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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF WYOMING

IN THE MATTER OF THE APPLICATION
OF ROCKY MOUNTAIN POWER FOR DOCKET NO.
APPROVAL OF A CERTIFICATE OF 20000-418-EA-12
PUBLIC CONVENIENCE AND NECESSITY (RECORD NO. 13314)
TO CONSTRUCT SELECTIVE CATALYTIC
REDUCTION SYSTEMS ON JIM BRIDGER
UNITS 3 AND 4 LOCATED NEAR
POINT OF ROCKS, WYOMING

TRANSCRIPT OF HEARING PROCEEDINGS
Volume II

PURSUANT TO NOTICE duly given to all parties in
interest, this matter came on for hearing on the 27th day
of March, 2013, at the hour of 9:00 a.m., in the Commission
Hearing Room, 2515 Warren Avenue, Suite 300, Cheyenne,
Wyoming, before the Public Service Commission, Steve Mink,
Assistant Secretary and Counsel, presiding; with Chairman
Alan B. Minier and Commissioner William F. Russell also in
attendance. Also present were Lori Brand, Assistant
Secretary and Counsel; Dave Walker, Michelle Bohanan,
Brittney Brinkmeier, Laura Yetter and Perry McCollom,
technical advisors to the Commission.

1 allowed the extension of those deadlines or they have
2 allowed at least five years of those deadlines.

3 So I actually do think it would be out of
4 character for EPA to require a shorter deadline, and that's
5 particularly true if they do, in fact, lower the emissions
6 limits from .07 to something else, we've seen .05 in many
7 other final decisions. I just think it would be out of
8 character for EPA to require this particular source to meet
9 such a rapid deadline.

10 Now, from an environmental perspective, we're in
11 somewhat of a quandary. We actually like to see controls
12 go on quickly. We like to see the air cleaned up as quick
13 as possible, and so we advocate for that. But it's a
14 different question of once that decision is made and it's
15 brought before this body, which looks at the prudence of
16 the economics decisions, we think that it is best for the
17 company to make the most economic decisions based on the
18 actual deadline that gets imposed.

19 So, in my opinion, it is -- I would be surprised
20 if EPA approves that 2015 deadline and the 2016 deadline.

21 CHAIRMAN MINIER: Anybody else want to
22 weigh in on this?

23 MR. HICKEY: Mr. Chairman, I would
24 certainly like a chance to respond. I will agree with one
25 thing Mr. Ritchie said. I do think the world looks upside

1 down when you hear Sierra Club and Powder River arguing for
2 an extension of deadlines that the company is saying let us
3 meet these deadlines that the State of Wyoming is saying
4 we're not changing our deadlines, and the ultimate outcome
5 of meeting those deadlines is cleaner air sooner.

6 It does seem like the world is upside down about
7 who's advocating to keep these deadlines and that
8 regulatory regime in place.

9 The most important thing I can offer to you is
10 Ms. Woollums did speak to the current head of this region's
11 EPA office last night, and if you want something beyond a
12 lawyer's speculation but someone who's actually had input
13 from the EPA, I would be happy to let Cathy share that
14 conversation with the Commission, and it's in juxtaposition
15 of this offered speculation of counsel as to what EPA would
16 do.

17 CHAIRMAN MINIER: If no one else would
18 mind, I think that would be a good thing. Let's address
19 this and clean it up.

20 Dr. Fisher, if we can set you aside for just a
21 movement.

22 MR. MINK: Miss Woollums, you recognize
23 that you're still under oath?

24 THE WITNESS: Yes.

25 MR. MINK: All right. Please be seated.

1 CATHY S. WOOLLUMS,
2 called for examination by the Applicant, being previously
3 sworn, on her oath testified further as follows:

4 DIRECT EXAMINATION

5 Q. (BY MR. HICKEY) Good morning, Miss Woollums.

6 A. Good morning.

7 Q. Just to quickly set this up. You had an
8 opportunity to learn last night, late yesterday afternoon
9 that the EPA along with parties in the case known as
10 Wildearth Guardians versus Lisa Jackson pending in the
11 United States District Court for the District of Colorado
12 had filed yesterday yet another request for an extension of
13 the deadline in the rulemaking proceeding; is that correct?

14 A. That is correct.

15 Q. And for the record, could you tell us what that
16 extended date now is?

17 A. Yes. The reproposal will occur May 23, 2013, and
18 the final action was proposed in the stipulation to extend
19 the deadlines to November 21, 2013.

20 Q. I'm going to represent to you that I'll offer
21 this Stipulation to Extend Deadlines and Consent Decree
22 Pleading as Rocky Mountain Power Exhibit 14 so the record
23 has this and ask if Exhibit 14 is, in fact, the pleading
24 that you were provided a copy of yesterday?

25 A. Yes, it is.

1 Q. And, Ms. Woollums, did you have a chance to have
2 conversation with anyone associated with the regional
3 office of the Environmental Protection Agency in Denver,
4 Colorado regarding this requested extension?

5 A. Yes, I did. Last evening I received a phone call
6 from Mr. Carl Daly at EPA Region 8 who discussed his
7 stipulation to extend the deadlines in the consent decree
8 with me indicating that the basis for the extension was
9 that the region needed more time to consult with and review
10 from EPA headquarters in D.C., and as a result, they had
11 requested the additional time, which obviously the Court
12 has not yet granted that extension, but he expected that to
13 happen fairly quickly.

14 He also indicated in specific response to my
15 questions relative to the Bridger facility that he could
16 not give me specific information. However, he guided me to
17 the documents in the docket, the EPA docket, and indicated
18 that where EPA was heading was very consistent with the
19 original proposal.

20 Q. Does that --

21 A. And I might --

22 Q. -- capture the sum and substance of your
23 conversation with this gentleman?

24 A. Yes, it does.

25 Q. Is there anything else you would like to share

1 with the Commission about the consequence or the fact of
2 this pleading having been filed?

3 A. Yes. Given the circumstances that we currently
4 face, I also found it appropriate to discuss the EPA's
5 extension with Mr. Steve Dietrich this morning to
6 specifically inquire as to whether this recent development
7 changed any of the deadlines that are currently in the
8 settlement agreement and binding on Bridger Units 3 and 4
9 and he -- Mr. Teply and I met with Mr. Dietrich and his
10 staff morning. Mr. Dietrich indicated that nothing changes
11 with respect to the deadlines given EPA's recent action.

12 MR. HICKEY: That would conclude the
13 comments that Ms. Woollums has to offer. If anyone has
14 questions, of course, she's glad to answer them, and I
15 would at this point offer Rocky Mountain Power Exhibit 14,
16 which is the pleading that was just described.

17 MR. MINK: Would there be any objections to
18 the receipt of Rocky Mountain Power 14 into the record.
19 Mr. Pomeroy?

20 MR. POMEROY: No objection.

21 MR. MINK: Mr. Ritchie.

22 MR. RITCHIE: No objection.

23 MS. ANDERSON: No objection.

24 MR. WILLIAMS: No objection.

25 MR. MINK: Then it's received.

1 (Rocky Mountain Power Exhibit No. 14
2 received into evidence.)

3 MR. HICKEY: Thank you.

4 MR. MINK: Did you have any questions for
5 Miss Woollums on this subject, Mr. Pomeroy?

6 MR. POMEROY: I suppose the same question I
7 always have.

8 CROSS-EXAMINATION

9 Q. (BY MR. POMEROY) Did you ask specifically for an
10 extension of the deadlines from DEQ?

11 A. I did.

12 Q. And they rejected that request?

13 A. Yes, they indicated no deadlines will change.

14 MR. POMEROY: Okay. That's all I have.

15 MR. MINK: Mr. Ritchie.

16 CROSS-EXAMINATION

17 Q. (BY MR. RITCHIE) Ms. Woollums, with respect to
18 your conversation with EPA Region 9, or sorry, Region 8,
19 just to be clear, your conversation, there was no specific
20 indication of what the compliance deadlines will be; is
21 that correct?

22 A. No, Mr. Daly indicated he could not be specific
23 with me but did indicate that it would be consistent with
24 where they were headed in the original proposal.

25 Q. And in the original proposal, was one of the

1 options to disapprove the Wyoming deadlines of 2015 and
2 2016 and allow five years to install SCR at all four of the
3 Jim Bridger units?

4 A. I don't believe it was to disapprove. I believe
5 that EPA was considering three alternatives, one being
6 maintaining the deadlines of 15 and 16, and really the --
7 the alternatives were geared largely toward addressing
8 Units 1 and 2. But there was some possibility to just lump
9 together all the units and have them done in a specified
10 window of time, but as I indicated in my testimony
11 yesterday, regardless of that, we can't do all four units
12 at one time. So we have to stagger those.

13 So regardless of the EPA deadlines, regardless of
14 the, you know, potential outcome of those alternatives,
15 which I cannot tell you which one of the alternatives they
16 will adopt at this point in time, I don't view that as a
17 viable method to move forward.

18 Q. But just to be clear, the second alternative that
19 you discussed, the practical implications of that second
20 proposed alternative that EPA requested comments on was to
21 install SCR at all four units and to allow five years for
22 all four units to meet the compliance requirements?

23 MR. HICKEY: Object, asked and answered.

24 MR. MINK: Sustained, she did answer that.

25 MR. RITCHIE: I have no further questions.

1 MR. MINK: Mr. Anderson -- Miss Anderson,
2 sorry.

3 MS. ANDERSON: Thank you.

4 CROSS-EXAMINATION

5 Q. (BY MS. ANDERSON) Miss Woollums, in your
6 conversations with Mr. Daly, did you discuss at all
7 emission limits for Bridger 3 and 4?

8 A. I did not. He was not willing to give me any
9 additional information.

10 MR. MINK: Mr. Williams.

11 MR. WILLIAMS: I have no questions. Thank
12 you.

13 MR. MINK: Any questions from the bench,
14 Mr. McCollom?

15 EXAMINATION BY THE COMMISSION STAFF

16 Q. (BY MR. MCCOLLOM) Yeah. You mentioned you
17 referred to an EPA docket.

18 A. Yes.

19 Q. Do you happen to know what that EPA docket number
20 is?

21 A. Yes, I do. If I can recall it correctly, EPA --
22 this is on the regulations.gov website. EPA-R08 or zero 8
23 dash --

24 MR. HICKEY: 1212.

25 THE WITNESS: Well, there's another. So

1 it's EPA-R08-OAR-2012-0026.

2 MR. RITCHIE: If I might add, if the folks
3 wanted to see it, we submitted a document from that docket,
4 that PacifiCorp had actually introduced, and that docket
5 number is written on Sierra Club Exhibit 332 as well, just
6 in case that helps you find it a little bit better.

7 MR. MCCOLLOM: No further questions.

8 MR. MINK: Ms. Brinkmeier?

9 MS. BRINKMEIER: No.

10 MR. MINK: Miss Bohanan?

11 MS. BOHANAN: No, thank you.

12 MS. YETTER: No.

13 MR. MINK: Commissioner Russell.

14 EXAMINATION BY THE COMMISSION

15 Q. (BY COMMISSIONER RUSSELL) Yeah, just one or two
16 quick ones. We talked often during this hearing about EPA
17 deadlines and referencing the five-year thing. I don't
18 pretend that I know the EPA regulations anywhere near as
19 well as you do, but what I've read that I thought was
20 relevant to this type of situation was a regulation that
21 speaks of performing the modifications or, you know,
22 installing BART or whatever we're doing as quickly as
23 practicable, but not longer than five years. Does that
24 apply in this case?

25 A. Yes, yes. You've accurately portrayed the

1 MR. MINK: You're welcome.

2 Miss Woollums, you're excused.

3 (Witness sworn.)

4 JEREMY FISHER, Ph.D.,

5 called for examination by the Sierra Club, being first duly

6 sworn, on his oath testified as follows:

7 DIRECT EXAMINATION

8 Q. (BY MR. RITCHIE) Good morning, Dr. Fisher. Can
9 you please state your name and business address for the
10 record?

11 A. My name is Jeremy Fisher, J-e-r-e-m-y,
12 F-i-s-h-e-r. And my business address is 485 Massachusetts
13 Avenue in Cambridge, Massachusetts.

14 Q. And did you submit testimony on behalf of Sierra
15 Club in this proceeding?

16 A. I did.

17 Q. And did you submit your direct testimony which is
18 currently labeled as Exhibit 300 with accompanying exhibits
19 labeled 301 through 325?

20 A. I did.

21 Q. And did you submit your cross-answering testimony
22 currently labeled as Sierra Club Exhibit 326 and
23 accompanying Exhibits 326 through 329?

24 A. Yes, I did.

25 Q. Do you have any corrections or modifications to