

**In the Matter Of:**

In Re: Rocky Mountain Power - EBA

**HEARING PROCEEDINGS DOCKET NO. 17-035-01**

*April 19, 2017*

*Job Number: 383266*

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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 to  
Decrease the Deferred EBA  
Rate through the Energy                    Docket No. 17-035-01  
Balancing Account Mechanism

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HEARING PROCEEDINGS

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TAKEN AT:     Public Service Commission  
                  160 East 300 South, Room 403  
                  Salt Lake City, Utah  
DATE:           Wednesday, April 19, 2017  
TIME:           9:00 a.m.  
REPORTER:     Daren S. Bloxham, R.P.R.

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APPEARANCES

PRESIDING OFFICER:  
Melanie Reif, Administrative Law Judge

FOR THE DIVISION OF PUBLIC UTILITIES:  
Justin Jetter  
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FOR ROCKY MOUNTAIN POWER:  
Yvonne R. Hogle  
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Salt Lake City, UT 84116

FOR THE OFFICE OF CONSUMER SERVICES:  
Robert Moore  
Office of Consumer Services  
160 East 300 South, 2nd Floor  
Salt Lake City, Utah 84111

FOR THE UTAH ASSOCIATION OF ENERGY USERS:  
Gary A. Dodge  
Hatch, James & Dodge  
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1 P-R-O-C-E-E-D-I-N-G-S

2 --oOo--

3 COMMISSIONER REIF: Good morning, everyone.  
4 I'm Melanie Reif, Administrative Law Judge for the Utah  
5 Public Service Commission. This morning we will be  
6 hearing Docket 17-035-01. This is the hearing that is  
7 scheduled for this time and date, Wednesday, April 19,  
8 2017, at 9 a.m.

9 Let's start first by taking appearances,  
10 please, starting with you, Ms. Hogle.

11 MS. HOGLE: Good morning. Yvonne Hogle with  
12 Rocky Mountain Power. With me here today is Mr. Mike  
13 Wilding, and on the phone is Mr. Robert Meredith, both  
14 who will be testifying in support of the application.  
15 Thank you.

16 COMMISSIONER REIF: Thank you, Ms. Hogle.  
17 Mr. Jetter?

18 MR. JETTER: Good morning, Your Honor.  
19 Justin Jetter with the Utah Attorney General's Office.  
20 And I'm here today representing the Utah Division of  
21 Public Utilities. And with me at counsel table  
22 is David Thompson with the Division of Public  
23 Utilities. And he will be the only witness for the  
24 Division this morning.

25 COMMISSIONER REIF: Thank you.

1 MR. MOORE: Robert Moore for the Office of  
2 Consumer Services. With me is Michelle Brett, Director  
3 of Office of Consumer Services. She's not here to  
4 testify, but she's available for questions.

5 COMMISSIONER REIF: Thank you, Mr. Moore.

6 MR. DODGE: Gary Dodge on behalf of the Utah  
7 Association of Energy Users. UAE submitted reply  
8 comments but does not intend to call a witness.

9 COMMISSIONER REIF: Thank you, Mr. Dodge.

10 Before we get to the heart of the matter this  
11 morning, I wanted to address a preliminary issue that  
12 is pending before the Commission right now. And that  
13 is the petition to intervene by UAE, which has not been  
14 acted upon as of yet. I thought it would be a good  
15 idea for us to address that right out of the chute this  
16 morning.

17 So with that said, is there any objection to  
18 the motion -- the petition, excuse me, that's been made  
19 to intervene by UAE? Hearing none, the petition is  
20 granted.

21 MR. DODGE: Thank you.

22 COMMISSIONER REIF: So we'll move on to the  
23 substantive matter for the hearing.

24 And, Ms. Hogle, would you like to go first?

25 MS. HOGLE: Yes. Thank you. The Company

1 calls Mr. Mike Wilding and proposes, if it pleases you,  
2 Ms. Hearing Officer, that he testifies where he is.

3 COMMISSIONER REIF: Sure. That's just fine,  
4 Mr. Wilding. I'll go ahead and swear you in.

5 --oOo--

6 MICHAEL G. WILDING,  
7 having been first duly sworn to tell the  
8 truth, was examined and testified as follows:

9 EXAMINATION

10 BY MS. HOGLE:

11 Q. Good morning, Mr. Wilding.

12 A. Good morning.

13 Q. Can you please state your name, place of  
14 employment, and position for the record?

15 A. Yes. My name is Michael G. Wilding, work for  
16 PacifiCorp as the manager of net power loss.

17 Q. And in that capacity, did you prepare direct  
18 testimony with attached exhibits MGW-1 through MGW-3?

19 A. Yes.

20 Q. And do you have any changes to that  
21 testimony?

22 A. No.

23 Q. So if I asked you the questions therein again  
24 today, your answers would be the same?

25 A. Yes.

1 MS. HOGLE: At this time, Your Honor, I'd  
2 like to move for the admission of the direct testimony  
3 and Exhibits MGW-1 through MGW-3 into the record.

4 COMMISSIONER REIF: Any objection? Hearing  
5 none, they're admitted.

6 Q. (By Ms. Hogle) Mr. Wilding, do you have a  
7 summary that you would like to present to the  
8 Commission today?

9 A. Yes, I do. Yes. The Company recommends that  
10 the Commission approve a refund of \$6.5 million to  
11 customers on an interim basis effective May 1, 2017,  
12 consistent with the Commission's orders from the recent  
13 docket addressing changes to the EBA and consistent  
14 with the DPU's recommendation in its preliminary report  
15 filed March 31, 2017.

16 However, as this is the first EBA with  
17 interim rates, there is a six-month period in which the  
18 collections from the 2016 EBA and the refund from the  
19 2017 EBA or this proceeding overlap.

20 And because of this overlap, the first rate  
21 decrease would be effective on an interim basis on  
22 May 1st, and then a second decrease would occur  
23 sometime around September when the 2016 EBA has been  
24 fully collected.

25 And so based on discussions with parties this



1 morning, and if the Commission desires just a single  
2 rate change, an alternative approach would be to offset  
3 the amount that we're currently collecting for the 2016  
4 EBA with the refund amount from the 2017 EBA, with the  
5 possible exception of one special contract customer who  
6 is questioning its EBA charge, and the Company would  
7 carve this amount out from the alternative approach.

8           And then the current EBA rates would continue  
9 to be effective until the net balance of the two EBA  
10 amounts was collected, which would be sometime in the  
11 next few months, possibly around -- around June.

12           And then as we got closer to that point when  
13 that net balance was going to be fully collected, the  
14 Company would file to change interim rates at that time  
15 to zero.

16           And -- and then that would be carried forward  
17 and any subsequent balance or changes that resulted  
18 from the EBA review process would be carried forward to  
19 next year's EBA as per the process established by the  
20 Commission.

21           **Q. Do you have any final comments, Mr. Wilding?**

22           A. Yes. The Company recommends that the  
23 Commission either approve the refund of \$6.5 million to  
24 customers on an interim basis effective May 1 or the  
25 alternate approach that has been discussed with parties

1 and that I proposed here today.

2 **Q. Thank you, Mr. Wilding.**

3 MS. HOGLE: Mr. Wilding is now available for  
4 questions.

5 COMMISSIONER REIF: Mr. Jetter?

6 MR. JETTER: No questions from the Division.  
7 Thank you.

8 COMMISSIONER REIF: Mr. Moore?

9 MR. MOORE: The Office has no questions.  
10 Thank you.

11 COMMISSIONER REIF: Mr. Dodge?

12 MR. DODGE: No questions.

13 COMMISSIONER REIF: Mr. Wilding, let me make  
14 sure I understand your position. So if I'm  
15 understanding you correctly, you are agreeing to what  
16 Mr. Dodge has presented and what the Office has  
17 presented in their comments as an alternative.

18 Do you have a preference one over the other?

19 THE WITNESS: So I think our proposal is  
20 slightly different from what they propose in that it  
21 would be a single rate change. And we would not change  
22 rates until the net balance of the two -- so -- let me  
23 step back a minute.

24 So there's about a \$9 1/2 million balance  
25 from last year's EBA from the 2016 EBA, so we would net

1 that against the \$6 1/2 million refund to customers in  
2 this EBA. And we would keep the current rates in  
3 effect until that net balance, that \$3 million, was  
4 collected, and at which time we would set interim rates  
5 to zero.

6 So I don't -- so it is -- it's very similar  
7 to what the Office and UAE proposed, but it's not the  
8 same. It's a different alternative. And we did  
9 discuss that with parties this morning, and parties  
10 were agreeable to that solution.

11 COMMISSIONER REIF: Ms. Hogle, is there  
12 something that you intend to present to the Commission  
13 in the way of an agreed upon alternative, a  
14 stipulation, for example?

15 MS. HOGLE: I think that the Company has  
16 presented it. I think that it will be -- my  
17 expectation is that the parties who were discussing it  
18 this morning will present their testimony. So in terms  
19 of a stipulation, you will get it live, I believe.

20 COMMISSIONER REIF: Okay. Very good. All  
21 right. Thank you, Mr. Wilding. Thank you, Ms. Hogle.

22 MS. HOGLE: The Company calls Mr. Robert  
23 Meredith.

24 COMMISSIONER REIF: Thank you. Mr. Meredith,  
25 are you on the line?

1 THE WITNESS: Can you hear me? Kind of  
2 interference going on there?

3 COMMISSIONER REIF: Yes. Sorry about that,  
4 Mr. Meredith. We can hear you. I think we're going to  
5 proceed without that microphone.

6 THE WITNESS: Okay.

7 COMMISSIONER REIF: I'm going to go ahead and  
8 swear you in now.

9 --oOo--

10 ROBERT M. MEREDITH,  
11 having been first duly sworn to tell the  
12 truth, was examined and testified as follows:

13 EXAMINATION

14 BY MS. HOGLE:

15 Q. Good morning, Mr. Meredith. Can you please  
16 state your name and position for the record?

17 A. Yes. My name is Robert M. Meredith. I work  
18 for the Company as the manager of pricing, cost of  
19 service. And my place of employment is 825 Northeast  
20 Multnomah Street, Suite 2000, Portland, Oregon 97232.

21 Q. And in that capacity, did you prepare direct  
22 testimony with attached Exhibits RMM-1 through RMM-4?

23 A. Yes, I did.

24 Q. And do you have any changes to that  
25 testimony?

1 A. No.

2 Q. So if I asked you the questions in your  
3 testimony again here today, would your answers be the  
4 same?

5 A. Yes.

6 Q. Thank you.

7 MS. HOGLE: At this time I'd like to move for  
8 the admission of the direct testimony of Mr. Robert  
9 Meredith with attached Exhibits RMM-1 through RMM-4.

10 COMMISSIONER REIF: Any objection?

11 MR. JETTER: No objection.

12 COMMISSIONER REIF: They're admitted.

13 MS. HOGLE: Thank you. Mr. Meredith is  
14 available for questions.

15 MR. JETTER: No questions from the Division.

16 MR. MOORE: No questions from the Office.

17 MR. DODGE: No questions. Thank you.

18 COMMISSIONER REIF: Okay. Mr. Meredith, I do  
19 have a question. And it --

20 THE WITNESS: Okay.

21 COMMISSIONER REIF: -- it relates to the  
22 question that I asked of Mr. Wilding earlier, which is  
23 whether the Company is in agreement that the proposal  
24 that has either been submitted by the Company or the  
25 alternative that has been proposed this morning be

1 accepted by the Commission. Is that your understanding  
2 of the Company's position?

3 THE WITNESS: Yes.

4 COMMISSIONER REIF: Okay. And my follow-up  
5 question -- this may be a question for either  
6 Mr. Meredith or Mr. Wilding -- is that inasmuch as it's  
7 been pointed out that this is the first rate decrease  
8 that has been requested by the EBA, does what is being  
9 proposed here outside of the interim rate process that  
10 has been ordered previously -- do the parties have the  
11 intention of treating that kind of issue the same going  
12 forward, or is this just a special circumstance because  
13 of this particular issue in this particular docket?  
14 Can you reflect upon that for us?

15 THE WITNESS: Sure. I think this is a  
16 special circumstance in this particular docket because,  
17 as Mr. Wilding had indicated, we have this issue where  
18 we have overlapping periods with both the 2017 EBA  
19 deferral collection, as well as the 2016 EBA deferral  
20 collection. So I think that going forward in future  
21 EBAs with this process, we won't have the same issue.

22 COMMISSIONER REIF: Okay. Thank you very  
23 much for that clarification, sir.

24 I don't have any further questions, so  
25 Ms. Hogle, unless you have anything further?

1 MS. HOGLE: The Company rests. Thank you.

2 COMMISSIONER REIF: Okay. Thank you.

3 Mr. Jetter?

4 MR. JETTER: Good morning. The Division  
5 would like to call and have sworn in Mr. David  
6 Thompson.

7 --oOo--

8 DAVID THOMPSON,

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

11 EXAMINATION

12 BY MR. JETTER:

13 Q. Good morning, Mr. Thompson. Would you please  
14 state your name and occupation for the record.

15 A. My name is David Thompson. I'm a utility  
16 technical consultant for the Division of Public  
17 Utilities.

18 Q. Thank you. And in the course of your  
19 employment with the Division of Public Utilities, did  
20 you create and cause to be filed with the Commission --  
21 I believe they are comments dated March 31, 2017, with  
22 a recommendation?

23 A. Yes, but I hope they were dated the 30th  
24 because that's when I filed them.

25 Q. Okay.

1           A.    I will leave that as corrected March 30,  
2   2017.

3           **Q.    Do you have any corrections you would like to**  
4 **make to the recommendation?**

5           A.    I do not.

6           MR. JETTER:  I guess I move at this time to  
7 enter the Division's comments that were filed by David  
8 Thompson in the record -- into the record of this  
9 hearing.

10           COMMISSIONER REIF:  Any objection?

11   Mr. Jetter, if it helps, it was March 31st.

12           MR. JETTER:  31st?  Okay.

13           THE WITNESS:  Okay.

14           COMMISSIONER REIF:  So they're admitted --

15           MR. JETTER:  Thank you.

16           COMMISSIONER REIF:  -- with that correction.

17           THE WITNESS:  I thought it was the 30th.  I  
18 apologize.

19           **Q.    (By Mr. Jetter) Mr. Thompson, have you**  
20 **prepared a brief statement to read into the record?**

21           A.    I have.

22           **Q.    Please go ahead.**

23           A.    Thank you.  The Division of Public Utilities  
24 has performed a preliminary review of the Rocky  
25 Mountain Power application as filed.  And based on the



1 overall body of information in the energy balancing  
2 account filing, the Division at this time believes the  
3 filing does not depart from prior years' filings.

4 The Division recommends that the Public  
5 Service Commission acknowledge the Company's filing as  
6 being complete, and that interim rates based on the  
7 application be approved effective May 1 to be amortized  
8 through April 30th the following year unless otherwise  
9 determined by Commission order.

10 An alternative proposal has been suggested by  
11 parties, and the Division would not oppose that  
12 proposal. That concludes my testimony.

13 MR. JETTER: I have no further questions.  
14 And Mr. Thompson is available for cross-examination by  
15 the parties or questions from the Hearing Officer.

16 COMMISSIONER REIF: Ms. Hogle, any questions?

17 MS. HOGLE: Just one clarification.

18 EXAMINATION

19 BY MS. HOGLE:

20 Q. Mr. Thompson, I just want to be clear about  
21 what your second proposal was. Am I correct in  
22 understanding that the Division does not oppose the  
23 alternative approach that the parties discussed this  
24 morning and that Mr. Wilding testified to?

25 A. That is true. It does not.

1 MS. HOGLE: Thank you.

2 COMMISSIONER REIF: Mr. Moore?

3 MR. MOORE: No questions.

4 COMMISSIONER REIF: And Mr. Dodge?

5 MR. DODGE: No questions. Thank you.

6 COMMISSIONER REIF: Okay. Thank you,  
7 Mr. Thompson. One -- actually, one follow-up. Similar  
8 to what I asked earlier to the parties representing the  
9 Company concerning the alternative approach that's  
10 pending before the Commission, is it your understanding  
11 that the approach that is being proposed is an approach  
12 that would be applicable in this docket only, not in  
13 other dockets that might involve decreases?

14 THE WITNESS: Yes, it is. Just this docket  
15 is special.

16 COMMISSIONER REIF: Okay. All right. Thank  
17 you.

18 Mr. Jetter, any follow-up?

19 MR. JETTER: I have no follow-up.

20 COMMISSIONER REIF: Okay. Mr. Moore?

21 MR. MOORE: Just to say that the Office  
22 advocates for the alternative approach as set out by  
23 the Company and the Division, and Director Beck is  
24 available for any questions if you would like her to be  
25 sworn.

1                   COMMISSIONER REIF: Okay. To the extent that  
2 I -- the Commission would like clarification as to the  
3 Office's position on the alternative approach that's  
4 being proposed, I think it will be helpful to swear in  
5 Ms. Beck.

6                                   --oOo--

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

10                                   --oOo--

11                   COMMISSIONER REIF: Thank you. So is it your  
12 understanding that the Office is supporting the  
13 alternative approach?

14                   THE WITNESS: Yes. The Office does support  
15 the alternative approach specifically as outlined by  
16 Mr. Wilding this morning. And I concur with Rocky  
17 Mountain Power that it is slightly different than what  
18 we envisioned in the comments that we submitted to the  
19 Commission. We do explicitly here today support what  
20 they put forward.

21                   COMMISSIONER REIF: Okay. And regarding the  
22 issue of whether this approach would be specific to  
23 this docket or other dockets where we have decreases  
24 in -- in rates in EBA matters, do you see this approach  
25 as being unique to the situation or applicable in other

1 situations as well?

2 THE WITNESS: I think the approach -- the  
3 agreement upon this approach is likely unique to this  
4 situation, but I could very much envision future  
5 scenarios where we would advocate for the same. It  
6 would be our expectation that we would need to bring  
7 our arguments at that time.

8 COMMISSIONER REIF: Okay. I think it might  
9 be helpful, if you don't mind, to reiterate your  
10 understanding based on the change that Mr. Wilding  
11 proposed this morning that alters what was filed by the  
12 Office and UAE in this matter just so the Commission  
13 has a clearer vision of exactly what the timeline looks  
14 like and -- and how you're seeing this playing out.

15 THE WITNESS: Okay. I'm not certain that UAE  
16 and the Office filed identical positions, but I feel  
17 like at this point it would be most helpful not to  
18 focus on what was filed, but instead to focus on what  
19 we support at this point.

20 And the Office does not want to characterize  
21 this as interim rates because, as you know from our  
22 filing, we are not at this time waiving our arguments  
23 on that issue from a legal perspective.

24 But from an operational accounting  
25 perspective, it is our understanding that there is

1 something around \$9.5 million that is yet to be  
2 collected from the last EBA filing. And then there is  
3 \$6.5 million of a credit that is being proposed at this  
4 time by the Company.

5 And certainly at the end of the -- of this  
6 docket, it may be found that there's a different  
7 number. But that's what's being requested at this  
8 time.

9 So my understanding is that the \$6.5 million  
10 would just be credited against the account that's  
11 carrying a balance of \$9.5 million, which results in  
12 \$3 million yet to be collected. And I'm not intimately  
13 familiar with these numbers. Those are round numbers.

14 And so the agreement then is to -- rather  
15 than making a rate change at this time, keep the former  
16 rate in place until the \$3 million is collected. Now,  
17 obviously \$3 million will be collected more quickly  
18 than the 9.5 would, so that rate is not going to stay  
19 in place as long as it otherwise would have.

20 My understanding from what Mr. Wilding  
21 testified to this morning is that the rate that's  
22 currently in place would only need to stay in place for  
23 maybe another couple of months; that probably around  
24 June it will have come very close to recovering the  
25 full balance. And at that point the rate would go to

1 zero.

2 I do not take a position on the filing that  
3 would be made for that, but I understand that the  
4 Company has intentions to come in and ask for an  
5 interim rate at zero at that point in time. And we  
6 would not oppose that.

7 COMMISSIONER REIF: Okay.

8 THE WITNESS: And then my final understanding  
9 of this process would be that any changes that would  
10 come out from this -- this docket at the end of  
11 testimony and hearings, as well as any small residual  
12 that might be left in the account, as I'm sure you are  
13 aware, when -- when riders like this are collected,  
14 it's hard to get precisely to zero. So there's  
15 oftentimes a little residual.

16 So my understanding from the parties'  
17 discussion this morning is that that residual, as well  
18 as any outcomes from this proceeding, would then come  
19 into a future rate change as originally contemplated  
20 next year.

21 COMMISSIONER REIF: Thank you, Ms. Beck.  
22 That's very helpful. I really do appreciate that.

23 Was there any follow-up that you wish to add,  
24 Mr. Moore?

25 MR. MOORE: No.

1 COMMISSIONER REIF: Okay. And considering  
2 Ms. Beck's explanation, does that -- does anyone wish  
3 to add anything or ask any questions as a result?

4 MR. DODGE: I would only state that UAE  
5 supports the explanation that Ms. Beck has given as its  
6 understanding.

7 COMMISSIONER REIF: Okay. Thank you.

8 MR. JETTER: And I think just on behalf of  
9 the Division, I would confirm that that was matching  
10 our understanding of the discussion that we had had  
11 this morning and agreed that the Division is sort of  
12 indifferent to either option, but that's how we  
13 understand. We certainly don't oppose that as an  
14 alternate.

15 COMMISSIONER REIF: Okay.

16 MS. HOGLE: The Company has no questions.

17 COMMISSIONER REIF: Okay. And -- and just to  
18 follow it up, did Ms. Beck's explanation, is that  
19 consistent with your understanding and the Company's  
20 understanding of what's being proposed?

21 MS. HOGLE: Yes. Her explanation about her  
22 position -- about the Office's position with regard to  
23 interim rates in particular is her position, and the  
24 Company does not share that.

25 However, the way that I heard Ms. Beck

1 explain in her view what was the understanding of the  
2 parties this morning, the Company -- it is the  
3 Company's view that it is consistent with what  
4 Mr. Wilding testified to.

5 COMMISSIONER REIF: Okay. Thank you very  
6 much. That was the gist of my question. Thank you for  
7 clarifying that. I do appreciate it.

8 Mr. Dodge, I realize you don't have a witness  
9 this morning, but -- and you have made your statement  
10 just a moment ago. Do you wish to add anything  
11 further?

12 MR. DODGE: No. But thank you very much.

13 COMMISSIONER REIF: Okay. Very good. Is  
14 there anything else to come before the Commission  
15 today? Okay. All right. Well, thank you very much  
16 for being here this morning and for your explanation.  
17 The Commission will take this under consideration and  
18 issue a ruling.

19 (The proceedings concluded at 9:26 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 witnesses were 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 20th day of April, 2017.



Daren S. Bloxham  
Registered Professional Reporter #335

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