

UTAH PUBLIC SERVICE COMMISSION

PUBLIC WITNESS HEARING IN)
THE MATTER OF THE) Docket No. 15-035-84
APPLICATION OF ROCKY)
MOUNTAIN POWER FOR APPROVAL)
OF PURCHASE AND TRANSFER)
AGREEMENT AND THE POWER)
SUPPLY AGREEMENT WITH)
NAVAJO TRIBAL UTILITY)
AUTHORITY AND AMENDMENT OF)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)

Utah Public Service Commission
160 East 300 South, 4th Floor
Salt Lake City, Utah

May 19, 2016, 5:00-5:39 p.m.

Reported by: Jennifer E. Garner, RPR
Notary Public in and for the State of Utah
Job No.: 286960A

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PROCEEDINGS

CHAIRMAN LEVAR: Okay. Good evening. We are here for the Public Service Commission public witness hearing in docket 15-035-84 in the matter of the Application of Rocky Mountain Power for Approval of Purchase of Transfer Agreement and Power Supply Agreement with Navajo Tribal Utility Authority and Amendment of Certificate of Public Convenience and Necessity.

I'm trying to remember if we take appearances at public witness hearings. I think we do. Why don't we go ahead with that.

It looks like there is no one here from Rocky Mountain Power.

MR. DODGE: I'm trying to think how to default them somehow.

MR. MECHAM: In the next rate case.

MR. DODGE: Gary Dodge on behalf of NTUA.

CHAIRMAN LEVAR: Thank you.

MR. MECHAM: Steve Mecham on behalf of Resolute Natural Resources Company.

CHAIRMAN LEVAR: Thank you.

MS. SCHMID: Patricia Schmid with the AG's office on behalf of the Division of Public Utilities.

1 MR. OLSEN: Rex Olsen, for a while, on
2 behalf of the office. I have another commitment that
3 I'll have to be leaving fairly soon, but I thought
4 I'd see if I could be of assistance for the time I
5 was here if that is all right with the Commission.

6 CHAIRMAN LEVAR: Yeah, I don't see any
7 reason why not. This is our second public witness
8 hearing in this docket.

9 So I'll just ask the room if there is
10 anyone present right now who wants to speak to this
11 docket. The public witness hearing is the
12 opportunity for any member of the public to speak for
13 or against the Application or any other type of
14 comment they want to make.

15 And I'm not seeing any indication in the
16 room that there is anyone right now desiring to
17 speak. Please let me know if I'm mistaken on that.

18 The way we noticed up this hearing is that
19 we said we would give a reasonable opportunity to
20 speak to anyone who is present by 5:30 p.m.

21 So if there is no one wanting to speak
22 right now, it probably makes sense to adjourn until
23 the earlier of either 5:30 or when we are notified
24 that someone is here wanting to speak to us.

25 Is there any objection to that from anyone

1 in the room?

2 MS. SCHMID: No objection.

3 MR. OLSON: No objection at all.

4 CHAIRMAN LEVAR: Okay. I'm not seeing
5 any. So we'll be adjourned until to the earlier of
6 either of those two events taking place.

7 I think recess is a more accurate term
8 than adjourned.

9 (The hearing was in recess from 5:03 to
10 5:29 p.m.)

11 (Ms. Hogle for Rocky Mountain Power
12 entered the room during the recess.)

13 CHAIRMAN LEVAR: Okay. We are back on the
14 record, and I'll just ask the room -- first, I'll
15 note that we did have a five-minute window at 5:00
16 where it looks like we did not have someone
17 downstairs to let people in the door. We've spoken
18 with the security guards, and it does appear that
19 there was not anyone who tried to get in during that
20 window. So --

21 MS. HOGLE: Except for me.

22 CHAIRMAN LEVAR: Except for you. Okay.
23 And you were able to get in.

24 Do you want to make an appearance, by the
25 way? We did appearances before you got here.

1 MS. HOGLE: Yvonne Hogle for Rocky
2 Mountain Power.

3 CHAIRMAN LEVAR: Well, that was our fault,
4 apparently. So we're glad you're here.

5 MS. HOGLE: Thank you.

6 CHAIRMAN LEVAR: And it does not appear to
7 me that there is anyone in the room wanting to make
8 any comment on this docket.

9 Please indicate to me if that is not
10 correct. And I'm looking around the room and not
11 seeing any indication otherwise.

12 So this hearing is adjourned. Thank you.

13 MS. HOGLE: Excuse me.

14 CHAIRMAN LEVAR: Yes.

15 MS. HOGLE: I'd like to request a bench
16 order, please.

17 CHAIRMAN LEVAR: Okay. Would you like to
18 address your motion?

19 MS. HOGLE: Sure, yes. I just -- I was in
20 the room when you discussed the late filed
21 intervention, and I don't believe that there was a
22 good basis or justification for filing late. The
23 person could have been here for public witness today
24 and perhaps addressed his concerns as a public
25 witness and he did not.

1 And I think that the late intervention --
2 in particular, a late intervention, if there is no
3 justification for it being late, disrupts the orderly
4 process of a proceeding like this one, in particular
5 where there is no opposition to a stipulation among
6 all parties.

7 And, therefore, I think that the petition
8 on the motion for late intervention is moot. And,
9 based on that, I move -- I would move and ask and
10 request that you file -- or that you issue a bench
11 order, please.

12 CHAIRMAN LEVAR: Okay. Let me -- before I
13 go to other parties, do you also feel that the
14 testimony that came in in the last day or two is
15 still conducive to a bench order?

16 MS. HOGLE: The testimony from the
17 parties?

18 CHAIRMAN LEVAR: The fact that we had
19 parties filing testimony I believe yesterday
20 afternoon, was it not?

21 MR. OLSEN: Right.

22 MS. HOGLE: Yes. I do believe that.

23 Thank you.

24 CHAIRMAN LEVAR: Okay. Thank you.

25 Did you have a question?

1 COMMISSIONER CLARK: I do have a question.
2 I'm just a little confused about the nature of the
3 motion. Are you asking that the Commission issue a
4 bench order denying the intervention or granting the
5 Application or --

6 MS. HOGLE: That's a fair question.

7 MR. CLARK: I'm not sure.

8 MS. HOGLE: Thank you for that
9 clarification.

10 I am requesting for both things. I move
11 for the Commission to deny the intervention or late
12 filed intervention based on the argument that I just
13 gave and also to approve the Application and, in
14 particular, the Stipulation.

15 CHAIRMAN LEVAR: Okay. Thank you. I
16 think the motion is clear. Did you have any other
17 questions at this point?

18 COMMISSIONER WHITE: No.

19 CHAIRMAN LEVAR: Mr. Dodge?

20 MR. DODGE: I would just like to join the
21 motion. As I indicated earlier, it is not that there
22 is a deadline, per se, but my client has been pushing
23 very hard to get this done and pushed very hard to
24 hold on to these dates. There are a lot of things
25 that trigger from Commission approval, and the

1 earlier that comes, the earlier NTUA can get into the
2 business of doing what it needs to do to transfer
3 service over.

4 So it would be useful, if it is not too
5 much -- you know, if the Commission is not
6 uncomfortable with doing it, we would request that it
7 would benefit, we think, NTUA and the customers it
8 hopes to serve.

9 CHAIRMAN LEVAR: Okay. Thank you.
10 Mr. Mecham?

11 MR. MECHAM: Well, we support the
12 stipulation and obviously Resolute is a signatory.
13 If the Commission is inclined to issue a bench order,
14 that is fine. If you need more time, then it's in
15 your discretion, obviously.

16 CHAIRMAN LEVAR: Okay. Thank you. Ms.
17 Schmid, do you have anything to add?

18 MS. SCHMID: The Division agrees with the
19 position set forth by Mr. Mecham in that if the
20 Commission feels it has had an adequate opportunity
21 to review the just-filed testimony and could issue a
22 bench order, that would be appropriate. But if the
23 Commission has not had what it feels is an adequate
24 opportunity to review the testimony, the Division
25 feels that it is more important that the Commission

1 have the appropriate amount of time to review the
2 filings before issuing an order.

3 CHAIRMAN LEVAR: Okay. Thank you.
4 Mr. Olsen?

5 MR. OLSEN: The Office holds essentially
6 the same position as the Division. It's in your
7 discretion. We have no objection to speed, but undue
8 haste is probably not what we want.

9 CHAIRMAN LEVAR: Sure. Any questions
10 before we take a short recess?

11 COMMISSIONER WHITE: No.

12 COMMISSIONER CLARK: Okay.

13 CHAIRMAN LEVAR: Okay. Does anyone object
14 if we just say we'll take a short recess until we're
15 ready to come back or do we need to give a time,
16 certain?

17 MR. DODGE: We'll wait.

18 CHAIRMAN LEVAR: Okay. We are in recess
19 briefly.

20 (The hearing was in recess from 5:35 to
21 5:38 p.m.)

22 CHAIRMAN LEVAR: We're back on the record.
23 So first with the motion to intervene
24 from, I believe, Rapp Catcher, LLC, we decline to
25 conclude that the motion was untimely because we

1 suspended all deadlines in this docket. However, we
2 do conclude as a matter of law that Rapp Catcher,
3 LLC, has not stated any interest in this proceeding
4 that rises to the level of intervention and so we
5 deny that intervention motion and we will issue an
6 order -- a written order denying the intervention.

7 We find as a matter of fact that the
8 Stipulation is in the public interest and is just and
9 reasonable. We concluded that the stipulation is
10 consistent with all relevant laws, statutes, rules,
11 and orders relevant to this proceeding. So we
12 approve the Stipulation and indicate our intention to
13 issue a written order memorializing that approval.
14 And we also indicate our intention to issue a written
15 order containing the accounting order requested in
16 Paragraph 21 of the Stipulation. And that written
17 order will follow in due course.

18 Any other business before we adjourn?

19 MS. SCHMID: Thank you.

20 CHAIRMAN LEVAR: Thank you.

21 (The hearing adjourned at 5:39 p.m.)

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