

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Application) of Rocky Mountain Power for) Authority to Increase its Retail) Electric Utility Service Rates) in Utah and for Approval of its) Proposed Electric Service) Schedules and Electric Service) Regulations.)	Docket No: 10-035-124
<hr/> In the Matter of the Application) of Rocky Mountain Power for) Approval of its Proposed Energy) Cost Adjustment Mechanism)	Docket No: 09-035-15
<hr/> In the Matter of the Application) of the Utah Association of) Energy Users for a Deferred) Accounting Order Directing Rocky) Mountain Power to Defer) Incremental REC Revenue for) Later Ratemaking Treatment)	Docket No: 10-035-14
<hr/> In the Matter of the Application of) the Utah Industrial Energy Consumers) for a Deferred Accounting Order) Directing Rocky Mountain Power to) Defer Incremental REC Revenue for) Later Ratemaking Treatment)	Docket No: 11-035-46
<hr/> In the Matter of the Application of) the Utah Office of Consumer Services) for a Deferred Accounting Order) Directing Rocky Mountain Power to) Defer All Bonus Depreciation Allowed) for 2010 Through 2011 by the Small) Business Jobs Act as Amended)	Docket No: 11-035-47

TRANSCRIPT OF HEARING PROCEEDINGS

1 TAKEN AT: Public Service Commission
2 160 East 300 South
3 DATE: August 8, 2011
4 TIME: 9:02 a.m.
5 REPORTED BY: Kelly L. Wilburn, CSR, RPR

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7 APPEARANCES

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For the Office of Consumer Services

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1 AUGUST 8, 2011 9:02 A.M.

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

3 CHAIRMAN BOYER: We're here upon notice to
4 hear the stipulation on cost of service, rate spread,
5 and rate design in Docket No. 10-035-124.

6 And before we take appearances let's just
7 talk about how we're gonna proceed this morning. We
8 were thinking of doing another panel again. The
9 proponents all speak for the stipulation, and then
10 we'll permit cross examination, Commission questions,
11 redirect.

12 And then if there are any who oppose we'll
13 let them speak as well. And I understand Ms. Wright
14 wishes to speak, not for nor agin, but speak today.
15 So we'll take that in due course as well. Is that
16 satisfactory with the parties? We proceed in that
17 manner?

18 Ms. Hogle?

19 MS. HOGLE: Yes. Thank you Commissioners.
20 Rocky Mountain Power thinks it would be a good idea to
21 have all of the cost of service, rate spread, rate
22 design testimony admitted prior to beginning.

23 And so we move that at least Rocky Mountain
24 Power's own testimony, cost of service. Which I think
25 you have a list specifically of the testimony that we

1 would move to have admitted into the record.

2 CHAIRMAN BOYER: Yeah, that's a very good
3 suggestion, Ms. Hogle, thank you.

4 Okay, we have a motion to admit the prefiled
5 testimony in support of the stipulation from Rocky
6 Mountain Power. Are there any objections to the
7 admission of that prefiled testimony?

8 Seeing none, that will be admitted.

9 (RMP testimony and exhibits were admitted.)

10 CHAIRMAN BOYER: Shall we proceed to the
11 other parties' testimony as well? I know the Division
12 has some, Utah Clean Energy does, and UIEC does.

13 MS. SCHMID: The Division would also like to
14 so move.

15 CHAIRMAN BOYER: Okay. Are there any
16 objections to the admission of the Division's prefiled
17 testimony in support of the stipulation?

18 That is admitted as well.

19 (DPU testimony and exhibits were admitted.)

20 CHAIRMAN BOYER: UIEC, we have the testimony
21 of Mr. Brubaker -- well, Mr. Proctor has some
22 testimony.

23 MR. PROCTOR: Do UIEC first, since you
24 started, because they're more important anyway.

25 CHAIRMAN BOYER: We have the testimony of

1 Mr. Brubaker.

2 MS. BALDWIN: Yes, UIEC moves to have that
3 admitted.

4 CHAIRMAN BOYER: Any objection? Okay, that
5 UIEC testimony of Mr. Brubaker is admitted.

6 (UIEC testimony was admitted.)

7 CHAIRMAN BOYER: All of this together with
8 exhibits, if any, Mr. Proctor?

9 MR. PROCTOR: Yes. And the Office would make
10 a similar motion as to Mr. Gimble and Mr. Chernick.
11 And I'm sorry I didn't pass this out beforehand.
12 Would you like it?

13 CHAIRMAN BOYER: We would, thank you. You
14 may approach.

15 MR. PROCTOR: Thank you, I apologize. Yes,
16 we move.

17 CHAIRMAN BOYER: Okay. Are any objections to
18 the admission of the Office of Consumer Services'
19 prefiled testimony supporting the stipulation?

20 That will be admitted as well.

21 (OCS testimony and exhibits were admitted.)

22 CHAIRMAN BOYER: And I see Betsy.

23 MR. PLENK: Mr. Chairman, this is Bruce Plenk
24 appearing on behalf of AARP and Salt Lake Community
25 Action program. I've asked my associate, Ms. Wolf, to

1 distribute the exhibit list for the testimony and
2 exhibits of Dr. Charles Johnson.

3 And would also request that Dr. Johnson's
4 testimony and exhibits, that have been marked as
5 indicated on the exhibit list that Ms. Wolf is
6 distributing, be admitted into the record.

7 CHAIRMAN BOYER: Thank you Mr. Plenk. And
8 Ms. Wolf here is on the job and has passed out that
9 list.

10 Are there any objections to the admission of
11 the testimony of Mr. -- Messrs. -- I guess
12 Mr. Johnson, and also the exhibits of AARP to be
13 admitted into the record?

14 Okay. They are admitted as well.

15 (AARP testimony and exhibits were admitted.)

16 MR. DODGE: Mr. Chairman, could I move the
17 admission of UAE's exhibit as well? It's testimony of
18 Kevin Higgins and exhibits, which is marked UAE
19 Exhibit Cost of Service 1.0, as well as 1.1 and 1.2
20 attached.

21 CHAIRMAN BOYER: Thank you, Mr. Dodge.

22 Any objection to UAE's testimony of
23 Mr. Higgins and exhibits?

24 Okay, that's admitted ad well.

25 (UAE testimony and exhibits were admitted.)

1 MR. DODGE: Mr. Chairman, I don't know if
2 Holly Rachel Smith is on the phone. Is she?

3 MS. SMITH: I am here. Thank you, Mr. Dodge.

4 MR. DODGE: Okay. I was gonna say I handed
5 out your paper, you can take it.

6 MS. SMITH: Your Honor, Mr. Chairman, this is
7 Holly Rachel Smith and I'm appearing on behalf of
8 Wal-Mart Stores, Inc. and Sam's West, Inc. At this
9 time we'd like to move for the admission of the direct
10 testimony of Steve W. Chriss with its one exhibit.

11 CHAIRMAN BOYER: Thank you Ms. Smith.

12 Are there any objections to the admission of
13 Mr. Chriss's testimony?

14 That has also been admitted.

15 (Wal-Mart and Sam's West testimony and
16 exhibits were admitted.)

17 CHAIRMAN BOYER: I kind of got the cart
18 before the horse. We probably should have taken
19 appearances before that. Let's take appearances of
20 those in the room first and then we'll go to the
21 phone.

22 Oh, we have -- I'm sorry.

23 MS. HAYES: I, I -- we can take appearances
24 first, or --

25 CHAIRMAN BOYER: No, let's just.

1 MS. HAYES: All right. I would move to admit
2 the testimony of Sarah Wright, along with one exhibit.

3 CHAIRMAN BOYER: Any objection to the
4 admission of Ms. Wright's testimony together with
5 exhibit?

6 Okay, that's admitted.

7 (UCE testimony and exhibits were admitted.)

8 CHAIRMAN BOYER: I think now we have all of
9 the testimony in, and the stipulation is already in.
10 Okay, now let's take appearances. And let's start
11 with the Company, Ms. Hogle?

12 MS. HOGLE: Yvonne Hogle on behalf of Rocky
13 Mountain Power. Joining me is Bill Griffith, Rocky
14 Mountain Power's witness supporting the stipulation
15 today.

16 CHAIRMAN BOYER: Okay, thank you. And
17 welcome.

18 Ms. Schmid?

19 MS. SCHMID: Thank you. For the Division,
20 Patricia E. Schmid and Dahnelle Burton-Lee of the
21 Attorney General's Office. And our witness today is
22 Dr. Artie Powell.

23 CHAIRMAN BOYER: Thank you. Mr. Proctor?

24 MR. PROCTOR: Paul Proctor for the Office.
25 Mr. Gimble will be speaking for the Office today.

1 CHAIRMAN BOYER: Great. Mr. Dodge -- or
2 well, let's see. Yeah, Mr. Dodge?

3 MR. DODGE: Thank you. Gary Dodge on behalf
4 of the UAE intervention group. And Kevin Higgins,
5 UAE's witness, is here to testify.

6 CHAIRMAN BOYER: Okay. Let's just continue
7 around the room.

8 MS. BALDWIN: Vicki Baldwin with Parsons,
9 Behle & Latimer, and Mr. Bob Reeder on behalf of UIEC.

10 CHAIRMAN BOYER: Welcome Ms. Baldwin.
11 Ms. Smith?

12 MS. HAYES: Hayes.

13 CHAIRMAN BOYER: Hayes I mean.

14 MS HAYES: That's quite all right. Sophie
15 Hayes on behalf of Utah Clean Energy, and with me is
16 Sarah Wright.

17 CHAIRMAN BOYER: Okay, thank you. Now let's
18 take appearances on the phone. We know that Mr. Plenk
19 is already here.

20 MR. PLENK: Yes, thank you Mr. Chairman.
21 This is Bruce Plenk appearing on behalf of AARP and
22 the Salt Lake Community Action Program. Let me just
23 indicate that we are not anticipating calling a
24 witness in support of the stipulation today.

25 But let me just indicate that AARP and the

1 Salt Lake Community Action Program support the
2 stipulation as just and reasonable and in the public
3 interest in full. And our -- believe it's especially
4 important to have the low customer charge and the low
5 minimum bill that was included in the stipulation.

6 But we do not intend to call a witness today
7 to join the panel to support the stipulation, but do
8 not want that to be seen as any indication that we
9 don't support the stipulation. In fact, we do.
10 Especially with those two critical points.

11 CHAIRMAN BOYER: Thank you Mr. Plenk. And I
12 guess Ms. -- now we go to Ms. Smith. Ms. Smith?

13 MS. SMITH: Good morning, your Honor. It's
14 Holly Smith here on behalf of Wal-Mart Stores, Inc.
15 and Sam's West, Inc., and we do support the adoption
16 of the stipulation. Thank you.

17 CHAIRMAN BOYER: Thank you Ms. Smith. Are
18 there other attorneys on the telephone?

19 Okay, I guess not. So we're all here.
20 Should we -- so how many people are going to be
21 speaking in support of the stipulation?

22 One from Rocky Mountain Power, one from UAE,
23 Mr. Powell, Mr. Gimble. Shall we -- now, some of you
24 are already sworn in this. Mr. Higgins has been
25 sworn. Artie has been sworn -- or Dr. Powell has been

1 sworn. Mr. Gimble has been sworn.

2 MS. HOGLE: Mr. Griffith has not been sworn.

3 CHAIRMAN BOYER: Mr. Griffith. And

4 Ms. Wright?

5 MS. HAYES: Has not been sworn.

6 CHAIRMAN BOYER: Okay. Would you two mind
7 being sworn *en masse* here? Would you please stand and
8 raise your right hand?

9 (The witnesses were duly sworn.)

10 CHAIRMAN BOYER: Thank you. Please be
11 seated.

12 All right, so we indicated earlier that we
13 would go in -- is there anyone in the courtroom -- or
14 hearing room this morning that opposes the
15 stipulation?

16 Okay. So let's proceed then with those in
17 support of. And we'll begin with Rocky Mountain
18 Power's witness, Mr. Griffith.

19 WILLIAM R. GRIFFITH,

20 called as a witness, having been duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. HOGLE:

24 Q. Can you please state your name, business
25 address, and position with Rocky Mountain Power?

1 A. My name is William R. Griffith. My address
2 is 825 Northeast Multnomah Street, Portland, Oregon.
3 My position with the Company is I'm director of
4 pricing, cost of service, and regulatory operations in
5 the regulation department.

6 Q. Do you have a summary here today in support
7 of the stipulation?

8 A. Yes, I do. My testimony describes and
9 supports the stipulation. First the Company would
10 like to thank the parties for their efforts in
11 reaching this stipulated agreement. And we would like
12 to thank the Commission for its consideration of it.

13 My testimony reviews the terms of the
14 stipulation, beginning with paragraph No. 5.
15 Paragraph 5 is the rate spread paragraph. It
16 indicates that the rate spread agreed upon by the
17 parties is contained in Exhibit A under the column
18 labeled "Stipulated Percentage of Revenue Requirement
19 Increase."

20 It should be noted that this rate spread
21 method has been utilized in the revenue requirement
22 stipulation which was presented to the Commission last
23 Wednesday, August 3rd. And this rate spread was in
24 Exhibit A in that stipulation also. The actual
25 implementation -- proposed implementation of it.

1 The rate spread stipulation paragraph also
2 indicates that, for special contract customers, rates
3 for each special contract customer would continue to
4 be governed by the terms of their applicable contract.

5 Moving to paragraph 5 -- 6. The cost of
6 service paragraph just simply states that for purposes
7 of this docket only the parties have agreed to
8 withdraw and not to contest any cost-of-service issues
9 or disputes raised by the parties to this docket.

10 Paragraph 7 is the rate design paragraph, it
11 has a number of sub components. It indicates -- the
12 paragraph indicates that the parties have agreed that
13 the rate design for each rate schedule will be
14 modified on an equal percentage basis to all rate
15 elements of all schedules receiving a rate increase,
16 except as follows.

17 And then paragraph (a) of that --
18 subparagraph (a), for the residential schedules.
19 First for customers receiving single-phase residential
20 service -- which, by the way, are 99.9 percent of all
21 residential customers -- a customer charge of \$4 per
22 month would apply. This is a \$0.25 per month
23 increase. And a monthly minimum bill of \$7 per month
24 would apply.

25 For customers taking three-phase service a

1 customer charge of \$8 per month would apply. And a
2 monthly minimum bill of \$14 is proposed to apply.
3 These separate single and three-phase customer charge
4 components are new rate elements in this case.

5 The remaining residential energy charges will
6 be adjusted on an equal percentage basis to achieve
7 the targeted revenue requirement increase in the case.

8 Concerning Exhibit B, which has been attached
9 to the stipulations referenced in this paragraph, as a
10 result of discovery in the case the Company corrected
11 the billing determinants for single and three-phase
12 residential customers, which are attached to Exhibit B
13 in the stipulation.

14 And for your information, those indicate that
15 approximately 742 customers have three-phase service
16 currently in Utah.

17 Also in that paragraph the Division will
18 request that the Commission schedule one or more
19 technical conferences prior to the end of 2011 so
20 parties can explore issues, calculation methodologies,
21 and policies relating to residential customer charges
22 and minimum bills.

23 Paragraph (b) with -- or subparagraph (b)
24 within paragraph 7 indicates -- deals with master
25 metering language. And this paragraph assures that

1 the current -- that the master metering language that
2 is -- will be contained in Schedules 1 and 3 conforms
3 to the Company's current billing practice for master
4 metered residential customers.

5 In accepting this language the parties have
6 not endorsed or supported the current practice, and
7 parties may address it or revisit it in a subsequent
8 docket.

9 Lastly, under paragraph 7, subparagraph (c)
10 is -- relates to Schedule 2, our time-of-day rate
11 design option. And in that the parties have accepted
12 the revisions from the Division's witness, Lee Smith.
13 These revisions will increase the current on- and
14 off-peak rate differentials for Schedule 2.

15 Moving to paragraph 8. This relates to
16 Schedule 25, which serves mobile home and trailer
17 parks. This was a follow up to the non-residential
18 rate design stipulation in the last general rate case,
19 Docket 09-035-23.

20 The parties here have agreed that, as
21 proposed by the Company in the case -- in this case,
22 Schedule 25 will be closed to new service -- will be
23 closed. And that the customers currently on that
24 schedule will be moved to their appropriate general
25 service schedule, Schedule 6 or 23.

1 Moving to paragraph 9, the special contract
2 revenue adjustment. This is a \$1 million reduction to
3 the revenue requirement and was included in the
4 revenue requirement stipulation.

5 It reflects an assumed impact of additional
6 contractual increases in test period revenues from the
7 Special Contract Customers 1 and 2, for whom the test
8 period revenues in this case were assumed to remain at
9 the 2011 levels.

10 Paragraph 10 relates to the deferred
11 renewable energy credits, REC revenues. And it
12 indicates that these deferred REC revenues should be
13 allocated and credited to customers on the basis of
14 the F10 allocation factor. Factor 10 is 75 percent
15 demand, 25 percent energy.

16 That was utilized in the Company's cost of
17 service study in this docket and implemented -- and
18 the REC revenue credit will be implemented through a
19 negative surcharge through Schedule 98.

20 It goes on to say that because a cost of
21 service study has not been performed for two -- three
22 different schedules, Schedule 21, 31, or Special
23 Contract Customer No. 3, no F10 factor was available;
24 therefore, the system average percentage change would
25 be applied to Schedules 21 and 31.

1 And for Special Contract Customer 3 the REC
2 credit will be based on the percentage change that is
3 applicable to Schedule 9 customers.

4 Paragraph 11 just simply indicates that the
5 cost of service and rate design schedule -- the
6 parties have agreed that this schedule will be
7 suspended in this docket. And that all cost of
8 service, rate spread, and rate design elements
9 resolved in this stipulation will be deemed concluded
10 upon entry of an order approving the stipulation.

11 In conclusion, the Company recommends that
12 the Commission adopt the stipulation on cost of
13 service, rate spread, and rate design. That the
14 Commission find the stipulation is in the public
15 interest. And that it include the terms and
16 conditions of the stipulation in its order in this
17 case. Thank you.

18 CHAIRMAN BOYER: Thank you. Let's turn now
19 to the Division. Ms. Schmid?

20 MS. SCHMID: Thank you.

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23 ARTIE POWELL, 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. SCHMID:

Q. Dr. Powell, could you please state your full name, business address, by whom you are employed, and what position you hold, for the record?

A. My name is Artie Powell. My business address is 160 East 300 South, here in Salt Lake City. And I am the manager of the energy section for the Division of Public Utilities.

Q. In your role as manager of the energy section have you participated on behalf of the Division in this docket?

A. Yes, I have. The testimony that we've entered into the record was prepared under my direction or supervision. And I also participated in the settlement discussions that led to the stipulation that's before the Commission today.

Q. Do you have a statement in support of the stipulation that you would like to give on behalf of the Division?

A. Yeah, just a few brief comments I believe might be in order. And good morning Commissioners. I want to thank you for this opportunity to speak in favor of the stipulation. Mr. Griffith of the Company has already gone through the stipulation in detail so

1 let me just make a few brief comments about
2 paragraph 7, and maybe a few preliminary general
3 remarks.

4 After filing direct testimony in this case,
5 the Division's direct testimony and the other
6 intervening parties, it became apparent that the
7 positions of the parties on at least the spread were
8 not that far apart, and so it seemed logical to try to
9 see what kind of settlement could be reached in that
10 regard.

11 After a few preliminary discussions with the
12 parties it became apparent that the real differences
13 were in rate design, and especially rate design with
14 respect to residential customers. As Mr. Griffith
15 went over this morning in paragraph 7(a), the
16 residential rate design is laid out.

17 The customer charge of \$4 for most of the
18 residential customers is somewhat lower than what the
19 Division had proposed in this case. The Division took
20 a position that some costs that are not currently
21 included in the customer charge calculation should be
22 included. And our calculation came out to
23 approximately \$7.

24 The stipulation itself represents a
25 compromise, and I believe a good compromise on this

1 particular issue. The \$4 is consistent with the past
2 calculations on the customer charge. And the minimum
3 bill for residential customers is close to what the
4 Division believes that it probably should be at this
5 point in time.

6 It's been about 20 years since the Commission
7 made a determination on how to calculate the customer
8 charge. And as part of the stipulation the parties
9 agree that the Division would ask the Commission to
10 hold one or more technical conferences in this docket
11 prior to the end of the year to be able to discuss
12 those methodologies and the policies relating to the
13 residential customer charges and minimum bills.

14 I think the reason for the technical
15 conference was so that we could at least get some
16 input and participation from Commission staff and from
17 the Commissioners if they so desire at this time.

18 The Schedule 2 has been a concern of the
19 Division for a number of years. We recognize that
20 what's being adopted in the stipulation is probably
21 not the final result that we're looking for, but we
22 think it's a good step in the right direction. And
23 makes the -- Schedule 2, the time of day rate, a
24 little bit more attractive for customers.

25 The Division finds and supports the

1 stipulation as being in -- just and reasonable in
2 result and is in the public interest, and therefore we
3 recommend that the Commission adopt it in its
4 entirety. Thank you.

5 CHAIRMAN BOYER: Thank you Dr. Powell.

6 Let's hear now from Office of Consumer
7 Services' witness, Mr. Gimble.

8 DANIEL E. GIMBLE,

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

11 MR. GIMBLE: Good morning. The Office has
12 fully participated in all aspects of the cost of
13 service and rate design phase of this proceeding. It
14 filed direct testimony by staff and an expert on
15 issues involving cost of service, rate spread, and
16 rate design.

17 The pending stipulation sets aside contested
18 cost of service issues for a future case, and spreads
19 the revenue increase to each class on the percentages
20 set forth in Exhibit A. It also includes a compromise
21 on residential rate design, as you heard from
22 Dr. Powell, involving the level of the customer
23 charge, minimum bill, and energy rates.

24 The Office believes that the stipulation
25 terms produce just and reasonable rates for

1 residential, small business, and irrigation customers,
2 and we would note the following: The stipulated rate
3 spread closely tracks the Office's spread proposal in
4 direct for the majority of rate schedules, including
5 residential, small commercial, and irrigation
6 schedules.

7 Secondly, the stipulated residential rate
8 design includes the \$7 minimum bill, adopts the
9 Office's recommended \$4 customer charge, which is
10 based on the Commission's current methodology. I
11 think the calculation amount is about \$3.99 under your
12 current method. And applies the remaining revenue on
13 an equal percentage basis to the energy rates.

14 Given the significant differences in party
15 positions in this case we believe this produces a
16 balanced result. Further, the current policies and
17 methods for determining the levels of customer charge
18 in the minimum bill will be examined by interested
19 parties prior to the next rate case.

20 Lastly, the cost of service rate design
21 stipulation is just and reasonable in result, and the
22 Office recommends that it be approved by the
23 Commission. That concludes my summary.

24 CHAIRMAN BOYER: Thank you Mr. Gimble. Let's
25 hear now from the UAE witness, Mr. Higgins.

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KEVIN C. HIGGINS,

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

MR. HIGGINS: Good morning Commission. My name is Kevin C. Higgins, I'm here on behalf of UAE. And UAE would like to express its full support for this stipulation.

We believe it produces results that are just and reasonable and in the public interest. That the spread recognizes cost of service principles, and moves rates in the direction of cost of service while still being attentive to the principles of gradualism.

It also anticipated and provides an approach, as described by Mr. Griffith, for just allocating the deferred REC revenues to customers. It really, in my view, represents the ability of the parties to work in good faith to come up with a reasonable resolution of what can be a very contentious issue. And we recommend your approval of it. Thank you.

CHAIRMAN BOYER: Thank you Mr. Higgins.

Ms. Baldwin, do you have -- does UIEC have anyone speaking for the stipulation?

MS. BALDWIN: We have no witnesses to present. However, we would like to go on the record as supporting the stipulation and encourage you to

1 approve it.

2 CHAIRMAN BOYER: Thank you. Ms. Hayes?

3 MS. HAYES: Thank you. Sarah Wright would
4 just like to give a brief statement.

5 SARAH WRIGHT,

6 called as a witness, having been duly sworn,

7 was examined and testified as follows:

8 EXAMINATION

9 BY MS. HAYES:

10 Q. Sarah, would you state your name for the
11 record?

12 A. Sarah Wright. My address is -- work address
13 is 1014 Second Avenue, and I'm the executive director
14 of Utah Clean Energy.

15 Q. Go ahead.

16 A. Well, thanks for the opportunity to speak
17 today. Utah Clean Energy does not oppose the cost of
18 service, rate design, and rate design settlement
19 stipulation. UCE participated in some of the
20 settlement negotiations regarding residential rate
21 design but did not sign on to the stipulation for the
22 following reasons:

23 The stipulated equal percentage adjustments
24 to residential customer energy charges do not send
25 strong enough price signals for energy efficiency and

1 conservation. And the stipulation does not appear to
2 contemplate Utah policies supportive of the same.

3 The stipulation does not address a
4 recommendation in my direct testimony to investigate
5 ways of aligning utility and ratepayer incentives to
6 increase energy efficiency and conservation.

7 Utah Clean Energy works to advance energy
8 efficiency and renewable energy as part of a cleaner,
9 safer, and more sustainable energy future. Utah Clean
10 Energy is interested in dramatically increasing the
11 amount of energy efficiency investments in Utah as we
12 consider it to be a priority resource that saves
13 money, preserves energy resources, helps improve
14 environmental quality and public health, and reduces
15 greenhouse gases.

16 Energy efficiency and conservation are the
17 cheapest, cleanest energy resources we have available
18 today to meet our growing energy demand, and there is
19 tremendous untapped energy efficiency potential. Utah
20 policy makers have acknowledged the importance of
21 energy efficiency and support a commitment to
22 maximizing its use.

23 Utah's ten-year strategy plan -- energy plan
24 states that:

25 "Utah's regulatory framework is the

1 most effective" -- excuse me -- "is most
2 effective in focussing its efforts in
3 reducing overall energy consumption,
4 managing peak loads through best
5 practices, and supporting energy
6 efficiency and demand response programs,
7 consumer education, and utility rate
8 design to promote energy efficiency and
9 conservation."

10 Additionally, Utah law provides the
11 Commission with flexibility in designing rates to
12 encourage energy conservation.

13 Energy efficiency and conservation should be
14 a priority principle and goal when designing energy
15 rates in Utah. To that end, Utah Clean Energy
16 advocates that monthly residential customer charge be
17 kept low, as it is in the stipulation, and that the
18 majority of the revenues from the residential class be
19 collected through inclining volumetric energy rates.

20 Utah Clean Energy recognizes the Company's
21 concerns that low residential customer fees and
22 inclining block rates may create a throughput
23 incentive, where the Company's financial incentives
24 are not aligned with residential customers' energy
25 efficiency and conservation efforts.

1 Therefore, Utah Clean Energy requests that
2 the Commission establish a work group or a technical
3 session to investigate increasing energy efficiency
4 and ways to align the Utility and ratepayers'
5 incentives to achieve increasing energy and
6 conservation. Thank you very much.

7 CHAIRMAN BOYER: Thank you Ms. Wright.

8 Are there other parties who wish to be heard,
9 either in favor of or against the stipulation this
10 morning?

11 Do any of the parties wish to cross examine
12 anyone who has spoken this morning?

13 No one.

14 MS. SMITH: Mr. Chairman, this is Bruce
15 Plenk. Let me just reiterate what I said earlier that
16 AARP and Salt Lake CAP support the stipulation,
17 particularly the low customer charge and the lower
18 minimum billing embodied in the stipulation.

19 CHAIRMAN BOYER: Thank you Mr. Plenk. Let's
20 see if the Commissioners have any questions of anyone.
21 Commissioner Allen?

22 COMMISSIONER ALLEN: One quick question for
23 Mr. Griffith. It seems to me that the number of
24 customers left on Schedule 25 was quite small, but I
25 don't remember how many. Do you have that number

1 handy?

2 MR. GRIFFITH: Yes, I have.

3 COMMISSIONER ALLEN: I think we talked in
4 previous cases about moving that.

5 MR. GRIFFITH: I thought I had it here.
6 It's -- the table I had had already moved them. I
7 think it was a few dozen.

8 COMMISSIONER ALLEN: That, that serves my
9 recollect -- my memory, too. That it was dozens, not
10 hundreds. I just.

11 MR. GRIFFITH: I can, I can look it up, get
12 the exact number here. But it wasn't on this summary
13 table I have. But it's a very small number of
14 customers. And they are all, by the way, advantaged
15 by moving.

16 COMMISSIONER ALLEN: Okay, that was my next
17 question. Thank you.

18 CHAIRMAN BOYER: Commissioner Campbell?

19 COMMISSIONER CAMPBELL: Just a quick
20 question. It has to do with -- I don't know if the
21 parties have ever talked about what's appropriate to
22 put on the bill, and maybe that's just really left up
23 to the Company. But I noticed that we have two
24 different approaches here in the state.

25 It seems like Questar lists the various

1 trackers and items in their tariff, but when it comes
2 to the bill they just have a number. And so I'm
3 wondering if there's ever been a discussion about
4 transparency versus simplicity as it relates to the
5 bill as we go into this world of additional trackers.

6 I don't know how much value it is to list
7 four or five trackers on a bill and -- I don't know.
8 What are your thoughts on that, Mr. Griffith?

9 MR. GRIFFITH: I do appreciate that customers
10 would like a bill to be as simple as possible. And we
11 would too. However, for the trackers our preferences
12 are usually to list those separately.

13 For accounting purposes they are more closely
14 and carefully tracked that way. The current billing
15 system can track them exactly when they're shown as
16 separate line items. If they were melded into a net
17 rate instead of being separate trackers they would --
18 it would be more difficult to track them as accurately
19 as they are tracked when they're separately listed.

20 So it's kind of a trade-off there between the
21 two. We do note the -- with the implementation of
22 this -- these rates in September, the major plant
23 surcharge will be expiring around that point. So that
24 line item would be leaving.

25 Also there's the Schedule 97 deferral for the

1 major plant case. That also will probably be looking
2 at its departure in early September. So I don't think
3 we're adding trackers in, in this case, although the
4 EBA surcharge would be one potentially.

5 DR. POWELL: Maybe I could just add a brief
6 comment too on that. I think -- I don't want to
7 malign Questar since they're not here to defend
8 themselves, but we have had these discussions with
9 Questar. And the Division pushed to at least have the
10 trackers and the various components of the bill
11 outlined in the tariff.

12 Questar has been resistant to having those
13 items placed on the bill. But I think also there's a
14 complication on calculating Questar's bill with the
15 weather adjustments that take place. Weatherization
16 adjustments that take place that make it a little bit
17 more problematic also of having separate charges on a
18 bill.

19 CHAIRMAN BOYER: Okay, thank you all. Let's
20 take a 10 or 15-minute recess and we'll see if we can
21 perhaps issue a bench order in this phase of the case.
22 If you don't mind waiting around for that long. Thank
23 you.

24 (A recess was taken from 9:35 to 9:38 a.m.)

25 CHAIRMAN BOYER: As we walked back to the --

1 to my office we realized that the public witness
2 covers both this phase and the other phases of the
3 case, so it would be inappropriate to rule on this
4 stipulation at this point in time.

5 So we will be in recess then until 5:00 this
6 afternoon, and we'll hear from public witnesses at
7 that time. Ms. Hogle?

8 MS. HOGLE: Yes, Commissioner, thank you. I
9 believe that Mr. Griffith now has the number that you
10 were -- or Commissioner Campbell.

11 CHAIRMAN BOYER: Okay, let's put that on the
12 record then.

13 MR. GRIFFITH: And just for the record, it's
14 less than a dozen. It's 11 customers.

15 CHAIRMAN BOYER: Less than a dozen.

16 MS. HOGLE: And one more thing, Commissioner?

17 CHAIRMAN BOYER: Yes Ms. Hogle.

18 MS. HOGLE: We respectfully request that
19 after the public witness hearing this afternoon, and
20 of course given that all of the evidence will have
21 come in by that time, that your Honor issue a bench
22 order, particularly on the revenue requirement, in
23 both phases of the case.

24 As you know, there's not a lot of time left
25 between now and September 21st when the rates would be

1 scheduled to go into effect. And we would have to be
2 working on a litigated schedule for not only this case
3 but four other cases in the event that the Commission
4 was not inclined to approve the stipulation.

5 And so we would respectfully request that if
6 you cannot issue a bench order by -- after the public
7 witness hearing this afternoon, if you could please do
8 so or consider doing so by the end of the week.

9 CHAIRMAN BOYER: All right. We will consider
10 that request, Ms. Hogle.

11 MS. HOGLE: Thank you.

12 CHAIRMAN BOYER: Is there anything further?

13 All right we are in recess then until 5:00
14 this afternoon. Thank you all.

15 (A recess was taken from

16 9:39 a.m. to 5:02 p.m.)

17 CHAIRMAN BOYER: Good afternoon and welcome
18 to our hearing room. Let's go on the record in
19 Docket No. 10-035-124, and related Dockets 09-035-15,
20 Docket 10-035-14, Docket 11-035-46, and Docket
21 11-035-47.

22 For those of you who haven't appeared here
23 before, we are the three members of the Utah Public
24 Service Commission. I am the Chairman, Commissioner
25 Boyer, to my left is Commissioner Allen, and to my

1 right Commissioner Campbell.

2 And this is the time and place duly noticed
3 to hear from members of the public in the current
4 Rocky Mountain Power rate case. Before we -- I'll
5 explain how we're going to proceed here in just a
6 moment, but before we do that we have one housekeeping
7 matter.

8 I believe that on the phone we have counsel
9 for Kroger Company. Are you there?

10 MR. BOEHM: Yes, your Honor.

11 CHAIRMAN BOYER: Would you please identify
12 yourself, please?

13 MR. BOEHM: This is Kurt Boehm for Kroger.

14 CHAIRMAN BOYER: Mr. Boehm, now I understand
15 that you wish to enter into the record your prefiled
16 testimony, the prefiled testimony of Kroger Company?

17 MR. BOEHM: Yes. I would move that the
18 prefiled testimony of Steve Baron be admitted to the
19 record.

20 CHAIRMAN BOYER: Thank you. Do counsel here
21 who are parties to the case have any objection to the
22 admission of Mr. Baron's prefiled testimony?

23 Okay. Seeing none, the testimony is admitted
24 into evidence.

25 (Kroger Company testimony and exhibits were

1 admitted.)

2 CHAIRMAN BOYER: Thank you Mr. Boehm. Is
3 there anything further?

4 MR. BOEHM: No, your Honor.

5 CHAIRMAN BOYER: Okay, thank you.

6 MR. BOEHM: Thank you.

7 CHAIRMAN BOYER: For your information, before
8 us today are two stipulations, two settlement
9 stipulations that have been presented to us. We have
10 heard testimony over the last couple of days -- or
11 this morning and last week both supporting and
12 opposing the stipulations.

13 The first stipulation -- excuse us.

14 (There was an interruption in the
15 proceedings.)

16 CHAIRMAN BOYER: The first stipulation is on
17 one aspect of the rate case referred to as the
18 Stipulation on Cost of Service, Rate Spread, and Rate
19 Design. Essentially that stipulation addresses, if
20 there is an increase in rates, how that increase will
21 be allocated among the various classes of customers:
22 Residential, small business, industrials, street
23 lighting, agriculture, and the like.

24 That stipulation has been supported by, among
25 others, Rocky Mountain Power, the Division of Public

1 Utilities, the Office of Consumer Services, the UAE,
2 Utah Energy -- Utah Association of Energy Users
3 intervention group, the Utah Industrial Energy
4 Consumers group, Kroger Company, Salt Lake Community
5 Action Program, Nucor Steel, Wal-Mart Stores, Sam's
6 West, the Federal Executive Agencies, AARP, and
7 Crossroads Urban Center, among others.

8 The entity called Utah Clean Energy, which is
9 an environmental advocacy group, neither supports nor
10 opposes the stipulation. And that's on the one
11 stipulation on cost of service.

12 The second stipulation deals with the revenue
13 requirement in the rate case. And that basically
14 deals with how much money Rocky Mountain Power needs
15 to operate into the near future to be able to continue
16 to deliver adequate and reliable electricity to all of
17 us.

18 That stipulation is supported at least by the
19 following parties who've become actively involved in
20 this case: Rocky Mountain Power, the Division of
21 Public Utilities, whose job it is to protect the
22 public interest, the Office of Consumer Services,
23 whose task among other things is to protect the
24 interest of residential ratepayers, small businesses,
25 and agricultural entities, the Utah Association of

1 Energy Users Intervention Group, the Utah Industrial
2 Energy Consumers Group, Kroger Company, Wal-Mart
3 Stores, Sam's West, the International Brotherhood of
4 Electrical Workers, the Federal Executive Agencies,
5 and AARP. And I may have overlooked some others.

6 One, one entity opposed a portion of that
7 stipulation, and that is the Sierra Club, who has
8 issues with certain expenditures made for pollution
9 controls.

10 The, as I mentioned earlier, the Office of
11 Consumer Services, one of their tasks statutorily
12 defined is to assist individuals, residential
13 customers, small businesses, and agricultural
14 customers appear before the Public Service Commission.
15 And they are present today. And to my left, to your
16 right, is Ms. Cheryl Murray, who is an employee of the
17 Office of Consumer Services. And I believe she has
18 circulated a roster of those who wish to address us
19 this afternoon.

20 As members of the public we're happy to hear
21 from you and get your perspectives. You may either
22 give sworn testimony or unsworn testimony. If you
23 choose to give -- if you wish us to consider your
24 testimony in reaching our decisions in this case your
25 testimony must be sworn.

1 And if you do give sworn testimony you are --
2 you may be cross examined by counsel for one or more
3 of the parties here. So we'll ask each of you as we
4 go through the list whether you wish to give sworn
5 testimony or unsworn testimony.

6 For your further information, Rocky Mountain
7 Power originally filed this case seeking an increase
8 in electricity rates of approximately \$232 million.

9 Over a period of many months the parties that
10 I mentioned to you earlier have engaged in a process
11 of negotiation and compromise, and have reached
12 agreement on a settlement that they believe is in the
13 public interest and is just and reasonable. And that
14 is contained in the two stipulations that I've
15 identified to you.

16 If that -- if those two stipulations are
17 approved by the Public Service Commission it would
18 result in an increase in rates of approximately
19 117 million, or about half of what was originally
20 sought.

21 For average residential consumers we believe
22 that that would result, and it's been represented to
23 us, that that increase would result in approximately a
24 4.7 percent increase in an average retail customer's
25 bill on an annual basis. And of course that varies

1 depending upon usage, and weather, and the size of
2 your home, and all those sorts of things.

3 So with those explanations we will now be
4 pleased to hear from you. And do we have a completed
5 list, Ms. Murray?

6 Thank you. I may mispronounce some of your
7 names, I apologize in advance if I do so. But let's
8 commence with the first witness on our list, J.P.
9 Nelson? Mr. Nelson?

10 MR. NELSON: That's an R.

11 CHAIRMAN BOYER: J.R. Nelson, yes, it is. Do
12 you wish to give sworn or unsworn testimony?

13 MR. NELSON: I'll give sworn.

14 (Mr. Nelson was duly sworn.)

15 CHAIRMAN BOYER: Thank you, please be seated.
16 I guess we're prepared to hear your statement,
17 Mr. Nelson.

18 MR. NELSON: Yes. I am James R. Nelson. I
19 am a citizen of Emery County. I'm also elected as
20 Emery County Commissioner. I am a third-generation
21 native of Emery County. My grandfather came to the
22 Valley in 1879. Homesteaded a farm that my father
23 then operated. I now operate that farm.

24 And in the 130-some-odd years since this
25 homestead took place there's no question in my mind

1 that the most important economic factor has been the
2 construction of power generate -- coal-fired power
3 generating plants, and the accompanying coal mining
4 industry and associated industries with this.

5 I'm not going to give you a lot of numbers
6 and facts, I'm gonna defer that to my colleagues.
7 There are some things that I want to make you aware
8 of. And I'm sure that you are aware that coal-fired
9 electricity is one of the least-expensive
10 electricities that is available.

11 About -- my understanding is that about
12 70 percent of Utah's electricity comes from coal-fired
13 power plants. Gas and hydroelectric fill up the major
14 portion of the rest of that. And then we have
15 renewable energy sources like wind, turbines, and some
16 solar power.

17 And I'm maintaining that a rate increase,
18 that I am encouraging Rocky Mountain Power receive, is
19 a small investment by a consumer to invest in the
20 future supply of electricity.

21 I am anxious to see the lives of these power
22 plants extended. I literally live in the shadow of
23 this power plant. I noticed driving in on the freeway
24 that you're having a -- clean air issues and you're
25 being asked not to drive.

1 I don't mean to be selfish, but when you have
2 those issues, especially in the winter when you're
3 socked in and can't see across the street, in Emery
4 County, at the foot, at the base of these power
5 plants, we have the most beautiful weather you can
6 imagine. Hardly a cloud in the sky.

7 Beautiful skies in Emery County today.
8 Hardly a cloud in the sky. And it is extremely rare
9 to see any kind of pollution. I always felt like the
10 pollution that I was seeing had come over the hills
11 from the Wasatch Front. But I, but I could tell you
12 that we do not have pollution.

13 One of the interesting -- visible pollution.
14 One of the interesting things I do as Commissioner is
15 deal with fourth graders who want to write a report on
16 Emery County. One poor little misled kid said, How do
17 you live with all the pollution in Emery County? I
18 wrote him a personal letter and told him basically the
19 same thing that I have just told you.

20 I think the small increase that Rocky
21 Mountain Power is requesting to recover funds that
22 they have invested in clean air, in cleaning up the
23 air and eliminating the emissions from these
24 coal-fired power plants is completely justified.

25 I am grateful to them for having done that.

1 And I feel like if a person is concerned about this
2 small increase in electric bill you could mitigate
3 that by doing such simple things as turning off the
4 lights when you leave a room. Unplug all of those
5 converters that are charging up all of your handheld
6 devices. At night turn off your computer.

7 And there are other energy-saving devices.
8 The incandescent light bulb is on its way out. Come
9 to modern times and get one early. Yes, give Rocky
10 Mountain Power your old freezer or refrigerator.
11 There are many ways that you can mitigate a small
12 increase that I believe is a tremendous investment in
13 securing electricity for the future.

14 I, I don't think it's tragic, but it's sad
15 that Castle Valley, which includes the Carbon/Emery
16 area, we can easily double our production of
17 electricity with coal-fired power plants. We have
18 coal reserves available. We have idle coal mines that
19 could be functioning.

20 Such permitting I'm convinced will not take
21 place with the immediate administration. That the
22 antagonism towards coal-fired power plants I think
23 would prevent that.

24 And I challenge people to either sweat in the
25 dark or freeze in the dark for 24 hours without

1 electricity. And then tell me where, where you would
2 like this electricity to come from. I, I'm convinced
3 that coal-fired clean air power plants are the way to
4 go.

5 It is inexpensive and still a tremendous
6 industry. And I'm sorry I don't have the figures, but
7 my colleagues will give you the figures to the amount
8 of money that this generates in the Utah and
9 especially the Castle Valley economy.

10 And I'm going to close by saying I encourage
11 the issuance of this rate increase to Rocky Mountain
12 Power. I believe it is a great investment in
13 electricity for the future. But the other side of
14 that is it is a tremendous investment in the economies
15 of the Castle Valley and all of the related industries
16 to coal-fired power plants. Thank you.

17 CHAIRMAN BOYER: Thank you Mr. Nelson. Do
18 counsel admitted in this case or appearing in this
19 case wish to ask Mr. Nelson any questions?

20 Very well. Thank you, Mr. Nelson, you are
21 excused.

22 The next person on my list is Jae Potter?
23 Mr. Potter, do you wish to give sworn or unsworn
24 testimony?

25 MR. POTTER: I'll give sworn testimony.

1 (Mr. Potter was duly sworn.)

2 CHAIRMAN BOYER: Thank you, please be seated.
3 You may proceed, Mr. Potter.

4 MR. POTTER: Commissioners, thank you for
5 letting me take a few minutes and tell you my point of
6 view in regards to this rate increase for Rocky
7 Mountain Power. Again, my name is Jae Potter. I'm a
8 lifelong residence of -- resident of Carbon and Emery
9 County. I'm also a third-generation business owner.
10 And I am also an elected county commissioner for
11 Carbon County.

12 I want to take just a minute and tell you of
13 the importance that power generation and coal mining
14 has for our economies in both these counties. To date
15 we have over 1,087 jobs that are equated to mining,
16 135 jobs that are equated to the utilities. Now,
17 these are just within Carbon County. And then of
18 course 59 other jobs that are directly associated with
19 those things.

20 But beyond that, the wages that are generated
21 between the two counties in mining and in power
22 generation is 201.6 million in wages annually. That
23 equates to 46 percent of the private salaries and
24 wages that are paid within our counties. And so that
25 is a significant livelihood and tax base for operation

1 of county government, city government, and also what
2 it provides to the State of Utah.

3 I also believe that coal-fired power plants
4 are vital to the economy and to the ongoing recovery
5 of our economy. We are a very rich nation as far as
6 coal goes. Matter of fact, we are richer in coal than
7 perhaps the Saudi Arabian peninsula is in oil. And
8 yet we are sometimes withheld from being able to use
9 those resources to generate the power that we need.

10 We all enjoy, especially in the State of
11 Utah, a low power -- what would you say? The cost of
12 our power is very, very low compared to other areas.
13 And also the fact that with that power that is
14 generated by our power plants creates a very low-cost
15 base for a lot of other industry.

16 I know that we attracted industry into our
17 county, again because of one of those incentives that
18 allows them to come, and that is the cost of the
19 utilities that they pay for.

20 Also, our tax base is heavily skewed towards
21 our industries that produce energy. And Rocky
22 Mountain Power would be one of those that pays
23 significant property tax. They also support our
24 businesses, they support our community.

25 There's many an occasion that you'll go to a

1 ball game or an annual fund raiser and there you will
2 have as a donor the power company. And Rocky Mountain
3 Power has always played a part there.

4 I also, and following up a little bit with
5 what Commissioner Nelson said, I often tell people
6 that come to our area that it certainly takes faith to
7 live in Carbon and Emery County and that's because you
8 cannot see the air that you breathe. And unlike what
9 you're experiencing up here today.

10 So I love Salt Lake, but I love the clean air
11 which we live in. And so I applaud Rocky Mountain
12 Power for taking the steps to reduce pollution
13 further. As you look at the stacks that come off from
14 all of the power plants there, they are doing a good
15 job in trying to keep the environment clean.

16 In Carbon County we have over a hundred years
17 of experience in mining and power generation. And
18 have done so very responsibly with the requirements
19 not only by the government but also by the private
20 citizens and our partners that are there. They have
21 done a good job in keeping our economy going, our
22 water clean, our air clean.

23 So I am grateful that Rocky Mountain Power
24 has jumped ahead and done all that they can to clean
25 up the air. Or the, the emissions that come out of

1 plants.

2 Also, it'll extend the life of the plants.
3 The Carbon plant in Price -- or in the mouth of the
4 canyon there just outside of Helper has had a long
5 history. And continues to operate, and operate
6 efficiency -- efficiently because new equipment is
7 added.

8 Also this last year, particularly in Carbon
9 County, and I'm sure that some of the benefit was in
10 Emery county, but the two power plants there went
11 through those retrofits that I'm sure this is part of
12 what the concern is. That brought about a year of
13 construction work in our county.

14 And because of that you'll notice that our
15 numbers in the economy didn't go down as drastic as
16 they did in some of the other areas. They brought
17 jobs, yes, from out-of-state people, but it also
18 provided jobs instate and generated a full year of
19 economic benefit to our counties.

20 Which, as an ancillary portion of what Rocky
21 Mountain Power brings to our area, that was in our
22 hotels, our restaurants. Our TRT tax and our
23 restaurant tax have actually grown in the last quarter
24 and the first quarter of this year. Or last quarter
25 of 2010 and the first quarter of 2011.

1 And so I see all those as good benefits. I
2 had 25 years as a hotel operator, and I can't count
3 the number of people that I have had stay in my own
4 business that are associated with particularly power
5 generation.

6 And so again I would encourage the Commission
7 to seriously consider and support this particular rate
8 increase. I think it's a great way to make sure that
9 the economy stays healthy, the environment stays
10 healthy.

11 And that the counties that produce energy for
12 this state and for other places in the nation, that
13 they have that opportunity to continue to provide that
14 low-cost electrical service. Thank you.

15 CHAIRMAN BOYER: Thank you Mr. Potter.

16 Do any of the attorneys in this case wish to
17 ask Mr. Potter a question or two?

18 Seeing none, thank you very much, Mr. Potter,
19 you are excused.

20 The next person on the roster is De Lynn
21 Fielding. Mr. Fielding, do you wish to give sworn or
22 unsworn testimony?

23 MR. FIELDING: Sworn testimony.

24 (Mr. Fielding was duly sworn.)

25 CHAIRMAN BOYER: Thank you. Please be

1 seated. And you may proceed at your pleasure.

2 MR. FIELDING: Commissioners, I'm De Lynn
3 Fielding, and for the last 11 years have been the
4 economic development director for Carbon County.
5 Prior to that I was 27 years with Zions Bank, as a
6 vice president and area manager in that area of Utah.

7 The power plants and related coal mines are
8 an essential and critical lifeblood for the economy of
9 Carbon and Emery County. As has been mentioned by the
10 Commissioner, \$201.6 million has flowed into our area,
11 which is 46 percent of the total private salaries in
12 the two counties. That does not include secondary and
13 second- tier industries that support both coal mining
14 and the power plant industry.

15 I think it's an appropriate use and
16 installation that pollution control equipment should
17 be installed in those areas of the ecological impact.
18 The coal-powered plants, if there is any "pollution"
19 that comes from them it's in our area that that is
20 first felt.

21 It's also ironic that a conservation group
22 such as the Sierra Club should oppose a conservation
23 type of equipment being placed on the power plants.
24 Doing so helps not only the local economy in
25 lengthening the length -- the economic length of time

1 that the power plants can operate, and preserve the
2 health of those who are operating the power plants and
3 their families.

4 I urge the Commission to approve the
5 appropriate recovery to Rocky Mountain Power for the
6 installation of the pollution control equipment.

7 CHAIRMAN BOYER: Thank you Mr. Fielding.

8 Do counsel wish to ask Mr. Fielding any
9 questions?

10 Apparently not. You are excused. Thank you
11 for attending.

12 Now, I may mispronounce this name. Ethan
13 Migliori? Is that even close?

14 MR. MIGLIORI: Yeah, close.

15 CHAIRMAN BOYER: Close? Close enough, okay.
16 Close enough for government work, as we say, huh?

17 MR. MIGLIORI: It gets said so many different
18 ways it doesn't matter anymore.

19 CHAIRMAN BOYER: Do you wish to give sworn or
20 unsworn testimony?

21 MR. MIGLIORI: Yes, I'll give sworn.

22 (Mr. Migliori was duly sworn.)

23 CHAIRMAN BOYER: Thank you. Please be seated
24 and proceed.

25 MR. MIGLIORI: Good afternoon Commissioners.

1 My name is Ethan Migliori. I'm -- for this year,
2 2011, I'm the Carbon County Chamber president. I'm
3 also the regional director for the Utah Small Business
4 Development Centers for Carbon and Emery Counties.

5 I wanted to spend my comments not so much
6 about the logistics of clean coal technologies but
7 more specifically on the socioeconomic factors that it
8 has for Carbon/Emery County. And I want to talk --
9 for my job and my aspect Carbon/Emery County are one
10 economic unit, so I'm gonna talk to them as a whole
11 because we're so interrelated in how we do things.

12 From a Chamber perspective, we have to
13 support all of our businesses. And in doing so we
14 need to support Rocky Mountain Power with the rate
15 increase. We understand that as a business, if it is
16 not allowed to produce a profit so that it can
17 continue to produce goods that are healthy and
18 efficient and safe for the public, as a Chamber we, we
19 fail to do our job to support those businesses.

20 And so specifically we do support the rate
21 increase that they're seeking. But I want to talk
22 also about not just the effect that they may have, but
23 in Carbon and Emery Counties we have an approximate
24 population of about 30,000. It varies by a couple
25 hundred every year, depending on move ins and move

1 outs and *etcetera*.

2 Out of that 30,000 the estimated labor force
3 is 15,745 individuals in the workforce. When you
4 break down the number of workforce that is tied just
5 to the mineral extraction industry, and in our area
6 specifically coal, it's 5,874 people between the two
7 counties who -- or approximately about 37 percent that
8 are directly tied.

9 And there's other areas that are not directly
10 tied, but I, I can't pinpoint those numbers down so
11 I'm not gonna mention them. But I can pin those
12 numbers down.

13 In Carbon County 11 of the 20 largest
14 employers have direct ties to the coal industry. It's
15 significant. In Emery County 9 of the 17 largest
16 employers have direct ties to the coal industry. And
17 matter of fact, in Emery County 2 of the 3 largest
18 employers are directly related to the coal industry.

19 So we have a huge reliance upon that industry
20 in general for our work force and for the people in
21 our economy. So helping to keep a business profitable
22 supports not just their company but it supports
23 literally at least a third of our workforce. And it
24 can be even argued that it might be as high as
25 50 percent.

1 So I would -- I guess I would say I would
2 encourage you to allow them to have the rate
3 increased. And allow them to continue to adapt and
4 put improvements on their facilities so that they can
5 continue to produce the energy that we need, but being
6 responsible and producing clean air that we all seek
7 and want.

8 And especially where I live in the area. I
9 am probably as the crow flies maybe ten miles away
10 from the power plants. And so it's important to me
11 that they're -- they have a desire to continue to
12 implement that technology to make themselves compliant
13 with other regulations.

14 Taking off my responsibilities at the
15 Chamber and in my worklife working with small
16 businesses and doing economic impact, I used to live
17 in Spanish Fork. My second daughter was born in
18 Spanish Fork and we lived there till she was six. And
19 so about six years ago we moved away, she's 12 now.

20 In the six years we lived in Spanish Fork the
21 winters and spring/fall were horrendous for her with
22 her respiratory problems. Consistently would be on a
23 respirator or have an air thing that she would use.

24 Since we have moved away from Spanish Fork
25 and moved back down into Ferron, which is less than

1 ten miles from the power plants, in the six years I
2 think she's had one other asthma attack just because
3 the quality of air is so much better. So I do applaud
4 Rocky Mountain Power for seeking to do their best to
5 keep the air clean.

6 And I, I can say this from my personal
7 experience that it, that it is, the air in Emery
8 County is significantly better than what it is up
9 here. And -- but of course you guys got a lot more
10 cars than we do, so that doesn't help any. But -- so
11 that's all I wanted to say, thank you.

12 CHAIRMAN BOYER: Thank you Mr. Migliori.

13 Do any of the attorneys of record wish to ask
14 Mr. Migliori questions?

15 Okay, apparently not. You are excused.
16 Thank you for attending.

17 MR. MIGLIORI: Thank you.

18 CHAIRMAN BOYER: Michael McCandless?
19 Mr. McCandless, do you wish to give sworn or unsworn
20 testimony?

21 MR. McCANDLESS: Sworn.

22 (Mr. McCandless was duly sworn.)

23 CHAIRMAN BOYER: Thank you, please be seated.

24 MR. McCANDLESS: Thank you. Thank you
25 Commissioners. I appreciate the chance to speak here.

1 I think, I think you see Carbon and Emery County are
2 fairly well represented here because it is an interest
3 of those counties to see that our core industry, which
4 really is of electrical generation and coal
5 production, become secure.

6 I serve as the economic development director,
7 I am the county planner, and I'm also over travel and
8 tourism for Emery County. I have to wear a lot of
9 different hats for the County.

10 The Commissioner reminded me that he didn't
11 remind you of one other thing: We don't have a single
12 stoplight in Emery County and we want to keep it that
13 way. But -- we love where we live, but it is the way
14 we live because of coal and those, those industries.

15 And so if I understand this process that
16 we're discussing appropriately the issue is, is
17 coal -- burning of coal the appropriate investment for
18 Rocky Mountain to make. And I think that's somewhat
19 of what the question is here.

20 As I read the state laws in relation to your
21 responsibilities as you make this judgment I think it
22 really seems to, in my opinion, come down to two core
23 issues, and that's affordability and reliability.
24 Have we got a way to deliver electricity affordably
25 and reliable -- in a reliable fashion.

1 And so as we -- we have to keep it in that
2 context as we look about all of the alternatives that
3 are on the table and all the ways that we have to help
4 Rocky Mountain Power to make sure that they're viable.

5 So my first thought process when I heard
6 about this hearing was, I guess first of all, did the
7 process work? Have the investments that Rocky
8 Mountain Power made up to this time worked? Because,
9 as the Commissioner pointed out, we have fantastic air
10 there. It's very difficult with the naked eye to say,
11 Is this working?

12 And so I made a couple phone calls to some of
13 the employees that I know at the power plant. And,
14 once again, not being a technical person I just asked
15 them, What has this done?

16 And one of those technicians, Mr. Wilson,
17 said, We have a scale -- one example he gave me was
18 called opacity. Where they look at what is, you know,
19 on a scale that they have when they're burning that
20 through they have a measurement guide called opacity
21 that they look at.

22 Prior to those investments that scale would
23 run up to 30 on a scale of, you know, 100. Post-
24 completion of those running at 100 percent they're
25 at .9. And so once again it's an internal measurement

1 that their technical people do, but they are seeing
2 significant increases in those, in those things that
3 they wanted to have accomplished.

4 And so once again, naked eye, I don't have
5 the technical ability to say, Oh, it's a little bit
6 cleaner, little bit less clean today. But their
7 internal measurements, which I'm sure Rocky Mountain
8 could provide, might be able to provide a lot more
9 information on what really they're accomplishing with
10 these investments.

11 Because coal is what those two things I
12 talked about before: Reliable and affordable. Right
13 now, if I'm not mistaken, nationwide about 50 percent
14 of the coal in the United States is delivered with
15 coal. Is produced -- electricity is produced via
16 coal. Natural gas and other types have never exceeded
17 about 25 percent.

18 Reliability. Coal is unsurpassed in its
19 ability to provide reliable 24-hour-7-day-a-week
20 energy to consumers. It has been proven over decades
21 if not centuries.

22 Affordability. The last time I testified
23 here before this Commission was related to natural
24 gas, when we were seeing those violent spikes and we
25 were trying to do economic development work. And

1 we've seen electricity rates -- the cost of delivering
2 natural gas to generate electricity vary from as low
3 as about \$3.80 to \$11.51 per million BTUs.

4 During that same span of time the cost of
5 coal was below \$2.27 to deliver that. And so, once
6 again, you aren't subject to those wild variations in
7 cost structure.

8 And one of the ones that I'm most concerned
9 about in my, in my profession, because I deal with
10 trying to recruit other businesses, is we try to
11 diversify our economy in Emery County. Trying to
12 recruit manufacturing, trying to recruit other types
13 of businesses.

14 One of the struggles we've had since day one
15 when I accepted this position has been the flex -- has
16 been dealing with the cost of natural gas, as an
17 example. And when you force a utility to use more and
18 more natural gas as a mechanism of generating
19 electricity it becomes a competition against other
20 consumers for that resource.

21 You end up artificially inflating the cost of
22 natural gas to consumers. You artificially increase
23 the cost to manufactures because you are now moving
24 that load from coal over to natural gas.

25 Once again, as I testified, you know, four or

1 so years ago, we were struggling because we had
2 manufacturers looking at our area but we had a
3 disparity in rates at the time where there was a lot
4 of flexibility in the rates.

5 And so we were seeing some of our communities
6 priced out of being able to compete for manufacturing
7 facilities because of the high rates of gas during
8 that time. And moving more and more of that load away
9 from coal only makes that problem bigger.

10 Coal has the stability that allows all
11 economic development areas, not just Carbon and Emery
12 County, be able to be consistent in what they offer to
13 communities when they're saying, Why locate in Utah?
14 Because we have low -- consistently low, or at least
15 consistent rates.

16 You know, and finally the other thing I would
17 like to point out is the coal reserves. You know,
18 coal not just in Utah but nation wide is something
19 that, as mentioned before, has a long-term future in
20 the United States.

21 There's an estimated nationwide 200-year
22 supply of coal. That allows a lot of time and a lot
23 of ability for those industries to continue to improve
24 those technologies to allow it to be cleaner and
25 cleaner.

1 Once again, we have no complaints within
2 Emery County of what they've done. And we believe
3 they'll even do better over time. And we support this
4 stipulation.

5 CHAIRMAN BOYER: Thank you Mr. McCandless.
6 Any questions of Mr. McCandless?

7 Very well. Thank you for attending, and you
8 may be excused.

9 Jeff Edwards? Mr. Edwards, do you wish to
10 give sworn or unsworn testimony?

11 MR. EDWARDS: Sworn testimony, please.
12 (Mr. Edwards was duly sworn.)

13 CHAIRMAN BOYER: Thank you. Please be
14 seated, and proceed when you're ready.

15 MR. EDWARDS: Good afternoon Commissioners.
16 My name is Jeff Edwards, president and CEO of Economic
17 Development Corporation of Utah. We are a private
18 nonprofit private -- public private partnership that's
19 supported by over 200 private companies, 50 cities and
20 counties across the state in the State of Utah, with
21 the purpose of attracting new businesses to the state
22 and helping existing businesses to grow.

23 An active economic development program is
24 very important to our state. The Utah economy creates
25 jobs on its own through its own natural course of

1 business, as we all know. Back in 2006 and 2007 it
2 was creating about 50,000 new jobs on a rolling
3 12-month basis.

4 However, now in the midst of this great
5 recession, when times are tough as in the last two
6 years, efforts in economic development make a big
7 difference. With this year our combined efforts
8 between all the agencies working on this in the state
9 added about 7,000 net new jobs in this last year.

10 These are all jobs that were in competition
11 between multiple states, and without economic
12 development efforts would have gone elsewhere to other
13 parts of the country.

14 We also have a strong collective recruiting
15 effort that targets specific industries that are
16 particularly well suited to the Utah economy and our
17 workforce.

18 Companies make decisions on relocations and
19 expansions for many reasons. One large factor in that
20 process is the cost of utilities, which is primarily
21 related to electricity and natural gas. Rocky
22 Mountain Power's rates are among the lowest in the
23 nation, as you know. And even with this rate increase
24 will remain very competitive for in the foreseeable
25 future.

1 This is one of the key drivers of economic
2 development in our state. Many important industries
3 rely on electric power, and so having favorable rates
4 is a very important selection factor for companies as
5 they evaluate where to site their facilities in the
6 United States.

7 Utah's success in attracting new employers
8 has been greatly aided by affordable and plentiful
9 electricity. Rocky Mountain Power is also a major
10 supporter of economic development efforts in the state
11 and is a founding member of Economic Development
12 Corporation of Utah.

13 Our organization was started in 1987 with
14 some names that I'm sure you all recognize. That was
15 when they were known as Utah Power, before they were
16 Rocky Mountain Power, Mountain Fuel, Mountain Bell,
17 First Security Bank, and Zions Bank were all the
18 founders' organizations.

19 And I just want to express thanks to all
20 those folks who have stayed with us for the last
21 25 years, and putting significant resources into
22 Economic Development in our -- in the state for our
23 organization. That support has been essential in
24 bringing new jobs to this state.

25 Another important factor is that Rocky

1 Mountain Power has dedicated staff members to support
2 and coordinate with EDC Utah on our projects. We have
3 found it to be essential to have Rocky Mountain
4 Power's early involvement in projects that we work on
5 as our clients seek to have detailed and up-to-date
6 information about the cost of energy and the
7 engineering necessary to provide available electrical
8 infrastructure to the sites that they are interested
9 in developing.

10 Our efforts to bring new economic development
11 opportunities to all part of the states -- and to all
12 parts of our state. Each community can choose what
13 they wish to pursue that is a best fit for them in
14 terms of jobs and industry types.

15 In this way our efforts benefit all of the
16 rate-paying customers in the state by bringing new
17 jobs and capital investment and the resultant tax
18 revenues. Which is especially true in rural
19 communities, as you've heard already this afternoon.

20 I would like to say that economic development
21 and a strong economy do not need to come at the
22 expense of the environment. In fact, if we fail to
23 adequately protect the place we live we will lose one
24 of the most significant reasons that companies come to
25 Utah, and that is our great quality of life.

1 Air quality in particular has a strong
2 influence on potential decision makers, especially in
3 particular industries such as outdoor products and in
4 life sciences. And at EDC Utah we feel very strongly
5 that as a state we must take bold measures now to
6 improve our air quality, not only along the Wasatch
7 Front but state wide.

8 We believe there are ways to encourage
9 investment by business in advanced emission control
10 systems such as what is being considered in this rate
11 case. This includes or support of Rocky Mountain
12 Power's commitment to improve the environmental
13 performance of its existing coal fleet, while keeping
14 these low-cost resources and providing low-cost energy
15 to Utah customers.

16 The reality of the near-term future is that
17 we need to preserve our coal-fired power because no
18 real alternatives exist in the near term. In addition
19 to this, many of the companies that we work with are
20 interested in purchasing utility-scale renewable and
21 alternative energy.

22 We've encouraged proposals, including those
23 by Rocky Mountain Power and others, that would allow
24 customers to choose the types of electricity that they
25 wish to buy at market rates, allowing us to maintain

1 our advantage of affordable power while providing
2 other options that are important to other customers.

3 We fully support this rate increase. And
4 believe that the costs that are noted in this rate
5 increase are fully justifiable to support economic
6 development and the environmental controls that
7 benefit all the citizens of Utah.

8 Thank you for this opportunity to comment on
9 this important topic.

10 CHAIRMAN BOYER: Thank you Mr. Edwards.

11 Are there questions for Mr. Edwards?

12 Seeing none, you are excused. Thank you for
13 attending.

14 Marty Carpenter? Mr. Carpenter, do you wish
15 to give sworn or unsworn testimony?

16 MR. CARPENTER: Sworn.

17 (Mr. Carpenter was duly sworn.)

18 CHAIRMAN BOYER: Thank you. Please be
19 seated. You may proceed when you're ready.

20 MR. CARPENTER: I want to begin by thanking
21 you for allowing me to address the Commission today
22 and to share the opinion of Utah's business community.
23 My name is Marty Carpenter, I'm the director of
24 communication for the Salt Lake Chamber.

25 I'm here today on behalf of Lane Beattie, who

1 serves as president and chief executive officer of the
2 Salt Lake Chamber. He regrets he is unable to attend
3 for a scheduling conflict.

4 The Chamber is Utah's largest and longest-
5 standing statewide business association. We represent
6 over 7,700 businesses and have members in all 29 Utah
7 counties. That accounts for over 500,000 Utah
8 workers, or over half the state's workforce.

9 The Chamber weighs in on matters of public
10 policy ranging from education to transportation, from
11 health reform to energy. We stand as the voice of
12 business, we support our members' success, and we
13 champion community prosperity.

14 The Salt Lake Chamber has roots dating back
15 to 1887. In the coming year we will celebrate our
16 125th anniversary. As I was recently reviewing the
17 history of our organization I read some of the early
18 meetings in the Commercial Club Building -- an edifice
19 which actually still stands on Exchange Place near the
20 Boston Building downtown -- there was a small note
21 that mentioned a dinner held one evening that struck
22 me as particularly interesting.

23 Reading through the early history of the
24 Chamber I was reminded that the buildings originally
25 used gas lights. In fact, one of the first policy

1 issues the Chamber weighed in on was to petition the
2 Power Company for increased service as early as 1902.

3 I come before you today, over a century
4 later, to petition not for the Power Company to
5 provide better service but for our state to facilitate
6 the great work of Rocky Mountain Power.

7 I understand one of the issues in the case
8 before you regards Rocky Mountain Power's investment
9 in emission control equipment. It's my understanding
10 the environmental improvements come at a substantial
11 cost. Please allow me to share with you the viewpoint
12 of Utah's business community.

13 I'll put it as straightforward as I can. Low
14 energy rates create jobs. For more than two decades
15 Utah energy rates have been among the lowest in the
16 nation. Low energy costs provide a significant
17 competitive advantage, attract businesses to our
18 state, and help homegrown businesses take root and
19 thrive.

20 It's impossible to overestimate the
21 importance of low energy costs to the overall economic
22 strength of our economy. Time and time again Rocky
23 Mountain Power has quite literally lighted the way to
24 prosperity, demonstrating an ability to deliver the
25 electrical power our state needs. It has done so

1 while keeping that power affordable for Utah
2 businesses and Utah families.

3 Business leaders know the importance of
4 making decisions that will help them grow. Some of
5 these decisions may not pay full dividends for years
6 or even decades. And that's particularly true with
7 utility companies like Rocky Mountain Power.

8 They say the only certainties in life are
9 death and taxes. I would add a third to that list,
10 and that's increasing regulation. Rocky Mountain
11 Power has proven that a proactive approach is the
12 right way to go. Knowing that additional regulations
13 were forthcoming, they worked to meet future standards
14 while performing scheduled maintenance. This
15 minimized the downtime of generating -- of the
16 generating units and helped keep costs down.

17 A strong local economy, however, does not
18 need to come at the expense of the environment. In
19 accordance with the State of Utah requirements, Rocky
20 Mountain Power's actions to improve the emissions
21 profile of its coal fleet will allow Utah access to
22 low-cost energy while also mitigating environmental
23 impacts.

24 From air quality, to habitat protection, to
25 recycling, Rocky Mountain Power is a dedicated steward

1 of unique -- of Utah's unique natural beauty. Wind
2 turbines -- turbines are becoming a more common
3 element of our landscape. And each is a part of Rocky
4 Mountain Power's goal to have 2,000 megawatts of cost
5 effective renewable resources by the year 2013.

6 As Utah's business leader we're confident
7 Rocky Mountain Power will continue to be a wise
8 prudent overseer, committed to providing the state
9 with the requisite power to meet our growth needs and
10 to do so in an environmentally-friendly way. Thank
11 you for this opportunity to speak.

12 CHAIRMAN BOYER: Thank you Mr. Carpenter.

13 Are there questions for Mr. Carpenter?

14 There are not. Well, thank you very much.
15 You are excused.

16 Arthur Morris? Mr. Morris, do you wish to
17 give sworn or unsworn testimony?

18 MR. MORRIS: Sworn.

19 (Mr. Morris was duly sworn.)

20 CHAIRMAN BOYER: Thank you, please be seated.
21 And you may begin when you're ready.

22 MR. MORRIS: Last time I said that I ended up
23 with a wife.

24 CHAIRMAN BOYER: I noticed that you gave a
25 moment's pause there.

1 MR. MORRIS: Yeah. The first time you asked
2 I was thinking to myself, I do. And I was like, Wait,
3 that was a yes or no question.

4 Like you said, my name is Arthur Morris. And
5 though I came from Minnesota, I -- my grandparents are
6 permanent members -- or permanent residents of the
7 City of Draper, in the cemetery, for the time being.
8 So I have, I have Utah roots too.

9 I hold a degree in economics from Brigham
10 Young University and work as an energy analyst at HEAL
11 Utah, a local public health advocacy organization with
12 thousands of supporters across Utah.

13 We've, as an organization and I personally,
14 worked on submitting comments in the -- in
15 PacifiCorp's IRP process. But this is the first time
16 we've attempted to testify here, so thanks for that
17 opportunity. It's a very comfortable room.

18 Our organization, in becoming increasingly
19 involved in this twin regulatory process of the IRP
20 and the rate case, have been really impressed by many
21 of the things that we've seen in the process. Also,
22 since we've all been thanking Rocky Mountain Power for
23 things, thanks for turning the lights on. They've
24 done very well. And reliably, I might add.

25 But the -- in addition to the lights, the

1 Company, Division of Public Utilities, the Office of
2 Consumer Services, and many other stakeholders have
3 produced analysis that's very impressive. Both in
4 terms of how large the quantity of that analysis is
5 and also the quality of that analysis.

6 But we're here tonight and I'm here tonight
7 to express some specific concerns about what we view
8 as two major omissions in this process. First, we are
9 concerned that the Company did not consider in a
10 meaningful way the health cost of its plants'
11 operations, specifically air pollution from the fossil
12 fuel plants. And second, the Company failed to
13 provide an analysis supporting the cost effectiveness
14 of investment in pollution control retrofits.

15 So our first concern we have addressed at
16 length in our comments on the 2011 IRP. And I'd like
17 to submit those in hard copy to this proceeding as
18 sort of an appendix, I think, to the proceeding. Is
19 that how you do it? Is that --

20 CHAIRMAN BOYER: That's one way of doing it.
21 But do you have copies here?

22 MR. MORRIS: I do.

23 CHAIRMAN BOYER: Okay, why don't we take a
24 look at it.

25 MR. MORRIS: I have two copies.

1 CHAIRMAN BOYER: This is a document addressed
2 to PacifiCorp -- or PacifiCorp 2011 IRP Team from HEAL
3 Utah and Utah Physicians For a Healthy Environment,
4 dated March 24, 2011.

5 I don't know if counsel had an opportunity to
6 see this or review it. Ms. Hogle, have you?

7 MS. HOGLE: Did you say that you filed them
8 in the 2011 --

9 CHAIRMAN BOYER: IRP.

10 MS. HOGLE: -- docket?

11 MR. MORRIS: Yes.

12 MS. HOGLE: Okay.

13 CHAIRMAN BOYER: Would there be any objection
14 to us admitting this into evidence as an attachment to
15 Mr. Morris's testimony?

16 Okay, very well. It is in the record then.

17 (Attachment No. 11 was submitted.)

18 MR. MORRIS: Great. So in the 2007 IRP
19 process this Commission noted that:

20 "Comments concerning the unexamined
21 health impacts of alternative types of
22 generation technologies are much more
23 comprehensive than in the past and we
24 concur with all parties that further
25 expansion of the type of external costs

1 considered is required going forward."

2 Referring to the then 2007 IRP process. We
3 feel that the -- and our comments we hope demonstrate
4 that the health impacts of fossil fuels and their
5 alternatives are understood better today than they
6 were in 2007.

7 And that no -- a significant addition to this
8 body of literature was a study commissioned from
9 Synapse Energy Economics, commissioned by the State of
10 Utah, investigating these effects at the state level.

11 And I understand that there was an
12 interesting reception of that. But we would be
13 interested to see that study and other studies at
14 least considered and dealt with. I'm not expecting
15 that the, the final, you know, IRP or documents from
16 the Company agree wholeheartedly with everything that
17 comes their way, but we would expect and hope for some
18 level of consideration of that.

19 So understanding the health impacts and costs
20 felt within and surrounding the service area due to
21 fossil fuel emissions we feel should inform planning
22 and support cost recovery decisions, or -- yeah,
23 decisions when those plans are ultimately carried out.

24 We ask then the Commission to continue to
25 require the Company to expand the consideration of

1 external costs and to address the literature that we
2 set in our comments that we entered into the record.
3 So -- well, just now. And so that that, that that can
4 then support the prudence with which the Company makes
5 its resource decisions.

6 Our second concern is again focussed on a
7 lack of information that we see. The Company's coal
8 fleet, parts of which predate the Clean Air Act,
9 continues to age and continues to require costly
10 pollution control retrofits.

11 The direct testimony of Jeremy Fisher in this
12 manner -- matter, the docket that we're talking about
13 right now, 10-035-124, outlines convincingly, and we
14 feel comprehensively, the argument that the Company
15 has provided no analysis to support their claim that
16 retrofitting the existing coal plants is more cost
17 effective than replacing them with cleaner
18 technologies.

19 We suggest a robust -- that a robust planning
20 process requires analysis of retrofit versus
21 replacement. The current case pollution control
22 retrofits were installed without such analysis, and
23 such analysis is absent from the IRP. We ask the
24 Commission to require this analysis from the Company.

25 Now, we do understand -- and this has been

1 brought up -- this issue has been brought up by
2 several of the county representatives -- that -- we
3 understand that the Company has been criticized for
4 installing these pollution controls at all. Some
5 people think that this is too much too soon.

6 And we obviously take the -- take a different
7 view of that. And so we wish to be clear that we
8 prefer any given fossil fuel plant with con -- with
9 pollution controls to that same plant without them.
10 Because cleaner is better. In, you know, when the air
11 is cleaner it's better. So just wanted to be clear
12 about that.

13 Our concern is that, given increasingly
14 protective air pollution standards dealing with
15 everything from mercury, to SOX, NO_x, ozone, this sort
16 of coming train wreck that we've seen characterized in
17 several of the direct testimonies submitted in this
18 matter, and that, in combination with the falling
19 price of cleaner alternatives like wind, solar, and
20 energy efficiency, it may be the case that replacing
21 rather than retrofitting these plants is the lowest-
22 cost option and would then provide lower rates to the
23 ratepayers.

24 We simply don't know this because the
25 analysis is missing. And to be clear, we don't know

1 whether or not it's a good idea, because that analysis
2 we haven't been able to see in the, in the documents
3 of both the rate case and the IRP.

4 We ask then the Commission to deny cost
5 recovery for the implementation of pollution controls
6 included in the current case retrofits because the
7 Company has been -- has failed to show that these
8 pollution controls are prudent.

9 Even if the Commission does ultimately decide
10 to allow for recovery in the present rate case, we ask
11 the Commission to explicitly order such analysis be
12 completed prior to future rate increase requests for
13 pollution controls in the future.

14 If our electricity rates rise we expect that
15 our thousands of supporters will prefer that, that
16 additional investments in those rate increases be
17 going towards renewable energy options like wind and
18 solar, rather than toward what amounts to pollution
19 Band-Aids on old coal plants.

20 At a minimum we're asking for the analysis
21 that shows whether such an example -- or I apologize.
22 Analysis that shows whether such an investment would
23 be better for ratepayers and -- than what could amount
24 to billion-dollar investments in pollution controls
25 across the system on coal plants. Thank you very

1 much.

2 CHAIRMAN BOYER: Thank you Mr. Morris.

3 Questions for Mr. Morris?

4 Apparently not. You are excused. Thank you
5 for participating today.

6 MR. MORRIS: Thanks.

7 CHAIRMAN BOYER: Tiffany James?

8 Ms. James, do you wish to give sworn or
9 unsworn testimony?

10 MS. JAMES: Sworn, please.

11 (Ms. James was duly sworn.)

12 CHAIRMAN BOYER: Okay. Please be seated, and
13 proceed when you're ready.

14 MS. JAMES: My name is Tiffany James, and I'm
15 the director of environmental services and government
16 relations for Magnum Gas Storage. Magnum is currently
17 developing the first high-deliverability gas storage
18 facility in the Rocky Mountain Region here in Utah,
19 just south of the IPA Power Plant near Delta, Utah.

20 And I would like to express, on behalf of
21 Magnum, support for the settlement stipulation before
22 the Commission for approval. In particular, Magnum
23 supports the collaborative process to address Rocky
24 Mountain Power's hedging policies and practices,
25 including the potential use of natural gas reserves

1 and storage as part as -- excuse me, as part of a
2 balanced risk management strategy.

3 There are many hedging benefits of natural
4 gas storage, and particularly of high-deliverability
5 gas storage, that will be available at Magnum's site.
6 The main benefit of traditional gas storage as a
7 hedging technique is that the physical commodity
8 becomes, itself, the hedging instrument.

9 This allows a utility to manage costs and
10 market risks through cost predictability and
11 minimization of exposure to market fluctuations. It
12 also enhances supply reliability, and provides
13 stockpiled security in the event of unpredictable
14 weather and catastrophic events.

15 Now, in addition to these benefits the
16 high-deliverability gas storage will provide year-
17 round access to stored fuel supplies. Which, in other
18 cases and other types of storage, traditional storage,
19 you only have seasonal access.

20 Now furthermore, the location of Magnum's
21 facilities and interconnections with two major
22 pipeline systems will provide additional opportunities
23 to lower costs for gas supply and transportation
24 through displacement, or back-haul. And this avoids
25 capacity constraints, third-party or pipeline supply

1 activity, and curtailment concerns that are typical to
2 the traditional gas transportation supplies.

3 So in summary, Magnum supports the proposed
4 settlement and the collaborative process to address
5 hedging strategies and techniques. Magnum encourages
6 the parties to seriously consider natural gas storage
7 as an integral part of a balanced risk management
8 policy.

9 And Magnum would like to contribute in the
10 collaborative process. And we'll happily provide
11 industry expertise regarding the role of natural gas
12 storage and how it can play a comprehensive -- excuse
13 me, how -- the role it can play in a comprehensive and
14 well-balanced hedging strategy.

15 CHAIRMAN BOYER: Thank you Ms. James.

16 Questions of Ms. James?

17 Very well. Thank you for participating, and
18 you are excused.

19 MS. JAMES: I would like to be able to leave
20 behind a hard copy.

21 CHAIRMAN BOYER: Please do.

22 MS. JAMES: Do I need to give one to the
23 reporter?

24 CHAIRMAN BOYER: Yes, if you have sufficient
25 copies that would be great.

1 (Attachment No. 12 was submitted.)

2 CHAIRMAN BOYER: Okay, let's hear now from
3 Jane See. Ms. See, do you wish to give sworn or
4 unsworn testimony.

5 MS. SEE: Sworn.

6 (Ms. See was duly sworn.)

7 CHAIRMAN BOYER: Please be seated.

8 MS. SEE: I'm Jane See. I'm a resident of
9 Grantsville, Utah, and evidently about the only
10 customer of Rocky Mountain Power who is here today.
11 It seems like it's loaded with people who are
12 interested in this rate increase.

13 Rocky Mountain Power is a for business profit
14 company. And any company who can give out over
15 \$687,800 to groups in this state is charging fees
16 beyond their needs, in excess on their -- loading all
17 this on top of their customers.

18 Some of these customers are people who fought
19 in the Second World War. They never saw a salary over
20 \$500 a month in their entire working careers. And
21 they couldn't even afford to keep their homes if they
22 weren't already paid for.

23 This constant increase in power should not be
24 allowed. The people that I am talking about are
25 living under a thousand dollars a month. And this

1 company is going after rate increase, after rate
2 increase.

3 I have bought an old home and repaired it.
4 And my power for just me -- and I have neon lights and
5 the new light globes -- is \$71 a month. I do not do
6 any laundry at my house. I am strictly living there
7 alone.

8 I was brought up with a mother that if you
9 didn't turn a light off you better watch out because
10 she'd be behind you with a fly swatter. So I do not
11 burn lights unless I'm in the room where I'm using
12 them.

13 And this Company is -- something that I was
14 just reading is they get this approval for this rate
15 increase, which will happen in November, is coming
16 right back again for a second increase in 2012. Now,
17 this is not something that these people can afford.

18 And I know the Company has a program to help
19 people who are on low income, but these people have
20 too much pride to sign up for it. So you need to put
21 a stop to this. If they can afford to give that kind
22 of money away, they can reduce their rates.

23 CHAIRMAN BOYER: Thank you Ms. See.

24 Are there questions of Ms. See?

25 Okay. Thank you very much for coming,

1 Ms. See. You are excused.

2 George Neckel?

3 Mr. Neckel, do you wish to give sworn or
4 unsworn testimony?

5 MR. NECKEL: Sworn.

6 (Mr. Neckel was duly sworn.)

7 CHAIRMAN BOYER: Thank you, please be seated.
8 Proceed when you're ready.

9 MR. NECKEL: Well, I work for the Community
10 Food Co-Op of Utah, which is a volunteer-powered
11 nonprofit organization that provides good nutritious
12 fresh food to families from Ogden to Provo. We sell
13 food at a substantial savings over the store prices,
14 and most of the money that we bring into the
15 organization goes back into buying food.

16 We operate on a razor-thin operating margin.
17 And our utility bills, our, our electrical bill is one
18 of our most expensive line items every month. And we
19 stress -- we have a huge produce cooler that runs
20 24 hours a day, 365 days of the year. And a big
21 walk-in freezer that's 10 degrees below zero.

22 And if, if our rates were to go up at this
23 point in time it would make it really difficult for us
24 to accomplish our mission. And, you know, we're
25 selling food currently to about 3,000 families a

1 month. And many of those families really depend on
2 that savings to make ends meet each month.

3 This is a -- would be a really bad time for,
4 when people need it the most, for the rate increases
5 to go up and for -- it would make it very difficult
6 for us to serve our mission.

7 CHAIRMAN BOYER: Thank you Mr. Neckel.

8 Questions of Mr. Neckel?

9 Did I pronounce that correctly, or close?

10 MR. NECKEL: Yes, you did perfect.

11 CHAIRMAN BOYER: Very well. You are excused.

12 MR. NECKEL: Thank you.

13 CHAIRMAN BOYER: Thank you for participating.

14 Ross Chambless? Mr. Chambless, do you wish
15 to give sworn or unsworn testimony?

16 MR. CHAMBLESS: Sworn testimony.

17 (Mr. Chambless was duly sworn.)

18 CHAIRMAN BOYER: Thank you, please be seated.

19 MR. CHAMBLESS: Well, I thank you for the
20 opportunity to participate in this public process.

21 It's my first time, but I'm happy to be here. So
22 yeah, again, my name is Ross Chambless, and I'm a

23 member of the public and a Rocky Mountain Power
24 customer.

25 I have worked hard to be an educated and

1 conscientious consumer of electricity. I have serious
2 concerns about Rocky Mountain Power's planned
3 additional \$3 billion request to increase rates for
4 the purpose of investing in its aging coal-fired
5 plants.

6 I believe it is misguided to request precious
7 tax -- ratepayer resources for investing in these
8 aging, high-risk, and ultimately high-cost coal-fired
9 facilities. The pollution controls for coal plants
10 are already -- already cost a lot, and more updates
11 will certainly be required in the future.

12 I think pollution controls are important, but
13 I believe that there are problems with the Utility's
14 proposed goals. I don't think that more -- that
15 investing more in coal is an appropriate investment.
16 Moreover, given what science has revealed to us about
17 the reality of global climate change, I believe it is
18 not a matter of if some form of carbon regulations
19 will be implemented but when.

20 Currently-known technologies for controlling
21 carbon dioxide emissions would triple the cost of
22 running a coal plant, as the Utility has stated
23 itself. Such burdensome retrofits are highly likely
24 to render Rocky Mountain Power's coal fleet
25 uncompetitive in the future, with operating costs for

1 alternative sources including emerging -- merging
2 renewable alternatives and energy efficiency options.

3 Ultimately I believe some rates for consumers
4 will inevitably, inevitably have to increase to
5 prepare for future electricity demands, and to meet
6 pollution regulations and to adapt to future
7 environmental conditions. Yet as a ratepayer I would
8 feel much better about the rate increases geared
9 primarily towards helping residential users,
10 businesses, industries, use energy more efficiently.

11 A 2009 report, for example, by McKinsey &
12 Company indicates that large-scale efficiency programs
13 could save over a trillion dollars nationally from
14 twice the amount of the investment. And that such
15 investments could offset as much as 23 percent of
16 projected power demands.

17 I think a vigorous investment in, excuse me,
18 in energy efficiency measures for our neighborhoods
19 and communities would be a much wiser and forward-
20 thinking use of ratepayer money.

21 Finally I just want -- I also think Rocky
22 Mountain Power should plan to do more to incorporate
23 renewable alternatives -- like wind, geothermal, and
24 solar alternatives -- into it's existing grid in ways
25 that don't damage or jeopardize nearby communities or

1 landscapes.

2 And finally, I think Rocky Mountain Power
3 should look into doing more to work with local
4 governments to help consumers live well by using less
5 electricity. Using energy more efficiently. So thank
6 you for your attention.

7 CHAIRMAN BOYER: Thank you for participating,
8 Mr. Chambless.

9 Are there questions of Mr. Chambless?

10 You are excused. Thank you.

11 A.J. Galway? Mr. Galway, do you wish to give
12 sworn or unsworn testimony?

13 MR. GALWAY: Sworn, please.

14 (Mr. Galway was duly sworn.

15 CHAIRMAN BOYER: Thank you, please be seated.

16 MR. GALWAY: My name is A.J. Galway. I guess
17 I'm the small business representative here today. I
18 run a small restaurant/night club called The Spot here
19 in Salt Lake. And I've run various clubs and
20 restaurants for the last 20 years or so.

21 Electricity is, is the life blood of us. We
22 need -- we use a lot. We use a lot of commercial
23 equipment, and commercial equipment is just not kind
24 to us. We buy as much fuel-efficient-energy-efficient
25 equipment as we can. There's not a lot out there for

1 commercial equipment. There's starting to be more and
2 more, but.

3 We're running on -- in this economy we're
4 running on such slim margins that we feel that, you
5 know. A lot of, a lot of our competitors have closed
6 up already. They're just not making the money they
7 need to make to stay open.

8 And I feel like Rocky Mountain Power provides
9 a great product, but I also, I also believe they make
10 a profit. And when, when we invest in new equipment
11 we don't go to our people and say, We're gonna charge
12 you more money. We, we wait until we can afford that
13 equipment and -- so we don't have to raise our rates.

14 So we feel like this would be really too much
15 pressure on us to stay competitive at this time, in
16 this kind of an economy, when we're just not making
17 any money as it is.

18 CHAIRMAN BOYER: Okay. Thank you Mr. Galway.
19 Questions of Mr. Galway?

20 All right. Thank you for participating. You
21 are excused.

22 MR. GALWAY: Thank you.

23 CHAIRMAN BOYER: Tim Funk? Mr. Funk, are you
24 here? Mr. Funk, do you wish to give sworn or unsworn
25 testimony?

1 MR. FUNK: Oh, sworn, please.

2 (Mr. Funk was duly sworn.)

3 CHAIRMAN BOYER: Thank you, please be seated.
4 Proceed when you're ready.

5 MR. FUNK: My name is Tim Funk. I'm an
6 advocate with Crossroads Urban Center. And you saw
7 that we were, you know, complying on one, one of your
8 announcements earlier, but we are not in support of
9 this rate increase.

10 This couldn't be a worse time for people in
11 poverty. We work with people in poverty. And I have
12 several documents here or newspaper articles that we
13 want to cite to you that would help to indicate the
14 situation people find themselves in.

15 One of the things we work with extensively is
16 people who are in default. Utah cities are among the
17 top default locales in the country. We'd like to hand
18 this to you and have it put in to the record.

19 CHAIRMAN BOYER: Please do so.

20 MR. FUNK: This is an article from the
21 *Deseret News* of September of last year. It says:

22 "Utah has seen a huge increase in
23 poverty levels as a result of the
24 recession...Utah's poverty rate jumped
25 from 9.6 in 2008 to 11.5 percent in

1 2009. And while 10 percent of Utah
2 children were in poverty in 2008, that
3 has increased to 12.2 percent.

4 "Overall 316,200 -- 316,217 Utahans
5 lived in poverty in 2009. Five years
6 ago that was 246,000 were classified as
7 poor.

8 "Among those 65 and over, 7.5 --
9 7.4 percent of Utahans are poor. The
10 male poverty rate is 10.6 percent, while
11 the female poverty rate is 12.5 percent.

12 "We are" -- and this is a quote from
13 my, my director. "We set records for
14 everything we do in terms of demand on
15 our services last year, Said Glenn
16 Bailey of Crossroads. He said The food
17 pantry use was up 20 percent over the
18 previous year, and that was already a
19 big increase over the years before.

20 "Our thrift store saw a 28 percent
21 increase in the number of people who
22 needed free items. The recession has
23 hit us pretty hard from 2008 through
24 2009, and right now we are continuing to
25 see a huge increase."

1 This is from last September. I can say it
2 has not abated since then. We have never, in the time
3 our Crossroads has been open for 44 years, seen a
4 worse time or demand, higher volume of food going out
5 the door, greater demand at our thrift store.

6 I can't -- I could, you know, if I had a
7 *Bible* full of need I could, I could profess it to you.
8 Just a few more things here.

9 The -- part of this survey was that
10 Washington County has the highest child poverty rate
11 in Utah of 18 percent, just ahead of Cache and Weber.
12 Salt Lake City's child poverty rate is 12.5 percent,
13 Utah County is 10.1 percent, Davis County has a
14 7.1 percent.

15 While Utah's overall poverty rate grew at
16 nearly double the national rate of -- between 2008 and
17 2009, it is well over the national -- it is well below
18 the national rate of 14.5 percent. At least that's
19 true.

20 The Utah -- the abstract on Utah noted that
21 Utah's median household income fell for the third
22 straight year in 2009 to 55,117, in 2008 it was
23 56,304, and the year before it was 56,891.

24 I think that's probably the most complete
25 article that we have.

1 CHAIRMAN BOYER: Let me give you a hand here,
2 Mr. Funk. Let the record show that the document that
3 has been handed to the Commission is -- purports to be
4 an article from the *Deseret News* entitled: "Utah
5 cities among top default locals," published Wednesday,
6 July 27, 2011.

7 Oh, and the second one is -- also purports to
8 be an article from the *Deseret News* dated Wednesday
9 September 29, 2010. Entitled: "Poverty rates rise in
10 Utah as recession takes big toll."

11 (Attachments 13 and 14 were submitted.)

12 MR. FUNK: We'd like to make quick note of
13 the unemployment situation in Utah. But first, here
14 is an article from the Center on Budget and Policy
15 Priorities. It says today's jobs report shows -- this
16 is as of August 5th of this year.

17 "Today's job report shows that the
18 labor market continues to limp along
19 rather than put people back to work.
20 The share of the population with a job
21 remains severely depressed, unemployment
22 remains alarmingly high, with more than
23 40 percent of the unemployment rate
24 attributed to people who have been
25 looking for work for six months or more.

1 See the chart."

2 I'm not gonna quote that whole article. I
3 think you get the picture. But here is a, an article
4 out of the National Employment Law Center -- the
5 National Employment Law Project. It's a fact sheet
6 that was issued July 28th. I had set this aside for
7 the original hearing date.

8 It shows Utah jobs. It's state job deficits
9 and unemployment rates since the re -- the recession
10 began in December 2007. The December 2007
11 unemployment rate in Utah was 3.0. In June of this
12 year it is 7.4. The peak unemployment since 19 --
13 December of 2007 has been 8 point percent --
14 8.0 percent.

15 The number of jobs -- number of months of job
16 loss since December of 2007 has been 29. The jobs
17 lost or gained since the start of the recession is we
18 have lost 62,300 jobs in Utah. Jobs needed to
19 produce -- jobs needed due to population growth since
20 December 2007, it says that we need 84,100 jobs. The
21 state jobs deficit then, if you take those together,
22 is 146,400.

23 So anybody who says that this rate increase
24 is gonna be terrific for us should take a look at what
25 it's already done. What's already happened.

1 I have a few things to say. And I'll present
2 you with the Utah poverty report for 2011, and it
3 includes a lot of this stuff. But we, we had our
4 brothers from Emery and Carbon County here to tell us
5 how things are going.

6 Rural Utah depends on federal safety
7 benefits. That means that in, in counties like Piute
8 County, and in Carbon County especially, and I'm not
9 sure about Emery County, but the rural counties in our
10 state in particular depend on Medicare and Social
11 Security.

12 In Piute it's almost 30 percent. In, in
13 Carbon County it's almost 20 percent. So what we're
14 talking about there are people who won't get jobs, or
15 can't get jobs. They're older people. They're people
16 on Medicare. People who are retired.

17 Carbon County and Emery County, if you take a
18 look at the figures that we have in this annual report
19 on -- for poverty in Utah, those counties have a --
20 have as high of dependance on social programs as any
21 other county.

22 So they say that -- it might be that it will
23 help their economy, but they have to look at their
24 economy as a whole. We're saying that poverty strikes
25 everyone in Utah. And it's striking at the people who

1 are saying that it'll make things better for them.

2 It won't make things especially better for
3 the, for the seniors, for the disabled, and for the
4 women with -- working women with children. It's, it's
5 a, it's a sad picture. But there it is in full blast.
6 That came from an AARP-related study, which was again
7 based on a Social Security study. AARP isn't here to
8 represent its people, but we will gladly talk for
9 them.

10 This is the "Annual Report on Poverty in Utah
11 for 2010." It will be renewed -- I think there will
12 be another issue of this out by the end of the summer,
13 probably sometime in September. But if you'll look
14 through here you'll find a summary of poverty in Utah.
15 You'll see why the poverty is there. You'll see how
16 deep it goes. And how it's been, it's been protracted
17 since 2007.

18 So you have a lot of people in this state who
19 are having a hard time. More than ever before. I've
20 been coming to the Public Service Commission and doing
21 this sort of thing since 1974. Too long, in my humble
22 opinion. But here we are doing it again about a rate
23 increase for Utah Power & Light -- well, for Rocky
24 Mountain Power. We, we, we forget that they're not
25 the same name anymore.

1 But what this says here is that things are
2 worse than they've ever been. I've been going to
3 Crossroads Urban Center as a volunteer, and as an
4 employee, and as a board member for over 35, 40 years.
5 And this is the worst economy that the people who are
6 signified in this report have ever seen.

7 So it's not just a rate increase. It's, it's
8 taking something back from people who don't have
9 anything to give. You couldn't have a more serious
10 problem right now than you have with the lowest 20 --
11 or the lowest 40 percent of the people in the economy.

12 You'll see some of those figures here. I'm
13 surprised that some of my fellow advocates aren't here
14 to testify tonight. I'm, I'm gravely disappointed in
15 that. And will send you other documentation.

16 But we know that you're gonna see other rate
17 increases. And you're gonna -- requests. And you're
18 gonna see one maybe each year for the next three, or
19 four, or five years. That -- you know. And maybe
20 some of these organizations, by the way, that put this
21 report out won't even be in existence then because of
22 the federal budget cuts coming. We'll be here, but
23 they won't.

24 And what you need to look at is that this is
25 your baseline now. And if things get dramatically

1 better, God bless all of us. But I don't think it's
2 going to. And I don't think you do either.

3 So this rate increase is a big deal. And
4 every other rate increase is a big deal. And every
5 rate increase we've come and talked about for the last
6 almost 40 years is a big deal. They hurt people. And
7 it's the first sign of other things that are gonna
8 hurt them more.

9 This rate increase would be an indication of
10 other things to come. Not that they cause one
11 another, but this economy really is terrible. It is
12 the worst economy in 44 years of Crossroads Urban
13 Center. The worst economy we've had since the Great
14 Depression. It is the Great Recession. And it could
15 become the next depression.

16 So we'll submit this to you. We appreciate
17 your time and listening to us. Thank you.

18 CHAIRMAN BOYER: Thank you Mr. Funk. Let's
19 identify for the record these documents that you've
20 submitted today.

21 Are there questions of Mr. Funk? Ms. Hogle?

22 MS. HOGLE: I don't have a question, but I
23 would like to make a request. And that is that we are
24 provided copies of the documents that have been
25 submitted thus far.

1 CHAIRMAN BOYER: That's a fair request.

2 MS. HOGLE: Okay.

3 CHAIRMAN BOYER: There are four additional
4 documents that Mr. Funk has handed the Commissioners.
5 The first is dated Friday, August 5, 2011. And it has
6 a letterhead from the Center on Budget and Policy
7 Priorities. And the article is entitled: "Statement
8 By Chad Stone, Chief Economist, On the July Employment
9 Report."

10 The next document is from -- it's on the
11 letterhead of the National Employment Law Project.
12 It's a fact sheet dated July 28, 2011, entitled: A
13 Constitutional Balanced Budget Amendment Threatens to
14 Widen the Jobs Gaps in the States."

15 The next document is from the *Salt Lake*
16 *Tribune*. Purports to be a copy of an article from the
17 *Salt Lake Tribune* by Patty Henetz dated Friday
18 August 5, 2011. And it is entitled: "Rural Utah
19 depends on fed safety net benefits."

20 And the final document is a -- purports to be
21 a copy of the "Annual Report on Poverty in Utah,"
22 dated 2010.

23 And with that you are excused, Mr. Funk.
24 Thank you.

25 (Attachment Nos. 15 through 18 were

1 submitted.)

2 MR. FUNK: And copies of that -- of the large
3 report are -- can be downloaded from the Utah
4 Community Action...

5 SPEAKER FROM THE AUDIENCE: Utahcap.org.

6 MR. FUNK: Utah -- okay. All right. So it's
7 a public record.

8 CHAIRMAN BOYER: Okay. Thank you Mr. Funk.

9 MR. FUNK: Thank you.

10 CHAIRMAN BOYER: We'll arrange for copies of
11 this for Ms. Hogle, and Ms. Schmid, and Mr. Dodge if
12 he wants one.

13 Before we go to the next public witness let's
14 check with our reporter and see if she needs a break.

15 (A discussion was held with the reporter.)

16 CHAIRMAN BOYER: Let's take a ten-minute
17 break right now, then we'll hear from Ms. Johnson,
18 Ms. Cornia, and Ms. Stevenson at that point. Thank
19 you.

20 (A recess was taken from 6:27 to 6:40 p.m.)

21 CHAIRMAN BOYER: Let's hear now from Linda
22 Johnson if she is here.

23 MS. JOHNSON: Yes.

24 CHAIRMAN BOYER: Sworn testimony, okay. And
25 you have raised your right hand.

1 (Ms. Johnson was duly sworn.)

2 CHAIRMAN BOYER: Thank you. Please be
3 seated. Proceed when you're ready.

4 MS. JOHNSON: And thank you gentlemen for
5 having us and being here to listen to us. I testify
6 now and then in my job in front of the Department of
7 Air Quality. And that board doesn't sit there, you
8 just talk to empty chairs. So thank you.

9 CHAIRMAN BOYER: Can we do that?

10 MS. JOHNSON: I hope not.

11 CHAIRMAN BOYER: Oh, okay.

12 MS. JOHNSON: I don't want to make it a
13 spreading --

14 CHAIRMAN BOYER: This is the way we've always
15 done it so we're happy to hear from you, Ms. Johnson.

16 MS. JOHNSON: Okay. I'm here before you to
17 make a case for rational, evidence-driven decision
18 making. No more, no less. I believe allowing rate
19 increases to update old coal burning plants is ill
20 advised and will result in increasingly expensive
21 power in Utah, as regulation of carbon emissions will
22 become increasingly stringent in the future and
23 require more and more expensive adaptations.

24 I'm here to suggest that there's a better way
25 to invest for our power future. For the first time in

1 our memory the world is moving to tap new energy
2 sources that our -- that are in many ways less useful
3 and less convenient than fossil fuels. But it's not
4 the first time the world has switched.

5 In the 1800s the world changed from wood
6 burning to coal when wood became increasingly scarce.
7 Perhaps we will begin to run out of coal in 20 or
8 30 years, as some sad-thinking people think may
9 happen. And perhaps everyone will realize that we
10 need to stop releasing carbon to the atmosphere.

11 Whatever the reason, there will a triggered
12 shift to renewables. It's happening in the rest of
13 the world even as we contemplate updating these
14 plants. The change from old technology to fossil
15 fuels, coal, and oil took over 50 years. And the
16 fossil fuels were extremely efficient and extremely
17 attractive to use.

18 Renewables are more difficult, so I
19 understand Rocky Mountain Power's reluctance to switch
20 technologies. Even though the United States is the
21 Saudi Arabia of coal, Utah's coal beds are nearing the
22 end of their productivity curve.

23 The main disadvantage of solar and wind
24 energy is that many of the windiest sunniest regions
25 of the world are essentially uninhabited, so

1 electricity has to be transported long distance. But
2 not here. Utah is an excellent place to install wind
3 turbines, and an even better place for solar
4 collecting. And the Wasatch Front is definitely well
5 populated.

6 I'm not necessarily advocating for huge land
7 purchases and large field solar power generation, or
8 buying vast tracts of land for wind turbines, although
9 both would work.

10 I know Rocky Mountain Power is very much
11 against this idea, but nevertheless I suggest that
12 Rocky Mountain Power rent existing south or
13 west-facing roof tops in exchange for some tangible
14 payment, a reduction in power rates for participating
15 building owners, and install and maintain photovoltaic
16 solar panels on them.

17 This is not an original idea with me. It has
18 been done. The electric company owns them and
19 maintains them, and pays something back to the people
20 whose roofs they use. The panels are low maintenance.
21 And in my subdivision Rocky Mountain Power would find
22 a thousand running feet of suitable rooftop in
23 approximately 150-foot segments.

24 Although it's cold and snowy here in the
25 winter, most of the time my south-facing roof is

1 essentially free of snow or shade at 4500 South in
2 Salt Lake City.

3 CNBC, on the 26th of August, had a discussion
4 of prices, what's up and what's down. And they stated
5 the price of photovoltaic solar cells went down
6 15 percent in the last quarter of this year. That was
7 March to June, I believe.

8 If we don't start now to convert some of our
9 energy sources to renewables we'll end up with power
10 shortages that will be very difficult to deal with.
11 If we just begin to expensively upgrade our facilities
12 to comply with national rules for coal without
13 innovating at all, we'll commit ourselves to more and
14 more expensive electricity and gain nothing.

15 Integrating differences in production
16 profiles, the associated variations in the market
17 value of energy -- of electricity supplied, and
18 lifestyle -- cycle costs associated with different
19 generating technologies is really necessary before you
20 can begin to make meaningful comparisons between them
21 and make a decision on something like this.

22 The next paragraph is really boring. I know
23 what it means. It doesn't sound so well read out.
24 But nevertheless.

25 When comparing costs and values Rocky

1 Mountain may try to make you compare apples-to-apples
2 comparisons. Levelized cost comparisons are a
3 misleading metric for comparing. They fail to take
4 into account differences in the production profiles of
5 the two technologies.

6 Dispatchable coal burning, which means they
7 can do it day and night, versus renewables, which tend
8 to produce intermittent power, both must be part of
9 capacity considerations. Levelling tends to overvalue
10 wind generating technologies compared to solar
11 generating. One must also consider newer storage
12 methods and use and demand patterns.

13 Solar would provide summer and winter peak or
14 near-peak capacity that could modulate load demand in
15 Utah. If people are setting thermos -- are using
16 settable thermostats it's easy to change to heating or
17 cooling in the midafternoon rather than at 5:00 p.m.,
18 for example.

19 Rocky Mountain has argued that these are the
20 reasons they can't do this. To me, at least. It
21 isn't our business here to worry about how Rocky
22 Mountain Power makes electricity to export to
23 California. We do have to worry about electricity for
24 ourselves.

25 It's better business to be ahead of the curve

1 and obtain a sure, steady, and affordable source of
2 electricity for Utah. Any renewable power is going to
3 be, in the foreseeable future, a better source than
4 coal-fired generating plants. Doing it now is better
5 than waiting another 25 years.

6 This article that I've written is footnoted,
7 so I will give it to your secretary for the record so
8 that I don't have to read you the footnotes.

9 CHAIRMAN BOYER: Thank you.

10 MS. JOHNSON: Thank you very much.

11 (Attachment No. 19 was submitted.)

12 CHAIRMAN BOYER: Are there questions for
13 Ms. Johnson?

14 Okay. Thank you, Ms. Johnson, you are
15 excused.

16 MS. JOHNSON: Thank you.

17 CHAIRMAN BOYER: Gina Cornia? Ms. Cornia,
18 you'd like to give sworn testimony, I gather?

19 MS. CORNIA: Yes, please.

20 (Ms. Cornia was duly sworn.)

21 CHAIRMAN BOYER: Thank you. Please be
22 seated.

23 MS. CORNIA: My name is Gina Cornia and I'm
24 here representing Utahans Against Hunger. We work
25 state wide to eliminate hunger and food insecurity in

1 our state. And we are here today to express concern
2 about the impacts rising utility costs have on low and
3 fixed income households.

4 And while we understand that a settlement has
5 been reached that will keep the increase to about
6 \$3.20 a month, we are still concerned about the burden
7 this will create for households who are facing
8 ever-increasing cost-of-living costs.

9 Eighteen percent of Utah households struggle
10 to afford enough food. Utah's food insecurity rate is
11 almost 2 percent higher than other states in the
12 mountain plains region. In this fragile economy
13 low-income households continue to face increased costs
14 for food.

15 The consumer price index forecasts that the
16 price of food at home, as opposed to eating out --
17 these are folks who are cooking their meals in their
18 kitchens -- will increase between 3.5 and 4.5 percent
19 this year. And while predicted to be lower in 2012,
20 food prices are still predicted to increase an
21 additional 2 to 3 percent.

22 Everyone knows that the price of gas has been
23 going up. But working, working poor families spend a
24 larger percentage of their budget on transportation
25 related to work than other households. And of course

1 the ever-increasing price of gas continues to add to
2 this cost.

3 And although the average American puts
4 18 cents of every dollar they spend into
5 transportation, the poorest fifth of American families
6 spend more than 36 cents out of every dollar.

7 Additionally, over the last four years the
8 number of households accessing the food stamp program
9 has increased by 116 percent. Forty-five percent of
10 these food stamp households live on unearned income.
11 That's social -- supplemental security income, Social
12 Security disability, and Social Security income.

13 Increasing utility costs are expected to
14 continue over the coming years. And low-income
15 families are just facing increased pressure every day
16 to make ends meet. And Utahans Against Hunger asks
17 the Commission to bear this in mind as you rate this
18 request and requests in the future. Thank you.

19 CHAIRMAN BOYER: Thank you Ms. Cornia.

20 Are there questions for Ms. Cornia?

21 Thank you for participating. You are
22 excused.

23 LouAnne Stevenson? Ms. Stevenson, do you
24 wish to give sworn or unsworn testimony?

25 MS. STEVENSON: Sworn.

1 (Ms. Stevenson was duly sworn.)

2 CHAIRMAN BOYER: Thank you, please be seated.

3 MS. STEVENSON: Now, my name is LouAnne
4 Stevenson, you just heard. And I'm, I'm an activist
5 and I'm a client, also a client at Crossroads Urban
6 Center. I'm one of these so-called poor people that
7 they're talking about.

8 I'm on a fixed Social Security income that I
9 get monthly. I have to live from month to month. And
10 it's very small. And our checks have not been
11 going -- we have not been getting our cost of living
12 the past two or three years. And I don't think they
13 plan to in this economy. Yet my cost of living keeps
14 going up, and up, and up, with everything else.

15 And it's -- my check just gets stretched very
16 thin between every -- the rising costs and out-of-
17 pocket medical expenses. I have different medical
18 conditions, and I have to pay to see a chiropractor,
19 and I have med co-pays, and I have other out of
20 pocket. And it's very hard. And I'm also on other --
21 most other government programs to help ends meet too.

22 Anyway. But I'm also on energy heat program
23 assistance, which is being cut because of the economy.
24 And a raise hike would be very detrimental for me and
25 others like me in our situation. Especially with the

1 economy. Because it's hitting all of us in many
2 different ways.

3 And, and it's also my understanding that
4 there will be more retrofitting and more raise hikes
5 after this year from some -- an article I read from an
6 agency. Environmental agency. And so I don't like to
7 see the constant rate, rate hikes either.

8 And in the future this really concerns me.
9 And I also, on that note, I also agree with the people
10 that took the stance for environmental -- the
11 environmental stance for more cleaner more efficient
12 energy. You know, incorporating more of those. I
13 stand in agreement also with them.

14 But I'll just say it'll be detrimental to me
15 and a lot of people if they raised hike -- raised
16 your -- the, you know, rates right now. Thank you.

17 CHAIRMAN BOYER: Thank you Ms. Stevenson.

18 Are there questions for Ms. Stevenson?

19 Okay. Thank you for participating. You are
20 excused.

21 We have a few additional names of people who
22 wish to be heard. Terry Beeres?

23 Okay, you're already raising your right hand
24 so you want to give sworn testimony.

25 (Mr. Beever was duly sworn.)

1 CHAIRMAN BOYER: Thank you. And is your
2 named spelled B-e-e-r-e-s?

3 MR. BEEVER: It's Terry Beever.

4 CHAIRMAN BOYER: Beever, I'm sorry.

5 MR. BEEVER: B-e-e-v-e-r.

6 CHAIRMAN BOYER: B-e-e-v-e-r. Okay. Thanks
7 for that clarification. You may proceed.

8 MR. BEEVER: All right. So my name's Terry
9 Beever. I represent Sunlight Solar Systems. We are a
10 local electrical and solar PV and wind contractor here
11 in the state.

12 This industry has been growing here for quite
13 some time. Even though that -- a rate increase would
14 dramatically increase our business here in the state,
15 we are against that increase at this time. Mostly due
16 to, the number one reason being that that money should
17 be investigated a little bit more before it is spent
18 on coal-fired power plants.

19 We believe that -- strongly that coal, clean
20 coal, any carbon fossil fuel basically has a negative
21 effect on, not only on our environment, but produces
22 pollution, which in turn affects everyone here in the
23 state.

24 Most people in this room have probably have a
25 family member that has -- suffers from some type of

1 illness or sickness or has even died from coal-fired
2 power plants.

3 Me, myself, I've lost multiple family
4 members. I suffer from asthma. I've been in Salt
5 Lake City, an actual downtown Salt Lake City resident
6 for about 20 years now. And the asthma has increased
7 over those years.

8 We would hate to see that money invested in
9 that. Especially coal-fired power plants, because it
10 seems as even clean coal is like a band-aid on a slit
11 throat. That coal is going to be something that's
12 going to go away.

13 Where if we want to excel as a human race and
14 take it to the next step of evolution we need to not
15 worry about jobs and basically worry about the price
16 of what it costs and the subsidization of coal, but
17 basically go for the future.

18 And -- which could be now. And that is --
19 the technology is there. It's getting better every
20 day. The cost for solar and wind technology is
21 greatly coming down every day. Every month we get an
22 update on panels decreasing in price. It's getting
23 close to being at where about it's gonna stay for a
24 while, we're assuming.

25 But we do believe that basically if we want

1 to elevate ourselves and not worry so much about jobs
2 and low power costs here in Utah bringing industry in,
3 we still have the lowest electricity or at least close
4 to it in the nation.

5 And we are a solar city. We have over
6 300-plus days a year of partly sunny or better. Maybe
7 not this last year, but in years past. And basically
8 solar has never affected anyone in a negative way,
9 whether it be an illness or sickness. And like I
10 said, we all have family members that have either
11 passed or have been basically a negative result.

12 It almost reminds me of times like the
13 industrial -- industrialized age when jobs, working
14 conditions were horrible. Lots of people died.
15 Nobody cared. It's kind of where we're at right now.

16 It's time to take the leap and invest that
17 money into new technology that's there, readily
18 available, efficiency, wind, and solar, and a lot of
19 the other technologies that are out there, so we can
20 get to the next step and move forward and help clean
21 up our environment. Because I love Utah and would
22 hate to see us waste money on an aging energy
23 structure. That's it. Thanks.

24 CHAIRMAN BOYER: Thank you Mr. Beever.

25 Questions of Mr. Beever?

1 Okay, you may be excused.

2 Tara Rollins? Ms. Rollins, do you wish to
3 give sworn or unsworn testimony?

4 (Ms. Rollins was duly sworn.)

5 CHAIRMAN BOYER: Thank you, please be seated.

6 MS. ROLLINS: My name is Tara Rollins, and
7 I'm from the Utah Housing Coalition. And this is the
8 first time I've testified at a hearing like this, and
9 I'm sorry that I didn't prepare a little bit better.
10 I didn't realize how much time you actually could
11 speak. So I'm going to be brief and just talk about
12 affordable housing.

13 This is not the time to increase rates.
14 Affordable housing is relevant to all of us, whether
15 you live in a single room or a mansion. If you're
16 paying more than 30 percent of your income for your
17 shelter and utilities you're not living in a place you
18 can afford.

19 Seventy-five percent of the households paying
20 more than 50 percent of their income to housing are
21 extremely low income. This is a person or a household
22 making \$17,000 a year. Less than 1 percent of the
23 households paying 50 percent of their income to
24 housing are not even considered low income.

25 We are in a huge housing crisis right now.

1 Utah is expected to reach 32,000 foreclosures by the
2 end of the year. The majority of these foreclosures
3 were not because a person was lazy and didn't pay --
4 make their payment. It was due to job loss,
5 underemployed households, and wrongful foreclosures.

6 In the next six months we're looking at
7 17,000 loans that will be readjusting in 12 Utah
8 counties. Foreclosures that aren't going away. And
9 they're costly to our communities.

10 Last year we had 13,370 children in our
11 school system that were homeless. This is a count
12 that is done every year by the school system. These
13 are kids that are doubled up, tripled up. These are
14 people that cannot afford to live in our community.

15 The numbers I've cited above, we're gonna be
16 looking at a big change. There's a lot of people that
17 are just moving out of foreclosure that are gonna be
18 going into the community. They're gonna be looking
19 for affordable housing and not be able to find it.
20 They're going to be doubled up, tripled up with
21 relatives as well.

22 We are going to see a lot of people that are
23 moving from middle income into the lower and
24 extremely-low income levels. This is at a time, you
25 know, when government are cutting many programs. And

1 the HEAT program in particular is going to see a
2 strain this year of more people, that have never
3 qualified previously, will be applying for.

4 And due to the cuts in the government it
5 means less people will be served and they will receive
6 less money per household. So our citizens cannot
7 afford to pay additional money to utilities. They're
8 already stressed and strapped.

9 Until we can stabilize our housing crisis we
10 cannot afford to increase utility rates. This will be
11 damaging to our community.

12 CHAIRMAN BOYER: Thank you Ms. Rollins.

13 Any questions for Ms. Rollins?

14 Apparently not. Barbara Toomes, I believe.

15 MS. MURRAY: Toomer.

16 CHAIRMAN BOYER: Say again?

17 MS. MURRAY: Toomer.

18 CHAIRMAN BOYER: Toomer? T-o-o-m-e-r?

19 Welcome Ms. Toomer. Do you wish to give

20 sworn --

21 MS. TOOMER: Yes.

22 CHAIRMAN BOYER: -- or unsworn testimony?

23 (Ms. Toomer was duly sworn.)

24 MS. TOOMER: As you can see, I'm a senior
25 citizen. And I cannot give you how many of us are on

1 limited incomes and without IRAs, and 401(k)'s, and
2 all those other goody things that a lot of people
3 have.

4 But I'm here to represent people with
5 disabilities. I'm the chairman of the board of
6 directors of the Disabled Rights Action Committee.
7 And we deal with people with disabilities all the
8 time.

9 Many, many, many people with disabilities are
10 on SSI, and as a result they get Medicaid and they get
11 also the grand sum of \$660 a month. From that they
12 have to pay their housing. They have to pay their
13 food. And whatever is left over they get to pay the
14 other things.

15 Any increase at all will be devastating to
16 these people. And me too. And the reason is is that
17 everybody is after them. And I mean everybody. The
18 State of Utah just increased their co-pays for
19 prescriptions. So you have to pay more to get a
20 prescription that you have to have to stay alive.
21 It's unconscionable.

22 And I guess my question to the Public Service
23 Commission is is please, please think of what the word
24 "affordable" means. Many people who testified in
25 front of you today have said that, Oh, it's

1 affordable. It's affordable.

2 Well, it's not affordable to me. It's not
3 affordable to 17 to 19 percent of people with
4 disabilities in the State of Utah. And it's certainly
5 not affordable to everyone. And so I'd like to have
6 you really, really consider those words: What does
7 affordable mean, and to whom does it mean something
8 good? Thank you, I appreciate it.

9 CHAIRMAN BOYER: Thank you Ms. Toomer.

10 Any questions for Ms. Toomer?

11 Thank you very much for coming.

12 Are there other members of the public who
13 wish to be heard?

14 Apparently not.

15 (Pause.)

16 CHAIRMAN BOYER: We're gonna take a
17 five-minute recess and then we'll come back and
18 announce how we're gonna proceed from this point.

19 (A recess was taken from 7:06 to 7:11 p.m.)

20 CHAIRMAN BOYER: We've had a request to issue
21 a bench in order this case. We're not prepared to do
22 that at this point. We need time to deliberate.

23 Is what we intend to do is issue a
24 preliminary order on Thursday of this week. That will
25 probably be in writing. And it may be followed at a

1 later date with a more detailed order delineating all
2 of our rationale and analysis. So be watching for
3 that on Thursday of this week.

4 And thank you all for participating and for
5 coming and staying at this late hour. And all of the
6 lawyers and parties who have been actively engaged
7 this case all along.

8 And just for your information, the
9 pleading -- the testimony alone, which we've all read,
10 if one were to stack it on the floor it would be about
11 five feet tall. I'm not exaggerating.

12 This is a hugely complicated case involving a
13 lot of money. So we compliment everybody who's been
14 participating in this at this time, and we'll issue
15 that preliminary order on Thursday of this week.
16 Thank you all for participating. Drive safely.

17 (The hearing was concluded at 7:12 p.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 122, 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 17th DAY OF August, 2011.

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

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