

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Application) of Rocky Mountain Power for Approval) of the Power Purchase Agreement) Between PacifiCorp and US Magnesium,) LLC)	Docket No: 10-035-105
In the Matter of: The Application) of Rocky Mountain Power for Approval) of the Power Purchase Agreement) Between PacifiCorp and Tesoro) Refining and Marketing Company)	Docket No: 10-035-111
In the Matter of: The Application) of Rocky Mountain Power for Approval) of the Power Purchase Agreement) Between PacifiCorp and Kennecott) Utah Copper, LLC (Smelter))	Docket No: 10-035-112
In the Matter of: The Application) of Rocky Mountain Power for Approval) of the Power Purchase Agreement) Between PacifiCorp and Kennecott) Utah Copper, LLC (Refinery))	Docket No: 10-035-113
In the Matter of: The Application) of Rocky Mountain Power for Approval) of an Electric Service Agreement) Between Rocky Mountain Power and) Praxair, Inc.)	Docket No: 10-035-115
In the Matter of: The Application) of Rocky Mountain Power for Approval) of an Electric Service Agreement) Between Rocky Mountain Power and) Kennecott Utah Copper, LLC)	Docket No: 10-035-116

TRANSCRIPT OF HEARING PROCEEDINGS

1 TAKEN AT: Public Service Commission
2 160 East 300 South
3 Salt Lake City, Utah
4 DATE: November 18, 2010
5 TIME: 9:00 a.m.
6 REPORTED BY: Kelly L. Wilburn, CSR, RPR

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8 APPEARANCES

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EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Page</u>
	All prefiled testimony was admitted (documents are on file with the Commission)	10
Praxair 1	February 5, 1988, Letter to Special Contract Guidelines Task Force, from Thomas Forsgren	9

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1 NOVEMBER 18, 2010 9:00 A.M.

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

3 THE COURT: Okay, let's go on the record.
4 We're here in the -- six matters. I'm not gonna read
5 the captions, just the dockets. Docket 10-035-105,
6 10-035-111, 10-035-112, 10-035-113, 10-035-115, and
7 10-035-116.

8 And with that let's take appearances,
9 beginning with Rocky Mountain Power, please.

10 MS. HOGLE: Good morning. Yvonne Hogle,
11 along with Paul Clements, for Rocky Mountain Power.

12 THE COURT: Thank you. And then let's just
13 start this way, with Mr. Reeder.

14 MR. REEDER: Good morning, my name is Robert
15 Reeder. I appear this morning for everyone but
16 US Mag. on the docket. With me is Steve Sands, from
17 Kennecott, and Cory Sinclair.

18 THE COURT: Thank you.

19 Go ahead, Mr. Dodge.

20 MR. DODGE: Morning, Judge. Gary Dodge on
21 behalf of US Magnesium, LLC, in Docket 10-035-105.

22 THE COURT: Okay. And with the Division,
23 please.

24 MS. SCHMID: Thank you. Patricia E. Schmid,
25 with the Attorney General's Office, for the Division

1 of Public Utilities. And with me is Mr. Charles
2 Peterson.

3 THE COURT: Thank you.

4 MR. PROCTOR: Paul Proctor on behalf of the
5 Office of Consumer Services. Cheryl Murray is our
6 witness today.

7 THE COURT: Thank you.

8 Okay, I have on the scheduling order that
9 we're gonna proceed with 105 -- docket number ending
10 in 105, then 111, 112, 113, 116, and end with 115,
11 Praxair. Is that what everybody's understanding was?

12 MR. REEDER: That's our understanding. And
13 we were trying to make it even simpler for you this
14 morning, if we might --

15 THE COURT: Okay.

16 MR. REEDER: -- as a preliminary matter. The
17 parties have met and discussed in advance of this
18 hearing and would propose, subject to your approval of
19 course --

20 THE COURT: All right.

21 MR. REEDER: -- that you receive into
22 evidence in each of the documents -- dockets the
23 memorandums that have been filed by these -- OCS, by
24 the staff, by the Company, and by the parties. And
25 receive them as the evidence that the witnesses would

1 present if they were called to testify in each of the
2 dockets.

3 And we submit it on that basis, with the
4 exception of one document that I have to be -- have
5 marked for identification as the document referred to
6 by Dr. Sinclair. It is what it is, and we'll present
7 that document. It's just a document.

8 That would be our proposal to you as an
9 expeditious way to move these matters along and
10 resolve them as quickly as possible.

11 THE COURT: Okay. Any objections to that?
12 Is that appropriate?

13 Mr. Proctor?

14 MR. PROCTOR: No. And it's my further
15 understanding that there would -- everyone has waived
16 cross. And would waive also any summaries of the
17 comments or testimony.

18 THE COURT: Okay. So then my understanding
19 is then you'll submit 105 through 116 as it appears on
20 the scheduling order? So numbers 1 through 5 on the
21 scheduling order?

22 MR. REEDER: Yes, 1 through 6 on the
23 scheduling order.

24 THE COURT: Including Praxair?

25 MR. REEDER: Yes.

1 MS. SCHMID: Yes.

2 MR. PROCTOR: With, with the one exception,
3 pardon me. That the Praxair docket is where the
4 additional document needs to be introduced into
5 evidence and an explanation provided.

6 THE COURT: Okay. Why don't we --

7 MR. REEDER: And I'm prepared to do that now.

8 THE COURT: Okay. Let's go ahead and do
9 that, Mr. Reeder.

10 MR. REEDER: Your Honor, we have circulated
11 to the parties this morning and I would ask to have
12 marked as the next exhibit in order a document
13 entitled "Utah Power & Light," dated February 5, 1988.

14 It appears to be a letter from Tom Forsgren,
15 and contains guidelines of -- it is the document to
16 which Dr. Sinclair refers in his document.

17 Mr. Proctor, is that a fair statement?

18 MR. PROCTOR: Yes. Well, with one addition,
19 Mr. Reeder, and I think this is accurate. If it's
20 not, please correct me.

21 Dr. Sinclair referred to it as DPU's internal
22 criteria and guidelines, but in fact he was referring
23 to the letter that Mr. Forsgren wrote in 1988
24 addressed to -- I believe it's Ken Powell? Or excuse
25 me, no. It's...

1 MR. REEDER: It's to the Task Force.

2 MR. PROCTOR: Pardon me. It was addressed
3 to: "Special Contract Guidelines Task Force,
4 February 5, 1988." With that further explanation --

5 MR. REEDER: It is what it is. We got it
6 from the Division. I can't authenticate it further
7 than that.

8 MR. PROCTOR: Nor can I.

9 MR. REEDER: It is what it is.

10 THE COURT: Okay. It's addressed to the
11 Arizona Public Commission -- or prepared by the
12 Arizona Public Commission? Public Service Company?

13 MR. REEDER: Well, it was prepared by -- we
14 don't know who prepared it.

15 THE COURT: Okay.

16 MR. REEDER: That -- it comes to us from the
17 records of the Division. It is a document attached to
18 a letter from Thomas Forsgren to the members of the
19 Special Task Force.

20 THE COURT: Okay.

21 MR. REEDER: And the document attached is
22 entitled: "Criteria and Guidelines For Special
23 Contracts." It is the document to which Dr. Sinclair
24 referred.

25 THE COURT: Okay. Any objections? No?

1 MS. HOGLE: Excuse me, Judge.

2 THE COURT: Uh-huh.

3 MS. HOGLE: I just would like to note that,
4 given the limited time that we've had to, you know,
5 review this --

6 THE COURT: Uh-huh.

7 MS. HOGLE: -- the Company just wants to make
8 sure that this does not reflect what the current
9 criteria and guidelines for special contracts with
10 large customers is. And so just, with that in mind, I
11 have no objections.

12 THE COURT: Okay. So with that caveat, no
13 objections?

14 MS. SCHMID: No objection.

15 THE COURT: Okay. Okay, we'll admit this.
16 We'll call it.

17 MR. REEDER: Praxair 1.

18 THE COURT: Praxair 1.

19 (Exhibit No. Praxair 1 was admitted.)

20 MR. REEDER: With that, we submit all six
21 items for your consideration.

22 THE COURT: Okay. Then are we gonna take
23 testimony, are you gonna have proffer? Nothing?

24 MR. REEDER: Everything is in the record.

25 THE COURT: So everything that you want to

1 state is on -- your recommendations, concerns,
2 everything?

3 MR. PROCTOR: Yeah. Both the applications
4 and the comments that were filed by either the
5 Division, the Office, or any other party. And I think
6 it was just the Division and Office.

7 THE COURT: Okay.

8 MR. PROCTOR: And Praxair filed its comments
9 that Mr. Reeder's referred to. I don't know if you
10 wish to have the witnesses sworn. I think it would
11 probably be appropriate because you want it to be
12 evidence supplied under oath.

13 THE COURT: Well, if you have all your
14 witnesses here, and if you as attorneys can proffer me
15 that your witnesses would essentially give the same
16 testimony, then I think that's sufficient.

17 MR. PROCTOR: That's correct.

18 MR. REEDER: We would so proffer.

19 MR. PROCTOR: So would we.

20 MS. SCHMID: The Division would so proffer.

21 THE COURT: Okay. Anything else that anybody
22 wants to bring up?

23 (All prefiled testimony was admitted.)

24 MR. DODGE: Just one point, Mr. Chairman. I
25 actually wasn't aware they were going to go this way.

1 In the US Mag. -- and I'm happy with it. But in the
2 US Mag. docket the only thing in the record is the
3 application, and contract, and the Division
4 recommendation for approval.

5 THE COURT: Okay.

6 MR. DODGE: We think that's sufficient.
7 We're prepared here to produce testimony, I'm sure of
8 both the Company and US Mag., in support of it.

9 THE COURT: Okay.

10 MR. DODGE: But we believe the Division's
11 recommendation is sufficient, unless you want the take
12 of the Company.

13 THE COURT: So does the Division or the
14 Office want US Mag. to present any more evidence?

15 MR. PROCTOR: No. The Office did not file
16 anything with respect to the US Magnesium application.

17 THE COURT: And the Division, are you okay
18 with the?

19 MS. SCHMID: We are fine with what has been
20 submitted.

21 THE COURT: Okay. All right.

22 MR. DODGE: Thank you.

23 THE COURT: Anything else? No?

24 Okay then, we'll go ahead and make a
25 recommendation on these dockets listed today to the

1 Commissioners, and we'll get an order.

2 We do note that the Company wants these to be
3 effective January 1, 2011; is that correct?

4 MR. REEDER: Correct.

5 THE COURT: Okay. All right, thank you very
6 much.

7 (The hearing was concluded at 9:08 a.m.)

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C E R T I F I C A T E

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 12, inclusive.

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

SIGNED ON THIS 21st DAY OF November, 2010.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

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