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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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In the Matter of the Application of Rocky Mountain power for Approval of Changes to Renewable Avoided Cost Methodology for Qualifying Facilities Projects Larger than Three Megawatts	DOCKET NO. 12-035-100  <b>OFFICE OF CONSUMER SERVICES' RESPONSE TO FIRST SET OF DATA REQUESTS OF KENNECOTT UTAH COPPER, LLC AND TESORO REFINING &amp; MARKETING COMPANY LLC</b>
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The Utah Office of Consumer Services ("OCS") objects and responds to *First Set of Data Requests of Kennecott Utah Copper, LLC and Tesoro Refining & Marketing Company LLC to the Office of Consumer Services* as follows:

**REQUEST NO. 1-1:** Identify all persons who prepared or assisted in the preparation of the Direct Testimony of Bela Vestag [sic] at lines 83 through 110, identify by reference to line numbers the portions of his testimony that each such person prepared or assisted in preparing,

and identify and produce all documents that each such person reviewed in preparing or assisting in preparing such portions of his testimony.

**RESPONSE TO REQUEST NO. 1-1:** OCS objects to Request No. 1-1 to the extent that the same is vague and ambiguous relative to the phrase “assisted in the preparation”. Subject to and without waiving the foregoing objection, OCS responds as follows: Bela Vastag very generally discussed his proposed Direct Testimony with OCS staff members; however, Mr. Vastag alone is the individual who prepared said Direct Testimony at lines 83 through 110. In preparing his testimony, Mr. Vastag reviewed the following documents:

1. Public Utility Regulatory Policies Act of 1978 (“PURPA”);
  2. Federal Power Act, Section 3(17)(A);
  3. FERC’s avoided cost rule: 18CFR Part 292 Small Power Production and Cogeneration Facilities; Regulations Implementing Section 210 of PURPA;
  4. OCS comments regarding Cottonwood Hydro Schedule 37 PPA (PacifiCorp - Cottonwood Hydro, LLC Schedule 37 PPA; Docket No. 10-035-15). April 26, 2010. This document can be found on the Public Service Commission of Utah’s website. <http://www.psc.utah.gov/utilities/electric/10docs/1003515/66317Comments%20from%20OCS.doc>;
- and

5. The Public Service Commission of Utah's Report and Order regarding Cottonwood Hydro Schedule 37 PPA; Docket No. 10-035-15.

The documents listed above are not being produced along with these Responses to Data Requests, as said published documents are as readily available to the requesting parties as they are to OCS.

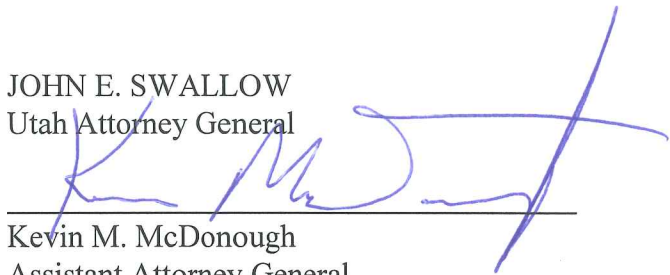
**REQUEST NO. 1-2:** Please identify and provide a copy of any federal or Utah state statutes, rules or orders that you contend support the statement in the Direct Testimony of Bele [sic] Vestag [sic] at lines 93-95 that "PURPA requires ratepayers to pay for the energy; and therefore, the RECs should remain bundled with the energy and the ratepayers should receive them."

**RESPONSE TO REQUEST NO. 1-2:** OCS objects to Request No. 1-2 on the grounds that the request appears to - at least partially - mischaracterize the Direct Testimony of Mr. Bela Vastag. More specifically, Mr. Vastag's testimony asserts that "PURPA requires ratepayers to pay for the energy;" (emphasis added) Mr. Vastag's testimony does not assert a contention that any other "federal or Utah state statutes, rules or orders require ratepayers to pay for the energy." The Office further objects on the grounds that Request No. 1-2 calls for a legal conclusion. Subject to and without waiving the foregoing objections, OCS responds as follows: PURPA itself is the federal authority that supports that portion of Mr. Vastag's testimony indicating that

ratepayers are required to pay for energy. The balance of the statement of Mr. Vastag merely reflects the OCS's policy interpretation of PURPA.

DATED this 1<sup>st</sup> day of May, 2013.

JOHN E. SWALLOW  
Utah Attorney General



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Kevin M. McDonough  
Assistant Attorney General  
*Attorney for Utah Office of Consumer  
Services*

## CERTIFICATE OF SERVICE

I hereby certify that on the 1<sup>st</sup> day of May, 2013, an original and ten (10) true and correct copies of the foregoing **OFFICE OF CONSUMER SERVICES' RESPONSE TO FIRST SET OF DATA REQUESTS OF KENNECOTT UTAH COPPER, LLC AND TESORO REFINING & MARKETING COMPANY LLC** were electronically mailed and hand-delivered to:

Gary L. Widerburg  
Commission Secretary  
Public Service Commission of Utah  
160 East 300 South, Fourth Floor  
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[psc@utah.gov](mailto:psc@utah.gov)

And true and correct copies were electronically mailed to the following:

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