

In the Matter Of:

In Re: RMP Application to Decrease the Deferred EBA Rate

HEARING PROCEEDINGS DOCKET NO. 16-035-01

October 04, 2016

Job Number: 300288

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

2

3 In the Matter of Rocky Mountain
4 Power's Application to Decrease Docket No. 16-035-01
5 The Deferred EBA Rate through the
6 Energy Balancing Account Mechanism

6

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HEARING PROCEEDINGS

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9 TAKEN AT: Utah Public Service Commission
10 Hearing Room 403
11 160 East 300 South
12 Salt Lake City, Utah
13 DATE: Tuesday, October 4, 2016
14 TIME: 9:00 a.m.
15 REPORTER: Mary R. Honigman, R.P.R.

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25 Job Number: 300288

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APPEARANCES

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1 PROCEEDINGS

2 CHAIRMAN LEVAR: Good morning. We're here on
3 Public Service Commission Docket 16-035-01 in the
4 matter of Rocky Mountain Power's application to
5 decrease the deferred EBA rate through the Energy
6 Balancing Account Mechanism. We'll start with
7 appearances for the utility.

8 MS. HOGLE: Good morning. Yvonne Hogle with
9 Rocky Mountain Power. With me is Mike Wilding, who is
10 the Manager of Net Power Cost. And also with me today
11 who are here to answer any questions that you may have
12 are Jeff Larsen, V.P. of Regulation; Joelle Steward,
13 who is the Director of Rates and Regulatory Affairs;
14 and on the phone, Dana Ralston, who is the V.P. of Coal
15 Generation and Mining. Thank you.

16 CHAIRMAN LEVAR: Okay. Thank you, Ms. Hogle.
17 Ms. Schmid.

18 MS. SCHMID: Good morning. Patricia E.
19 Schmid with the Attorney General's Office for the
20 Division of Public Utilities. The Division's witness
21 supporting this stipulation today is David Thomson.
22 Also in the audience is Dr. Artie Powell, who's
23 available to answer questions as he was a witness and
24 provided testimony. On the phone we have Dan Koehler
25 from Daymark, the Division's consultant. He's also

1 available to answer any questions.

2 CHAIRMAN LEVAR: Okay. Thank you.

3 Mr. Olsen.

4 MR. OLSEN: Rex Olsen representing the Office
5 of Consumer Services, and with me in support of the
6 stipulation is Danny Martinez.

7 CHAIRMAN LEVAR: Thank you. Mr. Dodge.

8 MR. DODGE: Thank you, Mr. Chairman. Gary
9 Dodge on behalf of UAE. UAE filed testimony of two
10 witnesses: Bradley McMullin -- or Bradley Mullins --
11 and Kevin Higgins. Mr. Higgins is in the room to
12 answer testimony -- or to answer questions.
13 Mr. Mullins can be available by phone if necessary, but
14 we don't intend to call them as witnesses except to the
15 extent that you have questions.

16 CHAIRMAN LEVAR: Okay. Thank you. I'll ask
17 the court reporter at this point if there's any concern
18 with having the witnesses stay at their seats on the
19 table when they testify today instead of coming up
20 here. Does that work for you? Okay, then. Any other
21 preliminary matters before we start then? Did you have
22 something?

23 COMMISSIONER WHITE: No. I thought you were
24 going to -- sorry about that.

25 CHAIRMAN LEVAR: Ms. Hogle?

1 MS. HOGLE: Yes, please. Thank you. I'm
2 wondering if your preference would be for us to move
3 for the admission of all of our witnesses' testimony --
4 the filed testimony in the case -- first, and then call
5 our witness supporting the stipulation or --

6 CHAIRMAN LEVAR: You mean for all --
7 admitting the testimony of all parties or just for all
8 of yours?

9 MS. HOGLE: For Rocky Mountain Power.

10 CHAIRMAN LEVAR: Just for all of yours.
11 That's -- unless there's any objection from any other
12 party, that seems efficient.

13 MS. HOGLE: Okay.

14 CHAIRMAN LEVAR: So if there's any objection,
15 let me know.

16 MS. HOGLE: Okay. Rocky Mountain Power then
17 moves for the admission into evidence of the following
18 testimony: Direct testimony and exhibits and work
19 papers of Michael Wilding; direct testimony and
20 exhibits of Joelle Steward; revised responsive
21 testimony and exhibits of Michael Wilding, both clean
22 and red line versions; responsive testimony of Dana
23 Ralston; and supplemental testimony of Jeff Larsen.

24 CHAIRMAN LEVAR: Is there any objection to
25 entering all that testimony described by Ms. Hogle into

1 evidence? Please just indicate to me if there is. And
2 I'm not seeing any, so that will be entered. Thank
3 you.

4 MS. HOGLE: Thank you.

5 CHAIRMAN LEVAR: Okay. If you would like to,
6 go ahead.

7 MS. HOGLE: The company calls Mr. Michael
8 Wilding, and he would need to be sworn.

9 MICHAEL WILDING,
10 having been first duly sworn to tell the truth, was
11 examined and testified as follows:

12 EXAMINATION

13 BY MS. HOGLE:

14 Q Good morning, Mr. Wilding. Can you please
15 state your name and your position with Rocky Mountain
16 Power?

17 A Yes. My name is Michael Wilding. My
18 position is the Manager of Net Power Cost.

19 Q And what is the purpose of your testimony
20 today?

21 A I will briefly review the history of the
22 events and the key elements of the stipulation entered
23 into by the four signing parties, including Rocky
24 Mountain Power, the Utah Division of Public Utilities
25 the Utah Office of Consumer Services, and the Utah

1 Association of Energy Users.

2 I will also re-confirm Rocky Mountain Power's
3 support of the stipulation and the Company's belief
4 that the stipulation is in the public's interest.

5 **Q Can you please recount the relevant key**
6 **events that led to the settlement stipulation that you**
7 **are presenting here today?**

8 A Yes. The Company filed its annual Energy
9 Balancing Account, or EBA, applications on March 15,
10 2016 for the deferral period of January through
11 December 2015. The Company requested recovery of
12 \$18.9 million, which included \$11.3 million for
13 deferral of excess EBA related costs -- which are
14 calculated at 70 percent of the difference between
15 actual MPC and willing revenues -- and base MPC and
16 willing revenues.

17 Pursuant to the stipulation in Docket
18 14-035-147, the EBA application also included
19 \$9 million for the Utah Allocated Amortization expense
20 associated with the closure of the Deer Creek Mine, and
21 a credit of \$2.8 million for the Utah Allocated Coal
22 Fuel Expense savings, also at -- excuse me -- at the
23 Hunter and Huntington plants, also related to the
24 closure of the Deer Creek Mine.

25 Lastly, the EBA application included

1 1.3 million of interest. The Division has issued its
2 report on the EBA and proposed the reduction to the
3 Company's EBA application of approximately \$1.2
4 million. One of the adjustments proposed by the
5 Division was a disallowance of the carrying charge on
6 the Deer Creek amortization expense.

7 In my direct testimony responding to the
8 Division's EBA report, the Company revised its EBA
9 filing to \$16.2 million. First, the Company included
10 non-fuel savings related to a reduction in the retiree
11 medical benefit obligation after the closure of the
12 Deer Creek Mine, which decreased the EBA by
13 \$2.9 million.

14 Second, the Company made a correction to its
15 coal costs, which increased the EBA by approximately
16 \$350,000. The Office proposed to reduce the EBA by
17 approximately \$1.3 million, and UAE proposed to reduce
18 the EBA by approximately \$3.3 million.

19 Included in the UAE's proposal was the
20 non-fuel savings related to the retiree medical benefit
21 obligation. Some of the proposed adjustments
22 overlapped between parties. For example, all parties
23 supported the disallowance of the carrying charge of
24 the Deer Creek amortization expense. Over the last few
25 weeks, the parties have engaged in settlement

1 discussions and based upon those discussions, the
2 parties have agreed to the terms and conditions set
3 forth in the stipulation.

4 After a collaborative effort, the parties
5 have reached an agreement resolving all issues raised
6 in the EBA. The proposed settlement recovered --
7 results in recovery of approximately \$15 million, which
8 is \$3.9 million less than the Company's initial EBA
9 filing, and \$1.1 million less than the revised EBA
10 amount.

11 **Q Can you please describe the adjustments in**
12 **more detail?**

13 A Yes. As part of the settlement stipulation,
14 the Company has agreed to three monetary reductions to
15 the EBA: First, we have agreed to a \$500,000 reduction
16 to resolve the proposed adjustment to the carrying
17 charge on the Deer Creek amortization expense; second,
18 \$350,000 from reversing the correction to coal costs
19 that was included in the Company's revised filing; and
20 third, \$250,000 to resolve all other proposed
21 adjustments. The Company also agreed to provide
22 additional information and support for parties to gain
23 a better understanding of the benefits of the Energy In
24 Balance Market, or EIM.

25 And on September 29th, the Company held a

1 workshop with parties to discuss the calculation of the
2 EIM benefits and EIM settlement accounting.
3 Additionally, the Company affirmed that in any future
4 filing in which the Company seeks approval for
5 expansion of participation in a regional independent
6 system operator, the Company will demonstrate a net
7 incremental benefit beyond that, which has been
8 achieved through participation in the EIM.

9 Paragraph 8 of the stipulation indicates that
10 the rate spread and rate design for the stipulated
11 amounts are consistent with the Company's initial
12 filing as set forth in Attachment A to the stipulation.
13 The remaining paragraphs of the stipulation contain the
14 general terms and conditions which are associated with
15 most stipulations presented before this Commission.
16 They represent the obligations of the parties to the
17 stipulation and to each other.

18 As with most stipulations, this agreement was
19 reached through negotiation and compromise. Each party
20 became comfortable with the agreement in a different
21 way, and nothing in this stipulation shall be
22 considered precedential in any future case, except with
23 regard to issues expressly called out and resolved by
24 this stipulation.

25 This stipulation does not resolve and does

1 not provide any inferences regarding any issues not
2 specifically called out and settled herein.

3 **Q Mr. Wilding, do you have any final comments**
4 **that you would like to give?**

5 A Yes. In closing, the Company respectfully
6 requests the Commission approve the settled stipulation
7 and all its terms and conditions and the new rates
8 effective November 1, 2016. The new rates will result
9 in a rate decrease for customers of 0.8 percent.

10 We appreciate all parties, the Division, the
11 Office, and UAE, and their efforts in reaching this
12 agreement. Thank you.

13 MS. HOGLE: Thank you. The witness is
14 available for questions.

15 CHAIRMAN LEVAR: Okay. Ms. Schmid, do you
16 have any questions?

17 MS. SCHMID: No questions.

18 CHAIRMAN LEVAR: Mr. Olsen?

19 MR. OLSEN: No questions.

20 CHAIRMAN LEVAR: Mr. Dodge?

21 MR. DODGE: No questions.

22 CHAIRMAN LEVAR: And I think -- unless
23 there's any objection from any party, I think we'll
24 save any questions from the Commission until all
25 parties have presented. If anyone objects to that, let

1 me know. Okay. Ms. Hogle?

2 MS. HOGLE: Oh, no.

3 CHAIRMAN LEVAR: You're finished?

4 MS. HOGLE: Yes. The Company rests. Thank
5 you.

6 CHAIRMAN LEVAR: Okay. Thank you. Ms.
7 Schmid.

8 MS. SCHMID: Good morning. Before our
9 witness speaks, I'd like to move for the admission of
10 the DPU exhibits. They would be DPU Exhibit No. 1.0,
11 1.1, 1.2 -- confidential, 1.3 -- confidential, 1.4 --
12 confidential, and 1.5. Those are the direct testimony
13 and exhibits of David Thomson, filed on July 15th of
14 2016.

15 We'd also like to move for the admission of
16 the testimony of DPU witnesses Phil DiDomenico and Dan
17 Koehler. They would be DPU Exhibit No. 2.0 direct, DPU
18 Exhibit No. 2.1, 2.2, 2.3 -- 2.3 is confidential.

19 Finally, we'd like to move for the admission
20 of the testimony of DPU witness Artie Powell.
21 Dr. Powell's exhibits are DPU Exhibit No. 3.0 direct in
22 both clean and red line form. Those were filed on
23 September 28th of this year.

24 CHAIRMAN LEVAR: Thank you. If there's any
25 objection to the admission of the testimony and

1 exhibits as described by Ms. Schmid, please indicate to
2 me. And I'm not seeing any, so those will be admitted.
3 Thank you.

4 MS. SCHMID: Thank you. The DPU would like
5 to call Mr. David Thomson as its witness in support of
6 the stipulation. Could he please be sworn?

7 DAVID THOMSON,
8 having been first duly sworn to tell the truth, was
9 examined and testified as follows:

10 EXAMINATION

11 BY MS. SCHMID:

12 Q Mr. Thomson, just a couple of preliminary
13 matters. Could you please state your name and employer
14 for the record?

15 A Yes. My name is David Thomson. I'm a
16 Utility Technical Consultant for the Division of Public
17 Utilities, and have participated in this docket on
18 behalf of the Division. My business address is 160
19 East 300 South, Salt Lake City, Utah 84111.

20 Q Do you have a statement evidencing the
21 Division's support for the stipulation?

22 A I do.

23 Q Please proceed.

24 A Thank you. Good morning, Commissioners, and
25 thank you for the opportunity to express the Division's

1 support of the stipulation signed by the parties in
2 this docket. The Division believes the stipulation,
3 including the agreed upon recovery of \$15 million, is
4 just and reasonable and in the public interest.

5 The Company has already discussed the history
6 and the details of the stipulation. On behalf of the
7 Division, I will discuss a few specific sections of the
8 stipulation.

9 The Division would like to state that it
10 supports Section 8, having to do with the rate spread
11 and rate design for the recovery amount. It also
12 supports Section 10 and Section 11, which have been
13 commented on by the Company and are not numerical
14 provisions of the settlement. The information
15 requested in these sections should provide a better
16 understanding of the EIM and any future benefits of
17 participation with an independent system operator.
18 After his direct testimony, the Company recovery amount
19 was \$6.2 million.

20 In the Division's EBA report and my testimony
21 filed on July 15, 2016, the Division proposed a net
22 reduction adjustment totaling approximately
23 \$1.2 million to the initial filed recovery amount of
24 the Company. Section 5 and Section 6 of the
25 stipulation outlined three settlement adjustments that

1 reduced the \$16.2 million by approximately
2 \$1.2 million, making the settlement amount \$15 million.
3 The settlement adjusted amount is equal to that sought
4 in the Division's EBA report and testimony.

5 The Division believes that the Company is
6 maintaining its commitments made in prior EBA dockets
7 to improve the audit process and appreciated the
8 Company's willingness though phone conferences and
9 other means to discuss the many aspects of its filing.

10 In conclusion, the Division is in support of
11 the Company recovering the stipulated \$15 million EBA
12 deferral for calendar year 2015. And that concludes my
13 summary.

14 **Q Mr. Thomson, you highlighted a few of the**
15 **stipulation's provisions. Is it true that the Division**
16 **is supporting the stipulation as a whole?**

17 **A Yes.**

18 MS. SCHMID: Thank you very much. Those are
19 all my questions for Mr. Thomson. He's available as
20 you wish for questions.

21 CHAIRMAN LEVAR: Thank you. Ms. Hogle, do
22 you have any questions?

23 MS. HOGLE: None.

24 CHAIRMAN LEVAR: Mr. Olsen?

25 MR. OLSEN: No questions.

1 CHAIRMAN LEVAR: Mr. Dodge?

2 MR. DODGE: No questions.

3 CHAIRMAN LEVAR: Thank you. Ms. Schmid,
4 anything further?

5 MS. SCHMID: Nothing further from the
6 Division.

7 CHAIRMAN LEVAR: Thank you. Mr. Olsen.

8 MR. OLSEN: Thank you. I'd like to call
9 Danny Martinez and have him sworn.

10 DANNY MARTINEZ,

11 having been first duly sworn to tell the truth, was
12 examined and testified as follows:

13 EXAMINATION

14 BY MR. OLSEN:

15 Q Mr. Martinez, for the record, could you state
16 your position with the Office of Consumer Services and
17 your address?

18 A Yes. My name is Danny Martinez. I am a
19 Utility Analyst with the Office of Consumer Services.
20 My business address is 160 East 300 South, Salt Lake
21 City, Utah 84111.

22 MR. OLSEN: And at this time also, if it --
23 if the Commission pleases -- I would like to move for
24 the admission of certain testimony: The direct
25 testimony of Mr. Phil Hayet and the confidential

1 version and redacted version with associated exhibits,
2 which was submitted on August 18th, 2016; and the
3 revised direct testimony of Danny Martinez -- both
4 confidential and redacted -- which were submitted on
5 September 28th, 2016.

6 CHAIRMAN LEVAR: Thank you. If anyone
7 objects to that motion, please indicate to me. I'm not
8 seeing any, so that will be admitted. Thank you.

9 Q (MR. OLSEN) Thank you. Mr. Martinez, do you
10 have a statement for the Commission regarding the
11 stipulation?

12 A Yes.

13 Q State it, please.

14 A Sure. Good morning, Commissioners. The
15 Office of Consumer Services reviewed Rocky Mountain
16 Power's EBA application and the Division of Public
17 Utilities audit report in Docket 16-035-01.

18 The Office enlisted the services of
19 Mr. Philip Hayet to assist us in the assessment of the
20 Company's application and the Division's audit report.
21 The Office filed direct testimony in which it
22 recommended to the Commission adjustments to the
23 Company's EBA application. The Office believes that
24 the terms of the settlement agreement adequately
25 addresses all of the concerns identified in the Office

1 in that testimony. Further, the Office notes that it
2 filed revised direct testimony consistent with the
3 terms of the stipulation.

4 The office would also like to take a position
5 regarding the technical workshop addressed in the
6 letter from the Company to the Commission dated
7 September 28th, 2016. That letter described a workshop
8 attended by the parties to this settlement stipulation
9 on September 29th, 2016. The letter further states,
10 "The Company is willing to conduct additional workshops
11 on EIM to accommodate interested parties that were not
12 aware of the workshop being held tomorrow or to give
13 time to the Commission to issue appropriate notice."

14 The Office asserts that the topics addressed
15 in that workshop are appropriate for a technical
16 conference to be attended both by the Commission and
17 its staff, as well as other interested parties who have
18 signed the appropriate confidentiality agreements.
19 Accordingly, the Office recommends that the Commission
20 consider how to best notice and schedule this follow-up
21 technical conference at its earliest convenience.

22 In summary, the Office believes that this
23 settlement is just and reasonable, and the result is in
24 the public interest. Accordingly, we recommend for
25 Commission approval. That is the conclusion of my

1 statement.

2 MR. OLSEN: Mr. Martinez is available for
3 cross-examination.

4 CHAIRMAN LEVAR: Thank you. Ms. Hogle, any
5 questions?

6 MS. HOGLE: No.

7 CHAIRMAN LEVAR: Ms. Schmid?

8 MS. SCHMID: No questions.

9 CHAIRMAN LEVAR: Mr. Dodge?

10 MR. DODGE: No questions.

11 CHAIRMAN LEVAR: Thank you. Anything
12 further, Mr. Olsen?

13 MR. OLSEN: Nothing further at this time.
14 Thank you.

15 CHAIRMAN LEVAR: Thank you. Mr. Dodge.

16 MR. DODGE: Thank you, Mr. Chairman. UAE
17 would like to move for the admission of UAE Exhibit 1,
18 which is the direct testimony of Kevin Higgins in this
19 matter; UAE Exhibit 2, which is the confidential
20 testimony of Bradley G. Mullins -- there's also a
21 public version of that, of course; and the attached
22 Exhibits 2.1 to 2.5.

23 CHAIRMAN LEVAR: Thank you. If there's any
24 objection to that motion, please indicate to me. I'm
25 not seeing any, so that will be admitted. Thank you.

1 MR. DODGE: Thank you. And as I indicated,
2 although Mr. Higgins is in the room to answer
3 questions, UAE supports the testimony but didn't intend
4 to call anyone to testify to it this morning.

5 CHAIRMAN LEVAR: Okay, thank you.

6 MR. DODGE: Thank you.

7 CHAIRMAN LEVAR: Commissioner White, do you
8 have any questions for any of the witnesses?

9 COMMISSIONER WHITE: No. Thank you. I
10 don't.

11 CHAIRMAN LEVAR: Commissioner Clark?

12 COMMISSIONER CLARK: I have a question or two
13 just to clarify or confirm my understanding of a couple
14 of entries on the exhibits to the stipulation. I'm
15 looking at Table A and -- Mr. Wilding, I think I'll
16 address these to you, at least initially -- so I'm in
17 Attachment A, page 1 of 10.

18 MR. WILDING: I'm going to have Ms. Steward
19 come up because she's the expert on Attachment A and
20 the rate spread.

21 COMMISSIONER CLARK: I'll direct my questions
22 to you, and the Chair's going to swear you, Ms.
23 Steward.

24 JOELLE STEWARD,
25 having been first duly sworn to tell the truth, was

1 examined and testified as follows:

2 EXAMINATION

3 BY COMMISSIONER CLARK:

4 Q I doubt these questions are worth the
5 commotion but just to confirm, I'm looking at column 9
6 on page 1, which is the proposed EBA revenue, and the
7 total under that column is \$14.224 million. So you're
8 with me there?

9 A Yes.

10 Q And I just want to confirm my understanding
11 of how that relates to the \$15 million. And I think I
12 see on the next page that there's a balance from the
13 prior EBA period of \$791,000, basically an
14 over-collection that is taken into account in the EBA
15 revenue for 2016 that we just talked about. And do I
16 have that right?

17 A You have that right --

18 Q Okay.

19 A -- right. And that's -- that was trued-up
20 through the end of August, I believe, and so it also
21 includes two months' forecast over-collection.

22 COMMISSIONER CLARK: Okay. Thank you very
23 much. That concludes my questions.

24 CHAIRMAN LEVAR: Do you have anything else?

25 COMMISSIONER CLARK: Nothing further.

1 CHAIRMAN LEVAR: Mr. Martinez, I just wanted
2 to clarify your statement before that the stipulation
3 refers to additional technical workshops with respect
4 to the Energy and Balance Market, as necessary. So is
5 it your statement that following the meeting that the
6 parties had last week, you believe that additional
7 meetings should be warranted, maybe when the Commission
8 issues an order on this stipulation, noticing up a
9 technical conference is what you're recommending at
10 this point?

11 THE WITNESS: Yes, sir. I think that it
12 would be advantageous to parties that were not able to
13 attend that and to the Commission to be able to have
14 these additional workshops as necessary to clarify the
15 net benefit provided by the EIM within the EBA.

16 CHAIRMAN LEVAR: Okay. Thank you.
17 Mr. Thomson, I just had a brief question for you. In
18 the EBA docket last year, there was quite a bit of
19 testimony from the Division regarding access to
20 information, ability to audit. In your testimony on
21 page 4, you indicate -- I'll read your testimony --
22 "The Division believes the Company is maintaining its
23 commitments made in the prior EBA dockets to improve
24 the audit process." Do you have any interest in
25 elaborating on that any further?

1 MR. THOMSON: Which line are you on again?

2 CHAIRMAN LEVAR: On page 4, under paragraph
3 3, you state: "The Division believes the Company is
4 maintaining its commitments made in the prior EBA
5 dockets to improve the audit process." And maybe your
6 statement just stands for itself, but I just wanted to
7 see if you had any interest in elaborating on that.

8 MR. THOMSON: Well, we've been working since
9 the beginning of the EBA pilot program to kind of flesh
10 out how we can get our arms around the program, and
11 over the years we've worked to try to get information,
12 and we have, in past dockets, even had some settlement
13 information about how we would work together to try to
14 do that. And so it's been a history of, just,
15 everybody trying to work together to try to get
16 information that sometimes there might have been a
17 little bit of frustration on both parties' parts on how
18 much information was coming forth and what was
19 happening, and so we've had those types of things in
20 prior stipulations with the EBA.

21 But recently, it's my feeling that -- that
22 there's been -- the Company's put forth some really
23 good efforts to try to help us get all the information
24 we needed, and so we wanted to thank them publicly in
25 the testimony and in my summary for their efforts to

1 try to do that. And we've had numerous phone
2 conferences; I've had conferences with Mr. Wilding
3 about questions that I've had, so that's very helpful.
4 And we'd like to encourage that and would like to give
5 the Company their kudos on that.

6 So that's what I'm trying to elaborate is,
7 it's kind of been a process. Maybe it was rocky in the
8 beginning, but it's getting better and better.
9 Hopefully, that spirit of cooperation will continue.

10 CHAIRMAN LEVAR: Okay. Thank you, Mr.
11 Thomson. I appreciate that elaboration. Anything
12 further from any party before we adjourn the hearing?

13 MS. HOGLE: Yes.

14 CHAIRMAN LEVAR: Ms. Hogle?

15 MS. HOGLE: Given that there is a stipulated
16 agreement among the parties, the Company would like to
17 request -- respectfully request -- a bench order today.

18 CHAIRMAN LEVAR: Okay. Anything further
19 you'd like to say about that?

20 MS. HOGLE: Well, the Company appreciates
21 everybody's efforts. There has been no opposition to
22 the stipulation, and in the interest of a speedy
23 process, if you will, the Company believes that it's in
24 everybody's interest -- given the November 1 effective
25 date rate change -- to have a bench order today if the

1 Commission agrees with that.

2 CHAIRMAN LEVAR: Okay. Thank you. I think
3 it will probably be appropriate to take a brief recess
4 to consider that motion. But before we do so, I'll go
5 to the other parties and see if you have a position on
6 the motion. Ms. Schmid?

7 MS. SCHMID: The Division supports the
8 Company's motion.

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

11 MR. OLSEN: We have no objection to the
12 motion.

13 CHAIRMAN LEVAR: Mr. Dodge?

14 MR. DODGE: Same.

15 CHAIRMAN LEVAR: Any questions from Mr. White
16 or Mr. Clark before we adjourn?

17 COMMISSIONER WHITE: No.

18 COMMISSIONER CLARK: None.

19 CHAIRMAN LEVAR: Does anyone object to a
20 brief recess without a time of certain return, and
21 we'll just return as soon as we can? Is there any
22 objection to that? It shouldn't be too long. We're
23 adjourned -- not adjourned, we're in recess.

24 (A brief recess was taken at 9:30 a.m.)

25 CHAIRMAN LEVAR: Thank you. We're back on

1 the record. Considering the motion for a bench ruling,
2 the Commission finds that the stipulation submitted on
3 September 28th in this docket is consistent with -- the
4 Commission concludes that the stipulation is consistent
5 with the relevant statutes, rules and orders, and we
6 find that it's in the public interest. And we approve
7 the settlement stipulation, and we will issue a written
8 order subsequent to this hearing memorializing that
9 bench ruling.

10 I'll ask Ms. Hogle and Ms. Schmid if you have
11 thoughts on timeline for submitting the revised tariff
12 sheets and getting a Division review of those tariff
13 sheets. Have we had any discussion over the timeline
14 for that or do we an idea of what we'd be looking at
15 for that? Ms. Hogle.

16 MS. HOGLE: We have not had a discussion, but
17 if it pleases you, we can have a discussion right now,
18 or we can do it after the hearing.

19 CHAIRMAN LEVAR: It can happen after the
20 hearing. I just was asking about that. Anything
21 further before we adjourn? Okay. Thank you. We're
22 adjourned.

23 (The proceedings concluded at 9:35 a.m.)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
COUNTY OF UTAH)

I, Mary R. Honigman, a Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I have subscribed my name on this 7th day of October, 2016.



Mary R. Honigman
Registered Professional Reporter

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