hours would experience a 30.25 percent  
17 reduction in his bill?

18 A. Subject to check, I will accept that.

19 Q. Okay. And that in fact under your proposal  
20 that same customer, with that same reduction, would  
21 receive a lesser bill savings of 28.94 percent?

22 A. Where are you referring to?

23 Q. I'm refer -- I'm asking you that if, under  
24 your proposed rate design, with the same customer  
25 reducing from 2,000 kilowatt hours to 1,500 kilowatt

1 hours, the savings that customer would achieve is less  
2 than under WRA's proposal. And is, you know,  
3 admittedly slightly less, but it is 28.94 percent.

4 A. Subject to check, I accept that.

5 Q. Okay. And similarly, if this customer was  
6 consuming in the winter months, under WRA's proposal  
7 that customer would receive a 27.39 percent reduction  
8 versus 24.52 percent under your rate design?

9 A. I'll accept that, subject to check.

10 Q. And if you replace that 12.9 percent figure  
11 on line 143 with the 30.25 percent, your implicit  
12 elasticity coefficient would change pretty  
13 dramatically, right?

14 A. Yes. It would become inelastic at that  
15 point.

16 Q. In other words, it would be less than one?

17 A. That's the definition.

18 MR. MICHEL: Okay. I believe that's all I  
19 have. Thank you, Dr. Collins.

20 CHAIRMAN BOYER: Thank you, Mr. Michel.

21 MR. DODGE: No questions.

22 CHAIRMAN BOYER: No questions Mr. Dodge?  
23 Commissioner Allen?

24 COMMISSIONER ALLEN: Thank you, Mr. Chairman.  
25 Dr. Collins, I have a few questions that I

1 just want to take a look at the possibility of some  
2 unintended consequences and see if you've looked at  
3 those in your proposal. I have some experience in  
4 unintended consequences, I served on the legislature.  
5 Some people would say I'm an expert.

6 So when you were talking about sending  
7 consistent price signals to heavy users you used as an  
8 example people who have -- probably wealthy or have  
9 larger homes.

10 THE REPORTER: I'm having trouble --

11 COMMISSIONER ALLEN: Sorry, wealthy or have  
12 larger homes. But it seems to me, especially in  
13 recent times -- and maybe I'm missing something  
14 here -- that we also have people for cultural purposes  
15 or economic purposes who have multiple people living  
16 in the same house.

17 Is it possible that that fourth block could  
18 hit people who are actually per capita in poverty?

19 THE WITNESS: I believe that there is that  
20 possibility.

21 COMMISSIONER ALLEN: Do you think that number  
22 is fairly significant? Have we done a study to see  
23 how many households we have like that in Utah?

24 THE WITNESS: I don't know of any study. I  
25 mean, I'm sort of relying on my own personal

1 experiences and trying to figure out, you know, who  
2 would be using greater than 2,000 kilowatts and for  
3 what purposes.

4 I don't believe I mentioned in this  
5 testimony, but I believe that there should be for  
6 medical reasons. For example, if you are -- need  
7 oxygen and you use an oxygen concentrator that you  
8 should be able to apply for an exemption from the  
9 highest tiers.

10 And so I, I'm not sure I would extend that to  
11 the poor. But, I mean, that is a possibility of a way  
12 to handle that. If you have income below a certain  
13 level, and you can show you have multiple people in  
14 the home and that there's reasons for you using more  
15 than that, then there could be an exemption for those  
16 people for exempting out of those highest tiers.

17 I do realize and I'm very cognizant of the  
18 impact of -- these higher rates would have. But I  
19 also sort of look around the country and see are -- am  
20 I really radical, way out of line? And, you know, if  
21 you look at California, their last tiers are in the  
22 38 cents, 49 cents range.

23 So I then compare that to my suggestion of  
24 14.9, and I -- or 14.7, and I, I guess that makes me  
25 feel more comfortable. When I talk to my brother back



1 in Massachusetts, who doesn't have a tiered rate and  
2 he's paying 16-plus cents per kilowatt hour, I, again,  
3 thank my lucky stars that we live in Utah.

4 COMMISSIONER ALLEN: Now, I understand. And  
5 it may just be that it's an issue of timing, because  
6 I've been -- from what I read in the business press  
7 and -- it seems that there are some people, or a  
8 fairly large number compared to historical numbers,  
9 who are people my age -- which is why I remember it  
10 because it strikes fear in my heart -- that their  
11 children or grandchildren have moved home with them  
12 because they're unemployed or underemployed.

13 THE WITNESS: I just got an empty house, so.

14 COMMISSIONER ALLEN: Yeah, well, I'm there  
15 right now too. But -- when I look out the window I've  
16 got five people in my cul-de-sac, and three of them  
17 have their kids and grand kids living with them.

18 And so -- and I also am familiar with near  
19 where my parents live, for instance, they have a large  
20 number of multi-generational families because they're  
21 from Southeast Asia. And wonderful families, but they  
22 have everyone from great grandmother to new baby  
23 living in the house.

24 So I'm just a little bit concerned. And  
25 maybe with economic conditions changing or improving

1 this won't be an issue and it's a design that can be  
2 worked in.

3 But you have started to answer part of my --  
4 the second part of this question. And that is, is  
5 there really a practical way to create this sort of  
6 tier or this tariff that would allow some people to be  
7 opted out under certain conditions, and is there a  
8 practical way to do that?

9 THE WITNESS: Well, the Commission currently  
10 has a policy that you cannot -- and the Company has a  
11 policy, I think it's a Commission-directed policy,  
12 that people with medical conditions can't be shut off.  
13 So you could use that list and use your ALJ to sort of  
14 administer that program.

15 So if you have medical reasons why you have  
16 high use of electricity, then you, then you could get  
17 that exemption.

18 COMMISSIONER ALLEN: Okay, great. Well, and  
19 just trying to be helpful without trying to pre-decide  
20 anything it might be helpful in future cases, too, if  
21 we had a better handle on how many people out there  
22 are packed in the same house.

23 It might even be that it's more efficient  
24 when they -- maybe four people in one house is more  
25 efficient than four houses. I don't know. It would

1 be good information to have.

2 THE WITNESS: Okay. That's, that's -- I'll  
3 take that under advisement.

4 COMMISSIONER ALLEN: Thank you.

5 CHAIRMAN BOYER: Commissioner Campbell?

6 COMMISSIONER CAMPBELL: Dr. Collins, you  
7 state that you believe that real time -- time-of-use  
8 rates are the most accurate price signals?

9 THE WITNESS: I do.

10 COMMISSIONER CAMPBELL: Have you made any  
11 suggested changes to the Commission's established  
12 time-of-use rates?

13 THE WITNESS: I have not. I have not really  
14 looked at those very carefully. It's a voluntary  
15 program. I'm not sure. I believe that there's not a  
16 whole lot of customers under that rate schedule, but I  
17 really haven't looked that much.

18 One of the reasons I have not looked at  
19 time-of-use rates or advocated time-of-use rates is  
20 that there hasn't been adequate study to look at the  
21 benefits and costs of that. One of the costs is, you  
22 know, require -- that you need a time-of-use meter.

23 Those things are fairly expensive. There's a  
24 lot of technological change going on with those  
25 meters. And I would recommend that we wait and see

1 the results of some of the experiments that are going  
2 around in the nation.

3 In this case I think it's better to be a late  
4 adopter than an early adopter. And, and see what  
5 meters are best. I envision that you will have smart  
6 meters. And I would hate to see us get in and have  
7 sort of an obsolete time-of-use meter because we are  
8 an early adopter.

9 But the studies -- I don't think adequate  
10 studies have been done to look at what the costs of  
11 instituting those time-of-use meters and what the  
12 associated benefits would be of those in the form of  
13 reduced -- more efficient utilization of energy from  
14 the Company's standpoint, and therefore lowering their  
15 costs of providing electricity to their customers.

16 COMMISSIONER CAMPBELL: So you don't know if  
17 the new meters that the Company has implemented across  
18 their service territory, if there were technological  
19 ways to make those -- or to be able to do time-of-use  
20 rates based on those meters?

21 THE WITNESS: I do not. I haven't looked at  
22 those at all.

23 COMMISSIONER CAMPBELL: All right.

24 CHAIRMAN BOYER: Dr. Collins, just one area  
25 of inquiry. If the Commission were to adopt your

1 proposal and increase the customer charge, and add in  
2 a fourth inverted summer block rate, and implement  
3 decoupling, and so on and so forth, how would we go  
4 about measuring the efficacy of those changes?

5 It seems that we're tinkering with a lot of  
6 different variables. How would we go about  
7 determining the effect of those changes?

8 THE WITNESS: You ask a very good question.  
9 And I -- my training is not in econometrics and  
10 empirical studies, but I suspect -- and I would  
11 suspect that Dr. Powell would agree with me -- that it  
12 would be very difficult to differentiate the impacts  
13 of decoupling and inverted block rates. And how much  
14 was due to inverted block rates, how much is due to  
15 decoupling, changing of people's behavior.

16 But generally, the decoupling I don't believe  
17 is gonna change people's behavior. All that is is a  
18 way in which the Company is assured of getting its  
19 fixed cost of distribution. The inverted block rate,  
20 it turns out that is a really thorny econometric study  
21 to make.

22 Generally as prices rise you enter into what  
23 is known as the higher portion of the demand curve.  
24 And it becomes more elastic as you enter in the higher  
25 portion of the demand curve. You're more inelastic on

1 the lower end of the demand curve.

2 And yet what we're doing with inverted  
3 block -- inverted block rates is charging higher  
4 prices for people who are on that lower portion of  
5 their demand curves. And so techni -- I mean  
6 econometrically when you are trying to estimate what  
7 that demand response is you have a non-linear function  
8 and it becomes very difficult econometrically to make  
9 that estimation.

10 So the bottom line is, I don't think that  
11 you're gonna get the answers that you want through a  
12 future study. I think you're gonna have to make this  
13 decision based on what you know theoretically, and  
14 based on what you think is correct from a cost  
15 perspective.

16 Again, I, I would urge you to look at my  
17 Table 5 in my direct testimony. And that Table 5  
18 looks at the distribution of customers in my suggested  
19 tiers, all right? The number of bills versus the  
20 kilowatt hours used.

21 In that fourth tier we have a little over  
22 5 percent of the customers, and they're using over  
23 17 percent of the energy during summer months. All  
24 right? Whereas if you look at the, the first tier,  
25 under 400, you have 25 percent of the customers using

1 less than 7 percent of the energy.

2 So it is the upper-end users that are putting  
3 a disproportional burden on the system. And that is  
4 precisely why I have separated those customers out  
5 into their own class and I've charged them more. Or I  
6 have recommended that you charge them more.

7 CHAIRMAN BOYER: Okay. Thank you,  
8 Dr. Collins.

9 Ms. Hayes, any redirect?

10 MS. HAYES: Just a couple questions, thank  
11 you.

12 REDI RECT EXAMI NATION

13 BY MS. HAYES:

14 Q. If I could direct you back to the exhibit --  
15 the cross exhibit that Ms. Hogle handed you?  
16 Specifically on page 4, Schedule No. 37.

17 Two. Cross Exhibit 2. Are you there?

18 A. Yes.

19 Q. Okay. I'm wondering if you know -- I'm  
20 speaking specifically about the third column over, the  
21 on-peak energy prices for summer?

22 A. Yes.

23 Q. If you know what time period that on-peak  
24 period covers?

25 A. That on-peak period I believe -- oh boy, I

1 should know this. But it is a fairly broad period.

2 It goes from --

3 Dave, you want to help me out here?

4 MR. TAYLOR: I'm not on the stand.

5 THE WITNESS: It goes from I think noon to  
6 8:00? I should know that.

7 MR. DODGE: It's on page 2.

8 THE WITNESS: It's on page what?

9 MS. SCHMID: Two.

10 THE WITNESS: On-peak hours are defined as  
11 6 a.m. to 10 p.m., excuse me. Monday through  
12 Saturday, excluding holidays.

13 Q. (By Ms. Hayes) Thank you. So what would be  
14 the effect over this time period if customers reduced  
15 their energy consumption for cooling purposes?

16 A. I would think it would have a disproportional  
17 effect. During the super peak periods, all right?  
18 That -- and that is summertime, during the early and  
19 late afternoon. That is when the utility's peak  
20 demand hits their maximums.

21 Q. So would the avoided cost of energy during  
22 that period be higher or lower?

23 A. It would be substantially higher.

24 MS. HAYES: Thanks, that's all.

25 CHAIRMAN BOYER: Okay. Thank you,



1 Dr. Collins. You may be excused.

2 And that leaves one remaining issue, unless  
3 there are others the parties wish to raise, and that  
4 is Mr. Proctor's request that we accept post-hearing  
5 briefs.

6 And in that regard we feel like we've had  
7 excellent witnesses. We've had thorough and competent  
8 cross examination. We really feel like the positions  
9 of the parties are well delineated and understood by  
10 the Commission. And so we've chosen not to entertain  
11 or accept post-hearing briefs in this matter.

12 Is there anything else we need to discuss?

13 MS. HOGLE: Yes, pardon me.

14 CHAIRMAN BOYER: Ms. Hogle?

15 MS. HOGLE: Chairman, this morning  
16 Commissioner Campbell asked questions about minimum  
17 bill, and you alluded to the Idaho minimum bill,  
18 Commissioner. And the Company would be happy to  
19 entertain that question through Mr. Dave Taylor if you  
20 would like and if it would help you.

21 COMMISSIONER CAMPBELL: I don't think for  
22 purposes of this case. But I think down the road  
23 we'll -- we might have questions regarding that.

24 MS. HOGLE: Thank you.

25 MR. PROCTOR: Mr. Chairman?

1 CHAIRMAN BOYER: Yes, Mr. Proctor.

2 MR. PROCTOR: Professionally I'm disappointed  
3 in your decision on the brief. Personally, I want to  
4 thank you.

5 (Laughing.)

6 CHAIRMAN BOYER: That's kind of like a  
7 back-handed compliment.

8 Thank you all for your department in this  
9 hearing, and for your participation. Thank you all.

10 (The hearing was concluded at 3:02 p.m.)

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294:4, 294:10, 297:17, 339:9</p> <p><b>1.0</b><sup>[2]</sup> - 322:1, 371:19</p> <p><b>1.1</b><sup>[1]</sup> - 371:19</p> <p><b>1.2</b><sup>[1]</sup> - 371:22</p> <p><b>1.3</b><sup>[4]</sup> - 316:15, 371:22, 374:7, 374:20</p> <p><b>1.53</b><sup>[1]</sup> - 358:7</p> <p><b>1.7</b><sup>[1]</sup> - 351:23</p> <p><b>1/2</b><sup>[1]</sup> - 357:22</p> <p><b>10</b><sup>[8]</sup> - 347:15, 350:17, 350:18, 383:24, 383:25, 384:25, 385:7, 428:11</p> <p><b>10,000</b><sup>[1]</sup> - 339:15</p> <p><b>10-year</b><sup>[2]</sup> - 381:4, 381:12</p> <p><b>100</b><sup>[3]</sup> - 297:4, 359:3, 365:7</p> <p><b>100/200-kilowatt</b><sup>[1]</sup> - 327:21</p> <p><b>101</b><sup>[1]</sup> - 347:20</p> <p><b>10:16</b><sup>[1]</sup> - 336:4</p> <p><b>10:33</b><sup>[1]</sup> - 336:4</p> <p><b>11</b><sup>[16]</sup> - 294:17, 297:22, 341:23, 350:16, 350:18, 359:17, 392:15, 398:19, 399:9, 402:21, 402:22, 411:16, 416:24, 416:25</p> <p><b>11.2</b><sup>[1]</sup> - 416:3</p> <p><b>11.3</b><sup>[1]</sup> - 395:15</p> <p><b>11.34</b><sup>[1]</sup> - 381:12</p> <p><b>11.351</b><sup>[1]</sup> - 392:15</p> <p><b>11.37</b><sup>[1]</sup> - 397:21</p> <p><b>11.97</b><sup>[3]</sup> - 377:8, 399:10, 416:7</p> <p><b>11:13</b><sup>[1]</sup> - 368:8</p> <p><b>11th</b><sup>[2]</sup> - 402:15</p> <p><b>12</b><sup>[6]</sup> - 304:17, 344:4, 344:25, 355:4, 410:12</p> <p><b>12-month</b><sup>[1]</sup> - 345:16</p> <p><b>12.6</b><sup>[1]</sup> - 343:11</p> <p><b>12.9</b><sup>[2]</sup> - 417:9, 418:10</p> <p><b>125</b><sup>[1]</sup> - 373:2</p> <p><b>126</b><sup>[1]</sup> - 415:17</p> <p><b>127</b><sup>[1]</sup> - 329:5</p> <p><b>128</b><sup>[1]</sup> - 415:18</p>	<p><b>129</b><sup>[1]</sup> - 329:5</p> <p><b>13</b><sup>[1]</sup> - 275:1</p> <p><b>139</b><sup>[1]</sup> - 416:22</p> <p><b>14</b><sup>[2]</sup> - 395:18, 399:20</p> <p><b>14.7</b><sup>[3]</sup> - 377:5, 396:1, 420:24</p> <p><b>14.72</b><sup>[2]</sup> - 304:19, 397:19</p> <p><b>14.9</b><sup>[1]</sup> - 420:24</p> <p><b>143</b><sup>[2]</sup> - 417:9, 418:11</p> <p><b>15</b><sup>[1]</sup> - 395:19</p> <p><b>1550</b><sup>[1]</sup> - 297:18</p> <p><b>16-plus</b><sup>[1]</sup> - 421:2</p> <p><b>16.7</b><sup>[2]</sup> - 381:3, 381:17</p> <p><b>160</b><sup>[1]</sup> - 275:24</p> <p><b>165</b><sup>[1]</sup> - 407:16</p> <p><b>17</b><sup>[1]</sup> - 426:23</p> <p><b>1840</b><sup>[1]</sup> - 371:8</p> <p><b>19</b><sup>[1]</sup> - 400:2</p> <p><b>19,200</b><sup>[4]</sup> - 358:4, 358:10, 358:16, 359:2</p> <p><b>1982</b><sup>[1]</sup> - 299:16</p> <p><b>1984</b><sup>[1]</sup> - 299:18</p> <p><b>1985</b><sup>[1]</sup> - 405:13</p> <p><b>1990</b><sup>[1]</sup> - 405:14</p> <p><b>1997</b><sup>[1]</sup> - 321:10</p> <p><b>1:30</b><sup>[1]</sup> - 367:1</p> <p><b>1:32</b><sup>[1]</sup> - 368:8</p>	<p><b>200</b><sup>[1]</sup> - 379:1</p> <p><b>200,000</b><sup>[2]</sup> - 345:12, 345:13</p> <p><b>2002</b><sup>[2]</sup> - 405:14, 405:16</p> <p><b>2006</b><sup>[2]</sup> - 281:12, 286:19</p> <p><b>2007</b><sup>[3]</sup> - 291:4, 402:20, 402:22</p> <p><b>2008</b><sup>[3]</sup> - 287:19, 288:20, 402:20</p> <p><b>2009</b><sup>[1]</sup> - 397:12</p> <p><b>2010</b><sup>[2]</sup> - 275:1, 341:23</p> <p><b>2014</b><sup>[1]</sup> - 393:24</p> <p><b>2033</b><sup>[1]</sup> - 397:22</p> <p><b>21</b><sup>[1]</sup> - 397:12</p> <p><b>224</b><sup>[1]</sup> - 411:18</p> <p><b>225</b><sup>[1]</sup> - 411:18</p> <p><b>22nd</b><sup>[1]</sup> - 322:2</p> <p><b>239</b><sup>[2]</sup> - 294:6, 294:7</p> <p><b>23rd</b><sup>[1]</sup> - 322:3</p> <p><b>24.52</b><sup>[1]</sup> - 418:8</p> <p><b>240</b><sup>[1]</sup> - 294:6</p> <p><b>242</b><sup>[1]</sup> - 294:7</p> <p><b>25</b><sup>[12]</sup> - 296:3, 296:17, 297:6, 299:21, 303:15, 356:5, 356:6, 379:10, 399:13, 426:25</p> <p><b>26</b><sup>[1]</sup> - 276:16</p> <p><b>27.39</b><sup>[1]</sup> - 418:7</p> <p><b>275</b><sup>[1]</sup> - 291:23</p> <p><b>277</b><sup>[1]</sup> - 291:23</p> <p><b>28</b><sup>[1]</sup> - 383:20</p> <p><b>28.94</b><sup>[2]</sup> - 417:21, 418:3</p>	<p><b>38</b><sup>[1]</sup> - 420:22</p> <p><b>3:02</b><sup>[1]</sup> - 430:10</p>
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<p><b>'85</b><sup>[1]</sup> - 405:16</p> <p><b>'87</b><sup>[1]</sup> - 405:16</p> <p><b>'90</b><sup>[1]</sup> - 405:16</p>				
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<p><b>06-035-21</b><sup>[2]</sup> - 278:13, 279:15</p> <p><b>09-035-23</b><sup>[3]</sup> - 275:4, 368:10, 403:3</p>				
<p><b>1</b></p>				
<p><b>1</b><sup>[14]</sup> - 276:16, 286:7, 337:7, 337:9, 338:8, 357:22, 377:11, 391:22, 398:1, 398:4, 410:13, 410:14, 417:9</p> <p><b>1,000</b><sup>[11]</sup> - 339:6, 344:5, 345:5, 345:23, 351:2, 351:7, 351:17, 353:4, 353:9, 353:14, 402:7</p> <p><b>1,100</b><sup>[1]</sup> - 351:20</p>		<p><b>2</b></p> <p><b>2</b><sup>[13]</sup> - 285:21, 285:25, 301:10, 337:7, 337:9, 338:8, 338:12, 359:18, 377:11, 396:25, 398:1, 398:4, 401:18</p> <p><b>2,000</b><sup>[14]</sup> - 288:23, 343:19, 357:3, 358:21, 359:18, 366:9, 377:1, 377:3, 377:15, 416:6, 416:8, 417:15, 417:25, 420:2</p> <p><b>2,500</b><sup>[5]</sup> - 339:9, 339:11, 343:25, 349:9, 351:25</p> <p><b>2,700</b><sup>[1]</sup> - 403:22</p> <p><b>2-U</b><sup>[1]</sup> - 341:25</p> <p><b>2.0</b><sup>[1]</sup> - 372:18</p> <p><b>2.1</b><sup>[1]</sup> - 359:9</p> <p><b>2.2</b><sup>[3]</sup> - 285:19, 290:20, 301:10</p> <p><b>2.4</b><sup>[1]</sup> - 351:21</p> <p><b>2.50</b><sup>[1]</sup> - 351:18</p> <p><b>2.8</b><sup>[1]</sup> - 290:18</p> <p><b>20</b><sup>[2]</sup> - 347:15, 415:17</p>	<p><b>3</b></p> <p><b>3</b><sup>[14]</sup> - 279:3, 280:12, 303:13, 337:7, 337:9, 338:8, 338:12, 349:16, 357:23, 358:4, 358:7, 358:9, 401:18, 411:21</p> <p><b>3,500</b><sup>[1]</sup> - 339:11</p> <p><b>3.5</b><sup>[1]</sup> - 384:2</p> <p><b>3.75</b><sup>[1]</sup> - 286:24</p> <p><b>30</b><sup>[4]</sup> - 345:2, 347:15, 356:6, 383:17</p> <p><b>30.25</b><sup>[2]</sup> - 417:16, 418:11</p> <p><b>300</b><sup>[1]</sup> - 275:24</p> <p><b>32</b><sup>[2]</sup> - 322:8, 345:3</p> <p><b>34</b><sup>[4]</sup> - 377:6, 398:20, 398:24, 399:5</p> <p><b>35</b><sup>[3]</sup> - 383:20, 383:24, 383:25</p> <p><b>37</b><sup>[2]</sup> - 396:8, 396:20</p>	<p><b>6</b></p> <p><b>6</b><sup>[4]</sup> - 308:10, 344:4, 355:3, 428:11</p> <p><b>6.7</b><sup>[1]</sup> - 294:10</p> <p><b>640</b><sup>[3]</sup> - 357:18, 358:2, 358:9</p> <p><b>64542</b><sup>[1]</sup> - 403:4</p>
<p><b>1</b></p>				<p><b>7</b></p> <p><b>7</b><sup>[2]</sup> - 414:13, 427:1</p> <p><b>7.6</b><sup>[4]</sup> - 377:9, 399:1, 399:11</p> <p><b>70</b><sup>[1]</sup> - 281:14</p> <p><b>700</b><sup>[3]</sup> - 345:14, 378:20, 378:24</p> <p><b>700,000</b><sup>[2]</sup> - 345:11, 347:8</p> <p><b>74</b><sup>[1]</sup> - 337:18</p> <p><b>75</b><sup>[4]</sup> - 279:4, 281:7, 281:14, 302:13</p>

<b>8</b>	<p><b>accepted</b> [2] - 325:16, 381:10</p> <p><b>accepting</b> [1] - 357:14</p> <p><b>accommodate</b> [2] - 295:16, 393:15</p> <p><b>accompanied</b> [1] - 340:9</p> <p><b>accomplish</b> [2] - 290:2, 324:15</p> <p><b>According</b> [2] - 384:3, 403:19</p> <p><b>according</b> [4] - 350:15, 377:9, 377:21, 395:5</p> <p><b>account</b> [1] - 407:24</p> <p><b>accounting</b> [1] - 408:10</p> <p><b>accuracy</b> [2] - 391:11, 391:17</p> <p><b>accurate</b> [5] - 279:13, 287:7, 305:13, 391:8, 423:8</p> <p><b>achieve</b> [4] - 339:20, 360:3, 417:6, 418:1</p> <p><b>acknowledge</b> [1] - 359:13</p> <p><b>acknowledges</b> [1] - 326:14</p> <p><b>acquire</b> [1] - 400:16</p> <p><b>acquiring</b> [1] - 384:15</p> <p><b>act</b> [2] - 415:1, 415:13</p> <p><b>action</b> [1] - 326:4</p> <p><b>Action</b> [1] - 321:3</p> <p><b>actual</b> [2] - 392:14, 395:16</p> <p><b>actuals</b> [1] - 413:23</p> <p><b>add</b> [4] - 332:20, 354:23, 376:24, 425:1</p> <p><b>added</b> [3] - 339:3, 340:1, 400:5</p> <p><b>addition</b> [2] - 297:22, 339:23</p> <p><b>additional</b> [11] - 287:22, 288:18, 334:7, 338:19, 344:3, 347:17, 348:21, 354:24, 361:11, 380:3, 380:7</p> <p><b>address</b> [7] - 275:24, 310:3, 314:24, 323:16, 333:3, 371:6, 371:10</p> <p><b>addressed</b> [5] - 306:9, 308:9, 308:16, 308:20, 352:14</p> <p><b>addresses</b> [2] - 280:24, 323:5</p> <p><b>addressing</b> [1] -</p>	<p>280:20</p> <p><b>adequate</b> [2] - 423:20, 424:9</p> <p><b>adequately</b> [1] - 309:20</p> <p><b>adhere</b> [1] - 381:23</p> <p><b>adhered</b> [1] - 382:3</p> <p><b>adjust</b> [7] - 312:13, 384:23, 385:12, 393:9, 407:25, 408:10, 408:20</p> <p><b>adjusting</b> [2] - 393:13, 408:11</p> <p><b>adjustment</b> [12] - 315:17, 324:6, 329:7, 329:16, 352:16, 354:15, 355:2, 385:23, 408:21, 408:23, 409:18, 409:23</p> <p><b>administer</b> [1] - 422:14</p> <p><b>admission</b> [8] - 277:7, 316:10, 322:18, 338:7, 338:10, 373:12, 398:3, 413:15</p> <p><b>admit</b> [1] - 373:8</p> <p><b>admitted</b> [12] - 277:11, 277:13, 316:12, 316:16, 322:22, 322:24, 338:11, 338:12, 374:17, 374:22, 398:4, 398:6</p> <p><b>admittedly</b> [2] - 295:25, 418:3</p> <p><b>adopt</b> [7] - 360:22, 375:4, 375:11, 379:6, 385:25, 386:21, 424:25</p> <p><b>adopted</b> [3] - 308:13, 326:9, 357:15</p> <p><b>adopter</b> [3] - 424:4, 424:8</p> <p><b>adopting</b> [1] - 278:5</p> <p><b>advisement</b> [1] - 423:3</p> <p><b>advocacy</b> [1] - 321:8</p> <p><b>advocate</b> [1] - 394:14</p> <p><b>advocated</b> [4] - 315:1, 392:23, 392:25, 423:19</p> <p><b>advocating</b> [5] - 303:7, 303:8, 303:11, 303:13, 369:18</p> <p><b>affect</b> [3] - 317:10, 317:12, 330:14</p> <p><b>affected</b> [2] - 345:13, 345:14</p>	<p><b>afford</b> [2] - 360:16, 379:7</p> <p><b>affordable</b> [2] - 329:9, 331:18</p> <p><b>Afraid</b> [1] - 311:6</p> <p><b>afternoon</b> [7] - 371:3, 371:4, 387:16, 387:17, 414:10, 414:11, 428:19</p> <p><b>age</b> [1] - 421:9</p> <p><b>agency</b> [1] - 394:25</p> <p><b>ago</b> [3] - 352:11, 397:15, 398:25</p> <p><b>agree</b> [30] - 287:14, 290:21, 295:3, 296:25, 297:3, 298:2, 298:4, 311:15, 313:18, 316:1, 327:22, 342:6, 342:8, 349:20, 349:21, 356:6, 356:17, 356:21, 359:24, 360:4, 361:3, 365:20, 368:11, 379:16, 390:7, 390:20, 416:10, 417:14, 425:11</p> <p><b>agreeable</b> [1] - 354:13</p> <p><b>agreed</b> [4] - 309:15, 309:23, 341:6, 416:24</p> <p><b>agreeing</b> [1] - 411:3</p> <p><b>ahead</b> [3] - 320:9, 359:20, 359:22</p> <p><b>aims</b> [1] - 324:15</p> <p><b>air</b> [2] - 403:22, 404:2</p> <p><b>air conditioning</b> [8] - 331:16, 331:20, 377:17, 377:18, 377:19, 377:20, 378:12</p> <p><b>air-conditioning</b> [2] - 403:22, 404:2</p> <p><b>ALJ</b> [1] - 422:13</p> <p><b>alleged</b> [1] - 310:9</p> <p><b>Allen's</b> [2] - 369:7, 369:9</p> <p><b>alleviate</b> [3] - 329:19, 329:21, 329:22</p> <p><b>alleviating</b> [1] - 289:10</p> <p><b>allocated</b> [1] - 301:4</p> <p><b>allocating</b> [5] - 280:24, 287:12, 287:14, 287:15, 339:1</p> <p><b>allow</b> [5] - 363:3, 385:23, 411:8, 412:21, 422:6</p> <p><b>allowed</b> [1] - 309:9</p> <p><b>alluded</b> [1] - 429:17</p>	<p><b>almost</b> [2] - 382:20, 394:24</p> <p><b>alone</b> [1] - 310:5</p> <p><b>alternative</b> [3] - 277:18, 300:9, 330:22</p> <p><b>alternatives</b> [3] - 309:19, 310:12, 324:13</p> <p><b>amend</b> [1] - 374:14</p> <p><b>amount</b> [8] - 318:18, 331:25, 334:16, 338:25, 342:14, 347:5, 357:16, 376:7</p> <p><b>anal</b> [1] - 296:8</p> <p><b>analogy</b> [2] - 295:3, 416:9</p> <p><b>analysis</b> [11] - 280:5, 299:14, 300:22, 304:23, 306:4, 342:2, 361:6, 361:8, 361:22, 404:4, 409:25</p> <p><b>analyst</b> [1] - 336:24</p> <p><b>analytical</b> [4] - 292:3, 293:4, 296:1, 296:8</p> <p><b>analyze</b> [1] - 324:12</p> <p><b>analyzed</b> [2] - 300:10, 330:17</p> <p><b>analyzing</b> [1] - 364:6</p> <p><b>and-a-half</b> [1] - 405:13</p> <p><b>annual</b> [1] - 403:21</p> <p><b>Answer</b> [1] - 346:16</p> <p><b>answer</b> [12] - 314:13, 334:24, 335:5, 341:14, 346:16, 358:25, 359:21, 399:24, 405:6, 408:3, 408:6, 422:3</p> <p><b>answered</b> [3] - 276:25, 322:11, 395:20</p> <p><b>answering</b> [1] - 346:14</p> <p><b>answers</b> [6] - 277:1, 303:20, 322:12, 338:2, 373:6, 426:11</p> <p><b>anticipate</b> [2] - 367:18, 384:22</p> <p><b>anxious</b> [1] - 368:14</p> <p><b>anyway</b> [3] - 302:8, 393:22, 399:2</p> <p><b>apologize</b> [1] - 297:14</p> <p><b>apostrophe</b> [1] - 276:18</p> <p><b>appear</b> [3] - 403:4, 403:8, 403:14</p> <p><b>appeared</b> [1] - 380:21</p> <p><b>appearing</b> [3] -</p>
<b>9</b>	<p><b>9</b> [1] - 308:10</p> <p><b>9:02</b> [1] - 275:1</p>			
<b>A</b>	<p><b>a.m</b> [2] - 336:4, 428:11</p> <p><b>A.M</b> [1] - 275:1</p> <p><b>Abdulle</b> [1] - 278:8</p> <p><b>ability</b> [7] - 317:22, 331:11, 331:24, 332:1, 332:9, 333:23, 360:17</p> <p><b>able</b> [18] - 333:15, 333:19, 348:19, 360:13, 378:17, 379:14, 380:12, 384:15, 385:13, 389:18, 390:4, 395:24, 411:2, 415:1, 415:10, 417:5, 420:8, 424:19</p> <p><b>absent</b> [1] - 379:18</p> <p><b>Absent</b> [1] - 340:10</p> <p><b>absolute</b> [1] - 328:6</p> <p><b>Absolutely</b> [3] - 283:20, 303:4, 320:11</p> <p><b>absorb</b> [1] - 333:19</p> <p><b>absorbed</b> [1] - 334:6</p> <p><b>absorbing</b> [1] - 334:15</p> <p><b>accept</b> [17] - 300:14, 315:14, 315:19, 319:15, 344:16, 352:9, 352:10, 356:18, 357:19, 358:1, 358:11, 358:12, 417:18, 418:4, 418:9, 429:4, 429:11</p> <p><b>acceptable</b> [1] - 350:19</p> <p><b>acceptance</b> [1] - 352:12</p>			

<p>307:14, 320:19, 320:21  <b>Appendix</b> [9] - 400:2, 400:8, 400:16, 403:11, 403:18, 412:13, 413:17, 413:18, 413:19  <b>appendix</b> [1] - 400:12  <b>appliance</b> [1] - 331:12  <b>appliances</b> [4] - 331:11, 333:16, 347:10, 376:19  <b>applied</b> [8] - 279:1, 329:7, 343:7, 353:16, 354:8, 357:23, 358:8, 362:8  <b>applies</b> [3] - 289:7, 351:6, 366:13  <b>apply</b> [9] - 278:10, 278:21, 302:24, 352:13, 352:16, 355:12, 363:14, 366:11, 420:8  <b>applying</b> [1] - 344:7  <b>approach</b> [15] - 280:24, 292:4, 293:4, 299:25, 301:9, 308:11, 323:9, 323:15, 325:21, 330:22, 339:17, 360:11, 388:2, 396:12, 401:6  <b>appropriate</b> [21] - 278:17, 303:22, 319:17, 324:6, 335:1, 335:3, 335:4, 350:19, 356:21, 362:12, 370:6, 370:8, 374:2, 375:11, 385:14, 386:3, 394:9, 412:21, 413:10, 413:20, 414:2  <b>approval</b> [1] - 308:15  <b>approve</b> [2] - 304:24, 340:12  <b>approved</b> [4] - 279:5, 281:9, 282:1, 300:24  <b>APRIL</b> [1] - 275:1  <b>arbitrarily</b> [3] - 344:8, 344:10, 344:20  <b>arbitrarily-selected</b> [2] - 344:8, 344:20  <b>arbitrary</b> [3] - 343:18, 344:14, 365:25  <b>area</b> [4] - 291:24, 316:22, 364:22, 424:24  <b>areas</b> [1] - 319:10  <b>argues</b> [1] - 407:22</p>	<p><b>argumentative</b> [1] - 404:21  <b>arguments</b> [1] - 309:15  <b>article</b> [4] - 411:19, 411:25, 412:7  <b>Artie</b> [1] - 279:12  <b>Asia</b> [1] - 421:21  <b>aspect</b> [2] - 378:18, 382:13  <b>assert</b> [1] - 369:13  <b>asserts</b> [1] - 282:3  <b>assess</b> [2] - 349:10, 369:13  <b>assessment</b> [3] - 296:24, 350:25, 354:21  <b>assist</b> [1] - 290:5  <b>associate</b> [1] - 371:13  <b>associated</b> [7] - 291:14, 297:23, 311:13, 379:14, 387:10, 395:12, 424:12  <b>Association</b> [1] - 307:17  <b>assume</b> [12] - 297:1, 298:5, 303:20, 349:8, 359:3, 365:6, 372:7, 385:2, 400:3, 402:9, 402:15, 402:18  <b>assumed</b> [1] - 288:7  <b>assumes</b> [1] - 287:24  <b>assuming</b> [1] - 390:23  <b>assumption</b> [4] - 296:11, 359:20, 392:19, 402:11  <b>assumptions</b> [3] - 360:7, 360:9, 380:23  <b>assurance</b> [2] - 324:21, 375:18  <b>assure</b> [1] - 387:9  <b>assured</b> [1] - 425:18  <b>assuring</b> [1] - 324:18  <b>attach</b> [1] - 403:11  <b>attached</b> [3] - 276:7, 276:8, 300:23  <b>Attachment</b> [1] - 413:17  <b>attachments</b> [1] - 307:22  <b>attempting</b> [1] - 349:24  <b>attention</b> [7] - 319:7, 339:5, 339:18, 363:25, 364:4, 364:21, 372:6  <b>attorney</b> [3] - 341:5,</p>	<p>341:7, 362:21  <b>attractive</b> [2] - 340:4, 410:23  <b>attributed</b> [1] - 392:5  <b>audience</b> [2] - 412:20, 412:25  <b>August</b> [1] - 345:21  <b>authority</b> [8] - 368:22, 369:5, 369:13, 369:19, 369:24, 370:1, 370:6  <b>automatically</b> [1] - 353:15  <b>available</b> [4] - 302:9, 310:17, 334:3, 340:19  <b>average</b> [13] - 281:11, 281:12, 290:20, 331:10, 332:7, 345:15, 382:6, 382:9, 383:19, 383:21, 403:21  <b>avoid</b> [5] - 313:19, 329:17, 360:18, 386:1, 415:11  <b>avoided</b> [1] - 349:6  <b>avoided cost</b> [6] - 380:23, 395:16, 396:2, 396:13, 396:20, 428:21  <b>avoided costs</b> [1] - 396:9  <b>aware</b> [14] - 285:6, 285:9, 287:21, 288:2, 288:5, 288:15, 288:17, 295:15, 301:14, 315:1, 350:2, 361:1, 369:23, 396:9  <b>awareness</b> [1] - 318:7</p>	<p>402:14  <b>base</b> [3] - 349:20, 381:15, 384:24  <b>Based</b> [2] - 330:25, 389:17  <b>based</b> [29] - 284:19, 288:19, 289:18, 291:18, 292:4, 292:8, 292:24, 293:4, 303:3, 303:7, 319:10, 341:8, 343:23, 349:11, 349:15, 349:21, 349:23, 359:15, 363:6, 380:24, 381:16, 381:17, 381:20, 382:4, 385:8, 424:20, 426:13, 426:14  <b>basis</b> [10] - 284:3, 296:1, 296:8, 296:11, 328:9, 345:23, 347:13, 349:9, 354:8, 354:10  <b>beauty</b> [2] - 384:5, 385:18  <b>Beck</b> [2] - 306:9, 407:22  <b>become</b> [2] - 323:17, 418:14  <b>becomes</b> [2] - 425:24, 426:8  <b>beggars</b> [1] - 393:14  <b>begin</b> [1] - 320:2  <b>begins</b> [3] - 325:21, 399:24, 407:21  <b>behalf</b> [4] - 320:19, 320:21, 323:4, 336:25  <b>behavior</b> [6] - 295:16, 360:10, 394:5, 415:11, 425:15, 425:17  <b>belief</b> [2] - 288:24, 338:5  <b>believes</b> [2] - 303:21, 303:24  <b>belongs</b> [1] - 299:20  <b>below</b> [6] - 281:14, 303:8, 349:20, 373:3, 382:2, 420:12  <b>benefit</b> [3] - 297:22, 297:23, 376:2  <b>benefits</b> [5] - 346:25, 361:9, 395:12, 423:21, 424:12  <b>best</b> [6] - 338:5, 361:10, 368:10, 393:15, 408:22, 424:5  <b>bet</b> [2] - 347:23, 370:12  <b>Betsy</b> [1] - 319:23  <b>better</b> [6] - 305:4,</p>	<p>333:15, 333:19, 411:6, 422:21, 424:3  <b>between</b> [19] - 278:2, 296:18, 300:15, 301:5, 308:23, 325:5, 325:10, 325:13, 339:6, 349:9, 351:2, 351:7, 351:17, 375:21, 379:25, 382:23, 388:21, 392:4, 415:10  <b>beyond</b> [3] - 314:24, 315:2, 342:19  <b>Beyond</b> [1] - 343:11  <b>bill</b> [37] - 279:8, 280:16, 282:6, 299:23, 299:24, 300:1, 318:24, 323:10, 325:8, 327:14, 327:17, 330:13, 330:14, 330:17, 330:18, 339:4, 347:4, 347:14, 348:7, 348:12, 348:20, 351:11, 354:1, 354:3, 360:12, 363:21, 364:1, 365:19, 387:11, 407:4, 415:22, 417:17, 417:21, 429:17  <b>billing</b> [2] - 287:9, 406:18  <b>bills</b> [3] - 282:4, 364:3, 426:19  <b>bit</b> [11] - 297:15, 301:8, 306:10, 344:3, 346:9, 357:6, 375:20, 393:12, 393:13, 416:25, 421:24  <b>block</b> [78] - 278:25, 280:5, 280:6, 281:5, 281:16, 281:18, 281:21, 281:23, 282:10, 282:11, 284:25, 285:17, 289:15, 290:6, 290:7, 290:18, 290:19, 290:24, 292:16, 292:17, 292:19, 296:3, 296:22, 300:16, 301:1, 301:2, 301:8, 301:11, 302:12, 302:16, 304:16, 304:18, 305:24, 308:17, 308:18, 309:12, 323:12, 324:25, 325:13, 326:8, 326:14, 326:18, 329:9, 334:8, 340:1, 350:17, 352:7, 357:17, 357:20,</p>
		<p><b>B</b></p>		
		<p><b>baby</b> [1] - 421:22  <b>back-handed</b> [1] - 430:7  <b>back-of-the-envelope</b> [2] - 410:3, 410:5  <b>backs</b> [1] - 283:21  <b>backtrack</b> [1] - 304:25  <b>balance</b> [5] - 278:17, 324:8, 325:5, 356:19, 395:11  <b>balanced</b> [4] - 278:5, 280:24, 323:9, 326:3  <b>balances</b> [1] - 287:17  <b>balancing</b> [2] - 305:6, 325:14  <b>bar</b> [2] - 402:7,</p>		

<p>357:21, 357:24, 358:8, 359:15, 359:17, 361:5, 375:15, 376:23, 376:25, 377:8, 377:11, 377:14, 382:15, 384:8, 384:10, 386:6, 386:16, 387:4, 419:17, 425:2, 425:13, 425:14, 425:19, 426:3 <b>blocks</b> [11] - 284:11, 284:21, 292:18, 293:2, 300:19, 301:5, 302:17, 323:11, 363:19, 377:11, 377:12 <b>blown</b> [1] - 408:13 <b>blue</b> [4] - 388:21, 388:23 <b>borrow</b> [1] - 415:4 <b>borrowing</b> [1] - 393:10 <b>bottom</b> [4] - 318:5, 397:7, 407:15, 426:10 <b>boundary</b> [1] - 365:24 <b>boy</b> [1] - 427:25 <b>Boy</b> [1] - 400:18 <b>bracketed</b> [1] - 378:7 <b>break</b> [4] - 319:4, 336:1, 368:4 <b>breakdown</b> [1] - 366:1 <b>breakpoints</b> [1] - 366:4 <b>brief</b> [2] - 367:17, 430:3 <b>briefly</b> [3] - 298:25, 321:1, 343:9 <b>briefs</b> [2] - 429:5, 429:11 <b>bring</b> [3] - 350:4, 375:15, 388:15 <b>bringing</b> [1] - 325:11 <b>broad</b> [2] - 316:20, 428:1 <b>brock</b> [1] - 426:3 <b>brother</b> [1] - 420:25 <b>brought</b> [5] - 299:7, 330:11, 372:6, 375:25, 376:1 <b>build</b> [2] - 347:1, 380:11 <b>built</b> [1] - 331:18 <b>bulb</b> [2] - 376:8, 376:9 <b>bulk</b> [1] - 318:25 <b>bunch</b> [1] - 301:13 <b>burden</b> [1] - 427:3</p>	<p><b>business</b> [8] - 275:24, 309:2, 316:21, 316:24, 317:14, 318:6, 371:5, 421:6 <b>businesses</b> [1] - 317:22 <b>buy</b> [1] - 347:10 <b>BY</b> [20] - 275:19, 282:21, 283:16, 302:23, 307:11, 311:8, 320:17, 327:11, 328:23, 333:13, 336:16, 341:2, 343:4, 355:23, 365:4, 371:2, 387:15, 398:17, 414:9, 427:13</p>	<p><b>capital</b> [2] - 403:14, 408:23 <b>car</b> [1] - 295:4 <b>carefully</b> [3] - 292:24, 344:11, 423:14 <b>case</b> [27] - 278:25, 279:6, 281:12, 284:6, 284:20, 286:22, 287:17, 291:5, 297:2, 300:25, 301:2, 304:24, 315:25, 319:24, 321:14, 321:23, 323:6, 323:25, 324:5, 337:4, 340:16, 349:19, 368:15, 374:9, 382:21, 424:3, 429:22</p>	<p><b>Certainly</b> [2] - 288:13, 352:10 <b>cetera</b> [1] - 287:9 <b>Chair</b> [1] - 316:18 <b>Chair's</b> [1] - 305:21 <b>Chairman</b> [21] - 275:14, 277:3, 283:14, 288:7, 302:21, 319:20, 320:4, 320:7, 335:21, 343:2, 355:16, 355:21, 358:21, 362:4, 367:15, 368:18, 369:3, 370:20, 418:24, 429:15, 429:25 <b>CHAIRMAN BOYER</b> [129] - 275:3, 275:12, 277:6, 277:10, 282:13, 282:17, 283:10, 283:13, 283:20, 288:12, 288:14, 296:13, 298:15, 298:18, 300:12, 301:3, 301:12, 301:22, 302:18, 305:21, 306:13, 306:17, 306:24, 307:3, 307:5, 310:18, 310:21, 310:23, 310:25, 311:2, 311:4, 316:5, 316:9, 316:17, 319:18, 319:21, 320:2, 320:5, 320:8, 320:11, 322:17, 322:21, 327:5, 327:8, 328:18, 328:20, 330:2, 330:5, 330:7, 330:9, 330:24, 331:6, 332:16, 332:19, 332:24, 333:4, 333:10, 334:22, 335:1, 335:4, 335:7, 335:22, 336:5, 336:9, 338:9, 340:18, 340:21, 342:24, 343:1, 355:17, 355:20, 358:24, 362:2, 363:16, 364:5, 364:14, 364:17, 364:24, 366:22, 366:25, 367:5, 367:10, 367:14, 368:3, 368:6, 368:9, 368:17, 368:19, 368:25, 369:7, 370:3, 370:11, 370:13, 370:15, 370:18, 372:7, 372:10, 373:11, 373:15, 373:24, 374:10,</p>	<p>374:13, 387:12, 388:5, 391:23, 393:8, 393:21, 396:15, 397:1, 398:2, 398:9, 398:12, 401:7, 412:11, 412:16, 413:1, 413:7, 413:14, 413:19, 414:5, 418:20, 418:22, 423:5, 424:24, 427:7, 428:25, 429:14, 430:1, 430:6 <b>chance</b> [2] - 329:12, 330:20 <b>change</b> [36] - 292:4, 294:9, 294:16, 295:16, 311:21, 312:3, 312:17, 312:19, 324:11, 324:9, 324:10, 325:1, 325:3, 326:21, 326:22, 351:21, 351:23, 360:1, 372:12, 372:14, 372:24, 373:1, 373:19, 380:22, 383:24, 387:1, 389:23, 390:13, 390:18, 394:5, 415:10, 418:12, 423:24, 425:17 <b>changed</b> [9] - 299:10, 302:6, 303:12, 318:8, 318:12, 373:2, 373:22, 390:19, 411:6 <b>changes</b> [24] - 276:21, 290:7, 290:23, 291:24, 308:4, 310:10, 312:13, 317:21, 331:12, 332:10, 337:11, 337:23, 337:25, 372:3, 372:5, 372:22, 372:25, 374:5, 380:8, 415:21, 423:11, 425:4, 425:7 <b>changing</b> [10] - 304:11, 312:2, 312:11, 312:15, 312:17, 373:17, 390:12, 390:17, 421:25, 425:15 <b>characteristics</b> [1] - 394:17 <b>characterize</b> [1] - 365:11 <b>characterized</b> [1] - 283:24 <b>charge</b> [77] - 277:22, 278:3, 278:6, 279:1, 279:3, 279:9, 280:8,</p>
<b>C</b>		<p><b>cases</b> [9] - 281:11, 313:23, 313:24, 321:11, 321:12, 350:3, 407:7, 422:20 <b>category</b> [5] - 284:2, 286:13, 328:7, 345:19 <b>causation</b> [9] - 278:18, 290:2, 290:13, 291:2, 302:25, 304:1, 305:6, 342:7, 356:19 <b>caused</b> [1] - 307:19 <b>causer</b> [1] - 337:20 <b>Causer</b> [1] - 337:22 <b>causes</b> [1] - 395:10 <b>caveat</b> [2] - 290:4, 414:1 <b>cent</b> [4] - 356:6, 377:5, 416:3, 416:25 <b>central</b> [3] - 323:18, 331:20, 403:21 <b>cents</b> [33] - 279:4, 281:7, 281:14, 294:17, 296:3, 296:17, 297:6, 297:22, 302:13, 303:5, 303:15, 304:17, 304:19, 356:5, 356:8, 377:8, 379:10, 381:3, 392:15, 395:15, 395:18, 395:19, 396:1, 397:19, 399:1, 399:10, 399:13, 416:7, 416:25, 420:22, 421:2 <b>certain</b> [10] - 287:8, 308:12, 314:7, 316:22, 350:15, 378:13, 385:2, 401:24, 420:12, 422:7 <b>certainly</b> [6] - 331:8, 333:2, 364:19, 366:5, 367:24, 373:18</p>	<p><b>C-a-u-s-e-r</b> [1] - 337:22 <b>cabins</b> [1] - 328:8 <b>calculate</b> [4] - 343:22, 354:21, 357:12, 385:2 <b>calculated</b> [2] - 344:23, 396:10 <b>calculates</b> [1] - 278:8 <b>calculating</b> [2] - 303:1, 325:17 <b>calculation</b> [12] - 299:4, 303:19, 325:24, 325:25, 344:18, 345:7, 345:8, 345:9, 345:25, 381:15, 398:24, 410:6 <b>calculational</b> [1] - 372:6 <b>calculations</b> [2] - 377:9, 410:4 <b>California</b> [9] - 380:18, 388:24, 389:20, 389:21, 390:10, 390:19, 392:4, 392:8, 420:21 <b>California's</b> [1] - 392:18 <b>cannot</b> [4] - 296:11, 349:6, 401:16, 422:10 <b>cap</b> [1] - 410:13 <b>CAP</b> [4] - 309:16, 322:2, 322:14, 352:12 <b>capacity</b> [10] - 287:23, 288:18, 358:22, 358:23, 362:10, 362:12, 362:13, 362:15, 371:12, 376:10 <b>capita</b> [1] - 419:18</p>	

<p>280:12, 281:1, 281:4, 281:7, 281:13, 284:8, 284:18, 284:23, 285:23, 286:2, 286:20, 287:1, 287:5, 287:15, 292:10, 292:12, 292:25, 298:24, 299:20, 300:1, 300:16, 302:13, 303:2, 303:3, 303:7, 303:12, 303:13, 303:16, 303:18, 323:10, 323:23, 325:11, 325:19, 325:21, 327:14, 327:23, 328:2, 329:24, 330:14, 335:17, 338:22, 342:2, 343:6, 344:5, 344:6, 349:5, 349:15, 349:16, 349:19, 350:3, 351:7, 354:24, 356:1, 379:11, 379:17, 386:23, 386:24, 399:14, 399:23, 405:3, 405:20, 406:21, 406:24, 406:25, 409:12, 417:3, 417:4, 425:1, 427:6</p> <p><b>charged</b> [1] - 427:5</p> <p><b>charges</b> [14] - 277:25, 287:13, 299:8, 299:11, 303:1, 303:8, 308:12, 325:24, 335:18, 406:15, 408:25, 409:2, 409:3, 409:5</p> <p><b>charging</b> [4] - 354:25, 395:9, 395:12, 426:3</p> <p><b>check</b> [14] - 315:12, 315:15, 357:14, 357:19, 358:1, 358:12, 359:7, 359:9, 359:11, 399:3, 417:14, 417:18, 418:4, 418:9</p> <p><b>children</b> [2] - 332:3, 421:11</p> <p><b>choice</b> [1] - 309:3</p> <p><b>choose</b> [1] - 389:22</p> <p><b>choosers</b> [1] - 393:14</p> <p><b>chooses</b> [1] - 412:21</p> <p><b>chose</b> [2] - 381:1, 390:5</p> <p><b>chosen</b> [2] - 390:2, 429:10</p> <p><b>circumstances</b> [3] - 290:1, 319:15, 412:13</p>	<p><b>citations</b> [1] - 370:6</p> <p><b>cite</b> [1] - 320:5</p> <p><b>cited</b> [1] - 411:21</p> <p><b>cites</b> [1] - 326:15</p> <p><b>citing</b> [1] - 370:1</p> <p><b>clarification</b> [1] - 391:6</p> <p><b>clarify</b> [2] - 297:15, 390:22</p> <p><b>class</b> [23] - 277:21, 278:2, 278:9, 278:22, 279:2, 280:11, 280:25, 281:3, 284:7, 286:11, 287:12, 290:19, 313:10, 314:21, 315:20, 319:4, 319:10, 338:18, 341:16, 387:11, 401:20, 401:23, 427:5</p> <p><b>classes</b> [10] - 308:19, 308:24, 309:7, 309:13, 314:11, 314:16, 315:2, 315:18, 315:22, 339:2</p> <p><b>clients</b> [3] - 313:25, 314:22, 330:15</p> <p><b>climates</b> [1] - 404:8</p> <p><b>close</b> [5] - 281:13, 286:24, 339:23, 349:23, 397:19</p> <p><b>closely</b> [1] - 325:25</p> <p><b>closer</b> [6] - 305:16, 350:4, 365:21, 365:24, 375:16, 392:18</p> <p><b>clunky</b> [1] - 415:4</p> <p><b>coefficient</b> [3] - 383:13, 386:3, 418:12</p> <p><b>cognizant</b> [1] - 420:17</p> <p><b>collateral</b> [1] - 346:21</p> <p><b>collect</b> [12] - 325:15, 343:24, 344:7, 344:19, 378:21, 379:14, 382:7, 382:10, 385:9, 385:14, 385:19, 386:22</p> <p><b>collection</b> [3] - 355:11, 375:5, 399:24</p> <p><b>Collins</b> [32] - 306:21, 367:1, 367:3, 368:11, 370:13, 370:14, 371:3, 372:2, 373:9, 373:16, 374:23, 387:12, 387:16, 391:8, 391:21, 392:2, 393:17, 396:11,</p>	<p>396:18, 397:5, 398:18, 400:14, 412:10, 412:19, 412:22, 414:10, 418:19, 418:25, 423:6, 424:24, 427:8, 429:1</p> <p><b>COLLINS</b> [1] - 368:16</p> <p><b>Collins'</b> [1] - 373:12</p> <p><b>Colorado</b> [8] - 381:19, 403:20, 404:6, 404:17, 404:18, 404:19, 404:20</p> <p><b>column</b> [2] - 397:17, 427:20</p> <p><b>comfort</b> [1] - 360:23</p> <p><b>comfortable</b> [1] - 420:25</p> <p><b>coming</b> [3] - 314:2, 331:16, 362:10</p> <p><b>commenced</b> [1] - 321:15</p> <p><b>comment</b> [1] - 299:25</p> <p><b>comments</b> [1] - 374:16</p> <p><b>commercial</b> [3] - 308:25, 318:7, 319:5</p> <p><b>commercial/ industrial</b> [1] - 308:24</p> <p><b>Commission</b> [72] - 276:19, 277:19, 278:6, 278:12, 279:16, 281:8, 281:15, 282:2, 282:8, 286:19, 288:1, 292:24, 299:15, 299:19, 301:7, 303:1, 304:4, 304:23, 308:14, 309:22, 310:3, 312:9, 312:16, 313:21, 320:24, 321:12, 321:24, 323:14, 326:2, 327:1, 340:12, 340:13, 350:2, 356:18, 356:20, 359:24, 360:5, 360:22, 363:1, 368:22, 368:23, 369:12, 369:19, 369:25, 371:25, 374:25, 375:4, 375:10, 375:15, 379:18, 379:22, 386:5, 387:8, 391:9, 396:5, 399:22, 400:17, 403:3, 403:24, 405:8, 405:11, 405:13, 405:21, 405:23,</p>	<p>406:3, 406:13, 407:11, 412:21, 422:9, 422:11, 424:25, 429:10</p> <p><b>Commission's</b> [9] - 276:18, 292:12, 299:4, 299:10, 303:19, 338:25, 340:15, 379:16, 423:11</p> <p><b>Commission-directed</b> [1] - 422:11</p> <p><b>Commissioner</b> [4] - 369:7, 369:9, 414:7, 429:18</p> <p><b>commissioner</b> [1] - 316:6</p> <p><b>COMMISSIONER</b> [1] - 317:16</p> <p><b>Commissioner Allen</b> [24] - 298:18, 316:17, 316:18, 317:4, 317:6, 318:1, 318:5, 318:14, 330:7, 330:8, 362:3, 362:4, 362:16, 362:19, 363:10, 368:21, 418:23, 418:24, 419:11, 419:21, 421:4, 421:14, 422:18, 423:4</p> <p><b>Commissioner Campbell</b> [17] - 298:19, 298:20, 298:23, 299:2, 299:22, 318:15, 318:20, 319:8, 330:9, 330:10, 423:5, 423:6, 423:10, 424:16, 424:23, 429:16, 429:21</p> <p><b>commissioner's</b> [1] - 296:19</p> <p><b>commissions</b> [2] - 369:20, 412:2</p> <p><b>common</b> [2] - 405:20, 407:3</p> <p><b>commonly</b> [2] - 325:16, 406:15</p> <p><b>commonly-accepted</b> [1] - 325:16</p> <p><b>Community</b> [1] - 321:3</p> <p><b>compact</b> [1] - 376:8</p> <p><b>company</b> [3] - 356:25, 400:4, 410:25</p> <p><b>Company</b> [53] - 279:8, 279:20, 279:21, 279:23, 284:6, 290:9, 290:10, 303:16, 304:5, 304:6,</p>	<p>324:8, 325:15, 325:22, 325:23, 327:22, 340:2, 346:13, 346:25, 372:5, 375:15, 377:21, 377:25, 378:21, 379:13, 380:17, 382:5, 382:7, 384:14, 385:6, 385:19, 386:9, 387:5, 387:9, 389:18, 390:22, 391:3, 391:6, 394:8, 396:5, 401:11, 403:20, 404:5, 407:12, 408:17, 408:19, 410:9, 411:3, 411:9, 422:10, 424:17, 425:18, 429:18</p> <p><b>Company's</b> [17] - 277:20, 280:10, 280:20, 289:6, 293:24, 338:21, 354:14, 375:8, 381:16, 387:23, 393:24, 396:19, 396:20, 407:25, 409:11, 409:16, 424:14</p> <p><b>company's</b> [1] - 326:10</p> <p><b>compare</b> [1] - 420:23</p> <p><b>compared</b> [2] - 280:17, 421:8</p> <p><b>comparison</b> [3] - 364:20, 394:7, 394:11</p> <p><b>compelling</b> [2] - 315:23, 315:24</p> <p><b>competent</b> [1] - 429:7</p> <p><b>complaining</b> [1] - 393:11</p> <p><b>complaint</b> [4] - 405:9, 405:15, 406:5, 406:10</p> <p><b>Complaints</b> [1] - 405:19</p> <p><b>complaints</b> [9] - 405:21, 405:24, 406:4, 406:8, 406:15, 406:17, 407:8, 407:10, 415:7</p> <p><b>complete</b> [4] - 309:18, 314:9, 391:8, 391:14</p> <p><b>completes</b> [2] - 286:23, 310:15</p> <p><b>complex</b> [2] - 414:18, 415:14</p> <p><b>complexity</b> [1] - 414:23</p> <p><b>compliment</b> [1] -</p>
---	---	--	---	---



<p>430:7 <b>component</b> [2] - 305:14, 305:15 <b>components</b> [5] - 277:24, 287:8, 409:7, 409:8 <b>comports</b> [1] - 278:11 <b>comprise</b> [2] - 409:3, 410:8 <b>compromise</b> [1] - 343:20 <b>concentrator</b> [1] - 420:7 <b>concept</b> [2] - 330:12, 416:15 <b>concern</b> [16] - 309:12, 311:12, 311:15, 312:1, 313:22, 314:21, 324:20, 329:20, 329:21, 329:23, 370:9, 408:10, 414:23, 414:24, 415:3, 415:12 <b>concerned</b> [10] - 300:17, 314:15, 314:22, 318:24, 324:24, 326:20, 380:7, 410:17, 416:1, 421:24 <b>concerns</b> [6] - 280:1, 329:6, 329:23, 340:5, 408:4, 414:18 <b>concessions</b> [2] - 411:2, 411:8 <b>conclude</b> [2] - 292:4, 326:24 <b>concluded</b> [1] - 430:10 <b>concludes</b> [2] - 282:12, 327:4 <b>conclusion</b> [3] - 293:5, 404:5, 404:13 <b>conclusions</b> [1] - 372:13 <b>conditioning</b> [2] - 403:22, 404:2 <b>conditions</b> [3] - 421:25, 422:7, 422:12 <b>conference</b> [1] - 393:10 <b>confidential</b> [4] - 400:7, 400:11, 400:15, 413:16 <b>confirmed</b> [2] - 326:18, 400:7 <b>confused</b> [1] - 335:9 <b>confusing</b> [1] - 315:13 <b>conjunction</b> [1] -</p>	<p>324:25 <b>connection</b> [2] - 276:1, 279:24 <b>connotation</b> [1] - 363:24 <b>consequence</b> [1] - 295:21 <b>consequences</b> [2] - 419:2, 419:4 <b>conservation</b> [34] - 278:19, 287:11, 288:25, 289:8, 289:23, 290:3, 298:5, 303:23, 304:10, 305:7, 317:1, 318:7, 324:18, 327:15, 327:18, 328:2, 333:21, 334:17, 338:20, 340:6, 342:11, 342:18, 346:5, 346:11, 346:19, 356:24, 361:11, 361:25, 375:21, 376:4, 376:20, 392:23, 393:3 <b>Conservation</b> [1] - 375:24 <b>conservation-oriented</b> [1] - 340:6 <b>conserve</b> [5] - 342:16, 360:17, 378:12, 379:8, 384:19 <b>consider</b> [8] - 285:23, 312:20, 324:6, 326:2, 356:20, 368:3, 413:1, 415:14 <b>considerably</b> [1] - 400:6 <b>consideration</b> [8] - 277:20, 295:1, 301:20, 310:7, 340:15, 340:16, 360:4, 360:6 <b>considered</b> [7] - 286:17, 299:9, 309:25, 310:14, 311:19, 312:8, 344:23 <b>considering</b> [2] - 317:23, 353:3 <b>consist</b> [2] - 410:6, 410:7 <b>consistent</b> [7] - 281:25, 290:13, 290:15, 291:1, 298:1, 379:3, 419:7 <b>constituents</b> [1] - 331:1 <b>constrained</b> [1] - 341:17 <b>constructed</b> [1] - 364:9</p>	<p><b>consulted</b> [1] - 291:15 <b>consumer</b> [3] - 338:24, 347:3, 360:9 <b>consumers</b> [11] - 326:13, 342:11, 342:18, 343:11, 346:12, 348:11, 353:4, 356:1, 360:12, 375:16, 378:7 <b>consuming</b> [1] - 418:6 <b>consumption</b> [9] - 328:5, 339:25, 340:9, 343:14, 364:7, 414:21, 415:21, 416:4, 428:15 <b>contained</b> [2] - 305:1, 400:8 <b>context</b> [2] - 293:21, 309:24 <b>continue</b> [1] - 413:11 <b>continues</b> [3] - 323:19, 339:12, 339:15 <b>contrast</b> [1] - 338:21 <b>contributing</b> [1] - 328:16 <b>contribution</b> [1] - 327:24 <b>control</b> [2] - 333:15, 348:2 <b>Cool</b> [2] - 306:1, 306:6 <b>cool</b> [1] - 348:24 <b>cooler</b> [1] - 332:7 <b>cooler-than-average</b> [1] - 332:7 <b>coolers</b> [1] - 331:22 <b>cooling</b> [4] - 331:13, 331:23, 400:5, 428:15 <b>copy</b> [13] - 337:24, 342:3, 396:13, 400:11, 400:21, 400:23, 403:2, 403:5, 403:8, 412:20, 412:22, 412:24, 412:25 <b>corner</b> [1] - 397:8 <b>correct</b> [42] - 285:20, 294:15, 307:25, 312:12, 337:10, 338:4, 341:9, 341:13, 344:21, 344:25, 345:1, 345:3, 345:4, 347:1, 347:2, 347:7, 348:24, 349:2, 349:6, 354:20, 358:16, 359:5, 381:13, 387:24, 387:25, 389:9, 391:5, 394:1,</p>	<p>394:6, 396:6, 397:14, 397:15, 397:16, 397:23, 411:20, 411:24, 414:16, 416:5, 416:8, 416:17, 417:7, 426:14 <b>Correct</b> [3] - 294:23, 311:23, 314:17 <b>corrected</b> [3] - 371:21, 371:25, 373:13 <b>correction</b> [4] - 276:12, 322:7, 373:10, 399:12 <b>corrections</b> [8] - 276:10, 308:4, 322:5, 337:11, 337:25, 371:25, 372:8, 372:23 <b>correctly</b> [1] - 303:20 <b>correlated</b> [1] - 377:22 <b>Cost</b> [1] - 312:7 <b>cost</b> [82] - 278:7, 278:8, 278:18, 279:13, 279:14, 280:3, 280:21, 282:25, 284:18, 284:19, 286:13, 286:21, 286:24, 287:2, 287:8, 289:1, 289:9, 289:15, 289:18, 290:2, 290:13, 290:25, 291:1, 292:11, 298:11, 299:6, 302:24, 303:3, 303:9, 303:25, 304:11, 304:21, 305:6, 305:14, 305:15, 312:18, 313:5, 313:7, 314:25, 321:17, 325:18, 328:15, 334:7, 341:8, 341:11, 341:17, 342:2, 342:4, 342:6, 342:19, 349:11, 349:15, 349:18, 349:20, 349:21, 349:23, 349:24, 350:4, 353:25, 354:2, 354:22, 356:19, 361:16, 363:6, 375:18, 380:3, 380:6, 380:11, 381:20, 382:6, 382:9, 386:21, 386:23, 396:5, 408:11, 409:8, 410:16, 411:12, 425:19, 426:14 <b>cost-based</b> [2] - 284:19, 303:3 <b>cost-driven</b> [1] -</p>	<p>304:11 <b>cost-effective</b> [2] - 289:1, 289:9 <b>cost-of-service</b> [1] - 321:17 <b>costs</b> [40] - 302:1, 303:7, 312:7, 312:8, 313:17, 314:20, 315:16, 318:19, 323:23, 325:10, 325:16, 325:17, 327:25, 328:16, 334:11, 334:15, 353:13, 353:19, 353:23, 375:6, 379:14, 380:13, 385:15, 385:20, 385:23, 386:10, 386:22, 387:10, 392:5, 392:8, 394:8, 408:14, 409:6, 410:9, 410:11, 415:11, 423:21, 424:10, 424:15 <b>Counsel</b> [1] - 369:23 <b>counsel</b> [3] - 352:11, 400:23, 413:21 <b>countervailing</b> [1] - 311:19 <b>Counties</b> [1] - 321:6 <b>country</b> [1] - 420:19 <b>couple</b> [9] - 298:20, 300:12, 316:19, 325:22, 330:24, 337:13, 365:1, 367:23, 427:10 <b>course</b> [4] - 334:18, 348:25, 370:19, 392:21 <b>courtroom</b> [1] - 357:7 <b>courts</b> [1] - 369:21 <b>covered</b> [1] - 402:3 <b>covering</b> [2] - 323:23, 408:14 <b>covers</b> [1] - 427:24 <b>create</b> [3] - 365:20, 387:5, 422:5 <b>creates</b> [1] - 416:23 <b>creating</b> [1] - 412:19 <b>creation</b> [1] - 326:18 <b>crisis</b> [1] - 318:8 <b>criteria</b> [4] - 284:5, 289:19, 289:22, 404:11 <b>critical</b> [2] - 356:25, 375:17 <b>criticized</b> [2] - 280:19, 281:3 <b>critiques</b> [1] - 280:18 <b>Cross</b> [5] - 391:22,</p>
--	--	---	--	---

<p>396:25, 398:1, 398:4, 427:17 <b>cross</b> [5] - 310:17, 334:21, 338:8, 358:18, 427:15 <b>cross examination</b> [18] - 282:14, 282:20, 283:15, 311:7, 327:10, 328:22, 333:9, 340:19, 341:1, 343:3, 355:22, 387:13, 387:14, 387:21, 391:11, 398:16, 414:8, 429:8 <b>Cross-2</b> [1] - 398:5 <b>Cross-Exhibit</b> [2] - 391:22, 396:25 <b>Cross-Exhibits</b> [2] - 398:1, 398:4 <b>crossed</b> [1] - 403:4 <b>crossed-out</b> [1] - 403:4 <b>cul</b> [1] - 421:16 <b>cul-de-sac</b> [1] - 421:16 <b>cultural</b> [1] - 419:14 <b>curious</b> [2] - 362:5, 363:11 <b>Curl</b> [24] - 291:16, 306:21, 315:11, 336:3, 336:5, 336:8, 336:17, 338:13, 340:18, 340:22, 341:3, 343:5, 355:14, 355:18, 355:24, 358:19, 359:1, 362:5, 363:16, 365:5, 366:22, 368:21, 369:6, 369:10 <b>CURL</b> [1] - 336:7 <b>Curl's</b> [3] - 329:12, 338:10, 416:1 <b>current</b> [8] - 278:20, 293:9, 327:22, 363:1, 363:2, 366:5, 377:6, 399:6 <b>curve</b> [3] - 425:23, 425:25, 426:1 <b>curves</b> [1] - 426:5 <b>cus</b> [2] - 345:17, 405:18 <b>custo</b> [1] - 414:24 <b>custom</b> [1] - 405:18 <b>customer</b> [95] - 277:22, 278:3, 278:6, 279:1, 279:2, 279:9, 280:8, 280:11, 280:12, 281:1, 281:4, 281:7, 281:13, 284:8, 284:18, 284:23, 286:20, 287:1, 287:5,</p>	<p>287:15, 292:10, 292:11, 292:25, 294:3, 294:13, 295:8, 295:12, 297:16, 298:24, 299:7, 299:11, 299:20, 300:1, 300:16, 301:17, 302:13, 303:1, 303:2, 303:3, 303:7, 303:8, 303:12, 303:13, 303:15, 303:18, 306:11, 312:20, 314:11, 314:16, 315:2, 323:10, 325:11, 325:18, 325:21, 327:23, 330:14, 333:15, 333:19, 334:6, 338:22, 340:9, 342:2, 349:5, 349:8, 349:15, 349:16, 349:19, 350:3, 351:2, 351:14, 351:15, 379:10, 379:15, 379:17, 399:14, 399:23, 401:20, 405:2, 405:15, 405:19, 405:24, 406:4, 406:8, 406:14, 406:15, 417:4, 417:5, 417:11, 417:14, 417:20, 417:24, 418:1, 418:5, 418:7, 425:1 <b>Customer</b> [1] - 295:9 <b>customer's</b> [3] - 339:5, 339:18, 339:21 <b>Customers</b> [1] - 415:19 <b>customers</b> [84] - 280:17, 280:21, 282:5, 282:6, 282:9, 287:3, 287:8, 292:21, 295:14, 296:25, 297:4, 298:7, 298:8, 300:3, 300:6, 300:7, 300:18, 301:23, 301:25, 309:1, 311:17, 316:21, 316:24, 317:19, 317:24, 318:2, 318:11, 318:16, 319:9, 325:9, 329:18, 331:14, 332:2, 334:9, 334:15, 334:19, 335:18, 338:19, 339:6, 339:9, 339:10, 339:23, 344:24, 345:5, 345:22, 347:8, 347:19, 348:1, 348:22, 353:13, 353:16, 353:20,</p>	<p>355:13, 363:20, 364:8, 375:6, 375:12, 377:3, 378:3, 379:4, 379:24, 384:17, 386:18, 386:25, 387:3, 394:4, 395:12, 395:17, 408:16, 414:19, 414:20, 414:25, 415:12, 415:15, 416:2, 423:16, 424:15, 426:18, 426:22, 426:25, 427:4, 428:14 <b>customers'</b> [2] - 331:2, 345:17 <b>cut</b> [2] - 386:25, 395:17 <b>cutting</b> [3] - 376:19, 376:20, 378:12</p>	<p>276:20, 293:2, 338:24, 347:8, 347:13, 411:12 <b>decoupled</b> [1] - 409:8 <b>decoupling</b> [95] - 291:21, 293:23, 308:17, 308:19, 309:5, 309:6, 309:7, 309:10, 309:14, 309:16, 309:24, 310:4, 310:9, 310:11, 311:13, 311:25, 312:11, 313:2, 314:6, 314:7, 314:10, 314:16, 314:18, 314:23, 315:2, 315:15, 315:17, 319:10, 319:15, 323:14, 323:16, 323:21, 323:22, 324:16, 324:25, 326:4, 326:7, 326:20, 327:1, 329:6, 329:7, 329:16, 329:20, 334:10, 334:18, 335:19, 340:3, 340:10, 340:13, 340:15, 350:21, 352:13, 352:16, 352:24, 353:2, 353:3, 353:11, 353:12, 353:18, 354:12, 355:2, 355:5, 360:2, 363:4, 375:4, 375:14, 379:18, 384:6, 385:18, 385:25, 386:7, 386:15, 399:17, 407:23, 408:7, 408:9, 408:14, 408:25, 409:1, 409:15, 410:18, 410:21, 410:22, 411:1, 411:4, 411:11, 412:3, 425:3, 425:13, 425:15, 425:16 <b>Decoupling</b> [1] - 340:8 <b>decrease</b> [4] - 301:1, 353:25, 382:22, 384:1 <b>define</b> [1] - 284:4 <b>defined</b> [1] - 428:10 <b>definitely</b> [1] - 349:3 <b>definition</b> [3] - 285:24, 380:5, 418:17 <b>degree</b> [1] - 394:4 <b>delay</b> [1] - 384:14 <b>delete</b> [1] - 322:8 <b>deliberation</b> [1] - 361:10 <b>deliberations</b> [1] - 414:3</p>	<p><b>delineated</b> [4] - 377:1, 377:13, 378:4, 429:9 <b>delineation</b> [1] - 378:19 <b>deliver</b> [1] - 308:8 <b>demand</b> [47] - 280:7, 289:1, 289:3, 289:10, 296:4, 296:17, 296:23, 301:14, 301:16, 317:7, 317:18, 324:17, 325:3, 326:23, 331:2, 350:19, 350:20, 357:9, 357:22, 358:6, 359:11, 381:4, 382:16, 382:18, 382:19, 382:20, 383:8, 384:1, 384:10, 384:12, 384:20, 384:23, 384:25, 385:6, 385:7, 386:13, 386:14, 386:19, 387:3, 387:6, 425:23, 425:25, 426:1, 426:5, 426:7, 428:20 <b>demand-side</b> [8] - 289:3, 317:18, 324:17, 386:13, 386:14, 386:19, 387:3, 387:6 <b>demanded</b> [2] - 382:22, 383:4 <b>demands</b> [1] - 377:24 <b>demarcation</b> [1] - 415:20 <b>demonstrated</b> [4] - 310:13, 313:8, 313:12, 360:21 <b>demonstrating</b> [1] - 400:3 <b>demonstration</b> [1] - 309:21 <b>department</b> [1] - 430:8 <b>derivation</b> [1] - 308:11 <b>describe</b> [5] - 321:1, 344:14, 349:5, 350:25, 352:23 <b>described</b> [5] - 317:7, 343:9, 344:17, 345:2, 373:19 <b>describes</b> [1] - 373:18 <b>describing</b> [1] - 347:18 <b>design</b> [2] - 353:11, 422:1 <b>Design</b> [1] - 411:22</p>
<b>D</b>				
<p><b>Dan</b> [1] - 275:22 <b>Daniel E. Gimble</b> [2] - 275:15, 275:22 <b>dark</b> [1] - 376:14 <b>Data</b> [1] - 401:17 <b>data</b> [11] - 346:1, 361:11, 361:13, 361:15, 361:16, 387:23, 388:3, 391:3, 401:11, 401:15, 402:19 <b>date</b> [1] - 397:7 <b>dates</b> [1] - 402:14 <b>Dave</b> [4] - 326:17, 387:20, 428:3, 429:19 <b>days</b> [1] - 391:4 <b>de</b> [1] - 421:16 <b>deal</b> [4] - 293:11, 313:4, 316:25, 356:12 <b>dealing</b> [1] - 341:15 <b>deals</b> [2] - 292:13, 314:13 <b>dealt</b> [2] - 362:25, 381:18 <b>debate</b> [1] - 361:16 <b>decades</b> [1] - 325:23 <b>December</b> [2] - 397:12, 402:15 <b>decent</b> [1] - 306:7 <b>decide</b> [5] - 359:25, 378:11, 389:13, 395:17, 422:19 <b>decided</b> [1] - 389:16 <b>decides</b> [2] - 281:15, 340:12 <b>decision</b> [5] - 299:16, 339:1, 348:10, 426:13, 430:3 <b>decisions</b> [6] -</p>				

<p><b>designing</b> [1] - 379:21  <b>designs</b> [2] - 361:5, 394:3  <b>desires</b> [1] - 282:8  <b>detail</b> [1] - 353:1  <b>details</b> [1] - 391:1  <b>determination</b> [1] - 351:15  <b>determinations</b> [1] - 366:3  <b>determine</b> [9] - 310:3, 345:18, 366:3, 385:5, 385:13, 390:3, 394:22, 394:23, 410:1  <b>determined</b> [2] - 344:6, 355:5  <b>determines</b> [2] - 293:6, 312:16  <b>determining</b> [6] - 309:25, 312:23, 379:17, 381:22, 389:19, 425:7  <b>develop</b> [7] - 289:16, 295:18, 295:19, 340:14, 343:8, 349:18, 361:19  <b>developed</b> [3] - 292:9, 293:13, 343:24  <b>developing</b> [8] - 289:14, 298:10, 302:11, 305:8, 342:16, 360:9, 379:24, 411:11  <b>development</b> [1] - 290:6  <b>deviate</b> [1] - 290:1  <b>devices</b> [2] - 333:16, 376:16  <b>difference</b> [4] - 364:3, 375:21, 379:25, 392:3  <b>differences</b> [1] - 308:23  <b>different</b> [13] - 301:16, 308:11, 311:22, 315:13, 317:8, 317:17, 317:18, 344:12, 380:25, 383:17, 389:22, 425:6  <b>differentiate</b> [1] - 425:12  <b>differing</b> [1] - 325:5  <b>difficult</b> [3] - 348:16, 425:12, 426:8  <b>difficulty</b> [1] - 285:15  <b>diminish</b> [2] - 287:15, 359:23  <b>diminished</b> [2] - 287:3, 287:11</p>	<p><b>Direct</b> [3] - 321:25, 403:7, 403:13  <b>direct</b> [33] - 276:6, 276:8, 277:7, 279:18, 281:21, 299:3, 307:20, 308:9, 316:10, 321:7, 322:1, 322:15, 322:18, 323:8, 323:25, 337:3, 338:10, 371:18, 372:1, 372:25, 373:12, 373:17, 373:21, 373:22, 373:23, 398:18, 399:13, 399:16, 399:19, 404:24, 412:14, 426:17, 427:14  <b>DIRECT EXAMINATION</b> [5] - 275:18, 307:10, 320:16, 336:15, 371:1  <b>directed</b> [2] - 310:8, 422:11  <b>direction</b> [1] - 300:24  <b>directionally</b> [1] - 281:25  <b>directly</b> [2] - 281:25, 314:23  <b>disabled</b> [2] - 332:4, 332:5  <b>disagree</b> [1] - 296:21  <b>disagreement</b> [1] - 369:12  <b>disappointed</b> [2] - 284:1, 430:2  <b>discern</b> [1] - 389:18  <b>discourse</b> [1] - 396:3  <b>discretionary</b> [1] - 309:2  <b>discuss</b> [5] - 311:12, 314:6, 319:2, 376:22, 429:12  <b>discussed</b> [2] - 291:16, 308:23  <b>discusses</b> [1] - 280:1  <b>discussing</b> [4] - 291:10, 291:21, 293:22, 294:2  <b>discussion</b> [12] - 291:19, 296:17, 310:6, 352:15, 356:3, 356:4, 361:17, 363:5, 363:8, 379:20, 382:14, 386:1  <b>discussions</b> [1] - 362:24  <b>disincentives</b> [1] - 386:13  <b>disproportional</b> [2] -</p>	<p>427:3, 428:16  <b>distribu</b> [1] - 314:19  <b>distribute</b> [1] - 400:19  <b>distributed</b> [1] - 400:17  <b>distribution</b> [17] - 280:21, 299:6, 314:24, 323:23, 325:16, 325:24, 328:15, 375:5, 385:20, 387:10, 392:5, 392:8, 408:15, 409:2, 409:4, 425:19, 426:18  <b>distribution-related</b> [1] - 299:6  <b>Divi</b> [1] - 303:13  <b>divide</b> [2] - 358:2, 359:4  <b>division</b> [1] - 406:10  <b>Division</b> [18] - 279:7, 279:21, 280:3, 280:19, 281:2, 284:16, 290:9, 302:14, 303:11, 303:14, 304:7, 326:11, 350:15, 354:13, 355:10, 406:7, 406:14, 408:25  <b>Division of Public Utilities</b> [2] - 323:15, 323:24  <b>Division's</b> [13] - 277:23, 283:24, 284:17, 309:16, 310:4, 310:7, 310:11, 340:3, 353:21, 359:12, 375:4, 407:23, 409:15  <b>Docket</b> [4] - 275:4, 278:12, 279:15, 368:10  <b>docket</b> [5] - 278:13, 307:19, 310:4, 370:7, 371:16  <b>dockets</b> [1] - 321:11  <b>document</b> [2] - 287:25, 401:10  <b>documents</b> [1] - 388:21  <b>Dodge</b> [10] - 298:16, 316:6, 319:19, 330:5, 355:20, 358:18, 359:1, 362:2, 365:6, 418:22  <b>DODGE</b> [14] - 298:17, 306:23, 307:11, 310:16, 316:8, 316:13, 319:20, 330:6, 355:21, 355:23,</p>	<p>358:20, 362:1, 418:21, 428:7  <b>dollar</b> [4] - 279:4, 281:8, 339:13, 364:2  <b>dollars</b> [5] - 287:1, 303:5, 344:3, 347:16, 363:25  <b>done</b> [14] - 300:20, 302:5, 305:12, 313:18, 345:7, 345:8, 354:8, 354:10, 356:12, 369:20, 377:16, 398:24, 419:22, 424:10  <b>double</b> [1] - 359:9  <b>doubt</b> [2] - 361:18, 396:19  <b>down</b> [11] - 294:11, 297:19, 306:18, 319:22, 370:10, 384:16, 397:7, 410:11, 410:14, 429:22  <b>DR</b> [1] - 368:16  <b>dramatic</b> [1] - 373:19  <b>dramatically</b> [2] - 365:23, 418:13  <b>drive</b> [1] - 346:11  <b>driven</b> [3] - 304:11, 309:1, 317:14  <b>driver</b> [2] - 295:8, 317:15  <b>drivers</b> [2] - 295:14, 416:10  <b>driving</b> [6] - 295:4, 295:10, 295:16, 346:4, 365:17, 377:25  <b>drop</b> [1] - 348:19  <b>DSM</b> [5] - 289:5, 306:12, 319:17, 340:5, 342:16  <b>due</b> [6] - 288:6, 312:3, 324:21, 369:11, 425:14  <b>duly</b> [5] - 275:16, 307:8, 320:14, 336:13, 370:24  <b>During</b> [2] - 392:21, 428:17  <b>during</b> [10] - 328:10, 350:7, 350:10, 354:22, 368:3, 387:21, 395:25, 426:23, 428:18, 428:21</p>	<p><b>ease</b> [2] - 374:2, 374:13  <b>easily</b> [1] - 357:11  <b>East</b> [2] - 275:24, 371:8  <b>econometric</b> [1] - 425:20  <b>econometrically</b> [2] - 426:6, 426:8  <b>econometrics</b> [1] - 425:9  <b>economic</b> [4] - 348:10, 382:17, 419:15, 421:25  <b>economically</b> [1] - 404:14  <b>economics</b> [1] - 371:13  <b>economist</b> [1] - 394:13  <b>effect</b> [23] - 288:8, 291:14, 291:17, 300:3, 305:8, 311:20, 326:19, 333:21, 334:9, 334:10, 334:17, 334:18, 338:23, 346:21, 347:16, 353:12, 360:5, 364:6, 366:9, 410:2, 425:7, 428:14, 428:17  <b>effective</b> [5] - 289:1, 289:9, 298:6, 305:3, 305:8  <b>effectively</b> [1] - 415:2  <b>effectiveness</b> [1] - 310:12  <b>effects</b> [1] - 383:22  <b>effectuate</b> [1] - 368:22  <b>efficacy</b> [1] - 425:4  <b>efficiency</b> [7] - 317:1, 333:24, 338:20, 342:10, 346:20, 356:23, 393:4  <b>Efficiency</b> [1] - 393:5  <b>efficiency/energy</b> [1] - 288:25  <b>efficient</b> [14] - 326:12, 375:19, 375:21, 376:5, 376:13, 376:18, 376:19, 378:11, 379:6, 393:6, 422:23, 422:25, 424:13  <b>efficiently</b> [4] - 375:13, 378:9, 378:17, 384:18  <b>effort</b> [2] - 306:12, 343:10</p>
<b>E</b>				
<p><b>early</b> [3] - 424:4, 424:8, 428:18  <b>earn</b> [1] - 382:10</p>				

<p><b>efforts</b> [5] - 289:5, 340:9, 340:10, 342:18, 361:25</p> <p><b>eight</b> [1] - 352:4</p> <p><b>eighty</b> [1] - 303:5</p> <p><b>eighty-three</b> [1] - 303:5</p> <p><b>either</b> [9] - 276:10, 291:2, 308:21, 322:5, 332:3, 373:20, 375:25, 400:16, 408:21</p> <p><b>Either</b> [1] - 315:7</p> <p><b>elastic</b> [3] - 301:24, 331:3, 425:24</p> <p><b>elasticities</b> [1] - 383:19</p> <p><b>elasticity</b> [18] - 283:7, 301:18, 317:7, 317:10, 326:15, 355:25, 361:12, 382:13, 382:14, 383:12, 383:22, 384:7, 384:22, 385:12, 386:1, 386:2, 386:3, 418:12</p> <p><b>elderly</b> [3] - 332:3, 332:5, 332:12</p> <p><b>Electric</b> [1] - 356:7</p> <p><b>electric</b> [3] - 299:17, 324:22, 412:3</p> <p><b>electricity</b> [18] - 308:25, 317:14, 326:12, 326:16, 331:2, 375:13, 375:19, 376:3, 376:10, 376:21, 378:8, 383:12, 393:6, 395:17, 395:25, 409:1, 422:16, 424:15</p> <p><b>electronic</b> [2] - 331:11, 333:16</p> <p><b>electronically</b> [1] - 400:19</p> <p><b>element</b> [2] - 328:3, 417:2</p> <p><b>Elements</b> [1] - 411:23</p> <p><b>elements</b> [2] - 304:11, 394:18</p> <p><b>eliminate</b> [3] - 279:8, 299:24, 386:8</p> <p><b>eliminating</b> [1] - 386:11</p> <p><b>ELIZABETH A. WOLF</b> [1] - 320:13</p> <p><b>Elizabeth Wolf</b> [1] - 320:20</p> <p><b>emphasis</b> [1] - 281:16</p> <p><b>emphasizes</b> [1] -</p>	<p>376:12</p> <p><b>emphasizing</b> [1] - 356:23</p> <p><b>empirical</b> [1] - 425:10</p> <p><b>employed</b> [8] - 275:21, 275:23, 307:13, 307:16, 336:22, 336:23, 340:11, 371:12</p> <p><b>employee</b> [1] - 334:15</p> <p><b>employer</b> [1] - 371:11</p> <p><b>empty</b> [1] - 421:13</p> <p><b>encourage</b> [6] - 306:1, 338:19, 375:12, 379:6, 386:18, 387:2</p> <p><b>encouraged</b> [1] - 304:4</p> <p><b>encouraging</b> [1] - 303:23</p> <p><b>end</b> [5] - 358:8, 358:14, 361:21, 426:1, 427:2</p> <p><b>ends</b> [1] - 387:11</p> <p><b>Energy</b> [2] - 307:16, 307:18</p> <p><b>energy</b> [81] - 277:25, 278:3, 278:10, 278:19, 278:21, 278:23, 278:24, 280:15, 281:5, 282:7, 282:12, 283:2, 284:10, 284:21, 285:7, 285:23, 286:2, 287:4, 287:6, 287:13, 288:24, 289:2, 289:8, 289:11, 289:22, 290:2, 291:10, 292:18, 293:2, 294:2, 298:5, 305:17, 308:12, 309:1, 318:8, 333:24, 338:20, 338:24, 339:19, 339:21, 342:10, 342:11, 342:16, 346:5, 346:11, 346:19, 346:22, 347:5, 347:9, 348:3, 356:1, 356:23, 358:14, 360:17, 361:1, 375:22, 375:25, 376:5, 376:7, 376:13, 376:16, 377:23, 378:17, 379:4, 381:4, 381:6, 384:18, 386:23, 386:24, 386:25, 392:23, 393:4, 402:9, 406:21, 424:13,</p>	<p>426:23, 427:1, 427:21, 428:15, 428:21</p> <p><b>energy-saving</b> [1] - 376:16</p> <p><b>engage</b> [1] - 333:24</p> <p><b>enlighten</b> [2] - 361:16, 412:5</p> <p><b>enlightenment</b> [1] - 361:19</p> <p><b>ensure</b> [1] - 382:6</p> <p><b>entails</b> [1] - 376:4</p> <p><b>enter</b> [4] - 387:3, 397:25, 425:22, 425:24</p> <p><b>entered</b> [1] - 374:11</p> <p><b>entertain</b> [2] - 429:10, 429:19</p> <p><b>entire</b> [5] - 280:11, 285:7, 285:22, 338:25, 417:11</p> <p><b>entirely</b> [3] - 286:1, 286:2, 286:13</p> <p><b>envelope</b> [3] - 410:3, 410:5, 410:10</p> <p><b>envision</b> [1] - 424:5</p> <p><b>equal</b> [1] - 359:8</p> <p><b>equally</b> [1] - 277:23</p> <p><b>equation</b> [1] - 386:17</p> <p><b>equity</b> [1] - 309:9</p> <p><b>equivalent</b> [1] - 356:5</p> <p><b>error</b> [2] - 372:6, 390:16</p> <p><b>errors</b> [1] - 337:14</p> <p><b>Esby</b> [2] - 383:16</p> <p><b>especially</b> [4] - 278:12, 332:5, 384:7, 419:12</p> <p><b>essence</b> [1] - 286:23</p> <p><b>essential</b> [2] - 381:22, 381:25</p> <p><b>Essentially</b> [1] - 365:17</p> <p><b>essentially</b> [1] - 355:9</p> <p><b>established</b> [1] - 423:11</p> <p><b>establishing</b> [1] - 289:18</p> <p><b>establishment</b> [1] - 326:25</p> <p><b>estimate</b> [8] - 381:4, 381:5, 381:12, 381:16, 390:3, 390:14, 395:24, 426:6</p> <p><b>estimated</b> [1] - 383:19</p> <p><b>estimates</b> [3] - 381:20, 383:18, 383:21</p>	<p><b>estimation</b> [1] - 426:9</p> <p><b>et</b> [1] - 287:9</p> <p><b>evaluate</b> [2] - 310:9, 390:4</p> <p><b>evaluated</b> [1] - 310:12</p> <p><b>evaluation</b> [2] - 309:18, 409:25</p> <p><b>evaporative</b> [1] - 331:21</p> <p><b>evenly</b> [4] - 278:22, 292:15, 301:4</p> <p><b>evidence</b> [13] - 277:4, 285:4, 287:25, 316:7, 322:15, 341:7, 341:11, 342:12, 349:19, 373:25, 374:11, 374:17, 391:16</p> <p><b>evoke</b> [3] - 296:4, 296:17, 296:23</p> <p><b>ex</b> [1] - 296:2</p> <p><b>exactly</b> [3] - 348:11, 356:10, 385:21</p> <p><b>examination</b> [1] - 324:10</p> <p><b>EXAMINATION</b> [1] - 333:12</p> <p><b>examined</b> [5] - 275:17, 307:9, 320:15, 336:14, 370:25</p> <p><b>examining</b> [1] - 358:18</p> <p><b>example</b> [14] - 288:9, 294:3, 297:16, 300:14, 302:3, 304:14, 314:19, 333:20, 346:22, 404:14, 407:5, 417:13, 419:8, 420:6</p> <p><b>exceeds</b> [1] - 303:18</p> <p><b>excellent</b> [1] - 429:7</p> <p><b>Except</b> [1] - 355:10</p> <p><b>except</b> [1] - 345:20</p> <p><b>exception</b> [1] - 383:4</p> <p><b>exceptions</b> [1] - 382:25</p> <p><b>excess</b> [4] - 360:3, 362:13, 362:14, 382:10</p> <p><b>exclude</b> [1] - 353:3</p> <p><b>excluding</b> [1] - 428:12</p> <p><b>excuse</b> [5] - 307:22, 350:18, 373:2, 402:6, 428:11</p> <p><b>Excuse</b> [5] - 347:22, 358:5, 369:3, 393:5, 393:8</p>	<p><b>excused</b> [2] - 366:23, 429:1</p> <p><b>exempting</b> [1] - 420:16</p> <p><b>exemption</b> [3] - 420:8, 420:15, 422:17</p> <p><b>exercise</b> [2] - 301:7, 359:24</p> <p><b>Exh</b> [1] - 396:24</p> <p><b>exhibit</b> [10] - 276:7, 276:8, 277:5, 342:1, 342:3, 352:5, 401:21, 402:4, 427:14, 427:15</p> <p><b>Exhibit</b> [20] - 277:12, 307:21, 307:22, 307:23, 316:14, 322:1, 322:23, 338:12, 341:25, 371:19, 372:18, 374:7, 374:19, 391:22, 391:25, 396:25, 397:2, 398:5, 413:15, 413:16</p> <p><b>Exhibit 2</b> [1] - 427:17</p> <p><b>Exhibit 3</b> [1] - 337:14</p> <p><b>Exhibit No. 1</b> [1] - 322:2</p> <p><b>exhibits</b> [2] - 277:8, 307:22</p> <p><b>Exhibits</b> [7] - 337:7, 337:9, 338:8, 371:22, 372:19, 398:1, 398:4</p> <p><b>exist</b> [1] - 331:15</p> <p><b>existing</b> [3] - 291:1, 303:19, 384:13</p> <p><b>expand</b> [2] - 346:9, 366:7</p> <p><b>expanded</b> [1] - 315:16</p> <p><b>expanding</b> [1] - 314:18</p> <p><b>expect</b> [4] - 301:22, 348:22, 385:1, 386:14</p> <p><b>expectation</b> [1] - 295:20</p> <p><b>expectations</b> [1] - 295:18</p> <p><b>expected</b> [5] - 280:6, 301:20, 358:15, 359:12, 362:9</p> <p><b>expensive</b> [4] - 331:23, 365:16, 384:13, 423:23</p> <p><b>experience</b> [7] - 300:2, 318:21, 330:25, 362:21, 406:1, 417:16, 419:3</p> <p><b>experiences</b> [1] - 420:1</p> <p><b>experiment</b> [2] - 360:20, 360:24</p>
--	---	---	--	--

<p><b>experiments</b> [1] - 424:1  <b>expert</b> [1] - 419:5  <b>explain</b> [3] - 353:1, 372:4, 380:2  <b>explained</b> [1] - 308:25  <b>explore</b> [3] - 324:12, 329:2, 357:6  <b>exposure</b> [1] - 375:8  <b>expressed</b> [3] - 309:4, 317:24, 319:9  <b>expressly</b> [1] - 309:23  <b>extend</b> [2] - 309:6, 420:10  <b>extended</b> [2] - 315:18, 315:21  <b>extending</b> [5] - 308:21, 309:12, 314:10, 314:15, 315:2  <b>extension</b> [1] - 314:24  <b>extent</b> [4] - 289:25, 310:6, 341:17, 373:16  <b>extra</b> [2] - 363:23, 363:25  <b>extract</b> [1] - 411:2  <b>extreme</b> [13] - 277:21, 277:23, 280:13, 283:25, 284:4, 284:9, 285:10, 285:11, 285:23, 286:4, 286:9, 286:15  <b>extremes</b> [1] - 351:17  <b>eyeballed</b> [1] - 345:11</p>	<p>344:9, 344:17, 349:25, 356:13, 359:19, 363:16  <b>fairly</b> [9] - 292:15, 302:8, 318:23, 350:25, 377:20, 419:22, 421:8, 423:23, 428:1  <b>fairness</b> [4] - 278:18, 294:25, 295:15, 306:14  <b>false</b> [1] - 390:12  <b>familiar</b> [4] - 317:16, 388:12, 389:11, 421:18  <b>families</b> [2] - 421:20, 421:21  <b>far</b> [7] - 279:12, 306:5, 315:21, 366:3, 382:1, 390:17, 395:8  <b>fast</b> [1] - 295:20  <b>favor</b> [2] - 319:14, 363:17  <b>fear</b> [1] - 421:10  <b>Feb</b> [1] - 402:21  <b>February</b> [1] - 322:2  <b>felt</b> [1] - 343:19  <b>few</b> [7] - 282:19, 318:9, 340:23, 363:25, 382:11, 387:18, 418:25  <b>fewer</b> [1] - 302:1  <b>fif</b> [1] - 349:8  <b>figure</b> [6] - 385:12, 386:2, 410:7, 413:10, 418:10, 420:1  <b>figures</b> [5] - 387:19, 390:9, 390:23, 392:4, 392:13</p>	<p><b>first</b> [22] - 278:25, 280:3, 281:18, 281:21, 282:7, 282:10, 292:19, 301:1, 302:12, 302:16, 323:17, 329:9, 343:5, 351:17, 375:17, 378:24, 388:18, 388:19, 388:20, 389:2, 397:17, 426:24  <b>five</b> [3] - 364:11, 407:18, 421:16  <b>fixed</b> [36] - 277:22, 280:11, 280:21, 280:25, 284:8, 287:2, 305:14, 313:5, 313:7, 314:25, 323:23, 325:9, 325:15, 325:24, 327:24, 328:14, 330:25, 334:11, 353:13, 353:19, 353:25, 354:2, 354:22, 375:5, 379:14, 385:20, 386:10, 386:22, 386:23, 387:1, 387:10, 409:2, 409:3, 410:10, 425:19  <b>fixed-cost</b> [2] - 353:25, 354:2  <b>fluorescent</b> [1] - 376:8  <b>focus</b> [4] - 321:1, 342:10, 407:10, 414:12  <b>focussing</b> [1] - 343:15  <b>folks</b> [1] - 416:18  <b>follow</b> [2] - 391:9, 413:4  <b>Following</b> [1] - 407:7  <b>following</b> [3] - 369:1, 403:17, 411:12  <b>follows</b> [5] - 275:17, 307:9, 320:15, 336:14, 370:25  <b>foments</b> [1] - 363:6  <b>Footnote</b> [1] - 411:21  <b>forecast</b> [1] - 402:16  <b>forecasted</b> [1] - 357:17  <b>form</b> [5] - 331:23, 334:20, 389:14, 404:10, 424:12  <b>forms</b> [1] - 321:24  <b>formula</b> [1] - 299:15  <b>forth</b> [4] - 373:5, 404:15, 413:24, 425:3  <b>forward</b> [4] - 293:2,</p>	<p>325:22, 354:25, 355:1  <b>foundation</b> [2] - 412:13, 413:20  <b>foundational</b> [2] - 412:24, 413:8  <b>four</b> [6] - 361:4, 364:10, 376:23, 397:15, 422:24, 422:25  <b>four-block</b> [1] - 376:23  <b>fourth</b> [15] - 304:16, 304:17, 360:11, 366:8, 376:25, 378:4, 378:5, 394:7, 394:12, 397:20, 399:5, 419:17, 425:2, 426:21  <b>Fourth</b> [1] - 279:7  <b>fourth-tier</b> [2] - 394:7, 394:12  <b>frame</b> [1] - 324:11  <b>frankly</b> [1] - 335:10  <b>Friendly</b> [1] - 334:21  <b>friendly</b> [1] - 334:23  <b>front</b> [6] - 275:8, 290:22, 332:12, 360:22, 400:21, 404:20  <b>Fuel</b> [1] - 299:16  <b>full</b> [7] - 307:13, 322:9, 336:19, 349:24, 350:4, 408:13, 412:19  <b>full-blown</b> [1] - 408:13  <b>fully</b> [1] - 299:19  <b>function</b> [1] - 426:7  <b>fundamental</b> [2] - 294:24, 298:12  <b>furnaces</b> [1] - 302:7  <b>future</b> [7] - 313:19, 339:25, 380:12, 384:21, 386:3, 422:20, 426:12</p>	<p>425:22  <b>generally</b> [3] - 362:8, 411:1, 425:16  <b>generate</b> [1] - 394:8  <b>generating</b> [1] - 396:6  <b>generation</b> [8] - 314:20, 378:1, 381:6, 384:13, 384:15, 408:15  <b>generational</b> [1] - 421:20  <b>generations</b> [1] - 342:14  <b>geographic</b> [1] - 402:3  <b>GF</b> [1] - 318:16  <b>Gimble</b> [21] - 275:8, 275:20, 276:24, 277:5, 277:14, 282:13, 282:15, 282:18, 283:17, 283:23, 288:16, 298:14, 298:21, 300:12, 302:19, 302:24, 305:19, 305:22, 306:17, 341:6  <b>GIMBLE</b> [1] - 275:11  <b>Gimble's</b> [2] - 277:7, 350:7  <b>Given</b> [1] - 286:10  <b>given</b> [9] - 286:10, 290:15, 292:16, 318:22, 380:16, 382:4, 383:1, 393:23, 415:1  <b>goal</b> [9] - 298:6, 305:7, 375:9, 375:17, 375:19, 376:13, 379:19, 392:25, 393:4  <b>goals</b> [5] - 290:3, 327:2, 375:17, 408:12, 410:17  <b>gonna</b> [20] - 295:19, 295:20, 300:7, 305:21, 331:8, 357:13, 360:24, 362:20, 362:23, 376:15, 378:16, 382:10, 384:15, 384:18, 384:24, 385:3, 410:13, 425:17, 426:11, 426:12  <b>grabbed</b> [1] - 319:6  <b>gradualism</b> [1] - 325:18  <b>gradually</b> [2] - 286:20, 292:12  <b>graduation</b> [1] - 379:19</p>
<p><b>F</b></p>				
<p><b>fact</b> [23] - 286:12, 286:19, 287:24, 290:11, 292:4, 292:25, 293:4, 317:16, 326:6, 334:6, 343:16, 344:17, 349:10, 353:16, 367:19, 376:1, 382:5, 400:6, 415:7, 415:17, 416:7, 417:13, 417:19  <b>fact-based</b> [2] - 292:4, 293:4  <b>factor</b> [5] - 312:3, 357:5, 359:3, 365:8, 365:12  <b>factors</b> [6] - 312:4, 312:6, 312:22, 317:8, 317:11, 356:20  <b>fails</b> [1] - 280:14  <b>fair</b> [7] - 309:18,</p>	<p><b>file</b> [14] - 276:5, 279:23, 282:24, 283:6, 304:5, 321:18, 321:24, 367:17, 368:2, 370:7, 371:18, 371:21, 372:18, 388:10  <b>filed</b> [11] - 276:6, 279:19, 290:8, 291:6, 322:1, 341:22, 372:1, 373:17, 396:4, 396:19, 397:15  <b>Finally</b> [1] - 295:22  <b>finally</b> [1] - 366:14  <b>finance</b> [1] - 371:14  <b>fine</b> [2] - 367:5, 393:20  <b>fingers</b> [1] - 336:2  <b>finish</b> [1] - 284:14  <b>firm</b> [1] - 382:10  <b>First</b> [2] - 324:3, 386:7</p>	<p><b>Following</b> [1] - 407:7  <b>following</b> [3] - 369:1, 403:17, 411:12  <b>follows</b> [5] - 275:17, 307:9, 320:15, 336:14, 370:25  <b>foments</b> [1] - 363:6  <b>Footnote</b> [1] - 411:21  <b>forecast</b> [1] - 402:16  <b>forecasted</b> [1] - 357:17  <b>form</b> [5] - 331:23, 334:20, 389:14, 404:10, 424:12  <b>forms</b> [1] - 321:24  <b>formula</b> [1] - 299:15  <b>forth</b> [4] - 373:5, 404:15, 413:24, 425:3  <b>forward</b> [4] - 293:2,</p>	<p><b>G</b></p>	<p><b>gain</b> [2] - 411:8, 415:15  <b>Gas</b> [1] - 356:7  <b>gas</b> [2] - 318:23, 319:16  <b>gasoline</b> [1] - 356:6  <b>Gaze</b> [1] - 332:16  <b>general</b> [12] - 276:2, 309:4, 313:1, 314:22, 315:6, 316:23, 319:3, 319:14, 321:11, 331:19, 362:17, 404:16  <b>Generally</b> [1] -</p>

<p><b>grand</b> [1] - 421:17  <b>grandchildren</b> [1] - 421:11  <b>grandmother</b> [1] - 421:22  <b>granted</b> [1] - 407:11  <b>great</b> [7] - 275:12, 287:22, 288:8, 318:14, 348:2, 421:22, 422:18  <b>greater</b> [11] - 297:7, 306:1, 334:16, 342:17, 343:13, 353:1, 361:25, 377:1, 377:3, 382:6, 420:2  <b>greatly</b> [1] - 304:20  <b>Griffin's</b> [1] - 409:13  <b>Griffith</b> [1] - 373:18  <b>Griffith's</b> [2] - 341:19, 357:15  <b>groups</b> [1] - 306:11  <b>growth</b> [1] - 384:20  <b>GS</b> [4] - 318:16, 318:18, 319:4, 319:10  <b>GU</b> [1] - 403:4  <b>guarantees</b> [2] - 375:5, 385:19  <b>guess</b> [18] - 291:15, 318:5, 319:8, 320:2, 320:6, 333:8, 335:9, 349:20, 368:11, 385:24, 390:12, 395:5, 395:14, 410:21, 413:17, 415:3, 415:6, 420:24  <b>guide</b> [3] - 279:17, 290:22, 381:25  <b>guideline</b> [2] - 395:3, 395:7  <b>guilt</b> [2] - 364:18, 364:19</p>	<p><b>hate</b> [2] - 344:10, 424:6  <b>Hayes</b> [11] - 283:11, 311:2, 330:2, 355:18, 370:17, 370:18, 372:17, 374:23, 412:16, 427:9, 428:13  <b>HAYES</b> [22] - 283:12, 311:3, 330:4, 355:19, 367:3, 370:17, 370:20, 371:2, 371:24, 372:9, 372:15, 373:8, 374:6, 374:12, 374:18, 400:25, 401:4, 404:21, 413:4, 427:10, 427:13, 428:24  <b>head</b> [4] - 294:11, 370:10, 401:16, 409:11  <b>hear</b> [9] - 275:7, 306:19, 319:23, 333:10, 336:3, 357:24, 358:24, 367:1, 368:14  <b>heard</b> [10] - 319:2, 342:12, 350:24, 356:4, 357:21, 361:12, 364:12, 368:13, 392:3, 396:3  <b>hearing</b> [8] - 357:7, 361:21, 367:17, 393:17, 429:4, 429:11, 430:9, 430:10  <b>hearings</b> [1] - 361:20  <b>heart</b> [1] - 421:10  <b>heating</b> [1] - 331:13  <b>heavily</b> [1] - 279:11  <b>heavy</b> [1] - 419:7  <b>help</b> [7] - 290:22, 293:1, 302:4, 333:25, 357:13, 428:3, 429:20  <b>helpful</b> [3] - 388:17, 422:19, 422:20  <b>helps</b> [1] - 391:9  <b>High</b> [1] - 362:6  <b>high</b> [45] - 280:6, 280:17, 284:25, 285:7, 291:10, 291:11, 294:2, 297:4, 302:3, 329:17, 329:24, 339:2, 339:3, 340:6, 341:12, 343:6, 344:6, 346:4, 346:19, 347:15, 348:7, 351:6, 352:13, 352:17, 353:24, 354:8, 354:18, 355:13, 356:1, 356:2, 356:10, 358:8, 358:14, 362:6, 362:12, 363:18,</p>	<p>364:23, 365:19, 414:14, 415:7, 417:3, 422:16  <b>high-capacity</b> [1] - 362:12  <b>high-energy</b> [3] - 285:7, 291:10, 294:2  <b>high-income</b> [1] - 302:3  <b>high-usage</b> [21] - 291:11, 297:4, 329:17, 329:24, 339:2, 339:3, 340:6, 341:12, 344:6, 346:4, 346:19, 347:15, 348:7, 351:6, 352:17, 354:8, 362:6, 363:18, 365:19, 414:14, 417:3  <b>High-usage</b> [1] - 362:6  <b>high-use</b> [4] - 280:17, 343:6, 354:18, 355:13  <b>high-user</b> [1] - 352:13  <b>high-uses</b> [1] - 415:7  <b>higher</b> [40] - 280:15, 300:19, 301:2, 301:5, 302:1, 305:23, 305:24, 326:8, 326:13, 328:1, 331:7, 331:9, 333:14, 333:18, 333:23, 334:6, 334:8, 334:14, 335:10, 335:16, 335:17, 338:19, 343:13, 344:2, 349:5, 357:10, 359:14, 361:5, 361:24, 364:1, 378:6, 379:5, 415:6, 416:15, 420:18, 425:23, 425:24, 426:3, 428:22, 428:23  <b>higher-income</b> [8] - 331:9, 333:14, 333:18, 333:23, 334:6, 334:14, 335:16, 378:6  <b>higher-use</b> [1] - 338:19  <b>highest</b> [2] - 420:9, 420:16  <b>Highlighted</b> [1] - 363:20  <b>highly</b> [1] - 377:21  <b>hint</b> [1] - 333:5  <b>historical</b> [1] - 421:8  <b>hit</b> [1] - 419:18  <b>hits</b> [1] - 428:20  <b>Hogle</b> [15] - 282:14, 310:19, 327:6, 340:21, 387:13,</p>	<p>388:9, 389:6, 392:2, 393:9, 393:22, 396:18, 397:4, 398:9, 427:15, 429:14  <b>HOGLE</b> [21] - 282:16, 310:20, 310:22, 327:7, 340:23, 341:2, 342:23, 387:15, 388:2, 388:6, 391:20, 391:24, 393:20, 396:12, 396:16, 396:23, 397:24, 398:7, 429:13, 429:15, 429:24  <b>holidays</b> [1] - 428:12  <b>home</b> [3] - 332:11, 420:14, 421:11  <b>homes</b> [3] - 378:6, 419:9, 419:12  <b>hope</b> [3] - 353:10, 378:16, 393:18  <b>hopefully</b> [2] - 276:17, 363:24  <b>hoping</b> [3] - 347:16, 348:20, 360:15  <b>horizontal</b> [1] - 402:14  <b>hot</b> [1] - 348:23  <b>hour</b> [26] - 294:18, 295:10, 295:11, 297:7, 297:22, 304:19, 339:11, 339:14, 343:17, 344:1, 351:14, 351:15, 351:25, 356:8, 365:22, 366:1, 367:8, 380:3, 380:8, 385:5, 392:16, 398:25, 406:25, 416:3, 421:2  <b>hours</b> [48] - 294:4, 297:5, 297:17, 297:18, 327:21, 329:8, 339:7, 339:9, 339:15, 348:12, 348:18, 351:20, 353:4, 353:6, 353:9, 353:14, 355:11, 357:18, 358:3, 358:4, 358:10, 358:16, 359:2, 359:4, 364:10, 366:10, 377:1, 377:15, 378:20, 378:25, 385:13, 385:16, 385:21, 385:22, 386:9, 386:12, 394:9, 396:6, 397:19, 398:25, 416:6, 417:15, 417:16, 417:25, 418:1, 426:20, 428:10</p>	<p><b>house</b> [9] - 302:7, 364:9, 377:19, 378:13, 419:16, 421:13, 421:23, 422:22, 422:24  <b>household</b> [2] - 332:4, 332:7  <b>households</b> [8] - 321:7, 331:9, 331:19, 333:24, 334:2, 335:14, 335:16, 419:23  <b>houses</b> [2] - 331:10, 422:25  <b>housing</b> [1] - 331:18  <b>hundred</b> [1] - 364:2  <b>HVAC</b> [2] - 376:18, 378:10  <b>hypothetical</b> [1] - 297:11</p>
<b>I</b>				
<p><b>Idaho</b> [4] - 300:11, 330:11, 330:19, 429:17  <b>Idaho's</b> [1] - 299:25  <b>identification</b> [3] - 371:19, 392:1, 397:3  <b>identified</b> [3] - 322:16, 339:20, 374:5  <b>immediately</b> [1] - 403:17  <b>impact</b> [14] - 280:7, 300:6, 300:7, 300:17, 300:22, 329:17, 353:3, 365:19, 409:16, 409:21, 409:22, 415:22, 420:18  <b>Impacts</b> [1] - 411:22  <b>impacts</b> [8] - 282:4, 282:6, 282:9, 292:20, 300:23, 310:3, 384:21, 425:12  <b>implement</b> [1] - 425:2  <b>implementation</b> [1] - 309:10  <b>implemented</b> [2] - 319:13, 424:17  <b>implications</b> [3] - 309:20, 310:14, 416:11  <b>implicit</b> [1] - 418:11  <b>implies</b> [1] - 371:10  <b>important</b> [13] - 301:19, 304:3, 324:14, 342:7, 342:9, 342:10, 348:9, 357:5, 375:16, 376:11,</p>				

<p>379:13, 391:13, 410:20  <b>imposed</b> [2] - 369:14, 369:15  <b>impression</b> [3] - 390:12, 401:22, 402:20  <b>improve</b> [1] - 360:17  <b>improved</b> [1] - 342:17  <b>improving</b> [1] - 421:25  <b>inability</b> [1] - 310:2  <b>inaccurate</b> [1] - 392:10  <b>inappropriate</b> [1] - 288:9  <b>inappropriateness</b> [1] - 308:20  <b>incandescent</b> [1] - 376:9  <b>incent</b> [3] - 324:17, 326:12, 328:2  <b>incentive</b> [8] - 348:21, 349:14, 386:11, 386:24, 414:19, 416:3, 416:7, 416:23  <b>incentives</b> [3] - 386:8, 386:20, 387:5  <b>incentivize</b> [1] - 346:5  <b>include</b> [4] - 280:3, 299:10, 314:19, 390:6  <b>included</b> [4] - 315:17, 323:9, 374:4, 411:7  <b>includes</b> [1] - 392:14  <b>including</b> [6] - 278:18, 321:11, 324:4, 334:10, 334:19, 389:13  <b>income</b> [28] - 301:16, 301:19, 301:23, 301:25, 302:3, 302:8, 321:5, 329:18, 331:1, 331:2, 331:7, 331:9, 331:14, 331:19, 332:2, 333:14, 333:18, 333:23, 334:2, 334:3, 334:6, 334:10, 334:14, 334:19, 335:14, 335:16, 378:6, 420:12  <b>incomplete</b> [1] - 333:11  <b>incorporate</b> [1] - 385:11  <b>increase</b> [64] - 277:22, 277:24, 278:2, 278:10,</p>	<p>278:22, 279:2, 279:4, 279:5, 279:9, 280:8, 280:11, 280:16, 280:25, 281:4, 281:8, 281:12, 284:7, 284:21, 284:23, 285:7, 285:19, 285:21, 285:22, 285:25, 286:3, 286:11, 286:12, 287:13, 290:19, 290:20, 294:10, 300:15, 300:18, 301:4, 301:10, 303:15, 303:17, 304:14, 305:23, 311:17, 325:10, 325:12, 327:18, 338:22, 339:12, 351:3, 353:25, 359:14, 359:17, 377:7, 377:10, 379:10, 383:3, 398:19, 399:1, 399:6, 399:11, 399:14, 399:23, 405:2, 407:8, 407:11, 410:14, 425:1  <b>increased</b> [4] - 324:25, 350:3, 399:8, 399:10  <b>increases</b> [12] - 280:4, 281:7, 317:21, 323:10, 325:8, 339:8, 339:10, 365:22, 365:23, 377:10, 377:12, 384:16  <b>increasing</b> [10] - 325:18, 327:14, 327:17, 330:13, 334:17, 340:1, 343:16, 344:2, 352:6, 363:18  <b>increment</b> [1] - 339:14  <b>incremental</b> [5] - 279:13, 279:14, 304:21, 348:9, 361:16  <b>increments</b> [4] - 339:13, 339:16, 343:17, 415:8  <b>indicate</b> [7] - 291:13, 293:8, 294:9, 294:24, 302:15, 314:8, 329:5  <b>indicated</b> [6] - 279:16, 289:17, 303:17, 355:24, 358:6, 392:24  <b>indicating</b> [1] - 342:13  <b>industrial</b> [3] - 309:1, 316:21, 316:24  <b>industry</b> [2] - 394:16</p>	<p><b>ineffective</b> [2] - 298:8, 305:4  <b>inelastic</b> [6] - 326:16, 331:3, 331:5, 383:23, 418:14, 425:25  <b>inelasticity</b> [2] - 324:22, 383:6  <b>influence</b> [1] - 312:5  <b>inform</b> [1] - 293:2  <b>information</b> [17] - 279:16, 292:10, 293:12, 305:1, 305:18, 306:5, 338:5, 380:17, 380:18, 381:17, 387:22, 390:8, 390:21, 400:7, 401:17, 409:10, 423:1  <b>informed</b> [6] - 316:22, 316:25, 317:3, 389:6, 389:10, 390:15  <b>inputs</b> [8] - 380:25, 381:1, 381:9, 389:3, 389:18, 389:22, 390:1, 390:2  <b>inquire</b> [1] - 406:13  <b>inquiry</b> [1] - 424:25  <b>insignificant</b> [1] - 361:13  <b>instance</b> [2] - 385:1, 421:19  <b>instead</b> [5] - 287:5, 297:16, 297:17, 352:17, 390:23  <b>instill</b> [1] - 342:17  <b>institute</b> [1] - 378:23  <b>instituting</b> [1] - 424:11  <b>insufficient</b> [1] - 324:13  <b>insulation</b> [1] - 302:5  <b>insure</b> [2] - 291:24, 325:8  <b>insuring</b> [1] - 289:14  <b>intended</b> [1] - 309:19  <b>intent</b> [3] - 363:2, 378:15, 378:20  <b>intention</b> [2] - 327:19, 384:9  <b>interactive</b> [7] - 380:21, 381:9, 388:10, 389:21, 390:1, 390:17, 391:18  <b>interest</b> [8] - 291:25, 292:5, 293:7, 293:10, 293:18, 391:14, 400:14, 412:18  <b>interesting</b> [2] - 301:25, 330:22  <b>interests</b> [1] - 325:6</p>	<p><b>interruption</b> [1] - 393:18  <b>intrigued</b> [2] - 330:11, 330:19  <b>inverse</b> [1] - 382:23  <b>inverted</b> [23] - 290:6, 290:7, 290:23, 300:16, 308:17, 308:18, 309:12, 323:11, 326:18, 363:19, 375:14, 382:15, 384:8, 384:10, 386:6, 386:16, 387:4, 425:2, 425:13, 425:14, 425:19, 426:2, 426:3  <b>invest</b> [2] - 334:3, 378:10  <b>investments</b> [1] - 376:16  <b>invite</b> [1] - 367:19  <b>invited</b> [2] - 367:10, 367:13  <b>invoke</b> [2] - 416:13, 416:15  <b>invoked</b> [1] - 294:13  <b>involved</b> [3] - 318:12, 321:20, 352:7  <b>IRP</b> [6] - 287:19, 288:8, 288:20, 342:13, 357:2  <b>irrespective</b> [1] - 390:21  <b>isolate</b> [1] - 353:12  <b>issue</b> [22] - 294:25, 295:15, 308:17, 311:12, 311:16, 312:1, 312:21, 313:4, 314:15, 319:5, 319:6, 319:11, 319:17, 323:18, 324:14, 329:1, 362:17, 367:16, 414:14, 421:5, 422:1, 429:2  <b>issues</b> [11] - 311:17, 311:18, 314:14, 317:1, 321:8, 321:10, 323:5, 324:3, 332:5, 363:4, 406:18  <b>item</b> [2] - 312:18, 339:4  <b>items</b> [3] - 276:11, 322:6, 349:18  <b>itself</b> [4] - 286:14, 343:6, 346:19, 403:11</p>	<p><b>JEC-2</b> [1] - 351:19  <b>John E. Curl</b> [2] - 336:12, 336:21  <b>journey</b> [1] - 286:23  <b>judgment</b> [4] - 296:10, 301:7, 326:25, 350:24  <b>judgmental</b> [1] - 288:7  <b>July</b> [1] - 345:20  <b>jurisdictions</b> [1] - 380:22  <b>justified</b> [1] - 350:21  <b>justifies</b> [1] - 359:25  <b>justify</b> [1] - 310:5</p> <p style="text-align: center;"><b>K</b></p> <p><b>keep</b> [4] - 384:15, 405:23, 406:3, 406:7  <b>Keeper</b> [2] - 306:2, 306:6  <b>keeping</b> [1] - 377:20  <b>Key</b> [1] - 411:22  <b>key</b> [1] - 278:17  <b>kids</b> [2] - 421:17  <b>kilowatt</b> [63] - 294:4, 294:17, 297:4, 297:7, 297:17, 297:18, 297:22, 304:19, 329:8, 339:7, 339:9, 339:11, 339:14, 339:15, 343:7, 343:17, 344:5, 344:8, 344:15, 345:6, 348:12, 348:18, 351:14, 351:20, 351:25, 353:4, 353:6, 353:14, 355:11, 356:8, 357:18, 358:9, 364:10, 365:22, 366:1, 366:9, 377:1, 377:15, 378:20, 378:24, 380:3, 385:5, 385:12, 385:15, 385:21, 385:22, 386:9, 386:12, 392:15, 394:9, 396:6, 397:19, 406:25, 415:8, 416:3, 416:6, 417:15, 417:16, 417:25, 421:2, 426:20  <b>Kilowatt</b> [1] - 344:1  <b>kilowatts</b> [7] - 349:9, 351:3, 351:8, 377:4, 379:1, 403:23, 420:2  <b>Kind</b> [1] - 363:23  <b>kind</b> [14] - 285:15, 286:23, 306:9, 316:20, 317:23, 330:11, 334:3,</p>
<b>J</b>				
<p><b>Jan</b> [1] - 402:21  <b>January</b> [2] - 402:15, 402:21</p>				

<p>347:10, 362:25, 363:5, 364:17, 371:10, 395:11, 430:6 <b>kinds</b> [1] - 366:2 <b>knowing</b> [1] - 390:2 <b>knowledge</b> [2] - 276:23, 338:5 <b>known</b> [4] - 307:18, 382:19, 383:1, 425:23</p>	<p><b>lengthy</b> [1] - 367:18 <b>Lesh</b> [2] - 411:19, 412:7 <b>less</b> [25] - 279:4, 279:9, 281:8, 286:7, 331:23, 332:1, 332:9, 345:12, 350:20, 353:4, 353:6, 353:7, 376:3, 376:7, 376:10, 385:8, 385:22, 386:13, 391:3, 418:1, 418:3, 418:16, 427:1 <b>Less</b> [1] - 397:14 <b>lesser</b> [2] - 350:20, 417:21 <b>letters</b> [1] - 403:14 <b>level</b> [14] - 284:19, 286:10, 292:11, 303:12, 306:11, 344:4, 348:3, 350:15, 356:12, 359:25, 361:2, 365:18, 420:13 <b>levels</b> [8] - 327:23, 343:13, 344:2, 361:24, 364:1, 410:15, 415:5, 415:6 <b>levied</b> [1] - 353:5 <b>light</b> [3] - 288:10, 339:22, 376:8 <b>lighting</b> [2] - 376:9, 376:19 <b>lightly</b> [1] - 324:2 <b>likely</b> [2] - 404:3, 407:13 <b>limit</b> [3] - 296:9, 416:13, 416:14 <b>limitations</b> [1] - 413:25 <b>limits</b> [5] - 295:5, 295:7, 367:19, 367:20, 410:23 <b>line</b> [27] - 276:16, 294:6, 318:6, 322:8, 337:15, 337:18, 337:19, 339:4, 345:2, 347:20, 349:5, 352:19, 372:11, 373:2, 395:8, 399:20, 400:2, 404:25, 407:15, 411:18, 415:21, 417:9, 418:11, 420:20, 426:10 <b>linear</b> [1] - 426:7 <b>lines</b> [7] - 276:17, 291:9, 291:23, 314:9, 329:5, 415:17, 416:22 <b>linked</b> [1] - 358:21 <b>list</b> [2] - 277:5, 422:13 <b>listed</b> [3] - 277:5,</p>	<p>381:7, 402:1 <b>litigated</b> [1] - 278:14 <b>live</b> [2] - 421:3, 421:19 <b>living</b> [4] - 313:24, 419:15, 421:17, 421:23 <b>load</b> [7] - 359:3, 365:7, 365:11, 377:21, 378:2, 380:12, 404:2 <b>logic</b> [1] - 293:8 <b>long-run</b> [4] - 379:22, 379:25, 380:10, 383:21 <b>long-term</b> [1] - 380:9 <b>look</b> [23] - 281:10, 289:14, 290:16, 293:21, 298:9, 305:16, 313:16, 327:2, 330:21, 347:13, 364:13, 388:12, 389:11, 390:25, 397:17, 419:1, 420:19, 420:21, 421:15, 423:20, 424:10, 426:16, 426:24 <b>looked</b> [10] - 304:18, 311:22, 330:17, 383:16, 391:2, 419:2, 423:14, 423:17, 423:18, 424:21 <b>looking</b> [7] - 312:4, 316:20, 352:5, 364:2, 401:25, 417:10 <b>looks</b> [1] - 426:18 <b>lost</b> [3] - 287:2, 313:5, 313:7 <b>loud</b> [1] - 393:11 <b>love</b> [1] - 302:12 <b>low</b> [26] - 280:16, 282:5, 282:6, 282:9, 292:21, 300:7, 300:17, 301:25, 302:8, 321:5, 327:20, 327:23, 328:4, 329:18, 330:25, 331:2, 331:14, 331:19, 332:2, 334:2, 334:10, 334:19, 335:14, 349:20, 377:20 <b>low-income</b> [10] - 301:25, 302:8, 321:5, 329:18, 331:2, 331:14, 331:19, 332:2, 334:2, 335:14 <b>low-usage</b> [2] - 300:17, 327:23 <b>low-use</b> [4] - 282:6, 282:9, 292:21, 329:18</p>	<p><b>Lower</b> [1] - 365:15 <b>lower</b> [14] - 301:23, 302:16, 318:3, 319:13, 335:14, 348:19, 365:14, 378:24, 384:19, 384:20, 415:5, 426:1, 426:4, 428:22 <b>lower-income</b> [1] - 301:23 <b>lowering</b> [3] - 281:17, 282:10, 424:14 <b>lucky</b> [1] - 421:3 <b>lunch</b> [2] - 306:22, 367:8 <b>luncheon</b> [1] - 368:7</p>	<p>395:5, 395:6, 395:16, 395:23, 395:24 <b>marginal costs</b> [3] - 379:21, 395:9, 395:13 <b>mark</b> [2] - 391:21, 396:23 <b>marked</b> [12] - 307:20, 321:25, 337:6, 337:24, 371:18, 371:22, 372:18, 372:19, 391:23, 391:25, 397:1, 397:2 <b>market</b> [5] - 331:17, 394:13, 394:21, 394:22, 394:23 <b>married</b> [1] - 379:11 <b>Massachusetts</b> [1] - 421:1 <b>match</b> [1] - 276:17 <b>matching</b> [1] - 285:15 <b>math</b> [3] - 300:20, 359:7, 359:8 <b>matter</b> [7] - 309:2, 347:21, 348:1, 348:11, 367:17, 415:13, 429:11 <b>maximum</b> [1] - 338:23 <b>maximums</b> [1] - 428:20 <b>mean</b> [24] - 285:16, 286:16, 287:13, 287:14, 290:21, 295:18, 299:21, 300:7, 300:9, 301:24, 304:15, 306:4, 312:6, 319:2, 359:20, 359:23, 361:7, 364:18, 383:18, 384:25, 401:3, 419:25, 420:11, 426:5 <b>means</b> [6] - 302:1, 324:17, 378:8, 383:23, 386:2, 402:22 <b>meant</b> [1] - 325:5 <b>measure</b> [1] - 360:13 <b>measured</b> [2] - 345:18, 360:14 <b>measures</b> [4] - 324:18, 324:19, 333:25, 379:7 <b>measuring</b> [1] - 425:4 <b>mechanism</b> [16] - 289:9, 323:14, 324:15, 324:21, 326:9, 327:1, 354:12, 355:6, 355:9, 375:4, 375:7, 384:6, 385:18,</p>
<p><b>L</b></p>			<p><b>M</b></p>	
<p><b>lack</b> [3] - 280:3, 280:7, 412:13 <b>Lack</b> [1] - 280:5 <b>laid</b> [1] - 413:20 <b>large</b> [5] - 377:19, 377:24, 399:22, 421:8, 421:19 <b>largely</b> [4] - 289:5, 324:16, 392:4, 407:10 <b>larger</b> [6] - 328:13, 331:10, 339:16, 378:6, 419:9, 419:12 <b>last</b> [17] - 278:13, 279:5, 281:9, 281:10, 282:2, 288:19, 300:25, 301:2, 314:3, 318:9, 337:19, 348:14, 354:23, 368:11, 377:12, 381:15, 420:21 <b>late</b> [2] - 424:3, 428:19 <b>Laughing</b> [1] - 430:5 <b>law</b> [3] - 382:19, 382:20 <b>laws</b> [1] - 363:3 <b>lawyer</b> [1] - 369:10 <b>LCD</b> [1] - 366:20 <b>least</b> [9] - 284:20, 329:19, 346:23, 359:14, 360:1, 360:4, 363:17, 394:10 <b>leave</b> [3] - 332:15, 333:11, 368:24 <b>leaves</b> [1] - 429:2 <b>leaving</b> [1] - 282:6 <b>left</b> [9] - 278:25, 281:21, 292:19, 324:12, 344:2, 361:23, 388:13, 397:8, 402:7 <b>left-hand</b> [2] - 397:8, 402:7 <b>legal</b> [1] - 363:11 <b>legislative</b> [1] - 363:2 <b>legislature</b> [1] - 419:4 <b>length</b> [1] - 367:18</p>			<p><b>machine</b> [1] - 359:4 <b>magnitude</b> [1] - 296:23 <b>mailers</b> [1] - 364:7 <b>main</b> [1] - 317:15 <b>maintain</b> [1] - 332:6 <b>maintained</b> [1] - 400:4 <b>maintaining</b> [3] - 328:15, 329:9, 332:6 <b>major</b> [4] - 324:1, 325:1, 326:21, 393:3 <b>majority</b> [1] - 304:9 <b>manage</b> [1] - 339:25 <b>management</b> [3] - 289:3, 317:19, 324:17 <b>manner</b> [1] - 309:17 <b>March</b> [3] - 322:3, 341:23, 402:22 <b>marginal</b> [1] - 361:15 <b>marginal cost</b> [57] - 279:12, 279:14, 279:16, 279:19, 290:5, 290:22, 291:5, 293:1, 304:6, 304:22, 304:25, 305:18, 379:23, 380:1, 380:2, 380:5, 380:7, 380:10, 380:14, 380:16, 380:18, 380:19, 381:5, 381:12, 381:17, 381:21, 381:23, 382:2, 382:4, 382:5, 382:8, 387:19, 388:22, 388:24, 389:15, 389:19, 390:3, 390:9, 390:24, 391:1, 392:9, 392:14, 392:16, 392:17, 392:18, 394:11, 394:15, 395:2, 395:3,</p>	



<p>385:25, 386:15, 386:22 <b>mechanisms</b> [2] - 314:10, 324:16 <b>median</b> [1] - 383:20 <b>medical</b> [4] - 332:8, 420:6, 422:12, 422:15 <b>medium</b> [1] - 280:16 <b>medium-use</b> [1] - 280:16 <b>meet</b> [5] - 289:1, 332:8, 378:1, 379:19, 380:12 <b>meeting</b> [1] - 375:16 <b>meetings</b> [1] - 362:24 <b>megawatt</b> [5] - 358:4, 358:10, 358:16, 358:22, 359:2 <b>megawatts</b> [4] - 288:23, 357:3, 359:9, 359:18 <b>mention</b> [2] - 374:7, 382:3 <b>mentioned</b> [4] - 346:2, 356:5, 361:4, 420:4 <b>merit</b> [1] - 408:5 <b>merits</b> [2] - 324:10, 326:4 <b>meta</b> [1] - 383:16 <b>meta-study</b> [1] - 383:16 <b>meter</b> [2] - 423:22, 424:7 <b>Metering</b> [1] - 287:9 <b>meters</b> [6] - 423:25, 424:5, 424:6, 424:11, 424:17, 424:20 <b>method</b> [4] - 299:5, 299:10, 300:11, 303:19 <b>methodology</b> [4] - 302:25, 305:7, 325:17, 379:16 <b>methods</b> [2] - 289:1, 330:22 <b>Mexico</b> [1] - 362:22 <b>Michel</b> [20] - 283:13, 283:23, 288:16, 296:14, 296:16, 298:15, 301:13, 305:2, 311:4, 311:10, 328:20, 336:10, 337:23, 338:13, 340:19, 364:25, 368:19, 370:16, 414:6, 418:20 <b>MICHEL</b> [31] - 283:14, 283:16, 288:4, 288:11,</p>	<p>288:13, 296:15, 298:13, 311:6, 311:8, 316:2, 328:21, 328:23, 329:25, 336:11, 336:16, 338:7, 340:20, 347:22, 351:12, 358:17, 365:1, 365:4, 366:21, 368:18, 368:20, 369:2, 369:18, 369:23, 414:7, 414:9, 418:18 <b>Michel's</b> [1] - 303:21 <b>middle</b> [2] - 276:18, 414:20 <b>might</b> [15] - 296:23, 313:25, 318:2, 324:7, 328:8, 335:18, 352:18, 364:4, 383:5, 399:1, 416:13, 416:14, 422:20, 422:23, 429:23 <b>Might</b> [2] - 361:9, 361:15 <b>mike</b> [1] - 275:22 <b>miles</b> [2] - 295:10, 295:11 <b>million</b> [13] - 284:8, 286:7, 286:8, 339:1, 343:11, 343:24, 344:4, 344:7, 344:18, 344:22, 357:18, 358:2, 358:9 <b>mind</b> [7] - 290:1, 292:9, 315:24, 360:2, 376:4, 383:8, 393:15 <b>mine</b> [1] - 403:13 <b>minimal</b> [6] - 284:23, 328:10, 331:25, 409:22, 410:1, 410:19 <b>minimize</b> [1] - 411:1 <b>minimum</b> [15] - 279:8, 299:23, 299:24, 300:1, 323:10, 325:8, 327:14, 327:17, 328:2, 330:13, 330:14, 330:17, 330:18, 429:16, 429:17 <b>minus</b> [3] - 383:20, 383:22 <b>minute</b> [1] - 376:22 <b>minutes</b> [1] - 336:2 <b>misallocation</b> [1] - 395:10 <b>missing</b> [2] - 389:2, 419:13 <b>misspoke</b> [1] - 409:5 <b>misunderstood</b> [2] - 393:2, 413:12</p>	<p><b>mitigate</b> [3] - 282:8, 384:14, 384:16 <b>mitigated</b> [1] - 282:6 <b>mitigating</b> [1] - 302:1 <b>mitigation</b> [1] - 292:20 <b>moderate</b> [1] - 278:1 <b>modest</b> [4] - 325:2, 326:22, 356:15, 356:16 <b>modification</b> [2] - 281:25, 352:24 <b>modify</b> [4] - 281:17, 281:22, 282:9, 301:9 <b>moment</b> [5] - 365:13, 389:4, 393:8, 398:15, 401:2 <b>moments</b> [1] - 352:11 <b>Monday</b> [1] - 428:11 <b>money</b> [4] - 287:5, 331:25, 335:15, 335:17 <b>monopoly</b> [2] - 394:18, 394:23 <b>month</b> [21] - 279:3, 294:4, 297:17, 297:18, 325:11, 327:21, 339:6, 339:7, 339:8, 339:10, 345:18, 347:14, 348:3, 348:14, 348:15, 351:7, 354:13, 364:3, 377:4 <b>month's</b> [1] - 339:4 <b>monthly</b> [11] - 344:23, 345:6, 345:15, 345:23, 347:4, 348:12, 349:9, 354:10, 354:19, 364:3, 399:14 <b>months</b> [8] - 345:20, 345:24, 354:23, 355:3, 355:4, 397:15, 418:6, 426:23 <b>more or less</b> [3] - 296:3, 301:4, 316:25 <b>morning</b> [22] - 277:18, 282:22, 282:23, 283:17, 283:18, 298:22, 298:23, 300:13, 304:18, 308:2, 311:9, 311:10, 327:12, 327:13, 328:24, 328:25, 336:1, 336:17, 341:3, 341:4, 392:22, 429:15 <b>Morning</b> [1] - 336:18 <b>Most</b> [1] - 324:14 <b>most</b> [15] - 275:5,</p>	<p>289:1, 295:24, 301:18, 314:15, 332:11, 348:1, 348:11, 365:15, 377:11, 387:1, 394:13, 416:10, 416:19, 423:8 <b>motivated</b> [1] - 362:9 <b>motivation</b> [1] - 339:18 <b>Mountain</b> [1] - 299:16 <b>mouth</b> [1] - 411:15 <b>move</b> [7] - 282:11, 302:16, 317:22, 338:7, 361:24, 373:8, 412:14 <b>moved</b> [1] - 421:11 <b>Moves</b> [2] - 294:11, 370:10 <b>moving</b> [4] - 284:18, 286:20, 286:25, 292:12 <b>Moving</b> [1] - 279:25 <b>multi</b> [1] - 421:20 <b>multi-generational</b> [1] - 421:20 <b>multiple</b> [3] - 313:23, 419:15, 420:13 <b>multiplied</b> [1] - 344:24 <b>multiply</b> [2] - 344:19, 383:25 <b>must</b> [2] - 296:9, 381:22</p>	<p>335:7, 343:13, 343:24, 346:22, 357:3, 358:22, 358:23, 360:18, 387:2, 387:4, 420:6, 423:22, 429:12 <b>needed</b> [6] - 289:10, 293:1, 296:23, 342:14, 359:19, 378:24 <b>needing</b> [1] - 332:6 <b>needs</b> [9] - 288:8, 289:2, 309:2, 310:13, 317:13, 325:5, 332:8, 348:23, 351:13 <b>negative</b> [2] - 339:22, 363:24 <b>negligible</b> [1] - 326:22 <b>neighbor</b> [1] - 364:8 <b>neighbors</b> [1] - 364:21 <b>never</b> [3] - 328:3, 400:15 <b>nevertheless</b> [1] - 415:25 <b>Nevertheless</b> [1] - 308:20 <b>New</b> [1] - 362:21 <b>new</b> [18] - 302:6, 331:17, 342:14, 342:16, 346:22, 360:18, 363:3, 366:8, 373:17, 373:23, 378:1, 384:12, 384:15, 398:20, 421:22, 424:17 <b>newborn</b> [1] - 348:23 <b>next</b> [7] - 279:24, 331:6, 340:17, 346:14, 357:3, 358:22, 359:19 <b>nice</b> [2] - 320:12, 334:25 <b>nine</b> [1] - 345:23 <b>No. 1</b> [1] - 401:18 <b>No. 37</b> [1] - 427:16 <b>non</b> [7] - 278:3, 278:21, 278:24, 303:12, 309:6, 383:6, 426:7 <b>non-changed</b> [1] - 303:12 <b>non-linear</b> [1] - 426:7 <b>non-residential</b> [1] - 309:6 <b>non-response</b> [1] - 383:6 <b>non-summer</b> [3] - 278:3, 278:21, 278:24</p>
		<b>N</b>		
			<p><b>name</b> [9] - 275:20, 307:13, 320:6, 320:18, 320:20, 336:19, 336:21, 371:5, 371:7 <b>nation</b> [1] - 424:2 <b>natural</b> [1] - 394:18 <b>NEAL</b> [1] - 307:15 <b>Neal Townsend</b> [2] - 307:7, 307:15 <b>near</b> [2] - 415:20, 421:18 <b>nearly</b> [1] - 278:6 <b>NEC</b> [1] - 403:14 <b>necessarily</b> [2] - 302:9, 328:16 <b>necessary</b> [4] - 311:21, 372:11, 382:16, 409:24 <b>need</b> [22] - 287:22, 288:17, 288:18, 298:9, 309:21, 310:9, 325:15, 326:24,</p>	

<p><b>None</b> [2] - 277:9, 322:20  <b>none</b> [2] - 310:20, 322:21  <b>nonprofit</b> [1] - 321:5  <b>nonresidential</b> [3] - 308:19, 308:21, 309:13  <b>noon</b> [1] - 428:5  <b>normal</b> [1] - 394:16  <b>normally</b> [1] - 377:17  <b>Nos</b> [6] - 277:12, 316:14, 322:23, 338:12, 374:19, 398:5  <b>note</b> [4] - 281:10, 299:14, 331:14, 402:21  <b>noted</b> [4] - 308:18, 309:5, 309:7, 393:23  <b>notice</b> [1] - 363:23  <b>noticeable</b> [1] - 296:4  <b>noticed</b> [2] - 315:8, 356:7  <b>notion</b> [2] - 314:18, 325:20  <b>number</b> [24] - 292:9, 312:11, 321:10, 334:14, 344:19, 344:24, 348:18, 352:3, 356:11, 356:14, 358:3, 365:13, 381:11, 385:15, 397:18, 403:4, 407:7, 412:1, 412:8, 417:9, 419:21, 421:8, 421:20, 426:19  <b>numbers</b> [12] - 300:21, 372:5, 372:25, 373:18, 389:23, 390:13, 390:18, 391:12, 399:2, 399:4, 402:7, 421:8</p>	<p>373:11, 398:2  <b>objectives</b> [2] - 278:18, 287:17  <b>observations</b> [1] - 404:16  <b>obsolete</b> [1] - 424:7  <b>obvious</b> [1] - 360:12  <b>obviously</b> [1] - 367:11  <b>occasionally</b> [1] - 405:9  <b>occur</b> [1] - 415:8  <b>occurring</b> [1] - 353:15  <b>OCS</b> [1] - 407:22  <b>OCS-5D-Gimble</b> [1] - 277:12  <b>OCS-5R-Gimble</b> [1] - 277:12  <b>OCS-5SR-Gimble</b> [1] - 277:13  <b>offer</b> [8] - 277:4, 316:7, 322:14, 340:14, 373:25, 374:1, 374:14  <b>offers</b> [1] - 278:1  <b>office</b> [1] - 356:3  <b>Office</b> [20] - 277:4, 278:1, 279:18, 280:19, 281:3, 281:6, 282:5, 282:24, 286:17, 291:15, 293:13, 303:6, 303:21, 303:24, 303:25, 305:11, 309:15, 367:16, 373:20, 412:14  <b>Office of Consumer Services</b> [1] - 275:23  <b>Office's</b> [10] - 278:5, 278:11, 278:16, 280:1, 280:18, 282:3, 282:10, 283:6, 300:14, 304:7  <b>offset</b> [1] - 311:18  <b>often</b> [1] - 332:4  <b>old</b> [3] - 299:17, 393:14, 398:21  <b>on-peak</b> [3] - 427:21, 427:23, 427:25  <b>On-peak</b> [1] - 428:10  <b>once</b> [2] - 305:17, 315:19  <b>One</b> [10] - 279:11, 323:8, 367:5, 379:12, 380:20, 407:18, 410:20, 414:18, 423:18, 423:21  <b>one</b> [56] - 276:12, 280:13, 286:13,</p>	<p>288:25, 291:3, 292:9, 293:6, 296:18, 300:9, 302:10, 302:24, 304:4, 305:22, 312:3, 312:18, 312:22, 315:20, 317:20, 322:7, 323:24, 326:3, 329:1, 329:6, 330:10, 330:12, 335:25, 344:13, 358:25, 361:3, 363:17, 364:2, 367:3, 367:4, 372:13, 372:24, 373:1, 373:23, 378:3, 380:24, 389:2, 389:25, 392:20, 393:8, 394:2, 394:17, 405:8, 405:20, 406:20, 406:22, 407:6, 418:16, 422:24, 424:24, 429:2  <b>one-word</b> [1] - 372:13  <b>operating</b> [1] - 317:15  <b>opine</b> [1] - 311:25  <b>opinion</b> [11] - 299:11, 301:15, 305:25, 310:2, 312:2, 312:15, 316:23, 317:25, 331:1, 363:11, 377:15  <b>opportunity</b> [6] - 340:14, 367:16, 368:2, 369:4, 387:8, 415:9  <b>opposed</b> [3] - 286:13, 315:17, 379:23  <b>opposite</b> [1] - 301:9  <b>opposition</b> [1] - 309:4  <b>opted</b> [1] - 422:7  <b>option</b> [1] - 413:6  <b>options</b> [4] - 302:9, 317:9, 317:18, 317:23  <b>order</b> [21] - 279:5, 279:15, 296:3, 296:22, 297:6, 299:17, 302:6, 306:22, 338:23, 344:7, 344:22, 350:4, 360:3, 378:23, 385:4, 385:13, 386:10, 404:12, 410:22  <b>ordered</b> [1] - 279:9  <b>orders</b> [1] - 278:12  <b>Oregon</b> [11] - 380:19, 381:2, 381:8, 388:22, 389:14, 389:25, 390:19, 390:24, 391:12,</p>	<p>392:4, 392:9  <b>Oregon's</b> [3] - 390:9, 392:14, 392:18  <b>organization</b> [1] - 321:5  <b>oriented</b> [1] - 340:6  <b>original</b> [3] - 325:4, 338:21, 373:21  <b>Otherwise</b> [1] - 413:5  <b>otherwise</b> [3] - 307:18, 324:7, 413:5  <b>ought</b> [2] - 293:11, 360:5  <b>outline</b> [1] - 299:3  <b>outside</b> [1] - 324:4  <b>overall</b> [3] - 311:20, 318:19, 353:7  <b>overbilled</b> [1] - 407:5  <b>oversees</b> [1] - 394:25  <b>owed</b> [1] - 354:22  <b>own</b> [6] - 332:21, 333:9, 395:20, 406:1, 419:25, 427:5  <b>oxygen</b> [2] - 420:7</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>p.m</b> [3] - 368:8, 428:11, 430:10  <b>Pacific</b> [1] - 356:7  <b>PacifiCorp</b> [2] - 287:21, 288:17  <b>PacifiCorp's</b> [2] - 287:19, 389:14  <b>packed</b> [1] - 422:22  <b>page</b> [14] - 276:16, 291:20, 294:1, 314:3, 337:15, 367:19, 388:14, 388:16, 389:1, 389:13, 404:23, 411:16, 428:8  <b>page 10</b> [1] - 291:20  <b>page 2</b> [3] - 291:8, 345:2, 428:7  <b>page 3</b> [4] - 322:8, 337:15, 346:2, 349:4  <b>page 4</b> [4] - 337:18, 352:19, 397:5, 427:16  <b>page 5</b> [1] - 347:20  <b>page 6</b> [2] - 329:3, 373:1  <b>Page 7</b> [2] - 299:2, 415:18  <b>page 8</b> [4] - 399:19, 403:18, 407:15, 416:21  <b>page 9</b> [2] - 404:24, 411:22  <b>pages</b> [1] - 414:13</p>	<p><b>Pamela Lesh</b> [1] - 411:22  <b>pancake</b> [1] - 313:23  <b>pardon</b> [4] - 320:8, 350:13, 393:17, 429:13  <b>Pardon</b> [1] - 404:17  <b>parents</b> [1] - 421:19  <b>part</b> [15] - 276:13, 288:5, 292:13, 292:14, 312:9, 328:14, 332:13, 337:16, 346:12, 386:17, 389:8, 403:2, 407:23, 422:3, 422:4  <b>partial</b> [1] - 323:22  <b>partici</b> [1] - 306:7  <b>participate</b> [1] - 386:18  <b>participated</b> [5] - 321:9, 321:10, 321:14, 321:20, 371:15  <b>participation</b> [4] - 306:1, 306:8, 366:23, 430:9  <b>particular</b> [11] - 321:23, 347:12, 352:23, 377:23, 379:15, 381:19, 394:17, 408:7, 408:24, 409:9, 410:18  <b>particularly</b> [5] - 288:9, 305:17, 331:17, 334:25, 393:23  <b>Particularly</b> [3] - 348:7, 361:24, 364:1  <b>parties</b> [15] - 290:17, 303:6, 309:14, 310:2, 310:8, 315:22, 340:14, 370:4, 382:11, 392:22, 393:22, 411:2, 411:7, 429:3, 429:9  <b>parts</b> [1] - 276:22  <b>party</b> [4] - 285:22, 300:11, 308:18, 337:16  <b>party's</b> [3] - 290:12, 293:6, 341:8  <b>past</b> [6] - 276:18, 276:19, 278:11, 284:16, 325:22, 378:22  <b>patterns</b> [1] - 404:15  <b>Pause</b> [7] - 388:8, 389:5, 396:17, 401:1, 401:5, 412:17, 413:3  <b>pay</b> [3] - 325:9, 355:13, 379:5</p>
---	--	--	---	---

<p><b>paying</b> [1] - 421:2 <b>peak</b> [12] - 365:17, 377:22, 377:25, 378:2, 395:25, 400:6, 427:21, 427:23, 427:25, 428:10, 428:17, 428:19 <b>peer</b> [1] - 364:6 <b>pegged</b> [1] - 350:16 <b>people</b> [32] - 302:8, 332:3, 332:5, 332:11, 332:12, 347:11, 348:4, 348:9, 361:1, 364:20, 367:12, 376:14, 378:25, 393:10, 393:22, 416:19, 419:5, 419:8, 419:14, 419:15, 419:18, 420:13, 420:16, 421:7, 421:9, 421:16, 422:6, 422:12, 422:21, 422:24, 426:4 <b>people's</b> [5] - 360:1, 363:24, 364:4, 425:15, 425:17 <b>per</b> [21] - 279:3, 295:10, 295:11, 297:6, 297:17, 297:22, 303:19, 325:11, 339:6, 339:7, 339:8, 339:10, 365:22, 377:4, 385:5, 392:15, 403:23, 406:25, 416:3, 419:18, 421:2 <b>percent</b> [53] - 285:19, 285:21, 285:25, 290:18, 290:20, 294:10, 297:6, 301:10, 350:16, 350:17, 350:18, 351:21, 351:23, 352:4, 357:23, 358:4, 358:9, 359:3, 359:17, 365:7, 377:6, 377:9, 379:10, 383:24, 383:25, 384:2, 384:3, 384:25, 385:7, 398:19, 398:20, 398:24, 399:1, 399:5, 399:9, 399:11, 410:8, 410:10, 410:12, 410:13, 410:14, 417:9, 417:16, 417:21, 418:3, 418:7, 418:8, 418:10, 418:11, 426:22, 426:23, 426:25, 427:1 <b>percentage</b> [10] - 280:16, 318:23,</p>	<p>345:5, 345:21, 351:3, 351:10, 351:18, 351:25, 358:7, 359:14 <b>perfect</b> [2] - 383:5, 387:7 <b>perform</b> [1] - 410:1 <b>performance</b> [2] - 408:12, 410:17 <b>performed</b> [3] - 299:13, 306:3, 403:19 <b>perhaps</b> [7] - 326:22, 348:19, 360:2, 361:5, 362:23, 412:20, 412:23 <b>Perhaps</b> [1] - 412:18 <b>period</b> [7] - 345:16, 364:9, 405:15, 427:24, 427:25, 428:1, 428:22 <b>periods</b> [2] - 395:25, 428:17 <b>permissible</b> [1] - 289:25 <b>permission</b> [1] - 320:10 <b>permits</b> [1] - 309:17 <b>permitted</b> [3] - 311:18, 368:2, 412:3 <b>person</b> [2] - 302:3, 332:4 <b>personal</b> [3] - 301:15, 406:1, 419:25 <b>Personally</b> [1] - 430:3 <b>perspective</b> [1] - 426:15 <b>pertaining</b> [2] - 305:3, 323:6 <b>Ph.D</b> [1] - 370:23 <b>phase</b> [3] - 276:1, 323:18, 340:16 <b>Phase II</b> [3] - 275:4, 323:6, 337:4 <b>phrase</b> [1] - 296:7 <b>pick</b> [1] - 344:19 <b>picking</b> [1] - 318:2 <b>picture</b> [1] - 311:22 <b>place</b> [5] - 277:21, 277:23, 281:15, 349:18, 352:22 <b>places</b> [1] - 280:10 <b>Places</b> [1] - 328:8 <b>placing</b> [1] - 304:8 <b>planning</b> [1] - 367:9 <b>plasma</b> [3] - 349:2, 366:16, 366:18 <b>play</b> [1] - 304:1 <b>plays</b> [1] - 304:3 <b>plus</b> [1] - 294:17 <b>point</b> [14] - 286:5, 341:15, 342:9, 347:7,</p>	<p>348:8, 352:4, 356:14, 356:24, 358:7, 358:23, 369:5, 385:17, 392:15, 418:15 <b>pointed</b> [1] - 309:22 <b>points</b> [1] - 358:7 <b>policies</b> [1] - 375:14 <b>policy</b> [10] - 336:24, 349:25, 362:17, 362:24, 362:25, 363:7, 368:23, 422:10, 422:11 <b>poor</b> [1] - 420:11 <b>populations</b> [1] - 321:6 <b>porch</b> [1] - 404:20 <b>portion</b> [15] - 275:5, 321:16, 321:17, 323:6, 324:5, 325:12, 328:13, 329:1, 345:10, 353:25, 354:2, 425:23, 425:25, 426:4 <b>portions</b> [3] - 321:19, 328:10, 378:13 <b>portraying</b> [1] - 339:21 <b>position</b> [5] - 280:19, 299:5, 315:15, 373:20, 393:1 <b>positions</b> [1] - 429:8 <b>positive</b> [1] - 360:15 <b>possibility</b> [3] - 419:1, 419:20, 420:11 <b>possible</b> [5] - 318:4, 328:12, 367:22, 413:5, 419:17 <b>possibly</b> [1] - 395:12 <b>post</b> [3] - 367:17, 429:4, 429:11 <b>post-hearing</b> [3] - 367:17, 429:4, 429:11 <b>poten</b> [1] - 306:4 <b>potential</b> [3] - 304:8, 365:22, 378:8 <b>potentially</b> [3] - 300:10, 325:2, 326:22 <b>poverty</b> [1] - 419:18 <b>Powell</b> [7] - 350:13, 350:14, 357:8, 357:22, 358:14, 380:2, 425:11 <b>Powell's</b> [3] - 350:11, 350:25, 358:19 <b>power</b> [2] - 378:1, 380:11 <b>Power</b> [1] - 299:18 <b>Power's</b> [4] - 289:11,</p>	<p>342:1, 345:22, 391:22 <b>practical</b> [5] - 347:21, 347:25, 348:10, 422:5, 422:8 <b>practice</b> [1] - 313:20 <b>practices</b> [1] - 333:24 <b>pre</b> [1] - 422:19 <b>pre-decide</b> [1] - 422:19 <b>precedent</b> [1] - 315:19 <b>precise</b> [3] - 303:9, 348:17, 361:2 <b>precisely</b> [2] - 305:11, 427:4 <b>precision</b> [1] - 348:2 <b>predict</b> [1] - 348:2 <b>preferable</b> [1] - 298:7 <b>preference</b> [1] - 313:3 <b>Prefiled</b> [1] - 403:7 <b>prefiled</b> [9] - 276:2, 276:25, 307:20, 322:11, 337:3, 338:1, 373:5, 373:9, 387:20 <b>prepare</b> [2] - 304:5, 321:24 <b>prepared</b> [6] - 276:2, 279:19, 290:8, 291:5, 308:6, 338:13 <b>prerogative</b> [1] - 305:22 <b>present</b> [5] - 295:22, 350:7, 350:10, 374:25, 416:23 <b>presented</b> [2] - 309:17, 324:11 <b>press</b> [1] - 421:6 <b>pressure</b> [1] - 364:6 <b>presumption</b> [1] - 293:17 <b>pretty</b> [11] - 279:11, 281:13, 284:17, 290:15, 292:23, 306:7, 342:13, 377:19, 397:14, 418:12 <b>previous</b> [4] - 281:20, 293:22, 294:1, 348:16 <b>previously</b> [1] - 302:25 <b>price</b> [49] - 280:14, 283:6, 284:10, 284:11, 287:3, 287:7, 287:11, 297:5, 297:24, 298:6, 298:8, 298:10, 301:17, 303:22, 305:3, 305:4,</p>	<p>305:8, 305:13, 324:22, 326:14, 326:16, 327:15, 327:17, 338:18, 339:24, 342:11, 356:19, 360:3, 363:20, 375:11, 376:15, 377:2, 378:2, 378:16, 379:4, 379:5, 382:8, 382:23, 383:3, 384:17, 385:5, 386:17, 387:2, 387:8, 394:4, 414:25, 415:5, 419:7, 423:8 <b>prices</b> [17] - 298:10, 301:21, 357:10, 376:1, 382:4, 382:21, 383:24, 394:14, 394:22, 394:23, 395:1, 395:5, 395:9, 395:18, 425:22, 426:4, 427:21 <b>pricing</b> [7] - 380:9, 382:1, 394:8, 394:12, 394:24, 396:13, 396:21 <b>primarily</b> [1] - 347:3 <b>primary</b> [4] - 323:5, 346:18, 392:24, 392:25 <b>principle</b> [4] - 329:8, 342:7, 342:8, 342:9 <b>principles</b> [3] - 290:2, 290:13, 291:2 <b>printed</b> [1] - 388:11 <b>pro</b> [1] - 354:8 <b>problem</b> [1] - 293:24 <b>procedure</b> [1] - 410:23 <b>proceed</b> [1] - 375:2 <b>proceeding</b> [7] - 275:9, 307:3, 326:5, 336:6, 337:1, 392:21, 409:23 <b>proceedings</b> [1] - 386:4 <b>process</b> [4] - 286:20, 411:6, 411:7, 411:10 <b>Proctor</b> [29] - 275:13, 277:14, 302:20, 310:25, 320:12, 322:25, 328:18, 332:25, 335:23, 343:1, 346:8, 347:25, 351:13, 351:16, 355:17, 356:7, 365:25, 366:14, 370:4, 373:15, 398:13, 401:7, 401:9, 404:23, 412:11, 412:23, 413:7, 414:5, 430:1</p>
--	---	--	---	---

<p><b>PROCTOR</b> [49] - 275:14, 275:19, 277:3, 287:24, 288:6, 296:7, 302:21, 302:23, 305:19, 306:16, 311:1, 320:4, 320:7, 320:10, 320:17, 322:14, 328:19, 333:1, 333:6, 333:13, 334:23, 335:12, 335:20, 343:2, 343:4, 347:23, 355:14, 367:15, 368:5, 369:3, 369:9, 369:22, 370:10, 370:12, 373:14, 373:16, 374:1, 374:9, 398:14, 398:17, 401:2, 401:6, 401:8, 404:22, 412:10, 412:12, 414:4, 429:25, 430:2</p> <p><b>Proctor's</b> [2] - 359:16, 429:4</p> <p><b>produce</b> [5] - 356:14, 358:4, 358:10, 359:4, 380:3</p> <p><b>produced</b> [1] - 402:25</p> <p><b>Professionally</b> [1] - 430:2</p> <p><b>professor</b> [1] - 371:13</p> <p><b>profits</b> [1] - 382:11</p> <p><b>Program</b> [1] - 321:3</p> <p><b>program</b> [6] - 306:8, 326:4, 347:12, 347:19, 422:14, 423:15</p> <p><b>programs</b> [10] - 289:3, 324:17, 340:5, 342:16, 342:17, 386:13, 386:14, 386:19, 387:3, 387:6</p> <p><b>progress</b> [1] - 284:20</p> <p><b>projected</b> [2] - 357:9, 359:2</p> <p><b>projection</b> [2] - 402:23, 402:24</p> <p><b>projections</b> [1] - 413:22</p> <p><b>promote</b> [2] - 327:15, 361:25</p> <p><b>promoted</b> [1] - 324:16</p> <p><b>proper</b> [1] - 359:24</p> <p><b>properly</b> [1] - 356:19</p> <p><b>proponent</b> [1] - 284:17</p> <p><b>proponents</b> [1] -</p>	<p>314:7</p> <p><b>proposal</b> [97] - 277:21, 277:23, 278:1, 278:5, 278:11, 278:15, 278:16, 278:20, 280:10, 280:13, 281:6, 281:17, 282:4, 282:10, 283:1, 283:7, 283:25, 284:1, 284:4, 284:9, 285:6, 285:12, 286:15, 286:18, 287:16, 290:12, 291:21, 292:9, 292:13, 292:14, 293:14, 302:11, 302:13, 304:7, 304:14, 304:15, 304:24, 308:21, 309:17, 309:18, 309:20, 310:4, 310:7, 310:11, 315:10, 323:16, 323:21, 324:4, 324:12, 324:20, 325:4, 325:14, 326:3, 326:7, 326:11, 326:20, 327:3, 328:3, 329:20, 338:21, 340:3, 340:4, 340:15, 341:8, 352:12, 352:24, 353:2, 353:18, 353:21, 354:14, 355:10, 358:15, 359:12, 359:13, 376:23, 379:9, 379:12, 399:17, 407:23, 408:8, 408:14, 408:24, 409:9, 409:15, 410:18, 411:11, 412:3, 416:2, 417:19, 418:2, 418:6, 419:3, 425:1</p> <p><b>proposals</b> [6] - 277:19, 280:2, 310:14, 319:4, 361:4, 408:9</p> <p><b>propose</b> [5] - 279:7, 367:23, 377:2, 399:13, 399:16</p> <p><b>proposed</b> [21] - 280:4, 285:22, 291:10, 291:14, 300:10, 303:17, 308:10, 308:18, 323:15, 323:24, 324:15, 340:2, 342:1, 354:13, 355:10, 394:3, 398:19, 398:22, 405:2, 414:14, 417:24</p>	<p><b>proposing</b> [10] - 290:17, 290:18, 328:1, 333:20, 355:9, 360:19, 364:15, 376:24, 377:5, 397:20</p> <p><b>protect</b> [1] - 287:1</p> <p><b>protects</b> [1] - 326:9</p> <p><b>provide</b> [15] - 277:17, 289:9, 294:3, 321:7, 323:3, 338:16, 339:18, 376:6, 381:9, 386:13, 387:5, 388:10, 400:24, 403:24, 416:7</p> <p><b>provided</b> [7] - 304:22, 315:23, 380:17, 388:24, 390:17, 409:11, 412:19</p> <p><b>provides</b> [2] - 288:25, 414:19</p> <p><b>providing</b> [6] - 282:25, 369:10, 369:19, 395:17, 395:25, 424:15</p> <p><b>prudent</b> [1] - 390:5</p> <p><b>public</b> [8] - 291:25, 292:5, 293:7, 293:9, 293:18, 362:17, 363:6, 368:22</p> <p><b>Public</b> [3] - 381:19, 403:20, 404:5</p> <p><b>Public Service Commission</b> [1] - 323:20</p> <p><b>pulled</b> [1] - 295:19</p> <p><b>purchase</b> [3] - 333:25, 347:1, 380:11</p> <p><b>purchases</b> [1] - 334:4</p> <p><b>purported</b> [1] - 327:2</p> <p><b>purpose</b> [6] - 303:22, 304:10, 339:17, 346:4, 346:18, 400:3</p> <p><b>purposes</b> [6] - 308:13, 419:14, 419:15, 420:3, 428:15, 429:22</p> <p><b>pursue</b> [1] - 399:22</p> <p><b>purview</b> [1] - 363:1</p> <p><b>push</b> [1] - 306:10</p> <p><b>pushed</b> [1] - 290:16</p> <p><b>pushes</b> [1] - 342:19</p> <p><b>put</b> [12] - 284:21, 285:4, 285:7, 285:22, 286:1, 287:4, 295:25, 296:1, 325:22, 343:13, 370:7, 389:22</p> <p><b>putting</b> [6] - 281:3, 284:7, 301:8, 377:23, 411:14, 427:2</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>qualify</b> [2] - 285:10, 285:11</p> <p><b>quantified</b> [1] - 357:9</p> <p><b>quantity</b> [7] - 334:5, 382:22, 382:24, 383:4, 384:24, 385:2, 385:4</p> <p><b>Questar</b> [1] - 319:12</p> <p><b>Questar Gas Company</b> [1] - 309:23</p> <p><b>Questar's</b> [1] - 318:16</p> <p><b>questions</b> [40] - 276:25, 282:15, 282:17, 296:9, 296:19, 298:14, 298:17, 300:13, 301:13, 303:21, 310:19, 310:24, 316:6, 316:19, 317:20, 322:11, 327:6, 328:18, 330:3, 330:6, 330:24, 332:21, 338:1, 340:21, 342:23, 342:25, 355:18, 362:1, 365:1, 373:4, 387:18, 398:7, 398:10, 412:24, 418:21, 418:22, 418:25, 427:10, 429:16, 429:23</p> <p><b>quick</b> [2] - 316:19, 348:20</p> <p><b>quickly</b> [3] - 303:10, 398:25, 415:19</p> <p><b>quite</b> [4] - 292:15, 344:4, 364:19, 375:20</p> <p><b>quo</b> [1] - 293:18</p> <p><b>quoted</b> [1] - 387:19</p> <p style="text-align: center;"><b>R</b></p> <p><b>rachet</b> [2] - 291:14, 291:17</p> <p><b>racheted</b> [1] - 355:7</p> <p><b>racheting</b> [1] - 344:1</p> <p><b>radical</b> [1] - 420:20</p> <p><b>raise</b> [7] - 278:7, 367:15, 378:25, 382:21, 383:3, 413:7, 429:3</p> <p><b>raised</b> [1] - 350:17</p> <p><b>raises</b> [2] - 278:6, 279:3</p> <p><b>raising</b> [1] - 280:12</p> <p><b>RAND</b> [1] - 361:14</p> <p><b>range</b> [15] - 277:20,</p>	<p>327:21, 339:11, 344:1, 344:5, 344:12, 344:24, 345:6, 348:19, 355:13, 356:6, 358:13, 395:19, 416:6, 420:22</p> <p><b>ranges</b> [4] - 343:23, 344:8, 344:15, 345:9</p> <p><b>rapidly</b> [1] - 367:21</p> <p><b>rarely</b> [1] - 331:15</p> <p><b>rata</b> [1] - 354:8</p> <p><b>Rate</b> [1] - 411:22</p> <p><b>rate</b> [82] - 278:18, 278:21, 278:23, 278:24, 281:5, 281:16, 281:18, 281:19, 281:23, 282:7, 282:11, 284:25, 287:6, 290:6, 290:7, 290:16, 290:18, 290:24, 292:17, 292:19, 296:2, 301:1, 301:2, 302:16, 305:24, 308:17, 308:21, 309:6, 311:21, 313:23, 313:24, 317:21, 318:18, 318:21, 321:11, 321:16, 324:7, 326:1, 326:14, 334:8, 348:9, 350:3, 352:7, 355:7, 355:8, 356:8, 365:19, 375:8, 376:23, 377:5, 377:6, 377:8, 377:10, 377:12, 378:19, 378:23, 378:24, 378:25, 379:19, 382:15, 384:7, 384:8, 384:10, 384:16, 384:20, 384:21, 386:20, 387:4, 394:3, 407:7, 417:1, 417:2, 417:11, 421:1, 423:16, 425:2, 425:19</p> <p><b>rate case</b> [9] - 275:6, 276:2, 279:24, 281:9, 282:2, 313:1, 313:15, 323:18, 340:17</p> <p><b>rate design</b> [50] - 275:4, 276:1, 277:18, 278:14, 278:15, 278:16, 279:17, 280:2, 282:1, 282:25, 283:7, 283:24, 284:4, 286:18, 289:19, 290:12, 291:25, 292:6, 293:6, 293:9, 293:13, 302:11, 304:1, 304:11, 308:9, 308:14, 310:9, 321:23, 323:7, 323:9,</p>
---	--	--	--	---

<p>325:4, 326:21, 338:17, 341:8, 342:7, 342:17, 356:21, 366:2, 366:6, 375:11, 375:17, 378:18, 386:6, 391:22, 396:24, 397:25, 398:3, 411:11, 417:24, 418:8</p> <p><b>rate increase</b> [1] - 304:9</p> <p><b>ratemaking</b> [6] - 278:17, 304:1, 311:12, 311:16, 312:1, 410:23</p> <p><b>rates</b> [66] - 277:25, 278:4, 278:10, 280:5, 280:6, 280:15, 280:22, 282:12, 283:3, 285:17, 287:9, 289:8, 289:15, 289:16, 289:18, 291:1, 300:16, 305:14, 305:15, 305:17, 308:17, 308:19, 309:12, 311:17, 312:3, 312:5, 312:13, 312:15, 312:17, 312:23, 313:16, 318:3, 318:25, 323:12, 325:13, 326:19, 340:2, 340:6, 342:19, 356:9, 356:12, 366:12, 375:15, 379:21, 379:24, 380:9, 381:22, 381:23, 384:16, 384:24, 385:2, 385:8, 385:14, 386:6, 386:16, 386:23, 410:8, 420:18, 423:8, 423:12, 423:19, 424:20, 425:13, 425:14, 426:3</p> <p><b>rather</b> [6] - 355:10, 360:1, 361:18, 367:4, 376:8, 412:24</p> <p><b>Rather</b> [1] - 413:10</p> <p><b>rationale</b> [1] - 309:5</p> <p><b>RD-1.0</b> [1] - 307:21</p> <p><b>RD-1.0-R</b> [1] - 307:23</p> <p><b>RD-1.0-SR</b> [1] - 307:24</p> <p><b>re</b> [1] - 404:6</p> <p><b>reach</b> [3] - 315:21, 390:22, 404:4</p> <p><b>react</b> [2] - 335:17, 356:2</p> <p><b>reaction</b> [4] - 358:15, 360:20, 360:21, 361:3</p>	<p><b>read</b> [5] - 276:19, 288:2, 341:19, 364:5, 421:6</p> <p><b>readily</b> [1] - 374:5</p> <p><b>real</b> [1] - 326:24</p> <p><b>realize</b> [1] - 420:17</p> <p><b>really</b> [20] - 284:24, 295:15, 295:20, 296:4, 302:1, 334:2, 348:16, 362:23, 383:2, 383:10, 390:25, 398:24, 410:15, 417:2, 420:20, 422:5, 423:13, 423:17, 425:20, 429:8</p> <p><b>realtime</b> [1] - 423:7</p> <p><b>reason</b> [19] - 286:25, 287:4, 291:3, 294:12, 296:21, 302:10, 304:4, 310:5, 328:1, 376:2, 377:13, 377:14, 379:2, 385:24, 391:16, 392:19, 392:25, 394:2, 396:19</p> <p><b>reasonable</b> [3] - 343:19, 361:3, 365:6</p> <p><b>reasons</b> [15] - 315:23, 315:24, 349:25, 363:17, 378:3, 379:12, 394:3, 394:20, 399:21, 405:1, 406:4, 420:6, 420:14, 422:15, 423:18</p> <p><b>Rebuttal</b> [1] - 322:2</p> <p><b>rebuttal</b> [25] - 276:6, 277:7, 279:25, 291:8, 302:15, 307:23, 308:16, 309:13, 311:11, 316:10, 321:25, 322:3, 322:7, 322:15, 322:18, 323:13, 329:3, 337:3, 338:10, 372:18, 373:13, 383:15, 414:12, 414:13</p> <p><b>recalculate</b> [1] - 354:18</p> <p><b>receive</b> [5] - 406:17, 407:1, 416:2, 417:21, 418:7</p> <p><b>received</b> [9] - 287:20, 319:1, 388:12, 389:12, 400:15, 403:3, 405:21, 412:25</p> <p><b>receiving</b> [1] - 301:17</p> <p><b>recent</b> [5] - 275:5, 350:3, 364:5, 397:14,</p>	<p>419:13</p> <p><b>recently</b> [1] - 372:1</p> <p><b>recess</b> [3] - 336:4, 366:25, 368:7</p> <p><b>recognition</b> [1] - 343:12</p> <p><b>recognize</b> [1] - 415:19</p> <p><b>recognizes</b> [1] - 325:14</p> <p><b>recognizing</b> [1] - 287:10</p> <p><b>recommend</b> [13] - 310:8, 323:20, 338:24, 340:13, 349:3, 354:7, 366:15, 366:17, 366:20, 375:10, 385:25, 395:6, 423:25</p> <p><b>recommendation</b> [3] - 279:20, 290:9, 300:15</p> <p><b>recommendations</b> [1] - 308:12</p> <p><b>recommended</b> [4] - 279:18, 323:8, 323:13, 427:6</p> <p><b>recommending</b> [4] - 290:8, 375:3, 377:10, 379:3</p> <p><b>recommends</b> [1] - 379:9</p> <p><b>record</b> [21] - 275:3, 285:5, 296:9, 296:10, 296:12, 333:11, 336:20, 341:7, 341:12, 368:9, 371:6, 373:10, 373:21, 374:4, 381:14, 391:8, 391:14, 398:1, 412:19, 413:9, 414:2</p> <p><b>recover</b> [7] - 343:10, 344:3, 349:24, 353:23, 385:23, 386:10, 387:10</p> <p><b>recovered</b> [1] - 353:19</p> <p><b>recovering</b> [2] - 280:20, 334:11</p> <p><b>recovery</b> [13] - 287:2, 313:5, 338:24, 340:5, 350:5, 352:16, 353:13, 354:7, 354:22, 375:18, 386:21, 408:11, 410:16</p> <p><b>Redirect</b> [1] - 302:20</p> <p><b>redirect</b> [7] - 306:14, 319:19, 332:22, 333:2, 357:11, 364:25, 427:9</p>	<p><b>REDIRECT EXAMINATION</b> [3] - 302:22, 365:3, 427:12</p> <p><b>REDIRECT/CROSS</b> [1] - 333:12</p> <p><b>redlined</b> [3] - 374:4, 374:8, 374:11</p> <p><b>reduce</b> [9] - 297:19, 324:19, 333:25, 340:9, 375:7, 408:16, 414:20, 414:21, 416:3</p> <p><b>reduced</b> [3] - 319:12, 424:13, 428:14</p> <p><b>reduces</b> [4] - 309:7, 309:24, 340:4, 408:19</p> <p><b>reducing</b> [5] - 334:16, 346:22, 348:18, 417:15, 417:25</p> <p><b>reduction</b> [9] - 297:23, 309:8, 324:8, 359:11, 375:24, 408:19, 417:17, 417:20, 418:7</p> <p><b>reductions</b> [1] - 339:19</p> <p><b>refer</b> [4] - 368:23, 409:12, 416:21, 417:23</p> <p><b>reference</b> [10] - 357:1, 357:2, 364:12, 369:16, 369:25, 370:5, 383:15, 400:2, 403:17, 412:7</p> <p><b>referenced</b> [2] - 387:21, 412:1</p> <p><b>references</b> [1] - 369:11</p> <p><b>referencing</b> [1] - 411:18</p> <p><b>referring</b> [7] - 291:7, 291:9, 351:13, 366:17, 417:1, 417:2, 417:22</p> <p><b>reflect</b> [3] - 325:5, 351:24, 394:14</p> <p><b>reflected</b> [3] - 309:9, 319:13, 401:20</p> <p><b>reflective</b> [3] - 392:8, 392:13, 404:6</p> <p><b>reflects</b> [1] - 396:5</p> <p><b>refuse</b> [1] - 333:7</p> <p><b>regard</b> [1] - 429:6</p> <p><b>regarding</b> [5] - 296:17, 309:14, 326:25, 342:12, 429:23</p> <p><b>regardless</b> [1] - 363:7</p> <p><b>regime</b> [1] - 324:1</p> <p><b>region</b> [1] - 402:3</p>	<p><b>regular</b> [3] - 328:9, 347:8, 347:13</p> <p><b>regulated</b> [1] - 395:1</p> <p><b>regulatory</b> [3] - 324:1, 325:2, 394:25</p> <p><b>regulatory lag</b> [1] - 313:19</p> <p><b>reiterated</b> [1] - 309:11</p> <p><b>reject</b> [2] - 323:14, 323:20</p> <p><b>rejection</b> [1] - 310:5</p> <p><b>related</b> [6] - 292:10, 299:6, 299:14, 299:23, 324:3, 324:14</p> <p><b>relationship</b> [1] - 382:23</p> <p><b>relative</b> [3] - 324:22, 331:7, 331:9</p> <p><b>relatively</b> [6] - 280:15, 326:16, 331:5, 343:17, 356:15, 404:10</p> <p><b>relevant</b> [1] - 380:13</p> <p><b>relies</b> [1] - 299:15</p> <p><b>rely</b> [1] - 290:5</p> <p><b>relying</b> [3] - 289:16, 347:3, 419:25</p> <p><b>remain</b> [7] - 277:1, 322:12, 326:6, 369:17, 373:21, 413:9, 414:1</p> <p><b>remainder</b> [1] - 314:13</p> <p><b>remaining</b> [3] - 325:10, 325:12, 429:2</p> <p><b>remedy</b> [2] - 312:25, 313:13</p> <p><b>remember</b> [3] - 362:24, 401:19, 421:9</p> <p><b>repeat</b> [2] - 297:12, 392:11</p> <p><b>repeated</b> [1] - 335:7</p> <p><b>replace</b> [1] - 418:10</p> <p><b>report</b> [2] - 288:5, 288:15</p> <p><b>REPORTER</b> [2] - 337:21, 419:10</p> <p><b>reporter</b> [2] - 336:2, 393:16</p> <p><b>reporter's</b> [1] - 337:24</p> <p><b>represent</b> [8] - 300:4, 300:6, 308:1, 330:15, 351:4, 351:21, 390:24, 402:8</p> <p><b>Representative</b> [1] - 406:12</p> <p><b>representatives</b> [1] - 400:4</p> <p><b>represented</b> [1] -</p>
---	---	---	---	---

<p>390:8  <b>representing</b> [1] - 307:17  <b>represents</b> [2] - 325:7, 396:20  <b>request</b> [7] - 368:1, 387:23, 388:4, 401:12, 401:15, 402:19, 429:4  <b>requested</b> [3] - 291:4, 380:16, 402:1  <b>requesting</b> [2] - 291:3, 377:7  <b>requests</b> [1] - 401:18  <b>requi</b> [1] - 289:10  <b>require</b> [2] - 304:5, 423:22  <b>required</b> [1] - 296:4  <b>requirement</b> [5] - 321:16, 324:5, 341:16, 385:4, 411:13  <b>requirements</b> [1] - 312:10  <b>requires</b> [1] - 294:25  <b>requiring</b> [2] - 377:24, 377:25  <b>research</b> [1] - 377:16  <b>resembles</b> [1] - 325:25  <b>reset</b> [1] - 313:16  <b>resident</b> [1] - 365:7  <b>Residential</b> [1] - 400:5  <b>residential</b> [38] - 277:21, 278:14, 280:7, 280:21, 285:18, 291:25, 292:6, 299:20, 304:21, 308:24, 309:6, 313:10, 314:21, 315:3, 317:4, 317:13, 317:19, 319:5, 323:7, 324:22, 326:13, 326:15, 338:18, 339:1, 341:16, 343:11, 345:22, 365:7, 365:10, 365:11, 375:6, 387:11, 401:23, 403:21, 409:2, 409:3, 410:8, 410:11  <b>resist</b> [1] - 311:4  <b>resources</b> [4] - 346:23, 360:18, 393:24, 395:10  <b>respect</b> [6] - 287:25, 288:6, 288:8, 306:6, 369:11, 374:15  <b>respectively</b> [1] - 337:6</p>	<p><b>respond</b> [5] - 299:6, 347:4, 348:22, 369:5, 383:9  <b>responded</b> [5] - 280:23, 281:6, 282:5, 309:13, 369:17  <b>responding</b> [1] - 310:13  <b>responds</b> [1] - 280:9  <b>response</b> [39] - 296:5, 296:18, 296:23, 301:14, 301:16, 301:20, 302:14, 317:10, 317:12, 332:20, 347:17, 350:19, 350:20, 350:21, 356:10, 357:9, 357:10, 357:22, 358:6, 359:16, 359:25, 360:15, 365:5, 382:16, 382:18, 383:6, 383:8, 383:14, 383:25, 384:11, 384:12, 384:25, 385:7, 387:23, 388:4, 389:8, 391:3, 401:11, 426:7  <b>responses</b> [1] - 384:23  <b>responsibilities</b> [1] - 405:8  <b>responsive</b> [1] - 279:21  <b>rest</b> [2] - 292:17, 336:2  <b>restate</b> [1] - 334:12  <b>restricted</b> [1] - 329:16  <b>result</b> [7] - 287:10, 294:10, 311:20, 313:23, 317:6, 318:3, 339:20  <b>results</b> [3] - 280:15, 356:15, 424:1  <b>resume</b> [1] - 307:21  <b>retains</b> [1] - 278:20  <b>return</b> [5] - 309:9, 321:16, 324:7, 411:3  <b>rev</b> [1] - 286:10  <b>Revenue</b> [1] - 324:15  <b>revenue</b> [35] - 277:22, 277:24, 278:2, 278:10, 278:22, 279:2, 280:11, 280:25, 281:4, 282:11, 284:7, 286:7, 286:11, 287:13, 292:18, 293:22, 293:25, 312:10, 313:7, 314:9, 321:15, 323:21,</p>	<p>323:22, 324:5, 324:21, 326:10, 338:25, 340:5, 341:16, 375:18, 385:3, 399:25, 408:17, 408:18, 411:12  <b>revenues</b> [6] - 281:18, 281:23, 324:19, 378:21, 382:10, 410:15  <b>review</b> [2] - 329:12, 389:20  <b>reviewed</b> [3] - 287:20, 301:19, 306:6  <b>revisit</b> [1] - 326:3  <b>revisiting</b> [1] - 356:8  <b>reward</b> [1] - 288:12  <b>Richard Collins</b> [1] - 403:8  <b>Richard S. Collins</b> [2] - 370:23, 371:7  <b>right-hand</b> [1] - 403:2  <b>rise</b> [1] - 425:22  <b>rising</b> [1] - 375:25  <b>risk</b> [12] - 280:20, 280:24, 309:8, 309:25, 319:12, 324:8, 407:24, 408:11, 408:19, 409:16, 410:24  <b>risks</b> [1] - 411:1  <b>RMP's</b> [2] - 309:7, 340:17  <b>RMP-Cross-1</b> [2] - 391:25, 398:5  <b>RMP-Cross-2</b> [1] - 397:2  <b>road</b> [1] - 429:22  <b>Rocky Mountain</b> [4] - 289:11, 342:1, 345:21, 391:21  <b>Rocky Mountain Power</b> [8] - 275:5, 287:21, 326:6, 326:17, 396:24, 397:25, 398:3, 401:13  <b>ROE</b> [11] - 309:19, 309:22, 310:1, 310:3, 310:13, 319:13, 407:25, 408:11, 408:21, 409:20, 411:13  <b>role</b> [8] - 304:1, 304:3, 305:6, 321:3, 379:21, 382:14, 384:6, 384:22  <b>roles</b> [1] - 386:7  <b>room</b> [4] - 341:5, 357:7, 382:11, 393:11</p>	<p><b>roughly</b> [7] - 284:8, 350:16, 357:18, 358:6, 358:10, 378:21, 416:24  <b>rule</b> [2] - 316:24, 386:7  <b>run</b> [9] - 379:22, 379:23, 379:25, 380:1, 380:10, 383:21, 384:2  <b>rush</b> [1] - 326:25</p> <p style="text-align: center;"><b>S</b></p> <p><b>sac</b> [1] - 421:16  <b>sake</b> [1] - 374:13  <b>sales</b> [2] - 324:19, 409:1  <b>Salt Lake</b> [6] - 309:16, 321:6, 321:25, 322:2, 322:14, 352:12  <b>Salt Lake City</b> [1] - 371:9  <b>Salt Lake Community Action Program</b> [5] - 320:21, 321:2, 321:4, 323:4, 323:19  <b>satisfactory</b> [1] - 306:22  <b>satisfy</b> [1] - 370:8  <b>Saturday</b> [1] - 428:12  <b>save</b> [2] - 331:25, 348:20  <b>saved</b> [1] - 368:10  <b>saving</b> [2] - 359:18, 376:16  <b>savings</b> [9] - 358:13, 359:2, 359:23, 360:25, 361:2, 365:21, 417:5, 417:21, 418:1  <b>scale</b> [4] - 343:5, 343:6, 343:22, 344:20  <b>scales</b> [1] - 343:8  <b>Schedule</b> [3] - 396:8, 396:20, 427:16  <b>schedule</b> [3] - 351:19, 396:4, 423:16  <b>scheduled</b> [1] - 367:8  <b>Schedules</b> [1] - 308:10  <b>schedules</b> [2] - 308:13, 308:22  <b>SCHMID</b> [14] - 277:9, 282:19, 282:21, 283:9, 310:24, 322:20, 327:9,</p>	<p>327:11, 328:17, 334:20, 342:25, 398:11, 412:18, 428:9  <b>Schmid</b> [7] - 282:17, 283:10, 310:23, 327:8, 342:24, 398:10, 413:2  <b>Schmid's</b> [1] - 413:4  <b>screen</b> [1] - 349:2  <b>season</b> [2] - 380:8  <b>seat</b> [1] - 275:8  <b>seated</b> [3] - 307:6, 336:9, 370:15  <b>second</b> [17] - 278:22, 282:11, 290:19, 301:9, 301:10, 302:17, 314:14, 323:11, 325:13, 375:18, 378:18, 386:17, 388:21, 388:22, 388:23, 401:18, 422:4  <b>Second</b> [1] - 281:2  <b>Section</b> [1] - 368:24  <b>See</b> [1] - 389:1  <b>see</b> [40] - 276:16, 291:11, 292:1, 292:2, 295:1, 295:2, 297:5, 297:9, 314:11, 317:23, 327:16, 329:9, 347:14, 348:9, 353:24, 360:20, 362:16, 366:5, 366:8, 382:12, 382:21, 386:14, 392:15, 397:7, 397:18, 397:21, 399:25, 400:9, 402:1, 404:20, 405:4, 408:1, 409:23, 415:23, 419:2, 419:22, 420:19, 423:25, 424:4, 424:6  <b>seeing</b> [1] - 297:24  <b>Seeing</b> [1] - 322:21  <b>seek</b> [1] - 410:25  <b>selected</b> [2] - 344:8, 344:20  <b>selection</b> [2] - 344:14, 389:3  <b>sell</b> [3] - 385:22, 386:9, 386:12  <b>sells</b> [1] - 385:7  <b>send</b> [17] - 280:14, 287:3, 287:7, 305:13, 327:14, 375:11, 376:15, 377:2, 378:2, 379:3, 380:9, 384:17, 386:17, 387:2, 387:8, 394:4, 415:5  <b>sending</b> [5] - 284:9, 298:11, 364:7,</p>
---	--	--	---	--

<p>378:15, 419:6 <b>sends</b> [1] - 327:17 <b>senior</b> [1] - 336:24 <b>sense</b> [4] - 340:8, 380:4, 394:10, 394:11 <b>sensitive</b> [4] - 317:9, 317:21, 318:9, 318:13 <b>sensitivity</b> [1] - 318:7 <b>sentence</b> [1] - 293:22 <b>separate</b> [2] - 339:4, 339:19 <b>separated</b> [1] - 427:4 <b>September</b> [1] - 345:21 <b>serious</b> [1] - 413:25 <b>serve</b> [1] - 386:7 <b>served</b> [1] - 419:4 <b>service</b> [13] - 278:7, 278:8, 284:18, 286:21, 286:24, 292:11, 299:8, 299:11, 321:17, 342:4, 376:6, 411:12, 424:18 <b>Service</b> [3] - 381:19, 403:20, 404:5 <b>service-type</b> [2] - 299:8, 299:11 <b>services</b> [1] - 321:7 <b>servicing</b> [1] - 379:15 <b>set</b> [11] - 301:20, 304:23, 312:9, 315:20, 332:13, 373:5, 388:20, 388:22, 394:24, 395:4, 401:18 <b>sets</b> [1] - 394:25 <b>setting</b> [5] - 356:21, 380:9, 381:23, 382:4, 384:7 <b>seven</b> [1] - 391:4 <b>several</b> [2] - 357:3, 359:19 <b>Severe</b> [1] - 367:19 <b>shame</b> [1] - 364:20 <b>shift</b> [3] - 281:18, 281:23, 363:1 <b>shifting</b> [1] - 334:9 <b>shiver</b> [1] - 376:14 <b>Short</b> [1] - 380:1 <b>short</b> [7] - 288:22, 336:1, 356:13, 362:9, 379:23, 380:1, 384:2 <b>short-run</b> [2] - 379:23, 380:1 <b>Short-run</b> [1] - 380:1 <b>shortage</b> [1] - 393:24 <b>shortcut</b> [1] - 352:5 <b>shortfall</b> [1] - 362:10</p>	<p><b>show</b> [1] - 420:13 <b>showed</b> [1] - 383:12 <b>showing</b> [2] - 280:5, 293:23 <b>shows</b> [4] - 287:22, 326:15, 342:1, 351:19 <b>shut</b> [1] - 422:12 <b>sic</b> [1] - 409:13 <b>side</b> [9] - 289:3, 317:18, 319:16, 324:17, 386:13, 386:14, 386:19, 387:3, 387:6 <b>signal</b> [28] - 280:14, 284:10, 284:11, 287:3, 287:7, 287:11, 297:6, 297:24, 298:7, 298:8, 301:17, 305:3, 305:5, 305:8, 327:15, 327:18, 338:19, 339:24, 360:12, 363:20, 364:18, 377:3, 378:2, 378:16, 379:4, 414:25, 415:5 <b>signals</b> [14] - 298:10, 303:22, 305:13, 342:11, 356:19, 375:12, 376:15, 384:17, 386:17, 387:2, 387:9, 394:4, 419:7, 423:8 <b>signed</b> [1] - 400:20 <b>significant</b> [12] - 280:4, 280:8, 288:18, 290:23, 297:25, 318:18, 324:9, 324:10, 342:13, 345:10, 360:1, 419:22 <b>significantly</b> [2] - 365:22, 416:14 <b>similar</b> [8] - 364:8, 364:17, 404:3, 404:6, 404:8, 404:9, 404:10, 404:14 <b>similarly</b> [1] - 418:5 <b>simply</b> [10] - 281:17, 286:12, 288:4, 334:6, 338:21, 359:3, 363:18, 369:19, 382:19, 406:20 <b>simultaneous</b> [1] - 309:10 <b>single</b> [5] - 311:12, 311:16, 312:1, 312:21, 382:21 <b>single-issue</b> [3] - 311:12, 311:16, 312:1 <b>singularly</b> [1] - 324:21 <b>sit</b> [1] - 332:12 <b>situation</b> [1] - 330:20</p>	<p><b>Six</b> [1] - 277:18 <b>six</b> [2] - 354:13, 354:23 <b>six-month</b> [1] - 354:13 <b>sixty</b> [1] - 407:18 <b>sixty-five</b> [1] - 407:18 <b>size</b> [1] - 407:4 <b>SLCAP</b> [1] - 322:1 <b>SLCAP-1.0</b> [1] - 322:23 <b>SLCAP-Rebuttal-1.</b> <b>0</b> [1] - 322:23 <b>slight</b> [1] - 301:1 <b>slightly</b> [4] - 304:17, 308:11, 378:25, 418:3 <b>small</b> [3] - 286:3, 318:23, 410:15 <b>smaller</b> [1] - 385:15 <b>smallest</b> [1] - 325:9 <b>smart</b> [1] - 424:5 <b>socially</b> [1] - 404:14 <b>socioeconomic</b> [1] - 404:10 <b>sold</b> [1] - 385:3 <b>solely</b> [1] - 326:9 <b>someplace</b> [1] - 413:23 <b>Sorry</b> [2] - 370:17, 419:11 <b>sorry</b> [11] - 330:20, 335:15, 339:13, 346:8, 346:17, 347:24, 352:4, 358:5, 359:20, 370:18, 374:6 <b>sort</b> [11] - 301:25, 302:7, 327:21, 328:4, 410:3, 410:25, 419:25, 420:19, 422:5, 422:13, 424:7 <b>sound</b> [1] - 393:9 <b>sounds</b> [1] - 393:21 <b>source</b> [4] - 387:22, 388:6, 401:10, 412:22 <b>sources</b> [1] - 404:12 <b>South</b> [1] - 371:8 <b>South Salt Lake</b> <b>City</b> [1] - 275:24 <b>Southeast</b> [1] - 421:21 <b>speaking</b> [1] - 427:20 <b>specific</b> [2] - 309:18, 383:4 <b>specifically</b> [2] - 319:9, 427:20 <b>Specifically</b> [3] - 341:22, 391:11, 427:16 <b>specify</b> [1] - 351:13</p>	<p><b>speed</b> [4] - 295:4, 295:7, 416:12, 416:14 <b>speeding</b> [3] - 416:11, 416:13, 416:15 <b>spell</b> [1] - 320:6 <b>spend</b> [2] - 335:14, 335:16 <b>spent</b> [1] - 404:18 <b>spirit</b> [1] - 325:17 <b>split</b> [1] - 286:1 <b>splits</b> [2] - 325:10, 325:12 <b>splitting</b> [2] - 278:2, 300:15 <b>spread</b> [7] - 292:14, 300:18, 334:18, 338:25, 353:19, 355:3, 385:3 <b>spreadsheet</b> [5] - 380:21, 381:3, 381:7, 390:16, 391:18 <b>spreadsheets</b> [1] - 380:20 <b>stability</b> [1] - 278:19 <b>staff</b> [2] - 405:22, 406:2 <b>stand</b> [2] - 279:22, 428:4 <b>standpoint</b> [2] - 298:5, 424:14 <b>stars</b> [1] - 421:3 <b>start</b> [5] - 351:16, 357:13, 358:5, 360:8, 367:4 <b>started</b> [3] - 286:19, 405:12, 422:3 <b>starting</b> [2] - 281:11, 343:25 <b>starts</b> [1] - 339:5 <b>State</b> [1] - 302:4 <b>state</b> [18] - 275:20, 307:12, 315:4, 320:5, 320:18, 336:19, 371:5, 371:11, 390:13, 390:14, 390:18, 394:25, 402:11, 403:18, 404:1, 405:18, 423:7 <b>statement</b> [3] - 296:22, 315:9, 315:11 <b>states</b> [2] - 318:2, 394:12 <b>statistically</b> [2] - 361:13, 383:11 <b>statistically-valid</b> [1] - 383:11 <b>status</b> [1] - 293:18 <b>statutes</b> [1] - 370:1 <b>statutory</b> [1] - 369:10</p>	<p><b>steady</b> [1] - 284:20 <b>steeply</b> [1] - 384:10 <b>steeply-inverted</b> [1] - 384:10 <b>step</b> [3] - 306:18, 319:22, 346:15 <b>steps</b> [1] - 360:17 <b>stick</b> [1] - 346:17 <b>still</b> [6] - 278:9, 291:17, 325:6, 361:22, 416:24 <b>stipulated</b> [2] - 282:1, 308:14 <b>stipulation</b> [1] - 300:25 <b>straight fixed</b> <b>variable</b> [2] - 325:25, 386:21 <b>strategies</b> [1] - 410:21 <b>Strategies</b> [1] - 307:16 <b>stricken</b> [2] - 276:19, 412:15 <b>strikes</b> [2] - 278:16, 421:10 <b>strong</b> [3] - 284:17, 339:24, 377:2 <b>stronger</b> [1] - 338:18 <b>strongly</b> [1] - 394:14 <b>structure</b> [9] - 290:6, 290:7, 290:24, 293:9, 298:11, 325:2, 408:23, 416:22, 417:1 <b>structures</b> [2] - 278:21, 394:13 <b>studied</b> [1] - 300:11 <b>studies</b> [14] - 289:15, 301:14, 301:19, 355:25, 356:11, 361:19, 361:22, 364:6, 383:17, 384:4, 390:24, 424:9, 424:10, 425:10 <b>Study</b> [3] - 388:22, 388:24, 389:15 <b>study</b> [38] - 279:15, 279:19, 279:23, 282:25, 283:7, 290:5, 290:22, 290:25, 291:5, 293:1, 304:6, 304:25, 319:16, 326:15, 342:4, 361:14, 380:16, 380:19, 383:11, 383:16, 387:19, 389:7, 389:20, 389:21, 389:22, 390:9, 391:1, 395:23, 403:19, 403:24, 411:25, 412:1, 412:7,</p>
---	--	---	---	--

<p>419:22, 419:24, 423:20, 425:20, 426:12 <b>Subject</b> [3] - 315:12, 417:18, 418:4 <b>subject</b> [10] - 315:14, 338:8, 357:14, 357:19, 358:1, 358:12, 359:11, 399:3, 417:14, 418:9 <b>submit</b> [1] - 391:14 <b>submitted</b> [3] - 277:19, 389:25, 390:11 <b>subsequent</b> [2] - 312:13, 312:16 <b>Subsequent</b> [1] - 312:14 <b>Substantially</b> [3] - 375:7, 408:16, 428:23 <b>substitute</b> [1] - 373:23 <b>sufficient</b> [3] - 324:10, 334:5, 334:14 <b>suggest</b> [3] - 293:5, 355:25, 362:11 <b>suggested</b> [6] - 300:13, 305:25, 306:19, 369:14, 423:11, 426:18 <b>suggesting</b> [3] - 299:24, 330:12, 353:22 <b>suggestion</b> [7] - 296:2, 301:3, 327:19, 357:2, 413:2, 413:5, 420:23 <b>suggests</b> [1] - 329:15 <b>summary</b> [20] - 277:15, 281:20, 282:12, 283:24, 289:18, 303:17, 308:6, 310:15, 323:1, 327:4, 338:14, 374:24, 386:5, 387:7, 387:11, 389:8, 389:14, 392:24, 395:4, 399:5 <b>summer</b> [23] - 278:3, 278:20, 278:21, 278:23, 278:24, 278:25, 281:16, 281:21, 282:7, 282:10, 292:17, 323:11, 325:13, 328:8, 328:13, 365:17, 366:12, 378:22, 425:2, 426:23, 427:21 <b>Summers</b> [1] - 404:19</p>	<p><b>summertime</b> [5] - 376:24, 377:4, 378:14, 404:9, 428:18 <b>super</b> [1] - 428:17 <b>support</b> [6] - 280:3, 282:25, 314:8, 315:9, 342:5, 375:9 <b>supported</b> [9] - 279:20, 284:24, 289:5, 290:10, 304:7, 309:21, 319:3, 342:2 <b>supporting</b> [2] - 340:3, 341:12 <b>supports</b> [2] - 326:7, 338:17 <b>suppose</b> [3] - 332:14, 332:17, 346:1 <b>supposedly</b> [1] - 391:18 <b>supposedly-</b> <b>interactive</b> [1] - 391:18 <b>surcharge</b> [58] - 285:8, 285:14, 285:16, 291:10, 291:11, 291:15, 294:2, 294:13, 294:17, 297:4, 329:17, 333:19, 334:8, 339:2, 339:3, 339:5, 339:8, 339:12, 339:17, 339:20, 340:1, 340:7, 341:12, 343:10, 343:13, 343:16, 345:13, 346:5, 346:19, 347:5, 347:15, 348:8, 349:10, 351:6, 351:20, 352:13, 352:17, 352:18, 353:5, 353:8, 353:16, 353:23, 354:3, 354:9, 354:16, 354:18, 355:12, 362:7, 362:12, 363:6, 363:18, 365:20, 366:11, 369:14, 414:15, 415:8, 417:10 <b>Surcharge</b> [1] - 354:4 <b>surcharges</b> [2] - 280:5, 280:6 <b>surrebuttal</b> [25] - 276:7, 276:9, 277:8, 280:9, 280:23, 307:24, 309:11, 314:4, 316:11, 329:13, 329:15, 337:4, 337:14, 338:11, 345:3, 346:3, 347:22, 349:4, 352:20, 352:23,</p>	<p>372:14, 372:19, 373:1, 407:14, 411:17 <b>Surrebuttal</b> [2] - 276:14, 347:23 <b>suspect</b> [3] - 406:9, 425:10, 425:11 <b>sustain</b> [1] - 296:13 <b>sweat</b> [1] - 376:14 <b>SWEEP</b> [19] - 280:2, 281:2, 282:3, 284:22, 302:14, 302:15, 303:11, 303:15, 371:16, 371:19, 374:19, 374:20, 374:21, 375:3, 376:12, 379:2, 392:25 <b>SWEEP's</b> [5] - 304:14, 304:15, 304:24, 393:3, 394:7 <b>SWEEP/UCE</b> [1] - 314:8 <b>switched</b> [1] - 325:23 <b>sworn</b> [14] - 275:9, 275:16, 307:1, 307:4, 307:8, 319:24, 320:1, 320:14, 336:6, 336:8, 336:13, 368:15, 370:14, 370:24 <b>system</b> [9] - 289:11, 289:12, 328:15, 365:16, 377:24, 378:10, 384:20, 400:6, 427:3 <b>systems</b> [1] - 376:18</p>	<p><b>talks</b> [1] - 389:2 <b>target</b> [1] - 325:21 <b>targeted</b> [2] - 361:12, 364:23 <b>tariff</b> [2] - 318:16, 422:6 <b>tax</b> [1] - 349:6 <b>Taylor</b> [13] - 295:23, 296:19, 299:7, 326:17, 330:11, 356:5, 357:16, 387:20, 390:15, 391:10, 392:3, 396:3, 429:19 <b>TAYLOR</b> [3] - 367:7, 367:12, 428:4 <b>Taylor's</b> [1] - 391:17 <b>techni</b> [1] - 426:5 <b>technological</b> [2] - 423:24, 424:18 <b>television</b> [1] - 332:13 <b>temperatures</b> [1] - 377:20 <b>tempered</b> [1] - 356:17 <b>ten</b> [1] - 336:2 <b>tend</b> [3] - 331:21, 355:25, 407:8 <b>Tends</b> [1] - 365:15 <b>term</b> [2] - 344:13, 380:9 <b>terms</b> [34] - 278:15, 279:1, 279:14, 279:22, 280:18, 283:2, 285:4, 285:14, 285:15, 285:16, 286:7, 286:18, 289:3, 290:17, 292:6, 292:11, 292:20, 293:12, 293:23, 293:24, 298:9, 301:20, 302:11, 303:3, 305:12, 305:13, 306:10, 306:11, 315:16, 317:22, 318:6, 333:16, 341:11, 365:11 <b>territory</b> [1] - 424:18 <b>test</b> [1] - 313:19 <b>test period</b> [1] - 357:17 <b>tested</b> [1] - 360:14 <b>testified</b> [8] - 275:17, 307:9, 320:15, 320:23, 336:14, 350:14, 370:25, 391:10 <b>testify</b> [1] - 396:3 <b>testifying</b> [2] -</p>	<p>295:23, 336:25 <b>testimony</b> [118] - 276:3, 276:5, 276:6, 276:7, 276:11, 276:22, 277:1, 277:4, 277:8, 277:15, 279:22, 279:23, 279:25, 280:1, 280:9, 281:21, 282:24, 283:6, 291:8, 291:13, 295:24, 298:2, 299:3, 300:23, 302:15, 307:20, 307:23, 307:24, 308:1, 308:2, 308:9, 308:16, 309:11, 309:14, 311:11, 313:6, 314:4, 316:7, 316:11, 321:18, 321:25, 322:1, 322:3, 322:6, 322:8, 322:12, 322:15, 322:19, 323:1, 323:4, 323:8, 323:13, 323:25, 329:2, 329:3, 329:13, 337:4, 337:12, 337:15, 338:2, 338:4, 338:11, 338:14, 341:20, 341:22, 343:9, 345:3, 350:8, 350:11, 350:22, 352:14, 353:22, 355:24, 357:15, 357:16, 358:19, 359:16, 371:18, 371:21, 372:1, 372:14, 372:18, 372:19, 372:25, 373:1, 373:5, 373:9, 373:12, 373:13, 373:17, 373:22, 374:15, 374:16, 374:24, 383:15, 387:20, 390:6, 390:11, 391:17, 392:7, 392:12, 398:18, 399:13, 399:16, 399:19, 404:24, 407:15, 409:11, 409:13, 409:14, 412:14, 414:12, 414:13, 420:5, 426:17 <b>Testimony</b> [1] - 403:7 <b>THE</b> [2] - 337:21, 419:10 <b>the court</b> [1] - 337:24 <b>The witness</b> [58] - 283:19, 283:22, 298:22, 299:1,</p>	
		<p style="text-align: center;"><b>T</b></p>			
		<p><b>T-o-w-n-s-e-n-d</b> [1] - 307:16 <b>tab</b> [7] - 388:18, 388:19, 388:21, 388:23, 389:1 <b>Table</b> [2] - 426:17 <b>table</b> [2] - 326:21, 351:24 <b>tables</b> [1] - 389:8 <b>tackling</b> [1] - 361:11 <b>tail</b> [29] - 280:4, 280:6, 281:5, 281:16, 281:18, 281:23, 284:25, 285:16, 289:14, 290:16, 290:18, 292:17, 296:3, 296:22, 301:1, 324:25, 326:8, 326:13, 334:8, 350:16, 357:17, 357:20, 357:21, 357:23, 358:8, 359:15, 359:17, 361:5</p>			



<p>299:13, 300:5, 300:22, 301:6, 301:18, 302:10, 306:3, 316:4, 317:2, 317:5, 317:11, 317:24, 318:4, 318:11, 318:17, 318:22, 319:11, 330:16, 331:4, 331:8, 332:18, 332:23, 335:3, 335:6, 335:9, 335:13, 337:22, 362:14, 362:18, 363:9, 363:22, 364:12, 364:15, 364:19, 366:24, 372:4, 372:12, 388:2, 396:12, 401:6, 413:12, 413:18, 419:19, 419:24, 421:13, 422:9, 423:2, 423:9, 423:13, 424:21, 425:8, 428:5, 428:8, 428:10 <b>theoretical</b> [2] - 380:4, 382:25 <b>theoretically</b> [2] - 353:8, 426:13 <b>theory</b> [3] - 346:23, 348:10, 382:17 <b>thereby</b> [1] - 384:19 <b>therefore</b> [6] - 333:20, 334:16, 350:21, 409:18, 415:1, 424:14 <b>Therefore</b> [1] - 394:24 <b>therein</b> [1] - 305:1 <b>they've</b> [1] - 318:24 <b>thinking</b> [4] - 305:12, 363:12, 363:13 <b>third</b> [24] - 278:23, 282:11, 292:16, 301:8, 302:17, 304:15, 304:16, 305:24, 323:11, 325:13, 357:17, 357:20, 357:21, 366:8, 377:6, 377:8, 377:14, 378:4, 398:19, 398:21, 399:6, 399:8, 427:20 <b>Third</b> [1] - 282:3 <b>thirty</b> [1] - 397:9 <b>Thirty</b> [1] - 410:10 <b>thirty-three</b> [1] - 397:9 <b>thorny</b> [1] - 425:20 <b>thorough</b> [1] - 429:7 <b>thoroughly</b> [1] - 288:3 <b>thousand</b> [14] -</p>	<p>339:13, 339:14, 343:17, 343:19, 344:14, 345:14, 351:5, 351:14, 353:6, 353:17, 366:1, 366:9, 397:9, 415:8 <b>thousand-kilowatt- hour</b> [1] - 366:1 <b>Three</b> [2] - 303:5, 352:4 <b>three</b> [11] - 281:11, 303:5, 307:21, 307:22, 325:7, 340:2, 360:8, 361:4, 364:2, 397:9, 421:16 <b>threshold</b> [2] - 297:5, 339:24 <b>thresholds</b> [3] - 365:21, 366:1, 366:3 <b>throughout</b> [3] - 328:9, 366:12, 366:13 <b>throw</b> [1] - 393:18 <b>Thursday</b> [1] - 367:25 <b>ticket</b> [4] - 295:10, 295:12, 416:13, 416:15 <b>tier</b> [19] - 340:2, 377:6, 378:4, 378:5, 381:16, 394:7, 394:12, 397:20, 398:19, 398:20, 398:21, 399:5, 399:6, 399:8, 414:20, 422:6, 426:21, 426:24 <b>tiered</b> [3] - 378:19, 378:23, 421:1 <b>tiers</b> [7] - 366:8, 366:9, 420:9, 420:16, 420:21, 426:19 <b>tight</b> [1] - 302:8 <b>time period</b> [2] - 427:23, 428:14 <b>time-of-use</b> [8] - 423:7, 423:12, 423:19, 423:22, 424:7, 424:11, 424:19 <b>timing</b> [3] - 324:3, 324:4, 421:5 <b>tinkering</b> [1] - 425:5 <b>tippling</b> [1] - 356:14 <b>titles</b> [1] - 402:2 <b>today</b> [9] - 275:7, 276:25, 307:17, 320:19, 322:10, 338:1, 342:12, 373:5, 373:10 <b>together</b> [1] - 277:8 <b>tomorrow</b> [1] - 370:5 <b>Tooele</b> [1] - 321:6 <b>took</b> [2] - 381:5,</p>	<p>383:18 <b>top</b> [3] - 401:16, 403:2, 409:10 <b>topic</b> [1] - 279:11 <b>total</b> [5] - 318:23, 351:10, 402:9, 417:4, 417:5 <b>Tour de France</b> [4] - 349:1, 366:15, 366:18, 366:19 <b>towards</b> [2] - 284:19, 377:12 <b>TOWNSEND</b> [1] - 307:2 <b>Townsend</b> [13] - 306:20, 306:25, 307:1, 307:4, 307:12, 307:19, 310:17, 310:18, 310:19, 311:9, 316:3, 316:19, 319:22 <b>Townsend's</b> [2] - 316:7, 316:10 <b>track</b> [3] - 405:23, 406:3, 406:7 <b>train</b> [1] - 393:19 <b>training</b> [1] - 425:9 <b>transmission</b> [3] - 314:19, 314:20, 408:15 <b>transparent</b> [2] - 363:19, 363:23 <b>tried</b> [2] - 380:2, 395:23 <b>trigger</b> [1] - 294:5 <b>trouble</b> [4] - 311:24, 367:13, 393:17, 419:10 <b>troubled</b> [3] - 325:20, 326:6, 411:10 <b>true</b> [6] - 318:1, 333:18, 333:23, 338:4, 341:25, 415:25 <b>truly</b> [1] - 379:11 <b>try</b> [6] - 283:22, 379:18, 393:15, 408:20, 411:8, 413:10 <b>trying</b> [15] - 305:13, 346:11, 346:12, 362:20, 364:20, 376:6, 379:6, 384:8, 391:7, 393:9, 410:7, 420:1, 422:19, 426:6 <b>turn</b> [15] - 275:13, 275:22, 283:19, 283:20, 291:8, 291:20, 314:3, 316:5, 329:2, 332:14, 375:10, 397:4, 404:23, 407:14, 411:16</p>	<p><b>turned</b> [1] - 331:24 <b>Turning</b> [1] - 294:1 <b>turns</b> [2] - 399:11, 425:20 <b>TV</b> [3] - 349:2, 366:16, 366:18 <b>two</b> [18] - 300:19, 301:5, 314:14, 321:24, 323:5, 323:13, 364:2, 375:14, 375:16, 377:12, 377:14, 378:19, 378:23, 380:20, 386:7, 398:25, 407:6, 414:17 <b>Two</b> [3] - 397:9, 427:17, 428:9 <b>two-tiered</b> [2] - 378:19, 378:23 <b>tying</b> [2] - 408:11, 410:16 <b>type</b> [2] - 299:8, 299:11 <b>typical</b> [2] - 366:2, 369:20 <b>typographical</b> [2] - 337:13, 337:14</p> <p style="text-align: center;"><b>U</b></p> <p><b>UAE</b> [7] - 307:18, 307:20, 307:22, 307:23, 309:23, 318:15, 319:3 <b>UAE's</b> [1] - 306:20 <b>UAE-RD-1.0</b> [1] - 316:14 <b>UAE-RD-1.0-R</b> [1] - 316:15 <b>UAE-RD-1.0-SR</b> [1] - 316:15 <b>UAE-RD-1.1</b> [1] - 316:14 <b>UCA</b> [1] - 306:20 <b>UCE</b> [6] - 280:2, 371:19, 375:3, 376:12, 379:2 <b>UCE-1.0</b> [1] - 374:19 <b>UCE-1.1</b> [1] - 374:20 <b>UCE-2.0</b> [1] - 374:20 <b>UCE-4.0</b> [1] - 374:21 <b>UCE-4.1</b> [1] - 374:21 <b>UE</b> [1] - 318:15 <b>un-responded</b> [1] - 369:17 <b>unable</b> [2] - 348:1, 383:11 <b>uncertainty</b> [1] - 361:23 <b>unchanged</b> [5] - 278:25, 281:22,</p>	<p>282:7, 292:20, 302:12 <b>Under</b> [1] - 412:12 <b>under</b> [21] - 297:3, 299:4, 353:13, 353:14, 353:19, 385:9, 386:14, 390:11, 391:10, 397:18, 401:22, 402:19, 417:19, 417:23, 418:2, 418:6, 418:8, 422:7, 423:3, 423:16, 426:25 <b>under-recovered</b> [1] - 353:19 <b>under-recovery</b> [1] - 353:13 <b>underemployed</b> [1] - 421:12 <b>underlying</b> [4] - 298:11, 309:5, 312:18, 352:6 <b>underneath</b> [1] - 403:3 <b>understood</b> [1] - 429:9 <b>unemployed</b> [1] - 421:12 <b>unequivocally</b> [1] - 382:17 <b>unfair</b> [2] - 311:16, 385:10 <b>unfairly</b> [1] - 282:4 <b>Unfortunately</b> [1] - 380:15 <b>unintended</b> [2] - 419:2, 419:4 <b>unit</b> [1] - 380:11 <b>units</b> [5] - 331:17, 331:18, 357:17, 402:8, 402:12 <b>unless</b> [4] - 279:8, 355:25, 415:20, 429:2 <b>unusual</b> [1] - 333:1 <b>up</b> [25] - 275:8, 276:17, 285:15, 286:20, 290:16, 294:11, 299:7, 302:17, 304:23, 318:2, 319:4, 330:11, 339:14, 344:1, 344:4, 346:3, 360:21, 362:11, 370:10, 381:2, 386:22, 394:24, 395:18, 404:13, 416:6 <b>Up</b> [1] - 416:8 <b>update</b> [1] - 342:13 <b>updated</b> [5] - 280:10, 287:19, 341:22, 357:16 <b>upper</b> [1] - 427:2</p>
---	---	---	---	---

<p><b>upper-end</b> [1] - 427:2  <b>upsetting</b> [1] - 393:12  <b>urge</b> [3] - 326:2, 327:1, 426:16  <b>urgent</b> [1] - 393:23  <b>usage</b> [62] - 285:8, 287:4, 291:11, 297:4, 300:8, 300:17, 308:25, 309:1, 312:3, 312:14, 312:18, 312:20, 318:17, 318:25, 326:19, 327:23, 328:10, 329:17, 329:24, 331:13, 333:15, 334:1, 335:10, 335:14, 339:2, 339:3, 339:23, 340:6, 341:12, 343:7, 344:6, 344:8, 344:20, 344:23, 345:6, 345:17, 346:4, 346:19, 347:15, 348:7, 348:17, 348:18, 351:6, 352:17, 353:7, 354:8, 357:23, 359:15, 361:24, 362:6, 363:18, 365:7, 365:11, 365:16, 365:19, 377:15, 377:17, 377:22, 414:14, 417:3, 417:15  <b>user</b> [3] - 351:7, 352:1, 352:13  <b>Users</b> [1] - 307:18  <b>users</b> [7] - 327:20, 328:4, 328:7, 328:12, 353:24, 419:7, 427:2  <b>uses</b> [5] - 351:7, 376:20, 377:23, 414:14, 415:7  <b>Utah</b> [22] - 279:18, 279:23, 290:5, 290:22, 291:5, 293:1, 299:17, 304:6, 306:12, 307:17, 361:13, 362:22, 380:15, 383:10, 383:12, 396:4, 396:14, 396:21, 404:2, 413:23, 419:23, 421:3  <b>Utah Clean Energy</b> [1] - 371:16  <b>Utah's</b> [4] - 392:9, 392:16, 392:17, 404:7  <b>utilities</b> [7] - 302:2, 381:18, 410:22, 410:25, 412:1, 412:4,</p>	<p>412:8  <b>utility</b> [8] - 287:2, 313:15, 321:9, 324:18, 340:5, 347:12, 394:16, 395:1  <b>utility's</b> [3] - 289:1, 309:25, 428:19  <b>utilization</b> [8] - 375:19, 375:22, 376:5, 376:12, 376:13, 379:7, 393:6, 424:13  <b>utilize</b> [11] - 325:1, 331:9, 331:21, 375:13, 376:10, 376:15, 378:8, 378:12, 378:17, 384:18, 404:12  <b>utilized</b> [1] - 378:14  <b>utilizes</b> [1] - 326:21  <b>utilizing</b> [1] - 325:1</p>	<p style="text-align: center;"><b>W</b></p> <p><b>wait</b> [1] - 423:25  <b>waiver</b> [1] - 400:20  <b>warmer</b> [1] - 332:7  <b>warmer-than-average</b> [1] - 332:7  <b>warrant</b> [1] - 361:5  <b>warranted</b> [3] - 310:8, 319:16, 327:3  <b>was..</b> [1] - 388:19  <b>wasted</b> [1] - 342:15  <b>watch</b> [1] - 349:2  <b>watching</b> [2] - 366:15, 366:17  <b>ways</b> [2] - 283:22, 424:19  <b>wealthy</b> [2] - 419:8, 419:11  <b>weary</b> [1] - 336:2  <b>weather</b> [2] - 404:9, 404:14  <b>week</b> [1] - 367:24  <b>weeks</b> [1] - 367:23  <b>weight</b> [3] - 370:8, 413:10, 414:2  <b>Western Resource Advocates</b> [1] - 336:23  <b>Westminster College</b> [2] - 371:8, 371:14  <b>whack</b> [1] - 382:1  <b>whatsoever</b> [2] - 280:14, 284:10  <b>whereas</b> [1] - 295:11  <b>Whereas</b> [1] - 426:24  <b>whole</b> [3] - 311:22, 389:7, 423:16  <b>willing</b> [1] - 367:24  <b>window</b> [2] - 332:16, 421:15  <b>windows</b> [1] - 302:6  <b>winter</b> [4] - 278:24, 378:19, 378:22, 418:6  <b>wisdom</b> [1] - 305:3  <b>wish</b> [3] - 342:3, 370:4, 429:3  <b>wishes</b> [1] - 413:15  <b>Withdrawn</b> [1] - 404:22  <b>witness</b> [11] - 275:16, 288:1, 306:20, 307:8, 315:8, 315:13, 320:14, 335:25, 336:13, 370:24, 407:22  <b>witnesses</b> [3] - 360:9, 368:13, 429:7  <b>WOLF</b> [1] - 319:25</p>	<p><b>Wolf</b> [16] - 306:21, 319:23, 319:24, 320:1, 320:18, 322:10, 322:25, 327:5, 327:6, 328:24, 330:3, 330:25, 332:19, 333:14, 335:24, 352:11  <b>Wolf's</b> [1] - 322:18  <b>wonderful</b> [1] - 421:21  <b>wondering</b> [3] - 284:3, 372:2, 427:19  <b>word</b> [6] - 337:15, 337:19, 344:10, 372:13, 403:13, 415:4  <b>words</b> [5] - 312:9, 364:7, 392:17, 411:14, 418:16  <b>works</b> [2] - 321:5, 354:12  <b>world</b> [2] - 318:8, 322:9  <b>WRA</b> [15] - 280:2, 297:12, 303:12, 314:7, 315:1, 315:22, 333:20, 337:9, 338:8, 338:17, 340:4, 343:7, 353:2, 362:24, 369:14  <b>WRA's</b> [11] - 284:1, 285:6, 291:10, 294:2, 297:3, 315:15, 341:12, 346:7, 414:14, 418:2, 418:6  <b>WRA-1</b> [1] - 338:12  <b>written</b> [3] - 276:3, 277:1, 316:7  <b>wrote</b> [1] - 346:14</p>	<p><b>Your Honor</b> [5] - 388:2, 391:20, 396:12, 396:23, 397:24</p>
	<p style="text-align: center;"><b>V</b></p> <p><b>valid</b> [4] - 383:11, 390:4, 395:22, 413:8  <b>valuation</b> [1] - 404:4  <b>value</b> [1] - 376:21  <b>variable</b> [5] - 277:24, 287:6, 305:15, 383:13, 386:23  <b>variables</b> [1] - 425:6  <b>varied</b> [1] - 381:1  <b>variety</b> [2] - 321:8, 380:24  <b>various</b> [3] - 309:14, 321:11, 325:6  <b>vary</b> [1] - 380:25  <b>vast</b> [1] - 304:9  <b>verily</b> [1] - 282:4  <b>version</b> [3] - 374:4, 374:8, 374:11  <b>versus</b> [3] - 331:7, 418:8, 426:19  <b>vertical</b> [1] - 402:7  <b>very-low-use</b> [1] - 282:5  <b>vetted</b> [1] - 279:12  <b>view</b> [4] - 284:9, 286:4, 311:20, 316:20  <b>views</b> [1] - 326:11  <b>volatility</b> [6] - 293:23, 293:25, 326:10, 375:8, 408:17, 408:18  <b>volume</b> [1] - 393:13  <b>volumetric</b> [1] - 280:22  <b>voluntary</b> [1] - 423:14</p>			<p style="text-align: center;"><b>Z</b></p> <p><b>zone</b> [2] - 295:9, 364:22</p>
			<p style="text-align: center;"><b>Y</b></p> <p><b>Year</b> [1] - 397:18  <b>year</b> [14] - 313:19, 328:9, 328:11, 328:14, 348:16, 354:14, 358:3, 366:12, 366:13, 380:24, 397:22, 403:23, 405:13, 413:24  <b>years</b> [5] - 299:21, 318:9, 326:19, 357:3, 359:19  <b>yesterday</b> [1] - 295:23, 342:12, 350:10, 356:4, 357:8, 361:12, 364:13, 391:10, 392:3, 392:13, 396:3  <b>yield</b> [1] - 382:15  <b>young</b> [1] - 332:3</p>	