

In the Matter Of:

In Re: Rocky Mountain Power - ESA Kennecott Utah Copper, LLC

HEARING PROCEEDINGS DOCKET NO. 16-035-38, -39

November 16, 2016

Job Number: 342608

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of
Rocky Mountain Power for Approval
of the Power Purchase Agreement DOCKET NO. 16-035-38
between Rocky Mountain Power
and Kennecott Utah Copper LLC (Smelter)

In the Matter of the Application
of Rocky Mountain Power for
Approval of the Power Purchase
Agreement between Rocky Mountain DOCKET NO. 16-035-39
Power and Kennecott Utah Copper
LLC (Refinery)

HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
 Hearing Room 403
 160 East 300 South
 Salt Lake City, Utah
DATE: Wednesday, November 16, 2016
TIME: 9:00 a.m.
REPORTER: Daren S. Bloxham, R.P.R.

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APPEARANCES

PRESIDING OFFICER:
Melanie Reif

FOR THE DIVISION OF PUBLIC UTILITIES:
Justin Jetter
ASSISTANT ATTORNEY GENERAL
160 East 300 South, Fifth Floor
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FOR ROCKY MOUNTAIN POWER:
Daniel Solander
ROCKY MOUNTAIN POWER
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CHAIRMAN REIF: We'll be on the record, please. I'm Melanie Reif. Welcome everyone. And this morning we are hearing the -- we'll be hearing three matters. We'll be starting with the Kennecott PPAs. These are Dockets No. 16-035-38 and Docket 16-035-39.

The first is in the Matter of the Application of Rocky Mountain Power for Approval of Power Purchase Agreement between Rocky Mountain Power and Kennecott Utah Copper, LLC. This is known as the Smelter PPA.

And the second is the Matter of the Application of Rocky Mountain Power for Approval of the Power Purchase Agreement between Rocky Mountain Power and Kennecott Utah Copper, LLC, known as the Refinery PPA.

Let's start by taking appearances starting with you, Mr. Solander.

MR. SOLANDER: Good morning. Daniel Solander on behalf of Rocky Mountain Power. I have with me at counsel table Kyle Moore, power marketer/originator for Rocky Mountain Power.

CHAIRMAN REIF: Good morning.

MR. JETTER: Good morning. I'm Justin Jetter. I represent the Utah Division of Public

1 Utilities. And with me at counsel table is Charles
2 Peterson with the Division of Public Utilities.

3 CHAIRMAN REIF: Thank you and welcome. Do we
4 have anyone hear on behalf of the Office?

5 MR. JETTER: I've spoken with counsel for the
6 Office this morning, and it was my understanding that
7 they are not going to participate today.

8 CHAIRMAN REIF: Okay. Thank you very much,
9 Mr. Jetter. Mr. Solander?

10 MR. SOLANDER: Yes. Thank you. Shall we
11 take them one at a time starting with the Smelter? Is
12 that right?

13 CHAIRMAN REIF: Yes. Yes. That sounds
14 great.

15 MR. SOLANDER: Thank you. Rocky Mountain
16 Power would like to call Kyle Moore as its witness.

17 CHAIRMAN REIF: Good morning, Mr. Moore.
18 I'll swear you in.

19 --oOo--

20 KYLE MOORE,
21 having been first duly sworn to tell the
22 truth, was examined and testified as follows:

23 --oOo--

24 CHAIRMAN REIF: Thank you.

25 EXAMINATION

1 BY MR. SOLANDER:

2 Q. Good morning, Mr. Moore.

3 A. Good morning.

4 Q. Could you please state and spell your name
5 for the record?

6 A. Yes. My name is Kyle Moore. K-Y-L-E,
7 M-O-O-R-E.

8 Q. And by whom are you employed and in what
9 capacity?

10 A. By Rocky Mountain Power as a power marketer
11 and an originator.

12 Q. And as part of your duties in that role, were
13 you part of the negotiations that resulted in the power
14 purchase that's before the Commission for approval
15 today?

16 A. Yes.

17 Q. And have you prepared a summary of the
18 relevant terms and conditions of that agreement?

19 A. Yes, I have. I present today for Commission
20 approval a Qualifying Facility Power Purchase Agreement
21 between Kennecott Utah Copper and PacifiCorp. The
22 agreement provides for the sale to PacifiCorp of energy
23 to be generated by Kennecott up to 31.8 megawatts from
24 a waste heat-fired cogeneration facility constructed by
25 Kennecott and located in Salt Lake City, Utah.

1 The agreement is for a term of 12 months,
2 January 1, 2017, through December 31, 2017. The
3 purchase prices set forth in the agreement are
4 calculated using the methodology approved by the
5 Commission in Docket No. 03-035-14. The company filed
6 the PPA for approval September 21, 2016.

7 In comments filed on November 3, 2016, the
8 DPU recommended that the language in the agreement
9 referencing the 2010 protocol be updated to the 2017
10 protocol.

11 The DPU further recommended that the
12 Commission order the company to provide with further
13 Power Purchase Agreement filings the grid outputs and
14 Excel spreadsheets supporting the spreadsheets showing
15 the avoided line loss calculations. Further, the DPU
16 recommended that the company continue to provide at
17 least quarterly hourly Power Purchase Reports.

18 The company filed a revised PPA on
19 November 24th -- I'm sorry -- November 14th, 2016,
20 addressing the concerns about the protocol language.
21 The agreement is compliant with relevant Commission
22 orders and with Utah Schedule 38.

23 The company believes the PPA before the
24 Commission for approval has not had any issues raised
25 by parties in this docket -- any other issues raised by

1 parties in this docket and recommends the Commission
2 approve the agreement.

3 **Q. Does that conclude your summary?**

4 A. Yes, it does.

5 MR. SOLANDER: Mr. Moore is available for
6 cross-examination or questions from the parties and
7 Commission.

8 CHAIRMAN REIF: Thank you, Mr. Moore.

9 Any questions from you, Mr. Jetter?

10 MR. JETTER: I have no questions. Thank you,
11 Your Honor.

12 CHAIRMAN REIF: Okay. Just for
13 clarification, please, Mr. Moore, and let me start
14 by thanking the company for the supplemental
15 information that was filed in this case.

16 Just to clarify, the information that was
17 filed, the updated contract, which was intended to
18 address the concern that the Division had raised with
19 respect to the 2017 protocol, is it your understanding
20 that the contract does comply with the 2017 protocol?

21 THE WITNESS: Yes, it does.

22 CHAIRMAN REIF: Okay. Any follow-up?

23 MR. JETTER: No. We've had an opportunity to
24 review the new contract.

25 CHAIRMAN REIF: Okay. All right. We'll get

1 to that.

2 Anything from you, Mr. Solander?

3 MR. SOLANDER: I would move that the
4 company's application and the contract as amended be
5 entered into the record.

6 CHAIRMAN REIF: Okay. Any objection?

7 MR. JETTER: No objection.

8 CHAIRMAN REIF: It's entered. Thank you.
9 Thank you for your testimony, Mr. Moore. And we'll
10 move to the Division.

11 MR. JETTER: Thank you. The Division would
12 like to call and have sworn in Mr. Charles Peterson.

13 --oOo--

14 CHARLES PETERSON,
15 having been first duly sworn to tell the
16 truth, was examined and testified as follows:

17 --oOo--

18 CHAIRMAN REIF: Thank you.

19 EXAMINATION

20 BY MR. JETTER:

21 **Q. Would you please state your name and**
22 **occupation for the record.**

23 A. Charles E. Peterson. I'm a technical
24 consultant with the Division of Public Utilities.

25 **Q. And in the course of your employment with the**

1 Division of Public Utilities, have you had the
2 opportunity to review the filings made by the company
3 in this docket?

4 A. Yes, I have.

5 Q. Specifically we're dealing with the smelter
6 docket.

7 Have you had an opportunity to review the
8 updated contract that had been filed by the company in
9 this docket?

10 A. Yes, I have.

11 Q. Did you create and cause to be filed or are
12 you familiar with the recommendations that were filed
13 by the Division on November 3, 2016?

14 A. Yes, I did. I participated in the production
15 of that document.

16 Q. Thank you. And with the updated contract,
17 does that satisfy the concern of the Division regarding
18 the cost allocation protocol used for this contract?

19 A. Yes. The Division is comfortable with the
20 language that is provided in the updated contract or
21 revised contract.

22 Q. Thank you. With that change, would you
23 continue to recommend approval of the contract?

24 A. Yes. The Division recommends approval of the
25 amended contract that was filed on November 14th.

1 **Q. Thank you. Finally, do you believe that**
2 **approval by the Commission of this contract would be**
3 **just, reasonable, and in the public interest?**

4 A. Yes.

5 MR. JETTER: Thank you.

6 CHAIRMAN REIF: Thank you, Mr. Peterson. Any
7 questions for Mr. Peterson?

8 MR. SOLANDER: No questions. Thank you.

9 CHAIRMAN REIF: All right. Anything further,
10 Mr. Jetter?

11 MR. JETTER: No. I think before we go to the
12 next one, I'd just like to move for admission of the
13 Action Request Response from November 3rd, 2016, filed
14 by the Division.

15 CHAIRMAN REIF: Okay. Any objection?

16 MR. SOLANDER: No objection.

17 CHAIRMAN REIF: Okay. It is admitted. Thank
18 you. Was there anything further from the Division?

19 MR. JETTER: Not with respect to the smelter.

20 CHAIRMAN REIF: Okay. So we'll be moving on
21 to the refinery docket. This is the docket that I
22 mentioned earlier. This is Docket 16-035-39. We'll
23 begin with the company. And assuming everybody will be
24 continuing to testify, just remind everyone that
25 they're still under oath for those who have been sworn

1 in.

2 MR. SOLANDER: Thank you. Rocky Mountain
3 Power would like to call Mr. Moore again as its
4 witness.

5 CHAIRMAN REIF: Thank you.

6 THE WITNESS: I present today for Commission
7 approval a Qualifying Facility Power Purchase Agreement
8 between Kennecott Utah Copper and PacifiCorp. The
9 agreement provides for the sale to PacifiCorp of energy
10 to be generated by Kennecott up to 7.54 megawatts from
11 a waste heat-fired cogeneration facility constructed by
12 Kennecott and located in Salt Lake City.

13 The agreement is for a term of 12 months,
14 January 1, 2017, through December 31, 2017. Purchase
15 prices set forth in the agreement were calculated using
16 the methodology approved by the Commission in Docket
17 No. 03-035-14.

18 The company filed a PPA for approval
19 September 21, 2016. In comments filed on November 3,
20 2016, the DPU recommended that the language in the
21 agreement referencing the 2010 protocol be updated to
22 the 2017 protocol.

23 The DPU further recommended that the
24 Commission order the company to provide with future
25 Power Purchase Agreement filings the grid outputs and

1 Excel spreadsheets supporting the price calculations
2 and spreadsheets showing the voided line loss
3 calculations.

4 Further, the DPU recommended that the company
5 continue to provide at least quarterly hourly Power
6 Purchase Reports. The company filed a revised PPA on
7 November 14, 2016, addressing the concerns about the
8 protocol language.

9 The agreement is compliant with relevant
10 Commission orders with Utah Schedule 38. The company
11 believes the PPA before the Commission for approval has
12 not had any further issues raised by the parties in
13 this docket and recommends the Commission approve the
14 agreement.

15 **Q. Does that conclude your summary?**

16 A. Yes, it does.

17 MR. SOLANDER: Mr. Moore is available for
18 questioning by the parties or the Commission.

19 CHAIRMAN REIF: Thank you. Any questions,
20 Mr. Jetter?

21 MR. JETTER: No questions. Thank you.

22 CHAIRMAN REIF: Okay. Mr. Moore, just to
23 follow up, as I had asked you in the first docket, is
24 it your understanding that the amendment that was filed
25 subsequent to the application being filed, and that

1 amendment was filed on November 10th, is it your
2 understanding that that addresses the 2017 protocol as
3 addressed in the Division comments?

4 THE WITNESS: Yes, it does.

5 CHAIRMAN REIF: Okay. Thank you.

6 MR. SOLANDER: The company would again move
7 that the application and the contract as amended be
8 entered into the record.

9 CHAIRMAN REIF: Any objection?

10 MR. JETTER: No objection.

11 CHAIRMAN REIF: It's entered.

12 MR. SOLANDER: Okay.

13 CHAIRMAN REIF: Thank you. Anything further,
14 Mr. Solander?

15 MR. SOLANDER: No. Thank you.

16 CHAIRMAN REIF: Okay. Mr. Jetter, at your
17 convenience?

18 MR. JETTER: Thank you. The Division would
19 call again Mr. Charles Peterson.

20 CHAIRMAN REIF: Thank you. Mr. Peterson,
21 you're already sworn in.

22 EXAMINATION

23 BY MR. JETTER:

24 Q. Mr. Peterson, with respect to Docket No.
25 16-035-39, referring to the Power Purchase Contract for

1 the refinery at Kennecott Utah Copper, were you -- did
2 you participate and cause to be filed with the
3 Commission -- let me rephrase that a little more
4 clearly.

5 Did you participate in the creation of the
6 Action Request Response dated November 3, 2016, that
7 was filed with the Commission?

8 A. Yes.

9 Q. Have you had an opportunity to review the
10 November 14th updated contract language regarding the
11 2017 allocation protocol?

12 A. Yes, I have.

13 Q. Are you satisfied that that addresses the
14 concern that the Division has had in this
15 recommendation?

16 A. Yes. The Division is satisfied with the
17 language in the amended contract.

18 Q. And with that amendment, do the remainder of
19 the recommendations, including approval in the Action
20 Request Response, still reflect the position of the
21 Division?

22 A. Yes, it does.

23 Q. Do you believe that approval of the Power
24 Purchase Agreement as reflected in the 2014 filed --
25 excuse me -- the November 14th filed updated language

1 is just, reasonable, and in the public interest?

2 A. Yes.

3 MR. JETTER: Thank you. I'd like to move at
4 this time to enter into the record the Action Request
5 Response dated November 3, 2016, from the Division.

6 CHAIRMAN REIF: Any objection?

7 MR. SOLANDER: No objection.

8 CHAIRMAN REIF: It's admitted.

9 MR. JETTER: Thank you.

10 CHAIRMAN REIF: Are there any questions for
11 Mr. Peterson?

12 MR. SOLANDER: No questions. Thank you.

13 CHAIRMAN REIF: Okay. Mr. Peterson, thank
14 you for your testimony.

15 Is there anything further from the Division?

16 MR. JETTER: Nothing further from the
17 Division.

18 CHAIRMAN REIF: Okay. Anything further from
19 the company?

20 MR. SOLANDER: Nothing. Thank you.

21 CHAIRMAN REIF: Okay. Then we will be
22 finished with this part of the hearing, and we'll move
23 on to the Tesoro hearing. Would you like to take a
24 break beforehand, or shall we just move right into
25 that.

1 MR. SOLANDER: It's noticed for 9:15, but
2 we're ready to move forward.

3 (The proceedings concluded at 9:15 a.m.)
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REPORTER'S CERTIFICATE

STATE OF UTAH)
COUNTY OF UTAH)

I, Daren S. Bloxham, a Notary Public and
Certified Shorthand Reporter, 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 27th day of
November, 2016.



Daren S. Bloxham
Registered Professional Reporter #335

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