

**In the Matter Of:**

In Re: RMP - Significant Energy Resource Decision

**HEARING, DOCKET NO. 17-035-40**

*May 29, 2018*

*Job Number: 451404*

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the	)	Docket No. 17-035-40
Application of Rocky	)	
Mountain Power for	)	
Approval of a Significant	)	HEARING
Energy Resource Decision	)	
and Request to Construct	)	
Wind Resource and	)	VOLUME 1
Transmission Facilities	)	JOB NO. 451404

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May 29, 2018  
9:00 a.m.

Location: Utah Public Service Commission  
160 East 300 South, 4th Floor  
Salt Lake City, UT 84111

Reporter: Teri Hansen Cronenwett  
Certified Realtime Reporter, Registered Merit Reporter

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9:00 a.m.

1 May 29, 2018

2 P R O C E E D I N G S

3 CHAIRMAN LEVAR: Okay. Good morning. We are  
4 here for Public Service Commission Docket 17-35-40,  
5 application of Rocky Mountain Power for approval of a  
6 significant energy resource decision and voluntary  
7 request for approval of resource decision.

8 Why don't we start with appearances, and then  
9 we have at least one preliminary matter to go over, and  
10 we'll see if there are others. So why don't we start  
11 with PacifiCorp.

12 MS. MCDOWELL: Thank you. Good morning,  
13 Commissioner. Katherine McDowell here on behalf of  
14 Rocky Mountain Power, and with me today are Adam Lowney  
15 and Sarah Link.

16 CHAIRMAN LEVAR: Thank you. Division of  
17 Public Utilities.

18 MR. JETTER: Good morning. I'm Justin Jetter  
19 with Utah Attorney General's Office, here today  
20 representing the Utah Division of Public Utilities, and  
21 with me at counsel table is Patricia E. Schmid also Utah  
22 assistant attorney general representing the division.  
23 Thank you.

24 CHAIRMAN LEVAR: Okay. Thank you. Office of  
25 Consumer Services.

1 MR. MOORE: Robert Moore representing the  
2 Office of Consumer Services. With me is Steven Snarr,  
3 also representing the Office of Consumer Services.

4 CHAIRMAN LEVAR: Okay. Thank you. Utah  
5 Association of Energy Users.

6 MR. RUSSELL: Yes, thank you. Phillip Russell  
7 representing UAE.

8 CHAIRMAN LEVAR: Thank you. And Utah  
9 Industrial Energy Consumers.

10 MR. BAKER: Yes. Good morning. Chad Baker  
11 with Parsons Behle and Latimer on behalf of UIEC.

12 CHAIRMAN LEVAR: Thank you. Utah Clean  
13 Energy.

14 MR. HOLMAN: Thank you. Good morning,  
15 Commissioner. I appreciate it. My name is Hunter  
16 Holman. I'm with Utah Clean Energy. And Kate Bowman is  
17 with me in the audience.

18 CHAIRMAN LEVAR: Thank you. Western Resource  
19 Advocates.

20 MS. HAYES: Good morning. Sophie Hayes  
21 representing Western Resource Advocates. And also  
22 representing Western Resource Advocates this week is  
23 Steve Michel, so if I suddenly appear as a gentleman,  
24 that is why.

25 CHAIRMAN LEVAR: Mr. Michel's here in the



1 room. Okay. Oh, there you are.

2 MS. HAYES: And our witness this week is Nancy  
3 Kelly.

4 CHAIRMAN LEVAR: Okay. Thank you. Interwest  
5 Energy Alliance.

6 MS. HICKEY: Good morning Mr. Chairman,  
7 Commissioner. My name is Lisa Tormoen Hickey,  
8 representing the Interwest Energy Alliance. Also  
9 sitting behind me is Mitch Longson, local counsel for  
10 Interwest Energy Alliance. And our witness this week  
11 will be Gregory Jenner, who will be here tomorrow  
12 afternoon and early Thursday. Thank you.

13 CHAIRMAN LEVAR: Okay. Thank you. With that  
14 note, I'll ask parties to please indicate to me if you  
15 have any other time constraints on any specific  
16 witnesses.

17 I'll indicate that the independent evaluator,  
18 Mr. Wayne Oliver from Merrimack Energy, we do have a bit  
19 of a time constraint with him. We're hoping to get his  
20 testimony in tomorrow, sometime tomorrow. Would you  
21 repeat what you indicated for your time frame for  
22 Mr. Jenner is again?

23 MS. HICKEY: Thank you very much. He will  
24 arrive by noon tomorrow, and we -- his time to leave is  
25 uncertain, but we hope it's by midday Thursday.

1 CHAIRMAN LEVAR: Okay. If there are any other  
2 witness time constraints, please indicate to me so we  
3 can take note and do our best to accommodate those.

4 Okay. Sounds like everybody else is here for the week.

5 Any other preliminary matters before we move  
6 to the motions that were filed on Friday? I am not  
7 seeing any indication that there are any other  
8 preliminary matters. So we will move to those two  
9 motions.

10 I think what we're going to do this morning is  
11 we're going to allow all the parties to briefly address  
12 their motions and ask questions. I am going to throw  
13 out a few questions before we start that, just because,  
14 you know, we have read the motions so we don't need them  
15 repeated verbally, but there are a few things I'd like  
16 to ask parties to address as we speak about these  
17 motions. Obviously, they have a significant impact on  
18 this case. My -- and I'll offer to my two colleagues if  
19 they want to add anything to that.

20 The first question I would like to ask parties  
21 to address is, this one is particularly for UIEC, UAE  
22 and the division. It wasn't clear to me if the motion  
23 identified the specific portions of the testimony that  
24 you are seeking to have stricken.

25 You have got some bullet points with

1 some lots -- specific lines identified, but those appear  
2 to be listed as an example. It wasn't clear to me if  
3 those are the specific lines you are asking to have  
4 stricken. So when you address the motion, I'd ask you  
5 to address that issue.

6 And a couple of substantive things I would  
7 like to ask parties to address as you speak to the  
8 motion. The first is, for the parties who have -- and  
9 I'm sorry, on the first issue it did seem clear to me  
10 what the office is asking to have stricken. So that  
11 seemed to be clear for your motion. So I don't think we  
12 need clarification from that end.

13 The second issue I'd like to ask parties to  
14 address is, it did not appear to me that either motion  
15 cited to a specific legal prohibition against providing  
16 new material in surrebuttal. Whether there's any  
17 particular -- any specific statute, administrative rule,  
18 evidentiary rule or PSC order that prohibits new  
19 material on surrebuttal, whether there is one or whether  
20 the motion is simply relying on general principles of  
21 fairness and due process. But if anybody's aware of  
22 something more direct than that, I would like to ask  
23 parties to address it.

24 And then the third issue that I'd like to ask  
25 parties to be prepared to address is, you know, assuming

1 that there is some fairness or due process issue with  
2 the new material that was provided on surrebuttal, it  
3 seems that we have three options we could choose from  
4 today.

5 And I'm going to ask parties if anyone is  
6 aware of any other ways that could -- that we could  
7 address this besides those three. If we have to choose  
8 between one of these options, we'll certainly do that  
9 this morning.

10 But the options that we've been able to  
11 identify so far is granting the motion to strike,  
12 resetting the 120 day statutory clock and providing an  
13 opportunity for further responsive testimony to the --  
14 to the surrebuttal that's been filed. Or the third  
15 option is simply denying the motion and requiring the  
16 parties who have objected to deal with the new material  
17 on surrebuttal during live cross-examination during this  
18 week's hearing.

19 So those are our obvious three options that we  
20 can choose from. If any party is able to provide us  
21 other -- other paths forward that we can consider this  
22 morning, we would be happy to consider those. And with  
23 that, Mr. Baker, it appears that you are the primary  
24 author of the motion so why don't I go to you first.

25 MR. BAKER: Thank you, chairman. I guess you

1 said you have read the motion, and from your questions,  
2 it's clear that you have. I just will --

3 CHAIRMAN LEVAR: Oh, I'm sorry. I forget  
4 to -- I was going to offer Commissioner Clark and  
5 Commissioner White if they wanted to put any other  
6 questions out at the outset, and I forgot to do that.  
7 Commissioner Clark.

8 COMMISSIONER CLARK: Excuse me. Well, yeah, I  
9 think I'd like to add just one thing to what you said,  
10 Chair LeVar, and that is that as parties who support the  
11 motion address it, I would be interested in more  
12 information on the nature of the prejudice that -- that  
13 your limited opportunity at this point to review the  
14 surrebuttal causes.

15 And by that, I am particularly referring to  
16 the fact that a lot of the questioned testimony relates  
17 to the Uinta project and removing it as a sort of a  
18 discrete element of the application, but how -- I need  
19 more information on the implications of that removal for  
20 the analysis of the remaining aspects of the -- of the  
21 application, or the remaining projects.

22 And then also anything more that you can  
23 elaborate on with regard to the new solar information  
24 that's in the surrebuttal, and how that -- what your  
25 plans would be to evaluate that, or how the presence of

1 that in the record, at this stage, would prejudice your  
2 opportunity to cross-examine on it or present rebuttal  
3 or additional rebuttal to it. Those are just some  
4 additional thoughts that I have as you begin your  
5 arguments. Thank you.

6 CHAIRMAN LEVAR: Commissioner White.

7 COMMISSIONER WHITE: Yeah. Just in the  
8 context of -- following on what the issue Commissioner  
9 Clark is requested argument on in terms of the potential  
10 prejudice or the magnitude of such, I guess my question  
11 would be, from the -- from the movant parties, have they  
12 thought through at this point what additional time would  
13 be reasonable to address what they -- sort of a due  
14 process perspective, what they proceed need to be, you  
15 know, new additional facts that, you know, require a  
16 response? Would that be live here today or this week?

17 And I guess from the company's perspective,  
18 you know, at what point do we run up against a risk of  
19 actually jeopardizing the value of the PDS. I mean,  
20 this has, from the get go, this is -- I think we can all  
21 agree this has been unprecedented in the sense that this  
22 has been evolving quickly, partially just because of the  
23 time constraints.

24 So I guess that's the question, is that, you  
25 know, balancing any perceived or actual threats to due

1 process issues that were brought by the recent  
2 testimony, how do we balance that with potential threats  
3 to loss of those benefits.

4 CHAIRMAN LEVAR: Okay. Mr. Baker.

5 MR. BAKER: Thank you for your -- those  
6 questions. To start at a high level, I think Yogi  
7 Berra's words are wise today, that this is déjà vue all  
8 over again. We were here in February, with many of  
9 these same arguments, where we had yet again a new  
10 resource portfolio. The parties have been spending  
11 months, and, you know, thousands of hours, thousands of  
12 pages chasing ghosts.

13 And to have a project resource continue to  
14 change and continue to change and continue to change has  
15 deprived the parties of, you know, an opportunity to  
16 fully and fairly evaluate -- evaluate the merits of that  
17 resource and the economic analysis that the party claims  
18 supports that specific resource.

19 As of May 15th, 2018, we now presume to  
20 understand what the actual resource is that they are now  
21 requesting approval for. This is, you know, again, the  
22 third time that these resources have changed. And you  
23 know, we have -- I can't cite to a specific statute, or  
24 I am not aware of a specific statute or rule that would  
25 prohibit new information in surrebuttal.

1 But I will say, you know, fundamental due  
2 process and fairness would suggest that bringing new  
3 information this late in the process, after when there's  
4 not enough time for discovery and ability to really  
5 evaluate and review the materials and the new  
6 information that's presented, is a violation of those  
7 due process and fairness rights.

8 I will also submit that under the rules, R  
9 746430, you know, a complete application and the  
10 resource decision is supposed to be made before the  
11 application is submitted. That clearly was not the case  
12 that's happened here. Despite a certification in June  
13 that the company largely complied with the statute and  
14 the rules and their process will do that, they conceded  
15 in hearing in early February that they had not  
16 completely submitted a full application.

17 And in the commission's order vacating the  
18 then schedule, the company represented that their  
19 February 16th, 2018, filing would be their final  
20 complete project, and we would have the certification,  
21 which Mr. Link did submit with the then final project.  
22 We now know that that wasn't the final project. They  
23 have shifted it again.

24 With respect to the magnitude of the  
25 prejudice, you know, UIEC claims it's difficult for us



1 to really identify what is the prejudice. While it  
2 seems that maybe removing just one of the projects  
3 should allow us to evaluate all the remaining three, we  
4 have not had adequate opportunity to evaluate how they  
5 have removed it, their economic analysis in which they  
6 have removed it, and that, you know, that alone prevents  
7 a full and, you know, complete record on which this  
8 commission can make its decision.

9 As far as additional time, you know, I would  
10 say that under the statute and under the rules, it  
11 contemplates 120 days from the complete final project.  
12 And that would, you know, essentially provide the  
13 parties an opportunity to evaluate the new information,  
14 both the removal of the resource, their new claim of why  
15 solar resources may or may not be more beneficial.

16 These are new analyses that the parties have  
17 not had an opportunity to compound discovery, which  
18 could take multiple rounds to fully get to the bottom of  
19 the disagreements or issues within their approach, and  
20 to develop their own analysis, independent analysis, of  
21 these changing and shifting facts and present their own  
22 information.

23 And I -- oh, and with respect to the -- thank  
24 you, the specific information to strike. Given the --  
25 the size of their new surrebuttal filing of over 400,

1 and I think it was roughly 460 pages, we did our best to  
2 identify in the short period of time that the references  
3 that EEO pertain to, the removal of Uinta, the new  
4 economic analysis associated with that, as well as their  
5 analysis on the new solar.

6 We believe that we have captured -- what's  
7 presented there for line numbers does capture ones that  
8 we were readily able to identify and would request at a  
9 minimum that those be stricken. What we don't know is  
10 if we have captured it all.

11 And in their, you know, rebuttal to certain  
12 witnesses' testimony, in some respects it was difficult  
13 to determine if they were using -- relying on their new  
14 information, which was unavailable to the parties, or if  
15 they were just rebutting the parties' testimony. So I  
16 guess I can't answer that it is a complete  
17 identification of all the issues, but the lines that we  
18 found we do believe should be appropriately stricken.  
19 Thank you.

20 CHAIRMAN LEVAR: Thank you. Commissioner  
21 White, did you have a question for Mr. Baker?

22 COMMISSIONER WHITE: Yeah. I just want to  
23 make sure I understood. So with respect to terms of  
24 potential time to respond, did I hear you say that  
25 essentially you are asking for a restart of the clock,

1 another 120 days, as to fairly address the most recent  
2 round of testimony?

3 MR. BAKER: Well, I -- yes. I think the way I  
4 view it is that we're given 120 days from -- or the  
5 rules contemplate 120 days from the final application.  
6 And based on what's been submitted, I believe that May  
7 15th is a final application. And so the statute and the  
8 rules contemplate allowing the parties that much time to  
9 evaluate. Thank you.

10 COMMISSIONER WHITE: Okay. Thank you. That's  
11 all I have.

12 CHAIRMAN LEVAR: Commissioner Clark, do you  
13 have any questions for Mr. Baker?

14 COMMISSIONER CLARK: No questions. Thank you.

15 CHAIRMAN LEVAR: I would like to ask one  
16 question, and add this to the questions I would like  
17 other parties to address, and please don't read anything  
18 into this question. It's just a what-if.

19 But if we were to consider granting additional  
20 time for responsive testimony to what was filed on May  
21 15th, would it make sense to still use the hearing  
22 scheduled this week to take testimony from, say, the  
23 Rocky Mountain Power, the PacifiCorp witnesses, possibly  
24 UAE and WRA and Interwest Energy Alliance, and then  
25 doing the -- the witnesses from the parties who have

1 filed this motion after an opportunity for responsive  
2 testimony?

3 Is there any benefit to that, or if we were  
4 going to consider allowing more time for responsive  
5 testimony, does everything just need to be delayed? And  
6 that's a question I'd like to ask all the parties to  
7 respond to.

8 So Mr. Baker, sorry to dump that on you  
9 without any time to think about it.

10 MR. BAKER: Thank you for the question.

11 COMMISSIONER CLARK: Just before you respond,  
12 you said UAE. Did you mean UCE?

13 CHAIRMAN LEVAR: Yes, I mean UCE not UAE.  
14 Thank you. I meant generally the parties who support  
15 the application, getting their testimony today while  
16 delaying the others. That's what I intended.

17 And if you would like to think about that and  
18 we could have us come back to you, we'd be happy to do  
19 that.

20 MR. BAKER: Sure. Thank you. I'd appreciate  
21 that.

22 CHAIRMAN LEVAR: Okay. Since UIEC and UAE  
23 have been doing a lot joint on this, why don't I go to  
24 Mr. Russell next.

25 MR. RUSSELL: Thank you, Chair LeVar. I don't

1 have a lot to add, but I do want to make a few  
2 observations. We have a number of parties who have  
3 appeared in this docket and who have presented round  
4 after round after round of testimony in this docket.  
5 Only one of those parties have submitted prefiled  
6 testimony on what is now the resource decision that you  
7 are now being asked to approve in this docket.

8 The division, the office, UEA, UIEC have all  
9 been addressing, in each round, a different resource  
10 decision. We do not have testimony from those parties  
11 on what is now the final resource decision. And I'll  
12 note that the same goes for the independent evaluator,  
13 who has submitted a final report on a different set of  
14 resources that are not the final resource.

15 In an attempt to address some of your other  
16 questions, with respect specifically, I won't address  
17 the removal of Uinta, because I think the fact that we  
18 don't have testimony on that should speak for itself.

19 But with respect to the solar sensitivity,  
20 which is new, I'll just mention that the company has  
21 addressed capacity contributions and comparisons to  
22 particular prices in its IRP, in a particular way. And  
23 it's now conducting a sensitivity, in an attempt to  
24 devalue the solar RFP kind of on the fly. And none of  
25 the parties have had an opportunity to respond to that.

1           It's a technical analysis that I think could  
2 benefit -- the commission could benefit from having a  
3 technical response to that technical analysis, if you  
4 are going to consider it. And we haven't had the  
5 opportunity to do that. I don't know whether live  
6 surrebuttal is going to get us there, because I think we  
7 need to conduct some discovery.

8           Just to throw something out there, the company  
9 asserts that the Powerdex index from which they obtain  
10 price scalars to get their monthly pricing -- or excuse  
11 me, day before hourly pricing, it has insufficient  
12 information that's new, and it would be interesting to  
13 know how much information from there is missing, so that  
14 we can perhaps have a statistician tell us whether there  
15 is insufficient information from that power decks index  
16 to know whether we can't trust it.

17           With the capacity contribution, the IRP has  
18 for quite some -- or at least the 2017 IRP had a  
19 methodology that described how the capacity  
20 contributions were determined. There's several  
21 calculations in there. And the company's now asking  
22 this commission to assume that capacity contribution of  
23 solar will be something different than what was in the  
24 IRP.

25           I think the commission, again, would benefit

1 from a flushing those issues out, if it's going to  
2 consider the sensitivities at all. And so those are  
3 my -- those are my responses.

4 And with respect to some of the questions, if  
5 you are going to give us -- if the commission is going  
6 to give us additional time to respond, I would think we  
7 would need at least 30 days. My compatriots from the  
8 other parties may say we need more.

9 I'd like an opportunity frankly to talk to my  
10 witness about that, who would be doing the analysis, but  
11 I think we could get it done in as early as 30 days, you  
12 know, from now, if that's the commission's ruling.

13 I presume that the company would want an  
14 opportunity to respond, not to introduce new information  
15 but to respond to our response since it is their  
16 application.

17 And for that reason, depending on how it all  
18 plays out, it's hard for me to say, Chair LeVar, whether  
19 continuing with the testimony that we have before us on  
20 at least the wind projects would be useful. Perhaps we  
21 could go forward on the transmission projects, because  
22 there are two resource decisions before you. But I --  
23 it's hard for me to say, because I don't know who all is  
24 going to want to respond if there is an opportunity to  
25 respond given them.

1 CHAIRMAN LEVAR: Okay. Thank you.

2 MR. RUSSELL: Thank you.

3 CHAIRMAN LEVAR: No, I don't think I have any  
4 questions. Commissioner Clark, any other questions?

5 COMMISSIONER CLARK: No.

6 CHAIRMAN LEVAR: Mr. White?

7 COMMISSIONER WHITE: No, no questions.

8 CHAIRMAN LEVAR: Thank you. Mr. Jetter or  
9 Ms. Schmid?

10 MR. JETTER: Good morning. Thank you for the  
11 opportunity to address this. Starting out with the  
12 legal question of is there -- is there direct  
13 controlling law in this, I would say probably not,  
14 outside of a due process type of a higher level law.  
15 But there is some pretty persuasive law from the rules  
16 of evidence.

17 Typically rebuttal experts under the federal  
18 rules of evidence, at least, are limited to rebutting  
19 more or less directly to the subject matter of experts  
20 of opposing parties. And what that subject matter is,  
21 if it's read too broadly, I think ruins the process of  
22 narrowing the focus of testimony and limiting the world  
23 of the universe of things that would be presented.

24 And to read it as broadly as allowing changing  
25 projects in surrebuttal, for example, I would say going



1 forward that would open the door to the company filing  
2 application and the rebuttal witnesses proposing their  
3 own new projects that are unrelated.

4 The division probably could have put together  
5 a proposal for a single cycle mine turbine project that  
6 would have similar capacity, and, again, argue that  
7 would be way outside the scope of what rebutting their  
8 testimony is. And I think in this case, the surrebuttal  
9 is not -- is not only responsive, and fairly was  
10 responsive in parts to other witnesses' testimony, but  
11 it also introduced substantial new changes to the  
12 project.

13 And the frustration in this docket is that  
14 this isn't the first time that this has happened. It's  
15 changed at every round.

16 As a state party, we're fairly highly  
17 constrained by things like state purchasing rules. We  
18 have run out of our budget for consulting. So what  
19 would happen if we have to go through another round is,  
20 we would have to go back through the state purchasing  
21 process to get a new RFP out to take bidders, select a  
22 new outside consultant to review.

23 And so with response to the 30 day suggestion,  
24 I don't think that's realistic for the division. I am  
25 not sure 30 days down the road would get us anything

1 meaningfully different than what we have today. We have  
2 done our best to try to review at a high level, but to  
3 point out even in the surrebuttal, the removal of one of  
4 the projects was done essentially off the topic. There  
5 was no analysis of whether that project was better or  
6 worse as a separate project.

7           There's a lot of things we simply don't know  
8 at this point, and our witnesses are prepared to kind of  
9 take a best guess at it, which is what we can do in two  
10 weeks time. But my recommendation out of sort of the  
11 three options would be, I would actually suggest that  
12 potentially options 1 and 2, which in my list here is to  
13 grant the motion to strike or to reset the 120 days, in  
14 some ways are effectively the same thing.

15           I think if we grant the motion to strike, it's  
16 unlikely that I think the commission could go forward  
17 with an order approving a project that's not -- that it  
18 knows is not likely to be built. I think that wouldn't  
19 really do any good to any of the parties to approve  
20 something that we know is not the final project. And  
21 moving to strike would leave the commission with no  
22 record to review the actual proposal.

23           With respect to that, I'm sorry, I am jumping  
24 around a little bit, I agree with what's to be stricken.  
25 We did our best to do a high level review of it, but

1 it's woven throughout all of the financial analysis,  
2 both the removal of one of the projects as well as the  
3 change in the modeling of one of the alternatives from  
4 the solar RFP.

5 In terms of prejudice, I think that it's been  
6 fairly well covered. But we have not seen a stand-alone  
7 analysis of the projects proposed to be removed. We  
8 don't know if we remove it, or add it as a stand-alone  
9 project, how it looks. It might be a great project. It  
10 might not. We simply don't know.

11 All we have is an analysis from one party  
12 that's presented late in the process of removal from  
13 essentially the top of the stack. And that may not be  
14 the same valuation as if you remove it from the bottom  
15 of the stack. We don't know that.

16 I hope I have covered most of your questions.  
17 As far as having witnesses testify this week, if the  
18 commission intends to reset the schedule, it may be  
19 arguing against my client's best interests a little bit  
20 here, but we generally work also to protect the public  
21 interest and the process.

22 And I think that that may in some ways  
23 prejudice the other -- the company's witnesses, and the  
24 other witnesses, by testifying before having an  
25 opportunity to see our final round, or multiple rounds

1 of testimony. And I think really fairness would give  
2 them the opportunity to testify after having seen that.

3 So I am prepared to go through with our  
4 cross-examination today, but I'm not sure that that  
5 would be the most fair way to go forward. If they would  
6 like to do it, I'm happy to do it, but I hope that's  
7 answered the questions that you have asked.

8 CHAIRMAN LEVAR: Okay. Thank you, Mr. Jetter.  
9 Mr. White, do you have any other questions for him?

10 COMMISSIONER WHITE: Yes. Thanks, Mr. Jetter.  
11 Can you help me understand a little bit more in terms of  
12 -- so let me ask with the Uinta project removal. Is the  
13 division's concern more with respect to the fact that it  
14 was removed or with respect to how the removal was  
15 modelled?

16 Because let me preface this a little bit by  
17 saying, you know, we -- you know, PacifiCorp is ready to  
18 buy six other states, and obviously this was from, at  
19 least from what I can understand, this was the impetus  
20 behind the removal was the Wyoming decision where the --  
21 whatever came out of the docket in terms of removing  
22 that project from the CPCN.

23 Is -- getting back to the question, is it a  
24 specific front based upon removing it, or is it the fact  
25 that it was modeled in an improper way?

1 MR. JETTER: So I think what troubles us is  
2 that it was removed. First, we only found out that it  
3 was being removed two weeks ago, and that the removal  
4 changes the modeling. It changes the economics of the  
5 combined projects.

6 And although we -- I would say that we may  
7 disagree with the calculations of how it was removed  
8 from the project, because it was never identified as a  
9 stand-alone project, or never presented at least to any  
10 of the other parties that way. What that leaves us with  
11 is, if we don't know if it was removed in the right way,  
12 then -- then we don't really have a fair analysis of the  
13 remaining projects and how they should be reviewed.

14 And in addition to that, we don't know if that  
15 was the best result of the RFP, and that is the one we  
16 should be keeping. It was removed, as I understand it,  
17 as part of a negotiation with another state, or two  
18 other states' processes.

19 In addition, incidentally it's in, I believe  
20 footnote 39 of the commission's order in Oregon, that  
21 they gave an indication that they would likely also not  
22 acknowledge that project because they -- in that  
23 opinion, which was the third commissioner's dissenting  
24 opinion on that, her view, at least in that footnote,  
25 was that it was not compliant with what was requested in

1 their RFP process or their IRP.

2 I am not perfectly familiar with the Oregon  
3 process, but there's an additional reason it may be  
4 removed. Ultimately, however, that leaves us stuck  
5 without an analysis that's up-to-date on what's being  
6 proposed.

7 COMMISSIONER WHITE: Okay. That's all the  
8 questions I have. Thanks.

9 CHAIRMAN LEVAR: Okay. Commissioner Clark,  
10 any questions for Mr. Jetter?

11 COMMISSIONER CLARK: Nothing further.

12 CHAIRMAN LEVAR: Okay. Thank you. Office?

13 MR. MOORE: Thank you, Commissioner. To begin  
14 with, I'd like to say we take no position on the  
15 separate filing of remainder DPU, UIEC and UEA. We  
16 certainly don't oppose it. We file separately because  
17 we think that the solar new evidence stands on a little  
18 bit of a different footing than the Uinta evidence, and  
19 we'd like the court to separately address that.

20 The reason it's different is because they are  
21 not responding to a new circumstance. They had access  
22 to the information from the January 16th surrebuttal,  
23 and it should have been presented there.

24 As for legal provisions, I would adopt the  
25 argument of my colleagues here and state also that we

1 believe that new information coming in on surrebuttal  
2 is, at least linguistically and schematically,  
3 inconsistent with the scheduling order. Rebuttal means  
4 respond to the opposing party. This is -- the solar  
5 testimony is basically new direct testimony.

6           The solar motion to strike differs a bit, and  
7 when we take on the question of what are the remedies,  
8 because the solar -- what we want to strike from the  
9 solar testimony will not prevent us from going forward  
10 with the rest of the hearing. It will just prevent  
11 those arguments that are being presented to the  
12 commission.

13           We do not oppose setting -- resetting the  
14 clock, and this ties in to our third question, why  
15 surrebuttal is not sufficient. And the biggest reason  
16 why surrebuttal is not sufficient is because we don't  
17 have an opportunity to discover it. We can't provide  
18 our analysis and our arguments without taking discovery  
19 on this brand-new evidence.

20           We have also had limited opportunity to review  
21 the evidence. This was sprung on us, and we hadn't had  
22 it scheduled for our expert to take the time to go over  
23 and perform his own analysis, particularly when the  
24 nature of the testimony is so technical.

25           Another reason why this is so prejudicial to

1 the office is because our expert, Mr. Hayet, has  
2 presented evidence that the solar RFP presents greater  
3 benefits than the wind RFP. So this new testimony goes  
4 to a dispositive issue before you. It's not a side  
5 issue. It's not something you can step aside from or  
6 determine that it is not prejudicial in your analysis.

7 As for the additional time, we would need time  
8 to discuss -- to take discovery, possibly two rounds,  
9 and we would need some time since that to present our  
10 own analysis. 30 days wouldn't be enough. 120 is  
11 consistent with statute. That's -- probably we don't  
12 need that, but we would need, I would think, 40 to 60  
13 days. And that's all my argument. I am ready for  
14 questions.

15 CHAIRMAN LEVAR: Okay. Thank you.  
16 Commissioner Clark.

17 CHAIRMAN CLARK: Mr. Moore -- excuse me. I  
18 understood Mr. Jetter to say that they were out of  
19 budget for expert -- for further expert testimony  
20 participation or expert analysis outside of the confines  
21 of the division's staff, full-time staff. And I wonder  
22 if that constraint exists for the office as well or not.

23 And I guess I want to go back to Mr. Jetter,  
24 if we can, just to say, is the 40 to 60 days, would that  
25 allow the division to work through the budget issues and



1 get more of the expert -- outside expert help that you  
2 need? Why don't we hear from Mr. Moore first and then  
3 Justin.

4 MR. MOORE: I don't believe -- I wasn't  
5 anticipating this question, but I don't believe that we  
6 are out of our contract. But we have spent considerable  
7 money chasing, as Mr. Russell and Mr. Baker were saying,  
8 ghosts. And it will -- we do have more of a limited  
9 budget for -- than the division. And we will have -- we  
10 may have problems in other dockets.

11 MR. JETTER: Back to me. Thank you for giving  
12 me a little bit of time to consult with my client on  
13 that. Our view is it would take probably around, in the  
14 range of 30 to 45 days to get the fastest sole source  
15 type contract approved. And then at that point, we  
16 would start the analysis with our outsides consultants.

17 How long that leaves us, I hate to give a  
18 date, but sometime beyond that with time for -- for  
19 discovery and to draft some testimony. So probably I  
20 think at least 30 more days would be my guess.

21 COMMISSIONER CLARK: Thanks.

22 MR. JETTER: Yeah. Sorry I don't have a  
23 better answer for you.

24 COMMISSIONER CLARK: Thank you.

25 CHAIRMAN LEVAR: Commissioner White?

1 COMMISSIONER WHITE: Yeah. Mr. Moore, I  
2 appreciate the distinction you made between the solar  
3 evidence and the Uinta project evidence. Maybe you  
4 mentioned, but maybe I missed a bit, but does the office  
5 take the distinct position on the Uinta evidence in how  
6 that would be addressed in terms of --

7 MR. MOORE: We take no position. We don't  
8 oppose. We file separately mainly to distinguish the  
9 solar from the Uinta, because we thought that it was a  
10 distinctful element, seeing as it hasn't come up from  
11 any change in circumstances.

12 COMMISSIONER WHITE: Thank you. Just -- maybe  
13 this is back to Mr. Jetter. I guess I am just wondering  
14 practically, if a commission were to strike the Uinta  
15 additional, you know, the fact that it's now, you know,  
16 not part of the complete, you know, set of projects, I  
17 mean, practically what would that look like?

18 Understanding that it is, you know, no longer  
19 part of the plan for the company with respect to how  
20 they have been treated or how they, you know, those  
21 issues have been adjudicated in Wyoming I guess. In  
22 other words, we would proceed with a -- with the  
23 understanding that those projects are included? I guess  
24 I am just trying to think through that a little bit.

25 MR. JETTER: Yeah. I think that brings --

1 brings the -- sort of two options of a strike is  
2 effectively a dismissal together, because without the  
3 testimony removing those projects, which I think most of  
4 us -- I can't say we know we're not going to be  
5 constructed, but it seems pretty unlikely that that  
6 additional project is going to be a viable project going  
7 forward.

8 That would leave approval of, the record  
9 before the commission with the option to approve a  
10 project that is not the actual project. And I'm not  
11 sure how that would fall within the statute. My guess  
12 is, it would violate a number of the different  
13 provisions of the statute in terms of approval of things  
14 like a value of the project, which would be  
15 substantially different than what is expected to be  
16 constructed. I haven't worked through all of the  
17 results of that.

18 CHAIRMAN LEVAR: Okay. Thank you, Mr. Moore.  
19 I think we'll go to Ms. Hickey next. Do you want to  
20 weigh in at all on these motions?

21 MS. HICKEY: Thank you, Mr. Chair, commission.  
22 Interwest has not done the in-depth analysis of the  
23 other modeling as the other parties have. We are  
24 sympathetic. I have seen the evidence of that in my  
25 inbox, but at a high level, we oppose the motion.

1           It is fast moving, but the parties have been  
2     analyzing this information now for months. Some of them  
3     recognize that Uinta was a distinct project, and, you  
4     know, Mr. Peaco's testimony refers to it separately on a  
5     number of occasions. And it's not required to have the  
6     transmission in place, and that's partly why it's  
7     distinct. So I see that as less prejudicial. That  
8     evidence takes out some information rather than adding  
9     new information, and that I think reduces the prejudice.

10           I think that the change in position of the  
11    company shows the company trying to be responsive to  
12    information that has been presented by all of the  
13    parties in all of its states. I think that should be  
14    recognized to some extent, even though it's at a late  
15    date. And therefore, I would ask the commission to give  
16    the evidence the weight it's due, rather than strike it.  
17    Thank you very much.

18           CHAIRMAN LEVAR: Thank you. Commissioner  
19    White, do you have any questions for Ms. Hickey?

20           COMMISSIONER WHITE: Just on that last piece.  
21    The evidence, give it the weight it's due. I mean, by  
22    that do you -- do you mean it would be take some type of  
23    administrative notice or judicial notice of it and allow  
24    it to -- or just allow the facts that the parties have  
25    not had an opportunity to respond to it?

1 MS. HICKEY: I think the latter states my  
2 arguments, and that would especially be addressed to the  
3 solar information, which I think you can carve out of  
4 everything else a little better. I understand that the  
5 parties want solar instead of wind, but you could  
6 consider the information brought forth in surrebuttal  
7 with less weight if you thought that appropriate, more  
8 easily when you consider the solar arguments.

9 CHAIRMAN LEVAR: Thank you. Commissioner  
10 Clark, any questions for her? And I don't have any  
11 others. Thank you, Ms. Hickey. Mr. Holman.

12 MR. HOLMAN: Thank you, Mr. Chair. I think I  
13 would largely reiterate the comments of Ms. Hickey. At  
14 a high level, I think we would oppose these motions, in  
15 that I think to delay this proceeding any further  
16 would -- could potentially put at risk the company's  
17 ability to take advantage of production tax credits,  
18 which I think are a large benefit of these combined  
19 projects and what makes them economic.

20 So at a high level I think we would oppose it,  
21 but to the extent that any delay in the proceedings  
22 would put at risk some of the economic benefits of the  
23 combined projects, but otherwise we take a fairly  
24 neutral ground on this motion.

25 CHAIRMAN LEVAR: Okay. Thank you. Mr. Clark,

1 any questions for him? Thank you. Ms. Hayes.

2 MS. HAYES: Thank you. I don't want to  
3 belabor anything. I think my comments are fairly  
4 consistent with what Ms. Hickey and Mr. Holman said.  
5 WRA was not intending to take a position on these  
6 motions.

7 But to the extent that a delay is  
8 contemplated, I think we would oppose that, simply  
9 because it's our position that the status quo in this  
10 case is not without significant risks and that these  
11 projects do present sort of a time-limited opportunity  
12 for rate payer benefits.

13 And so I do think that much of sort of the --  
14 the spirit of the surrebuttal testimony that was filed  
15 by the company was responsive. Although there's, you  
16 know, there's not a clean line between what's responsive  
17 and then where -- how far you get over what's purely  
18 responsive.

19 And so I think Ms. Hickey presented a good  
20 option, which is to deny the motion, but recognizing  
21 that there is some highly technical information that was  
22 new that was presented, and give that its appropriate  
23 weight in your review, recognizing it may -- may not be  
24 very subject to cross-examination today.

25 CHAIRMAN LEVAR: Thank you, Ms. Hayes.

1 Commissioner White, do you have any questions for her?

2 Commissioner Clark. Thank you. Ms. McDowell, we will  
3 go to you.

4 And I'd like to ask one other thing for you to  
5 address. You are probably already going to, but would  
6 you address whether you agree with Mr. Moore's assertion  
7 that the information in Mr. Link's testimony on the  
8 solar comparison was available in January? That's what  
9 the office asserted. I'd like to know if you agree or  
10 disagree with that.

11 MS. MCDOWELL: Thank you, Commissioners.

12 Rocky Mountain Power opposes the motion to strike and  
13 the OCS joinder, because the company's surrebuttal was  
14 proper. The parties have not shown specific prejudice,  
15 and the public interest is best served by a full vetting  
16 of the evidence at this time, not in 30 days, not in 120  
17 days. But now.

18 We're all here gathered. It's been 11 months  
19 and coming, and this is a time-sensitive project. We  
20 need to move forward, and we need to move forward now.

21 So with that, let me just give a little bit of  
22 context for the motion, because I think it's important.  
23 Two weeks ago the company filed its surrebuttal  
24 testimony. The moving parties conducted no discovery on  
25 this testimony, even though there are expedited

1 discovery time lines in place that would have allowed  
2 such discovery.

3           Instead of moving for discovery, instead of  
4 conferring with the company about there's new  
5 information, can you expedite, or meet with us to  
6 explain this information to us, they waited until the  
7 eve of hearing before the Memorial Day weekend and filed  
8 a motion to strike. Without any explanation for that,  
9 they moved to strike the testimony withdrawing the Uinta  
10 project, a project that they oppose.

11           I mean, we are narrowing our request here. We  
12 are not expanding it, creating a bunch of new issues for  
13 parties to analyze. We are making this more  
14 streamlined, more narrow, really making this easier for  
15 us to get through this week, not harder.

16           The -- along with OCS, the parties also object  
17 to the company's testimony on the final analysis and  
18 results of the solar RFP. That's really what we are  
19 talking about here. The testimony that the company  
20 filed in February was based on the last and final -- the  
21 final and best bids in the solar RFP. That RPF has  
22 always been just a little behind the renewable wind RFP,  
23 just because of the nature of the process of getting  
24 those RPF's approved.

25           So at our February -- in our February



1 testimony, we did analysis of those solar bids based on  
2 the initial results of the solar RFPs -- of the solar  
3 RFP. And it really wasn't until this final round of  
4 testimony that the company had the final results from  
5 that solar RFP available, along with the independent  
6 evaluator report. So we have included that in a manner  
7 that's entirely responsive to the parties' testimony as  
8 I will explain.

9           With respect to my first point, which is that  
10 this is proper is surrebuttal testimony, we did over the  
11 weekend try to take a look at what the commission's  
12 standard is for allowing rebuttal or surrebuttal. What  
13 we found is that the commission allows surrebuttal  
14 testimony and finds it proper when it reasonably  
15 responds to matters raised in prior testimony.

16           And that case cite I can give you is, In the  
17 Matter of The Investigation Into the Quest Wire Center  
18 Data. That's docket 06-049-40. The order denying the  
19 motion to strike on June 9th, 2006. Again, docket  
20 06-049-40.

21           So applying that standard here, the testimony  
22 withdrawing the Uinta project responds to the parties'  
23 general opposition to it in their April 17th, 2018,  
24 testimony, and it also responds to the division's  
25 specific objection to that project, and their argument

1 that that project needed to be unbundled and considered  
2 separately.

3 So they have very clearly asked for a specific  
4 response on Uinta. And our response was, we'll withdraw  
5 it. We did explain that our response was both in  
6 response to the DPU testimony, and in response to the  
7 circumstances that occurred in other states, which  
8 means, because we don't have a CPCN, that that project  
9 is not going to move forward at least on the same  
10 schedule as these other projects.

11 In addition, the company's testimony on the  
12 final solar results reasonably responds to the  
13 testimonies -- to the moving parties' testimony on  
14 April -- in April 17th, focusing on the initial results  
15 of the solar RFP. Mr. -- I just want to get my notes  
16 here.

17 The committee specifically noted that  
18 Mr. Hayet responded, in his testimony, indicating that  
19 the solar RFP presents more beneficial projects than the  
20 projects here. So we are responding by presenting the  
21 final result of that RFP to show otherwise.

22 There was no prejudice. The second point that  
23 I want to make is that there was no unreasonable  
24 prejudice to the parties associated with this testimony.  
25 The company's decision to withdraw the Uinta project

1 streamlines and simplifies this case and aligns it with  
2 the CPCNs that have been issued in Wyoming and are  
3 pending in Idaho.

4 The Wyoming CPCN was based on a stipulation  
5 that included the withdrawal of the Uinta project. That  
6 stipulation was filed before the moving parties filed  
7 their testimony in April, and was actually cited in the  
8 parties' testimony in April.

9 So the fact that this all played out in  
10 Wyoming was no secret to the parties at the time they  
11 filed their April 17th testimony. The Uinta project had  
12 been withdrawn by virtue of that stipulation, and the  
13 CPCN was issued in Wyoming I believe on April 12th. So  
14 certainly before the April 17th testimony, this was all  
15 in play.

16 And the testimony in Wyoming supporting that  
17 stipulation included the revised economics associated  
18 with withdrawing the Uinta project, which is what folks  
19 seek to strike here. Those revised economics really  
20 are -- you know, I want to just say, that there is a  
21 revised benefit analysis. But it's not a material  
22 change.

23 I mean, I think in the 2050 case instead of  
24 having 167 million of benefits in the medium case, I  
25 think the revised estimate is 174 million. So the

1 analysis hasn't changed. One input has changed.

2 There's a different set of numbers.

3 But other -- you know, other than having to  
4 adjust and fill in some new numbers, there's really no  
5 fundamental change to the case, other than to simplify  
6 it. The parties don't have to address whether or not  
7 Uinta is beneficial and meets the commission's  
8 standards.

9 As for the final results of the solar RFP, the  
10 other issue, the company provided the solar RFP  
11 independent evaluator report to the parties, in  
12 discovery, before they filed their April 17th testimony.  
13 It was filed -- actually have the date here. We  
14 provided that discovery to them on April 10th. The IE  
15 report summarized all of the information the parties now  
16 seek to strike.

17 So before their April 17th testimony, they had  
18 the information. They had it in discovery. They had it  
19 through the independent evaluator report. Notably, and,  
20 you know, you can -- we can prove this by pointing to  
21 the division's April 17th testimony, which cites the  
22 independent evaluator report in the solar RFP.

23 Just to be clear, we provided the redacted  
24 report. But all of the information they seek to strike  
25 from Mr. Link's testimony was concluded in that -- in

1 the redacted report. None of it was confidential. So,  
2 you know, the division actually included a reference to  
3 the solar IE's independent evaluator report in their  
4 April 17th testimony, and is now moving to strike that  
5 report in our testimony, saying it's not responsive.

6 I mean, it's not fair for them to cite the  
7 report, then for us to provide it in our responsive  
8 testimony and say we're out of bounds. I mean, they  
9 clearly had it. They clearly could have done discovery  
10 on it for the last six weeks and have just chosen not  
11 to.

12 And, you know, I can go on, because there  
13 are -- I think you get the point that this stuff has  
14 been in play since March. The solar sensitivities that  
15 the folks in this case, and the results of the solar RFP  
16 have been basically in the company's testimony. It  
17 initially was filed in the company's testimony in  
18 Wyoming on March 14th.

19 Now, you know, I understand that takes some  
20 work for people to go and look at that testimony in  
21 Wyoming, but I know they -- people did that work,  
22 because again, the division has cited the company's  
23 Wyoming testimony in their April 17th testimony in this  
24 case.

25 So the, you know, we had all of that stuff

1 on -- in public, available for anyone to look at in  
2 Wyoming. Parties did look at it and cite it in their  
3 April 17th testimony. So there really -- I think the  
4 point is, you know, kind of a hyper technical one.

5 Well, because you notice the way of the timing  
6 of the testimony filings worked in this case, it wasn't  
7 officially made a part of this record until we had a  
8 chance to file our testimony on May 15th. And while  
9 that's technically true, this information was provided  
10 to parties. It was provided as it became available.

11 It certainly was not available in January.  
12 The RFP had not been concluded at that point. So, you  
13 know, in due course we provided it to them, and we  
14 certainly were available for all of the discovery  
15 parties are now suggesting they need, all could have  
16 been done within the last couple of months.

17 Now, you know, I am talking about the fact  
18 that the other parties aren't prejudiced, or if they are  
19 it's because, you know, they did not respond to the  
20 information they had, and I want to talk about the  
21 prejudice to the company and really the prejudice to the  
22 projects of waiting 40, 60, 120 days.

23 I mean, recall again, this is supposed to be  
24 an expedited process. It's supposed to be an expedited  
25 process, because I think the policy makers in the state

1 realized, when the company has a new resource  
2 opportunity, those tend to be like, you know, use it or  
3 lose it. You know, they are not situations where the  
4 company and the process can take, you know, an extended  
5 period of time, and expect that that opportunity is  
6 going to remain. And that is especially true in this  
7 case because of the production tax credits.

8           The company in this case in response to the  
9 parties' concerns about sharing the risk with customers  
10 and really having skin in the game, the company's agreed  
11 to accept the PTC risk of qualification. That means  
12 these projects have to be done by 2020, and the company  
13 has guaranteed the PTC qualification associated with  
14 that.

15           So every day of delay is prejudice to the  
16 company, given that PTC guarantee, and ultimately  
17 prejudicial to the customers if that delay is such that  
18 the company, notwithstanding its best intentions and its  
19 best efforts, just can't go forward with the project  
20 given the time lines. So we really are, I think, at the  
21 end of the process.

22           We were here before you in February, January,  
23 I think it was January, when we talked about the need to  
24 add some additional time to the schedule because of the  
25 short list. We really targeted June as the out -- you

1 know, June 1 as the outside date for being able to get  
2 approval and be able to moved forward.

3 I think we're now at a target date of June  
4 15th, and that is really the date we are looking at in  
5 terms of our construction schedule, in terms of our  
6 permitting schedules, in terms of all, you know, it's  
7 all sort of relying on that time line.

8 And I can tell you that, you know, adding any  
9 amount of days to the project at this point, will be  
10 prejudicial to the company in moving forward on the  
11 combined projects.

12 And I guess the last point I wanted to make,  
13 and then I will try to address a couple of the specific  
14 questions the commission has asked, is that the public  
15 interest is best served by a well developed record in  
16 this case. And if the company -- if the parties want to  
17 challenge information, they have the ability to do that  
18 through cross-examination. And that's what we would  
19 suggest here. That's the normal course. The company  
20 filed the last round and the parties cross-examine on  
21 it.

22 In addition to the information that the  
23 parties have had for a long time, I know that the UAE  
24 and UIEC witness was actually in the Idaho hearing where  
25 all of these issues were fully vetted several weeks ago.



1 So I just want to point out that these are not -- I  
2 think cross-examination, and effective  
3 cross-examination, is certainly possible on all of these  
4 issues, and we believe that's the best path forward  
5 here.

6 So going to your specific questions, I think I  
7 have addressed most of them. Let me just check my notes  
8 though. So it looks like the only question, based on my  
9 notes, and you will have to refresh my recollection if I  
10 missed anything, but the question that I have not  
11 addressed, is there some hybrid method? Could we move  
12 forward and allow parties, you know, a chance to have  
13 like a Stage II of this hearing or bifurcated hearing?

14 And you know, I guess I would say that I think  
15 we absolutely can go forward this week on all of the  
16 issues. I think these issues can be addressed through,  
17 you know, however through cross-examination, through  
18 summaries, which address the parties' concerns or points  
19 they want to make responsively to the company's last  
20 round of testimony. And so we would -- we would oppose  
21 a bifurcated process.

22 But that said, I think our interest is in  
23 trying this case this week. So whatever that looks  
24 like, you know, that's what we want to see happen, and  
25 if that means ultimately based on, you know, the

1 cross-examination and how the evidence comes in, the  
2 commission decides to weigh the evidence in the manner  
3 that some of the other parties have suggested, I think  
4 that's always an option for the commission.

5           The commission can always decide, you know,  
6 that they will give evidence this amount of weight  
7 because it's -- has not been fully vetted, or has only  
8 been partially vetted. So I think those are all  
9 options, and are all options that are preferable to the  
10 company than anything that looks like delay, even a  
11 partial delay. Thank you.

12           CHAIRMAN LEVAR: Thank you. Can I ask you to  
13 elaborate a little bit on the June 15th target date that  
14 you mentioned?

15           MS. MCDOWELL: You know, in terms of the --  
16 our understanding that that is really the schedule we  
17 are working on, or in terms of the company's  
18 construction schedule?

19           CHAIRMAN LEVAR: What is that necessary for?  
20 I mean, what -- yeah, what does that affect in terms of  
21 contracts and construction?

22           MS. MCDOWELL: So, you know, as I understand  
23 it from talking, you know, to our two project managers  
24 who are here to testify today, Chad Teply, who is  
25 managing the wind projects, and Rick Vail, who is

1 managing the transmission line, we are really waiting  
2 for regulatory approvals to enter into the final  
3 contracts, really on all pieces of this, but  
4 particularly the wind projects.

5 We have been negotiating those projects and  
6 understand those projects will be subject to regulatory  
7 approval, but under the commission's approval process,  
8 the company cannot enter into binding contracts without  
9 approval -- resource approval from this commission.

10 So the contracts for the wind projects are,  
11 you know, waiting; and then the right-of-way process,  
12 moving forward on that in Wyoming is really the next  
13 critical step along with the permitting process. Those  
14 processes have begun, but you can understand that the  
15 company is trying to weigh how much money and how much  
16 investment it makes in the project before final  
17 regulatory approval.

18 It's doing as much as it can to front load  
19 that, but obviously does not want to invest a huge  
20 amount of money in right-of-way payments and other, you  
21 know, initial steps of the project until it has  
22 regulatory approval.

23 So the company had a schedule that basically,  
24 you know, was triggered on -- I think maybe about six  
25 weeks ago, moved all of that up, pushed all of that back

1 based on the way the hearing schedules have worked out.  
2 And really there is -- I think once the approvals are  
3 received, there is a whole process that will kick into  
4 gear, get us to the place where we can get the  
5 transmission line done by 2020.

6 CHAIRMAN LEVAR: Thank you. Commissioner  
7 Clark, do you have anything?

8 COMMISSIONER CLARK: Yeah, just to clarify.  
9 One piece of what you said, the April 10th independent  
10 evaluator report, that included the final results of the  
11 solar RFP?

12 MS. MCDOWELL: Yes, it did.

13 COMMISSIONER CLARK: He addressed whatever  
14 final information was available to the company in that  
15 report?

16 MS. MCDOWELL: Yes, it did. Just the timing,  
17 so folks understand, the RFP was concluded in March, and  
18 the independent evaluators and those results were  
19 reported in Wyoming testimony we filed in mid-March.  
20 The independent evaluator's report was concluded in the  
21 end of March, was filed as a supplemental exhibit in  
22 Wyoming, and then provided to the parties in early April  
23 here in Utah.

24 COMMISSIONER CLARK: Thank you.

25 CHAIRMAN LEVAR: Commissioner White.

1 COMMISSIONER WHITE: Yes. You discussed, I  
2 guess the incremental risk, you know, with respect to  
3 the company in terms of every day that their schedule  
4 slips, putting aside the fact the company's agreed to  
5 wear the risk on the PTCs, you now, because the closer  
6 you get, is there any conceivable probability the  
7 company would actually be able to -- if the commission  
8 were to restart the clock; in other words, six months,  
9 120 days, what have you, is there any conceivable  
10 possibility that the company could actually accomplish  
11 the projects to receive the benefits in time?

12 Or is that just a -- is that just a  
13 non-possibility I guess?

14 MS. MCDOWELL: Well, let me just confirm what  
15 I believe the answer will be by asking my project  
16 managers. One moment.

17 So I -- the answer I got was what I expected  
18 to get, which is any delay at this point is -- will risk  
19 both the firm pricing that the company has. All of the  
20 pricing that the company has through its, you know,  
21 various kind of subbidding processes has all been timed  
22 to, you know, regulatory approvals being received in  
23 June. And if that gets pushed out, I think a lot of  
24 that would have to be reopened, and potentially some of  
25 that firm pricing that we have that has made us

1 confident about our process in this could be lost.

2 I think the other major issue certainly would  
3 be the PTC qualifications issue, just that we really  
4 have this time so that you have this year for permitting  
5 and rights-of-way, and then you have two construction  
6 seasons for the transmission line.

7 And if you -- if that slips, and we don't have  
8 those two construction seasons for the transmission  
9 line, I think that is -- you know, becomes a place where  
10 the company would have to consider whether it could go  
11 forward with the PTC guarantee just because of the  
12 concern about actually being able to deliver it.

13 So you know, we are up at that wire right now,  
14 I think, with rights-of-way, with firm pricing and with  
15 PTC qualifications. Thank you.

16 CHAIRMAN LEVAR: Let me just ask for  
17 clarification, then I want you just to -- you indicated  
18 some contractual provisions making some firm pricing  
19 contingent on, you just said getting regulatory  
20 approvals in June. Does that mean -- were you referring  
21 to the June 15th date you were talking about before, or  
22 are those firm pricing guarantees contingent on  
23 regulatory approval sometime during the month of June or  
24 by a specific date, of 15th?

25 MS. MCDOWELL: As I -- let me just

1 double-check. I guess I don't want to say an answer and  
2 then get corrected. So I just want to give you the  
3 correct answer.

4 Okay. So I am better informed now, and what I  
5 understand is, I think we have used that June 15th date  
6 from -- which was derived from the February 16th date.  
7 So in the last scheduling order, the commission viewed  
8 basically the February 16th filing as the beginning of  
9 the 120 day period, which ends June 15th. So that's  
10 where that target date has come from, and we have built  
11 our contracting and, you know, negotiation processing  
12 around that June 15th date.

13 I am informed that, you know, we probably have  
14 a little bit of flexibility, you know, if it slips a few  
15 days, a week. But the things that are tied to that date  
16 are basically the turbine supply agreements, which are  
17 keyed to June 15th, the build transfer agreements we're  
18 negotiating, and the EPC contracts associated with the  
19 benchmarks.

20 All of that has been negotiated with that  
21 target date in mind. Really key to the commission's  
22 earlier order. Does that answer your question?

23 CHAIRMAN LEVAR: Yes, it does. Thank you.  
24 Commissioner Clark? Okay. I presume the moving parties  
25 want to respond to some degree to Ms. McDowell's

1 statements. Obviously we could spend all morning going  
2 back and forth, but I think some opportunity for  
3 response is appropriate. So why don't we go to  
4 Mr. Baker.

5 MR. BAKER: Thank you, Chairman. Yes, I --  
6 thanks for the opportunity to respond. I will try to  
7 keep -- or I will keep these comments brief. You know,  
8 UIEC agrees that this case should proceed on a well  
9 developed record, and it should be a well developed  
10 record in this proceeding, not in other proceedings.  
11 And the facts are that two weeks before the hearing they  
12 changed an analysis. They have changed the project  
13 portfolio.

14 And while the parties may have been aware of a  
15 stipulation in -- in Wyoming, and that was not formally  
16 introduced into this docket until May 15th. And I'm not  
17 an expert in Wyoming in their procedures, but the  
18 transmission line and what's really driving this  
19 project, or the timing of this project, isn't needed as  
20 I understand it per Uinta.

21 And so the fact that they weren't moving  
22 forward with the CPCN at this immediate time doesn't  
23 necessarily mean that Uinta was completely off the  
24 table. And if that was the case, that they truly were  
25 taking Uinta out of this portfolio resource, they could



1 have updated the parties and the commission with a  
2 formal filing.

3 In fact on May 16th, 2018, PacifiCorp just did  
4 that to the Oregon Public Utility Commission, when it  
5 filed a notice documenting on April 12th, the removal  
6 from Wyoming, on May 8th, the removal of Uinta from  
7 Idaho, and on May 15th, the removal of the -- of Uinta  
8 from this specific project.

9 You know, we -- I appreciate that Rocky has --  
10 Rocky Mountain Power has been trying to develop --  
11 respond to a dynamic and ever changing program, but this  
12 dynamic nature of it is really a consequence of their  
13 due process.

14 You know, the energy procurement, or resource  
15 procurement act, does provide for an expedited process.  
16 This just isn't it. 54-17-501 allows Rocky Mountain  
17 Power to proceed under a waiver scenario, where both the  
18 RFP and/or the approval process could be waived. As a  
19 result of that waiver, they are subject to a full  
20 prudence review of that resource decision.

21 In this light they would more align us with  
22 Oregon, where in light of their recent order last week,  
23 denying the -- failing to recognize the RFP short list,  
24 they have left open all issues that the selection of the  
25 portfolios and the development of them for a future

1 prudence review in a general rate case.

2 The Oregon legislature did provide a similar  
3 mechanism to prevent the rate payers from the risks  
4 associated with an inefficient and incomplete record  
5 that is necessarily a consequence of an expedited  
6 process.

7 And yes, so to say that they would be  
8 prejudiced if this doesn't get preapproval, in which  
9 case the rate payers would be left holding the risks of  
10 all of the decisions that have been rushed and done on  
11 an incomplete record, I think is not directly accurate.  
12 There is a mechanism that would allow them to continue  
13 to proceed.

14 But the parties and the record should not be  
15 prejudiced as a result of the incomplete information,  
16 the last -- of which, you know, they just said contracts  
17 are still not yet final, while the commission under the  
18 rules can proceed with incomplete contracts.

19 At least the final executable form is supposed  
20 to be presented into the record so that the commission  
21 and the parties can review what -- how the risk  
22 mitigation is going to occur, and what specific risks  
23 are being shifted to the rate payers. We do not have  
24 that. We have an incomplete records.

25 We have information that has been recently

1 presented in which the parties have not had an adequate  
2 opportunity to review, to compound discovery, to perform  
3 independent analysis. And so, you know, I don't believe  
4 that proceeding with a -- with the hearing on the  
5 remaining witnesses, while we are prepared to do so,  
6 would be effective.

7 Because as further investigation into these --  
8 into the final resource, if it is indeed the final  
9 resource, and comparing that to resources that weren't  
10 selected, such as Uinta, could really change the nature  
11 of cross-examination, could change the nature of  
12 testimony, and so proceeding today would -- could result  
13 in a waste of resources rather than -- rather than  
14 efficiency, because circumstances likely almost  
15 certainly will change.

16 And so I do appreciate that many people have  
17 made travel arrangements, and we have quite a full  
18 audience here, and it, you know, would -- there would be  
19 some inefficiencies in ending this and making people go  
20 home and come back at another time. But I think that  
21 actually incurring the costs of going through and  
22 providing testimony and attempting to cross on  
23 information that likely will change in the future would  
24 be a larger waste than proceeding. Thank you.

25 CHAIRMAN LEVAR: Thank you. Any further

1 questions for him? Commission Clark? Commissioner

2 White? Mr. Russell, anything you want to add?

3 MR. RUSSELL: I'll be very brief. I listened  
4 to the statements of counsel for the company, and none  
5 of what counsel had to say changes the fact that the  
6 parties who are responding to the initial application  
7 here have not had an opportunity to respond to the  
8 resource decision that this commission is being asked to  
9 approve.

10 Some of the information may have been  
11 available via discovery, via, you know, being made  
12 public elsewhere. If the commission thinks that the  
13 testimony and the exhibits that have been filed in this  
14 case and made part of the record has been large, let me  
15 tell you how much discovery has been done. It dwarfs  
16 what you have seen.

17 If it -- you know, the standard is that  
18 anything in discovery can be addressed on surrebuttal  
19 two weeks before the hearing, then there is no standard  
20 with respect to what can be submitted on surrebuttal.

21 So I think the point stands that the  
22 surrebuttal has introduced new information that has not  
23 been introduced before, and we have not had an  
24 opportunity to respond to it. And that's the purpose of  
25 the motion. Thank you.

1 CHAIRMAN LEVAR: Thank you, Mr. Russell. Any  
2 additional questions for him? Mr. Jetter.

3 MR. JETTER: Thank you. To make it a little  
4 briefer, I'd like to just adopt what my other colleagues  
5 have said supporting this motion and add a few comments.

6 There was the proposition that we should be  
7 watching every other state and be fully knowledgeable  
8 about how their stipulations and settlement agreements  
9 will affect evidence in our own proceedings. And I  
10 believe that the settlement included what we had in our  
11 39 docket, the 40 docket, as well as the tax docket.

12 And that sort of begs the question if that  
13 logic is a reasonable way to proceed in this motion.  
14 Should we have not been prepared in the tax docket to  
15 discuss the outcomes, and to see a similar presentation,  
16 and yet when we are here the company presented a  
17 different request for Utah rate payers than they had in  
18 that settlement for the customers of other states.

19 Similarly, we're all aware, I think, of the  
20 Oregon commission's failure to, or decision not to  
21 acknowledge the IRP short list for Oregon. That would  
22 suggest that now we should be prepared to discuss a -- I  
23 don't know what that would look like here. I guess that  
24 would be the waiver that was being discussed. So we  
25 can't respond to every other commission's decisions or

1 filings in other commissions. We simply don't know what  
2 the company is going to bring forward in Utah.

3 In addition to that, some of the data requests  
4 information that we would like to have about the Uinta  
5 project, for example, we have asked in data requests,  
6 and they were not updated. The company had the  
7 opportunity, when it knew that this was going to be the  
8 case, to update data requests to the division, and it  
9 chose not to do so.

10 Finally, the concept that we are under a short  
11 deadline and this is an emergency is nothing short of  
12 just a creation from the company's own actions. It's  
13 not an accident, I don't think, that the company happens  
14 to hold key positions that are eligible for the results  
15 of the IRP. They planned that long before the IRP.  
16 They made purchases to secure PTC eligibility, I believe  
17 in -- sometime in 2016, which means this has been in the  
18 plans there for sometime before that.

19 This is not a idea or a concept of a proposal  
20 that came out of nowhere. It's something that the  
21 company waited until relatively late in the process to  
22 file, and it creates a squeeze for all of the parties.

23 And conveniently it also works out through the  
24 IRP that they hold the key positions for projects that  
25 are eligible, and quite a few of the IRP bids were

1 rejected. Had those bidders known ahead, maybe they  
2 could have gotten earlier key positions. I don't know.

3 I can't go back and second guess every  
4 decision they have made, but the point here is that this  
5 is an emergency that was created by the company's own  
6 actions, not by other parties, and the company has an  
7 alternative that it can go forward.

8 I think it's important, at least at some  
9 level, to be a little bit clear about what we're really  
10 doing here, which I think is shifting risk. The company  
11 can go forward with this project on its own if it seeks  
12 a waiver from the company and take the risk -- excuse  
13 me, seeks a waiver from the commission of the process.

14 It can go on forward with this, and take its  
15 own risk of the projects seeking review and prudence,  
16 when it seeks to put the projects into base rates in the  
17 next rate case. So we can avoid really any of these  
18 issues of the emergency of getting this done by granting  
19 a waiver to go forward with the project.

20 What's really being asked for here is for  
21 customers to bear the risk of going forward with the  
22 project; and without a full record, we do think it's an  
23 unfair decision to burden customers with that, and it's  
24 unfair to the parties to go forward in this case without  
25 having an opportunity to respond to new evidence in the

1 records that we think was out of time. So that's my  
2 response. Thank you.

3 CHAIRMAN LEVAR: Thank you, Mr. Jetter. I'd  
4 like to ask you to respond to one additional issue.  
5 Ms. McDowell argues that in division's April 17th  
6 testimony, the fact that the division both challenges  
7 the Uinta project and then makes reference to the April  
8 10th IE report on the solar RFP, opens the door for what  
9 PacifiCorp has done on surrebuttal. Would you respond  
10 to that issue?

11 MR. JETTER: So I'd first like to clarify that  
12 the division did not in testimony say it was opposed to  
13 the Uinta project. The division's testimony suggested  
14 that we should do, because our view at the time was that  
15 parts of the benefits from that project were using --  
16 were being allocated to help prop up the construction of  
17 the transmission line, which is unrelated to that  
18 project, that the Uinta project should have been  
19 considered in its own independent request for proposal,  
20 or alternative an independent docket here.

21 So we weren't opposed. We weren't asking for  
22 the Uinta projects to be, I guess, terminated. We were  
23 suggesting that the company had not done an independent  
24 analysis of that project, and that should be done in a  
25 separate docket. So I think there's a little bit of a



1 nuance there in terms of what we were asking for, and  
2 what's being proposed now.

3 With respect to the solar RFP results, we  
4 haven't had an opportunity to review the change in  
5 modeling, and how that would flow back through the IRP  
6 process. What we -- what we know from that is that  
7 solar bids were lower than the IRP input suggested, and  
8 I don't know that we, at this point, have enough review  
9 of that to speak with any further detail, I guess.

10 The changes in the modeling of how those were  
11 going to be flowed through the company's modeling, I'm  
12 not sure that was presented to us until surrebuttal  
13 testimony.

14 CHAIRMAN LEVAR: Thank you. I appreciate that  
15 answer. Commissioner White, any questions for him?

16 COMMISSIONER WHITE: Yes, thank you.  
17 Mr. Jetter, just, you know, with respect to your  
18 argument of a potential, you know, alternative to pursue  
19 the waiver, are you aware of the time limitations or  
20 what that would look like in terms of accomplishing that  
21 through order from the commission?

22 MR. JETTER: I am not. At this point, it's my  
23 understanding that the company has not asked for a  
24 waiver, and so a -- an order from this commission that  
25 does not approve the projects is in fact an equivalent

1 to an order not to pursue them.

2 But I believe that it would probably -- I  
3 can't speak for all the parties. I don't know who would  
4 object if the commission asked -- or if the -- excuse  
5 me, if the company had asked the commission today in an  
6 oral motion, for example, for a waiver, or had filed a  
7 waiver. I don't think we have discussed that in detail  
8 with my client how much time they want to review that,  
9 but I suspect it would certainly be faster than 120 day  
10 process for this docket.

11 COMMISSIONER WHITE: Thank you. I have no  
12 further questions.

13 CHAIRMAN LEVAR: Mr. Clark.

14 COMMISSIONER CLARK: I was going to ask you if  
15 the division would take any position on the company  
16 seeking a waiver. The commission estimates some  
17 findings that are, you know, articulated in Section 501.  
18 There's quite a bit there. But I think you were saying  
19 at the end of your last statement that the division  
20 doesn't have a position yet, or that you are unaware of  
21 whether they do?

22 MR. JETTER: If I could, I'd almost like to  
23 ask for a recess to discuss it with my client. I don't  
24 have a position at the moment. It's not something we  
25 haven't -- we have discussed it, but I don't have a

1 position that I can say I have marching orders to  
2 present to you.

3 COMMISSIONER CLARK: And I know I am rephrasing  
4 some ground that you just went over with Commissioner  
5 White, but I want to maybe phrase my question slightly  
6 differently. Do you disagree with Ms. McDowell's  
7 characterization that the economic analysis of the  
8 project, I'll put project in quotes, without Uinta, is  
9 materially different than the economic analysis with  
10 Uinta?

11 MR. JETTER: What I respond to that, is that  
12 if you view Uinta as the last project in the stack,  
13 essentially, if you use the analogy of a qualifying  
14 facility type stack of queue, it would depend where  
15 Uinta falls in the stack. We don't know. We haven't  
16 seen an independent analysis of Uinta project.

17 So it may have, as a stand-alone project, may  
18 have better numbers than this project, and it may -- may  
19 arguably displace part of it, and the project that  
20 should be removed should be a different one. If you  
21 remove it at the top of the stack, my guess is that the  
22 economics are fairly similar. I don't know beyond that,  
23 because we haven't seen a separate analysis in that way.

24 COMMISSIONER CLARK: And regarding the  
25 information in the April 10th report of the independent

1 evaluator that related to the final solar RFP process  
2 results, I'm hoping Mr. Moore will address this also.  
3 In particular, because of the office's emphasis on the  
4 solar aspects of this, but do you have anything further  
5 to say about why that information was not adequate  
6 for -- adequate information upon which the division  
7 could evaluate the results of that RFP process in  
8 relation to the wind projects that are in question here?

9 MR. JETTER: I think the primary response to  
10 that would be that we got a redacted version. We  
11 have -- what we're talking about is, even in that case,  
12 it's a mid April filing. It gives us a fairly brief  
13 time to respond, and we have changed projects at every  
14 filing so far. We frankly didn't know what we were  
15 going to see in this filing. We expected it to be a  
16 relatively brief surrebuttal.

17 The problem we have there is that the RFP was  
18 designed with -- with a different modeling than the  
19 results were chosen with. How we would analyze that, I  
20 guess I don't know. And I don't have a great answer to  
21 your question. It wasn't a key part of our testimony,  
22 although we addressed it briefly.

23 COMMISSIONER CLARK: Thanks. I have mentioned  
24 it now partly just to let Mr. Moore know it was coming.  
25 But thank you.

1 CHAIRMAN LEVAR: Thank you, Mr. Jetter.

2 Mr. Moore, do you have anything final to add?

3 MR. MOORE: Yes, Commissioner. First of all  
4 I'd like to adopt the comments made by counsel, and I  
5 won't reiterate them. I do want to address two issues.  
6 The issue that this was not a final RFP at the time we  
7 did our April 17th testimony. The capacity value is not  
8 a function of what the final RFP was. They could have  
9 included that testimony prior to -- prior to the final  
10 RFP, because it did just talk about solar projects in  
11 general.

12 With respect to the solar RFP -- the April  
13 10th IE report, that was just submitted seven days  
14 before April 17th testimony. We were in the midst of  
15 writing that testimony and responding to a large, ever  
16 changing argument from the -- from Rocky Mountain Power.

17 And we shouldn't be put in a position, we  
18 feel, as sort of a search and destroy type of operation,  
19 where we -- we examine all the discovery, and as  
20 Mr. Russell stated, is considerable, and determine what  
21 the commission -- what Rocky Mountain Power's arguments  
22 are going to be and then rebut them.

23 There could have been several arguments they  
24 raised from the IRP. I don't know that right now. We  
25 would have to rebut every possible argument based on new

1 information in the solar RFP, in seven days while we're  
2 writing our testimony. That's not reasonable. Thank  
3 you.

4 CHAIRMAN LEVAR: Thank you, Mr. Moore.

5 COMMISSIONER CLARK: No further questions.  
6 Thank you.

7 CHAIRMAN LEVAR: Commissioner White?

8 COMMISSIONER WHITE: No further questions.

9 CHAIRMAN LEVAR: At this point I think we'll  
10 take a recess. I wish I could give you some indication  
11 of how long this recess will be. We are mindful of  
12 everyone's time, but I -- if I could read my colleagues'  
13 minds, I might be able to give you an estimate, but I  
14 can't so I won't.

15 I think what we will commit to do is, if it's  
16 going to be longer than 20 minutes or so, we'll send  
17 someone in the room to inform you. So we'll plan on  
18 about 20 minutes. If we need more, we'll do our best to  
19 inform all of you where we are. So why don't we take  
20 for now a 20 minute recess.

21 (Recess from 10:35 a.m. to 10:59 a.m.)

22 CHAIRMAN LEVAR: Okay. We're back on the  
23 record. Okay. We have considered the motions. We have  
24 concluded that the material in the surrebuttal testimony  
25 referring to the Uinta project is reasonably related to

1 rebuttal testimony that was filed on April 17th, and we  
2 are unable to conclude that it makes a meaningful enough  
3 change to the analysis that it should be stricken from  
4 the record. So we deny the motion to strike the  
5 material related to the removal of the Uinta project.

6 We are unable to make the same conclusion with  
7 respect to the new modeling that was done with respect  
8 to the solar RFP after the independent evaluator report.  
9 Therefore, we grant the motion to strike provisions of  
10 the surrebuttal testimony related to the solar --  
11 relating to the new modeling on the solar RFP.

12 We are not striking the consideration of the  
13 independent evaluator report, or other information, but  
14 we are striking the new modeling. And so we believe we  
15 have the correct line numbers, but if PacifiCorp  
16 believes that any of these line numbers are not  
17 consistent with that -- with that ruling, please let us  
18 know as the hearing goes forward.

19 But with that conclusion, we are striking at  
20 this time, as identified in UIEC's motion, lines 248 to  
21 264 of Ms. Crane's surrebuttal testimony. And then from  
22 the office's partial joinder, all the line numbers in  
23 exhibit listed with Mr. Link's May 15th surrebuttal  
24 testimony.

25 And again, if any -- if PacifiCorp believes

1 any of those line numbers are broader than what we just  
2 articulated of striking testimony on the new modeling  
3 that was done after the IE report, then we'll consider  
4 that on a case-by-case basis, if necessary, as we go  
5 forward.

6 MS. MCDOWELL: And just to clarify,  
7 Commissioner. The analysis, you are not striking the  
8 independent evaluator report; is that correct?

9 CHAIRMAN LEVAR: No, we are not striking that.  
10 But we are striking -- to avoid the need to allow  
11 parties to conduct their own sensitivities based on that  
12 new modeling, we have concluded to go forward with the  
13 hearing, but without that modeling on the record. Just  
14 the modeling.

15 MS. MCDOWELL: Thank you.

16 CHAIRMAN LEVAR: Any other preliminary matters  
17 before we go to PacifiCorp's first witness?

18 MS. HAYES: Excuse me. Do you mind at some  
19 point on a break if -- I'd like to review the line  
20 numbers that you indicated are struck.

21 CHAIRMAN LEVAR: Sure. I will repeat that.  
22 If you have the office's partial joinder.

23 MS. HAYES: Yes. Yes, I am looking at it.

24 CHAIRMAN LEVAR: So what we have stricken,  
25 again, subject to any further objections. If we have



1 been too broad, we will reconsider any specific lines.

2 MS. HAYES: Okay.

3 CHAIRMAN LEVAR: But if you look at UIEC's  
4 motion on page 3, he refers to Ms. Crane's testimony on  
5 lines 248 through 264. So we included that in what  
6 we've stricken. And if you look at the office's partial  
7 joinder on the first paragraph, near the end of the  
8 first paragraph, the line numbers in the exhibit that's  
9 listed in the office's partial joinder.

10 MS. HAYES: Thank you.

11 MS. MCDOWELL: Commissioner, I just want to  
12 clarify, what is -- might be a little tricky here is  
13 that the independent evaluator's report includes  
14 sensitivity modeling, because it was the final step in  
15 the company's review of the solar RFP rate.

16 So while, you know, I understand that to the  
17 extent the company has reviewed and reported on that  
18 sensitivity modeling in its testimony that is stricken,  
19 but that modeling is in the IEP report. That was a part  
20 of the IE, you know, the RFP process. So that was what  
21 I was trying to convey.

22 CHAIRMAN LEVAR: Okay. And that's a nuance  
23 that I don't believe we deliberated on. I'll just look  
24 at my colleagues. Do we need another brief recess to  
25 address that particular nuance?

1 MS. MCDOWELL: I'm happy to point out where it  
2 is in the IE report, if that would be helpful.

3 COMMISSIONER WHITE: Just, I mean, is there  
4 anything additive beyond what was in the IE report from,  
5 you know, with respect to Mr. Link's testimony, or is  
6 that -- is he just basically --

7 MS. MCDOWELL: Not really.

8 COMMISSIONER WHITE: -- summarizing it and  
9 characterizing?

10 MS. MCDOWELL: Okay. Just one second.

11 Okay. I am now better informed, and what I am  
12 informed of is that basically we reported all of that  
13 analysis -- all of the analysis was reported in  
14 Mr. Link's testimony was reported to the IE. The IE's  
15 report includes some, but not all of that analysis.

16 So you know, I guess it would be Mr. Link's  
17 testimony has a more detailed discussion of that  
18 sensitivity analysis. But some of that sensitivity  
19 analysis is summarized in the IE report.

20 CHAIRMAN LEVAR: It's summarized in the  
21 report?

22 MS. MCDOWELL: Yes.

23 CHAIRMAN LEVAR: I mean, I think the substance  
24 of our decision on the motion to strike is on -- is  
25 simply on the basis of, there was not a sufficient

1 opportunity for other parties to conduct their own  
2 sensitivities to either analyze or rebut those  
3 sensitivities. So that's the -- that's the premise.

4 In terms of where that line breaks down with  
5 any portion of -- our intent wasn't to strike the entire  
6 IE report, but we have -- we have recognized that new  
7 modeling sensitivities should either have a reasonable  
8 opportunity for other parties to provide their own  
9 responsive testimony to them, or not be part of the  
10 record. So that's the substance of our ruling.

11 MS. MCDOWELL: I think that we can apply that  
12 by basically -- you know, it is a fact that those are  
13 the analyses that we used in sorting out the solar bids.  
14 But to the extent that, you know, there's argument  
15 about, you know, how those sensitivities, you know,  
16 might, you know, taking them further than that, I  
17 understand that your ruling is that that -- the line  
18 should be drawn there. That basically reporting on what  
19 we did in the solar RFP process is fair, but, you know,  
20 elaborating on that in his testimony, that's where you  
21 are drawing the line. Is that a fair summary?

22 CHAIRMAN LEVAR: I think -- I mean, we've  
23 tried to articulate it as clearly as we can. Obviously,  
24 if we have to re-refine this issue as we move forward.  
25 But I think what you have just described is the line

1 that we felt was appropriate without allowing other  
2 parties more time to provide additional responsive  
3 testimony.

4 MS. MCDOWELL: Thank you, Commissioner.

5 COMMISSIONER WHITE: And just remind me of the  
6 date of the IE report?

7 MS. MCDOWELL: Pardon me?

8 COMMISSIONER WHITE: April 10th, was that the  
9 date of --

10 MS. MCDOWELL: That's when we provided it. I  
11 think it was completed March 29th.

12 CHAIRMAN LEVAR: Okay. Ms. McDowell, your  
13 first witness.

14 MS. MCDOWELL: Thank you. We call Ms. Cindy  
15 Crane.

16 CHAIRMAN LEVAR: Good morning, Ms. Crane. Do  
17 you swear to tell the truth?

18 THE WITNESS: Yes, I do.

19 CHAIRMAN LEVAR: Thank you.

20 CINDY ANN CRANE,  
21 was called as a witness, and having been first duly  
22 sworn to tell the truth, the whole truth, and nothing  
23 but the truth, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MCDOWELL:

1 Q. Ms. Crane, can you state your full name and  
2 spell it for the record?

3 A. Yes. Cindy Crane. Cindy Ann Crane.  
4 C-I-N-D-Y, A-N-N, C-R-A-N-E.

5 Q. Ms. Crane, how are you employed?

6 A. I am employed as president and CEO of the  
7 Rocky Mountain Power.

8 Q. In that capacity, have you prepared testimony  
9 in this proceeding?

10 A. Yes, I have.

11 Q. And I'll represent to you that the testimony  
12 that has been prefiled in this docket by you is your  
13 direct testimony, your supplemental direct and rebuttal  
14 testimony, your second supplemental direct testimony,  
15 your corrected supplemental direct and rebuttal  
16 testimony, and your surrebuttal testimony. Does that  
17 sound right? Did I leave anything out there?

18 A. I believe that covers it.

19 Q. Okay. And if I were to ask you the questions  
20 that were contained in that testimony today, would your  
21 answers be the same?

22 A. With the -- yes, with the exception of what we  
23 just went through. So if I could go to my surrebuttal,  
24 page 11, starting at line 248, and again, subject to  
25 check, I haven't been able to validate all of these

1 quite yet.

2 But I believe that lines 251, 252, and the  
3 first words going into 253, that end at combined  
4 projects with a period, that is not new information in  
5 my testimony that's previously been in my testimony, and  
6 was prior -- was previous solar analysis that Mr. Link  
7 had done in his prior testimony.

8 And then if we turn to the next page, subject  
9 to check, there might be something else there, but I  
10 haven't had a chance to validate so...

11 **Q. So do you have any other changes or**  
12 **corrections to your testimony?**

13 A. No, I do not.

14 **Q. Ms. Crane, have you prepared a summary of your**  
15 **testimony?**

16 A. Yes, I have.

17 **Q. Please proceed.**

18 A. All right. Thank you. Good morning. We're  
19 still morning. I thought I better check that one real  
20 quick. Good morning, Chair LeVar, Commissioner Clark  
21 and Commissioner White. As the president and CEO of  
22 Rocky Mountain Power, I am the company's policy witness  
23 in this case. I am very grateful, as well as excited  
24 about the opportunity to testify today in support of the  
25 company's request for resource approval for the combined

1 wind and transmission projects.

2 But I want to first start by thanking the  
3 commission, all of the parties, as well as the  
4 independent evaluator for their extensive work leading  
5 up to today's hearing. I truly believe that the  
6 combined projects are a great opportunity to serve both  
7 the present and the future needs of our Utah customers.

8 We estimate that the projects will generate  
9 \$1.2 billion in production tax credits for our customers  
10 over the first 10 years, which is nearly 100 percent of  
11 the inservice capital costs, slightly over the inservice  
12 capital costs of these wind projects.

13 So by capturing these tax credits, the company  
14 can acquire three new zero fuel wind projects and build  
15 an important new transmission line, all while reducing  
16 customers' costs and risks.

17 To ensure delivery of these net benefits to  
18 customers, the company has guaranteed the qualification  
19 of the wind projects for the PTCs, except for those  
20 things that are outside the company's control.

21 So first, the company seeks approval of its  
22 significant energy resource decision to acquire the  
23 three new wind projects, which were identified through a  
24 robust competitive bidding process, and selected as the  
25 most cost effective options.

1           This request includes the 400 megawatt Cedar  
2   Springs wind project, which will be built by Nexterra,  
3   with half of the project owned by the company and half  
4   of the project owned and delivered by Nexterra under a  
5   power purchase agreement. And also it includes the 500  
6   megawatt TB Flats, and the 250 megawatt Ekola Flats wind  
7   projects, both of which will be built, owned and  
8   operated by the company.

9           Second, the company seeks approval of its  
10   voluntary resource decision, to construct the  
11   transmission projects. That includes the 140 mile, 500  
12   KV, Aelous-to-Bridger/Anticline transmission line, and  
13   the network upgrades. These projects must be in service  
14   by the end of 2020 to qualify for the production tax  
15   credits.

16           In April, the company obtained a conditional  
17   CPCN from the Wyoming commission expressly recognizing  
18   that the combined projects were needed and in the public  
19   interest. A decision on the company's Idaho CPCN  
20   request is now pending and is supported by a stipulation  
21   between the company and staff.

22           To align this case with the Wyoming and Idaho  
23   CPCN cases, the company has removed the Uinta project.  
24   Thus, with approval from this commission, the company is  
25   well poised to move forward with the combined projects



1 on schedule and on budget.

2 Several key members of our energy division  
3 2020 team are also here to support the company's  
4 filings, some of whom appeared before you earlier this  
5 month in the company's wind repowering docket.

6 We have here vice president of resource and  
7 commercial strategy, Mr. Rick Link. We have vice  
8 president of transmission, Mr. Rick Vail. We have vice  
9 president, chief financial officer and treasurer, Ms.  
10 Nikki Kobliha. We have senior vice president of  
11 strategy and development, Mr. Chad Teply, and vice  
12 president of regulation, Ms. Joelle Steward.

13 The combined projects meet the public interest  
14 standard under the commission's resource approval law.  
15 They are most likely to result in the acquisition,  
16 production, and delivery of utility services at the  
17 lowest reasonable cost to our retail customers. The  
18 company's robust economic modeling demonstrates that the  
19 combined projects are expected to provide customers net  
20 benefits in the vast majority of the scenarios and  
21 sensitivities that were studied.

22 The inverse is also true, that in the vast  
23 majority, the do-nothing case is higher cost for  
24 customers. And just as in the repowering case, the  
25 company conducted two different economic analyses. The

1 first used the integrated resource planning models, and  
2 the 2036 planning horizon. The second calculated a  
3 nominal revenue requirement through 2050.

4 The company measured nine different price  
5 policy scenarios in each of those analyses, and  
6 conducted multiple sensitivities to truly stress test  
7 the results, which Mr. Link will be able to speak to in  
8 significantly more detail. The results reflect the  
9 company's most recent load forecast, our updated price  
10 curves, the tax law changes, and includes the company's  
11 authorized rate of return on the investment.

12 The net benefits in the medium case are \$338  
13 million in the 2036 result and \$174 million in the 2050  
14 results. So in other words, the combined projects more  
15 than pay for themselves when measured under either time  
16 horizon, while enhancing our resource diversity and our  
17 system reliability.

18 But the company's economic analysis is also  
19 conservative, and most likely understates the net  
20 benefits of the combined projects. For example, the  
21 company did not capture in its analysis potential  
22 renewable energy credit revenues for the sale of RECs,  
23 and the company applied all CO2 adders in 2012 dollars,  
24 instead of nominal dollars. And again, Mr. Link can go  
25 into far more detail on all aspects of conservatism that

1 is included in the analysis.

2 The cost effectiveness of the wind projects is  
3 further bolstered by the fact that they were selected  
4 through the 2017R RFP, which was approved by this  
5 commission last year. The RFP was overseen by an  
6 independent evaluator that was also selected by this  
7 commission, who affirmed that the 2017R RFP was  
8 conducted in a manner that produced the most competitive  
9 resource options for customers.

10 The parties' central objection to the combined  
11 projects centers on need. My top priority is to meet  
12 the needs of our customers, and in doing so, to ensure  
13 that the company provides low cost, reliable service to  
14 our customers now and into the future. Our integrated  
15 resource plan clearly demonstrates the company has a  
16 capacity need now and growing into the further.

17 And our robust analysis and competitive  
18 procurement processes have validated that the combined  
19 projects are the most cost effective way to meet the  
20 need and serve our customers.

21 The transmission projects will relieve  
22 existing transmission constraints, enabling more  
23 efficient dispatch of our existing resources, as well as  
24 enable interconnection of up to 1,510 megawatts of new  
25 capacity.

1           The transmission projects will additionally  
2   strengthen reliability by providing critical voltage  
3   support, mitigating the impact of outages on our  
4   existing system, and enhancing the company's ability to  
5   comply with mandated, ever growing mandated reliability  
6   and performance standards, and will help to reduce line  
7   losses.

8           Recognizing that need has been firmly  
9   established by the integrated resource plan, the  
10   question before the commission is whether the combined  
11   projects are a lower cost, lower risk resource than  
12   front office transactions. The answer is a resounding  
13   yes.

14           Based on all of the results of the company's  
15   economic analysis, which I summarized, and Mr. Link is  
16   prepared to go through in more detail, the parties  
17   contend that the company should pursue solar resources  
18   instead of the combined projects, pointing to the  
19   favorable results of the company's solar RFP. While the  
20   company agrees the solar PPA's are an attractive  
21   resource option, the company's modeling shows that these  
22   resource choices are not mutually exclusive, and  
23   specifically the analysis demonstrates that the solar  
24   resources do not displace the combined projects.

25           And in fact, this morning, I am proud to

1 announce, with a press release that just came out first  
2 thing this morning, that we are getting ready to pursue  
3 an RFP for our customers that have requested additional  
4 renewable energy for the state of Utah and will continue  
5 to do that as we work to meet our customer's needs.

6 The company has more time to acquire resources  
7 that qualify for the solar investment tax credit, and in  
8 fact, we continue to be actively engaged with  
9 developers. And certainly the company will further  
10 explore acquisition of solar resources as part of our  
11 2019 integrated resource plan.

12 So I understand that the commission also  
13 reviews risk in determining whether the combined  
14 projects are in the public interest. We have worked  
15 very hard to control and mitigate project risks, and  
16 over the course of this case, the overall customer  
17 benefits of the combined projects have increased, and  
18 the risks have decreased.

19 So specifically, the install capital cost for  
20 the wind projects decreased on a per megawatt hour  
21 basis, and there is now greater cost certainty for both  
22 wind and transmission projects. The risk test delay  
23 beyond 2020 has also decreased. Through the Wyoming  
24 CPCN process, the company was able to resolve key  
25 rights-of-way issues of several major landowners

1 affected by the combined projects, clearing the way for  
2 the company to meet its schedule and budget for  
3 obtaining all of its rights-of-way.

4 The company has implemented projects in  
5 comparable scope on similar construction schedules and  
6 has consistently been on time and under budget. Given  
7 the substantial savings the combined projects promise to  
8 deliver to customers, there is no justification for  
9 imposing onerous conditions proposed by some parties in  
10 this case.

11 The analysis shows that not moving forward on  
12 the combined projects is most likely to result in higher  
13 costs to customers, contrary to the public interest  
14 considerations in the resource approval statute.

15 As the projects move forward, the company will  
16 prudently respond to new information and changed  
17 circumstances. And in the event of a major change in  
18 circumstances, including a project-specific change, the  
19 company will return to this commission for an order to  
20 proceed.

21 In addition, the company fully understands  
22 that under the resource approval statute, it is the  
23 company that has the obligation to establish the  
24 prudence of any costs over our current cost estimates in  
25 this case.

1           The estimated rate impact of the combined  
2 projects is modest. In the first full year of  
3 operation, 2021, the company estimates that the combined  
4 projects will cost no more than 1.4 percent -- excuse  
5 me, increase in rates. In the vast majority of years,  
6 the company's forecasts show that customers will  
7 actually pay less with the combined projects than  
8 without them.

9           So for the future energy needs of our Utah  
10 customers, I firmly believe that the combined projects  
11 are a prudent and beneficial investment, and they serve  
12 the public interest. Respectfully, I ask the commission  
13 to approve the company's request for resource approvals  
14 in this docket. Thank you.

15           **Q. Ms. Crane, does that conclude your summary?**

16           A. It does.

17           MS. MCDOWELL: Ms. Crane is available for  
18 cross-examination and commissioner questions.

19           CHAIRMAN LEVAR: Did you want to move to enter  
20 her testimony into evidence?

21           MS. MCDOWELL: Yes. Should I do that now?

22           CHAIRMAN LEVAR: Now would be a good time I  
23 think.

24           MS. MCDOWELL: Okay. So we would offer  
25 Ms. Crane's testimony. I did distribute an exhibit list

1 earlier. I don't know if you all have a copy, but it's  
2 essentially the first five items on our exhibit list.

3 CHAIRMAN LEVAR: Okay. And just to clarify,  
4 Ms. Crane's opening comments we're talking about some of  
5 the lines that have been included on our motion to  
6 strike that we granted. She seemed to be indicating  
7 that some of them might not be relevant to our motion.  
8 I think she was talking about lines 251 to 253 of her  
9 surrebuttal. So should we clear that up before we  
10 consider the motion to enter into evidence?

11 If I remember you correctly, Ms. Crane, you  
12 were indicating that perhaps what we strike should start  
13 on line 254 instead of line 248.

14 THE WITNESS: I would say --

15 CHAIRMAN LEVAR: Was I hearing you correctly?

16 THE WITNESS: My apology. I would say line  
17 253, where it starts, "Mr. Link's testimony outlines  
18 unique valuation risks," is probably where we should  
19 start the strike.

20 CHAIRMAN LEVAR: So starting with that  
21 sentence through line 264. So is that --

22 MS. MCDOWELL: Isn't it just through 255?

23 THE WITNESS: That was the part I hadn't been  
24 able to validate in my prior testimony.

25 MS. MCDOWELL: I think the only place that she



1 is referring to the solar sensitivities is the sentence  
2 on line 253 through 255.

3 CHAIRMAN LEVAR: Oh, okay. So I think I'll  
4 take this as your motion as to admit all of her  
5 testimony filed, with the exception of that sentence.  
6 Then you are moving to modify our previous decision to  
7 strike to limit it to that sentence that runs from 253  
8 to 255. Am I restating where we are correctly?

9 MS. MCDOWELL: You restated that perfectly.  
10 Thank you.

11 CHAIRMAN LEVAR: Does anyone object to this  
12 motion as just stated? If you have an objection, please  
13 indicate. Mr. Jetter?

14 MR. JETTER: Yeah. I think the division does  
15 object to that change in the striking of testimony.  
16 Specifically with the discussion of the economic  
17 analysis to the claim, that's in part the core of the  
18 issue is, we had an RFP come back and then we had the  
19 results that we didn't like. So we changed the  
20 analysis, and our argument is that that analysis is part  
21 of what should be stricken.

22 MS. MCDOWELL: And I think the reason that we  
23 believe it's proper to leave it in is that Mr. Link has  
24 offered, you know, additional analysis on the solar PPAs  
25 both in the January and February testimony.

1 CHAIRMAN LEVAR: Okay. Thank you. Any other  
2 party object to the motion as it stands? Mr. Russell?

3 MR. RUSSELL: There is -- just making sure,  
4 Chair LeVar. There's a reference to a dollar number on  
5 line 259, and I'm not sure whether that's in comparison  
6 to the combined projects with the solar PPA's. I'm not  
7 sure if that dollar number is derived from the solar  
8 modeling that the commission has stricken or whether  
9 that's from something else. If we could get some  
10 clarity on that, I'd appreciate it.

11 MS. MCDOWELL: I'm happy to respond. That  
12 number is basically not a part of the solar sensitivity  
13 analysis. That number is -- just indicates that if you  
14 included the net present value of the transmission line  
15 in the base case, it would essentially add \$300 million  
16 to the net benefit analysis. It's a calculation that's  
17 independent of the solar sensitivity.

18 CHAIRMAN LEVAR: Thank you. Does anyone else  
19 want to add anything else to the motion where we are  
20 right now? Not seeing any indication on this side of  
21 the room. Do you need a little bit more time,  
22 Mr. Moore?

23 MR. MOORE: Just one second. Thank you.

24 CHAIRMAN LEVAR: Okay.

25 MR. MOORE: No.

1 CHAIRMAN LEVAR: Okay. I think with the  
2 understanding that we have explained the substance of  
3 our order, and with the description of the phrase  
4 "economic analysis" as being broader than just the  
5 modeling that we have stricken, I think we are going to  
6 modify our motion to strike. And so we will be striking  
7 just the sentence that runs from 253 to 255, and with  
8 that we're admitting the remainder of Ms. Crane's  
9 testimony to evidence. Thank you. So now --

10 MS. MCDOWELL: So now -- yeah, now Ms. Crane  
11 is available for cross-examination.

12 CHAIRMAN LEVAR: For cross-examination, I'm  
13 going to Ms. Hickey first. Thank you, Ms. McDowell.

14 MS. HICKEY: No cross. Thank you, sir.

15 CHAIRMAN LEVAR: Okay. Mr. Holman?

16 MR. HOLMAN: No cross. Thank you, Mr. Chair.

17 CHAIRMAN LEVAR: Ms. Hayes?

18 MS. HAYES: No cross. Thank you.

19 CHAIRMAN LEVAR: Okay, thank you. Mr. Jetter?

20 MR. JETTER: I do have some cross.

21 CROSS-EXAMINATION

22 BY MR. JETTER:

23 Q. Good morning.

24 A. Good morning.

25 Q. I guess I'd like to start out with just some

1 background questions about this project. Can you tell  
2 us when the company acquired the queue position project?

3 A. I don't have the specific dates of when we  
4 entered into development right agreements. Mr. Teply  
5 would have that level of detail.

6 Q. Okay. Thank you.

7 A. It was in 2017.

8 Q. Okay. Let's see. Are you familiar with the  
9 economics of the transmission line?

10 A. Generally. Mr. Vail is certainly our  
11 transmission expert, and Mr. Link is certainly our  
12 analysis expert.

13 Q. Is this question, I should defer to them  
14 regarding whether you would make the decision to build  
15 that line without the wind projects?

16 A. Well, I think we build transmission, whether  
17 it be small or large, based on system requirements.  
18 Whether it's reliability, whether it's mandated  
19 performance standards and things of that nature. So  
20 transmission can have many factors associated what  
21 drives it.

22 Q. Okay. Do you know in this specific case with  
23 this specific transmission line, if the wind projects  
24 are denied, would you still go ahead and try and build  
25 that in 2024?

1           A.    This transmission line is in our long-term  
2   transmission plan for the company, as well as the  
3   region, with an inservice date of 2024.

4           Q.    Okay.  It doesn't directly answer my question.  
5   Would you always adhere to your plan then, even if  
6   circumstances change?

7           A.    We will certainly update along the way and  
8   validate the time line on that, yes.

9           Q.    Okay.  And so in this case, do you know if  
10   these wind projects are not built, would you still go  
11   ahead with that transmission line project?

12          A.    Right now our current date would be 2024.  
13   That's what we have in our plan.

14          Q.    Okay.  It's still not really responsive to my  
15   question.

16          A.    Sir, without updating the analysis, as we go  
17   through in time, I can't give you a more direct answer,  
18   other than our current plan is 2024.  And we do plan to  
19   proceed unless analysis moves that date.

20          Q.    Okay.  Are you aware of any other -- do you  
21   know if there's a gas plant being built out near the end  
22   of that transmission line in that time frame?

23          A.    I'm not specifically aware of that.

24          Q.    Are you aware of a coal power plant forecasted  
25   to be built out there during that time?

1           A.    I'm sorry. I'm trying to keep my smile off my  
2   face for a coal plant being built. No, I am not aware  
3   of any coal plant being built either.

4           **Q.    Are you aware of any other company-owned**  
5   **resources that you expect to be built out in that area,**  
6   **excluding the three proposed projects?**

7           A.    I know that there are a lot of projects that  
8   are wanting to get built in that area, but not  
9   specifically in the company's --

10          **Q.    Okay.**

11          A.    -- plans.

12          **Q.    Those would be third party projects?**

13          A.    Yes, they would.

14          **Q.    Are you familiar with how transmission costs**  
15   **are allocated to third party intervention customers?**

16          A.    That would be Mr. Vail.

17          **Q.    Okay. Thank you. You discussed a lot about**  
18   **the robustness of the company's modeling. I believe in**  
19   **your opening statement as well as your testimony, you**  
20   **had discussed that you have done a lot of modeling runs;**  
21   **is that accurate?**

22          A.    That is accurate. Obviously, Mr. Link is the  
23   one that has performed all of those modeling runs, but  
24   they are well in excess over a thousand simulations.

25          **Q.    Okay. And if the modeling runs had no greater**

1 or lesser probability of any of the outcomes being more  
2 or less likely to be the actual case, would more of the  
3 runs having shown one outcome versus the other actually  
4 indicate the probabilities of that outcome as more  
5 likely than not?

6 A. Could you repeat your question.

7 Q. If there's no probability assigned to each of  
8 the runs, meaning that no modeling analysis run is more  
9 likely or less likely than any other to be a  
10 representation of the future, would it then be the case  
11 that having more than 50 percent of the runs showing  
12 positive outcome, would it be accurate to say that that  
13 has no indication on the probability of the outcome  
14 actually being positive?

15 MS. MCDOWELL: I'm going to object. That  
16 question assumes facts that are not in evidence. And I  
17 think it's also vague and an improper question.

18 MR. JETTER: Okay. I'd like to introduce --

19 CHAIRMAN LEVAR: Mr. Jetter, do you want to  
20 respond to the motion?

21 MR. JETTER: I'll withdraw the question and  
22 we'll go back to it after the exhibit.

23 CHAIRMAN LEVAR: Okay.

24 MR. JETTER: May my cocounsel approach?

25 CHAIRMAN LEVAR: Yes.

1 MR. JETTER: I'd like to label this. These  
2 are not labeled. This is a DPU exhibit, cross Exhibit 1  
3 we'll call it. Actually, excuse me. I have one that's  
4 labeled one. So we'll call this DPU cross Exhibit 2.  
5 Going out of order.

6 (DPU Cross Exhibit No. 2 was marked.)

7 CHAIRMAN LEVAR: If you could make sure our  
8 court reporter gets one.

9 Q. (By Mr. Jetter) What I have provided to  
10 you -- let me actually ask you this question. Does it  
11 appear that what have I provided to you is a redacted  
12 rebuttal testimony of Rick Link, dated February 2013 in  
13 docket 12-035-92?

14 A. Yes, that's what it's labeled.

15 Q. Thank you. Would you please turn to -- let's  
16 see, and I'd like to represent to the record that this  
17 is a partial print of that full docket -- or documents,  
18 excuse me. Is -- would you please read lines 633  
19 through 639?

20 A. Can I read the question?

21 Q. Yes. Please go ahead.

22 A. Thank you. The question reads, "Have you  
23 assigned probabilities to each of these scenarios to  
24 arrive at a weighted PVRRD result?"

25 Line 633 is the answer. "No. The DPU has



1 taken the position that the PVRRD results from the  
2 company's natural gas and CO2 pricing scenarios should  
3 be weighted by a scenario-specific probability,  
4 representing the likelihood that each case will actually  
5 occur. While such an approach would, as a matter of  
6 convenience, produce a single PVRRD outcome, it is  
7 problematic in that there is no way to develop  
8 empirically derived probability assumptions. Rather  
9 assigning probability assumptions would be a highly  
10 subjective exercise, largely informed by individual  
11 opinion."

12 **Q. Thank you. And do you understand what company**  
13 **witness Rick Link was describing in that answer?**

14 MS. MCDOWELL: You know, I'd like to object --  
15 I'm sorry. I'd like to object to this question. Mr.  
16 Rick Link is a witness in this proceeding. It seems  
17 improper to be asking Ms. Crane about prior testimony of  
18 Mr. Link when he will be our next witness.

19 CHAIRMAN LEVAR: Do you want to respond to the  
20 objection, Mr. Jetter?

21 MR. JETTER: This is company's past, I guess  
22 they're declarations. It's testimony from the company  
23 in the past, and it's responding to a claim by Ms. Crane  
24 that more numerically of the outcome showing a favorable  
25 result indicates a likelihood of that being the outcome.

1 I think this is a direct response to that using the  
2 company's own words.

3 MS. MCDOWELL: Well, I'm not sure what  
4 testimony he is talking about. I am not -- I am not  
5 familiar with that testimony, and I don't think he's  
6 established the foundation that Ms. Crane is familiar  
7 with this testimony and is able to speak to what  
8 Mr. Link was stating when he testified. It just seems  
9 improper when we have Mr. Link here, who can testify to  
10 what he meant when he filed his testimony.

11 CHAIRMAN LEVAR: Sure. And before I rule on  
12 the objection, Mr. Jetter, would you be able to point us  
13 more specifically to the provision of Ms. Crane's  
14 testimony that your -- that your response indicates that  
15 this question is in response to?

16 MR. JETTER: Yes. If you will give me just a  
17 moment. The first one where it shows up on is line 23.

18 CHAIRMAN LEVAR: What testimony are you on?

19 MR. JETTER: Which is the surrebuttal  
20 testimony.

21 CHAIRMAN LEVAR: Surrebuttal on 23.

22 MR. JETTER: And specifically the testimony  
23 states "That the project" -- this is a quote, "will most  
24 likely result in the acquisition, production and  
25 delivery costs at the lowest reasonable cost to

1 customers."

2           Again, we find it again in line 69. That's,  
3 the party's arguments largely ignores or dismiss  
4 company's factual evidence and robust analysis on these  
5 economic analysis based on over 1,300 model  
6 stimulations, using considerable assumptions that the  
7 combined projects are in the public interest and  
8 importantly are most likely to result in acquisition,  
9 production and delivery of utility services at the  
10 lowest reasonable cost to customers.

11           CHAIRMAN LEVAR: Okay. Thank you, Mr. Jetter.

12           MS. MCDOWELL: Can I just respond and say,  
13 those don't have anything to do with probabilities,  
14 which is really the -- I think the thrust of his  
15 question here.

16           CHAIRMAN LEVAR: And I am going to rule that  
17 those statements are -- when Ms. Crane was really  
18 referring to Mr. Link's testimony, she was giving a high  
19 level reference to Mr. Link, and so where he is going to  
20 be on the stand in this hearing, I'm going to rule that  
21 those questions would be more appropriately directed to  
22 Mr. Link.

23           **Q. (By Mr. Jetter) Okay. Let's move on to**  
24 **capacity needs. You have claimed that these projects**  
25 **are needed for added capacity; is that correct?**

1           A.    Our innovative resource plan has demonstrated  
2   that we do have a capacity need was my statement.

3           **Q.    Okay.  And are you confident that these are**  
4   **the lowest cost resources to fill that capacity?**

5           A.    Mr. Link's economic analysis, as well as the  
6   independent evaluator's oversight of the RFP process,  
7   have concluded that, yes.

8           **Q.    Okay.  And did the company conduct an**  
9   **all-source RFP to fill that capacity need?**

10          A.    No.  As I have testified, the company  
11   conducted the 2017R RFP, and they be subsequently  
12   conducted the 2017S, solar RFP.

13          **Q.    Okay.  And so would it be fair to say then**  
14   **that the company didn't conduct an RFP that would have**  
15   **allowed other competing capacity generation sources,**  
16   **such as gas-powered ones?**

17          A.    No.  The company did not put out for other gas  
18   resources.

19          **Q.    Okay.  But you can still confidentially say**  
20   **that the solar or the wind are the lowest cost to fill**  
21   **those capacity needs?**

22          A.    I think the economic analysis that Mr. Link  
23   will testify to is what demonstrates that.  And the  
24   integrated resource plan has gas resources built into  
25   it.  It has all kinds of resources, and that the

1 integrated resource plan did not select in the portfolio  
2 any of the gas resources that were subject to that, that  
3 were in the models.

4 Q. Okay. And so in that IRP modeling, the cost  
5 of those resources aren't input by the modeling folks at  
6 your company; is that correct?

7 A. I believe they are informed by markets.

8 Q. Okay. Would you agree that the RFP for the --  
9 let's say the RFP for the wind resources, the cost was  
10 below what the IRP model input was when it selected  
11 those resources?

12 A. At the end of the negotiations from the RFP  
13 process, yes.

14 Q. And was that the same for solar?

15 A. I believe so.

16 Q. Okay. But you don't know what the answer is  
17 for like a gas power plant, for example, because you  
18 didn't conduct an RFP that would include that; is that  
19 correct?

20 A. We did not conduct an RFP for gas resources.

21 Q. And so you can't say with any level of  
22 certainty that those RFP results, had you done that,  
23 would not have been more economical than wind?

24 A. I don't have the detail in the integrated  
25 resource plan that Mr. Link would have, on what the size

1 of the difference of the cost is and whether it would  
2 have made a material difference.

3 Q. Okay. Thank you. I'd like to move briefly to  
4 another exhibit from the division, which we'll call DPU  
5 cross Exhibit 3, and this is the order of the Oregon  
6 Public Utility Commission dated May 23, 2018.

7 (DPU Cross Exhibit No. 3 was marked.)

8 Q. (By Mr. Jetter) Are you familiar with this  
9 document?

10 A. Generally. I was not at the hearing.

11 Q. Okay. Would you please turn to page 10?

12 A. I'm there.

13 Q. And there's a bold subpart C with the title  
14 conclusion. Would you read the first paragraph  
15 following that?

16 A. "We simply cannot conclude at this time that  
17 the narrow short list from PacifiCorp's RFP, a packaged  
18 bundle of mostly company-owned Wyoming wind resources  
19 connected to a single transmission line, clearly  
20 represents the renewable resource portfolio offering the  
21 best combination of cost and risk for PacifiCorp  
22 customers."

23 Q. Thank you. And as a result of that order,  
24 what is your understanding of the company's authority to  
25 go ahead with this project with respect to Oregon and

1     **Oregon recovery?**

2           A.     Well, first and foremost, the Oregon process  
3     and docket was an entirely different type of process  
4     than the docket that we have before us. And it also,  
5     that docket did not have the expanse of evidentiary  
6     information on file that has been put into the docket  
7     here in Utah.

8           The integrated resource plan was acknowledged,  
9     and so the acknowledgement of the integrated resource  
10    plan carries the same statutory legal weight that an  
11    acknowledgment of the RFP would have. So that's  
12    essentially what I know at this point.

13          **Q.     Okay. Would you please turn to page 13 of**  
14    **that document?**

15          A.     I'm there.

16          **Q.     And do you see in the final paragraph, there's**  
17    **a footnote 30 marker?**

18          A.     I see the footnote.

19          **Q.     Would you start reading after that through the**  
20    **end of that paragraph, which will conclude being the**  
21    **first sentence of page 14?**

22          A.     You want me to start with the word "although"?

23          **Q.     Yeah. Yes, please.**

24          A.     "Although we do not acknowledge the short  
25    list, we believe PacifiCorp is in no different position

1 than it was after its IRP acknowledgement. Resource  
2 investment decisions ultimately rest firmly with the  
3 company. We are committed to give fair regulatory  
4 treatment to resource decisions that PacifiCorp  
5 ultimately makes."

6 Q. Thank you. And is it your understanding that  
7 the results of that order is that the projects are not  
8 preapproved in Oregon? That the company would be  
9 constructing them at its own risk, and would need to  
10 seek recovery and prudence review of that decision to  
11 build these projects in the next rate case in Oregon?

12 A. Well, first, the company did not file for  
13 preapproval in Oregon, because Oregon does not have a  
14 preapproval resource statute for us to file under, and  
15 so we didn't file for preapproval in that state.

16 That state does have other dockets, or other  
17 statutes, that the company will look to for being able  
18 to process to get the resources put into rates.

19 Q. So what do you understand the meaning of this  
20 request for approval on this docket to be? What's the  
21 difference between having this -- having been accepted  
22 and having it not been acknowledged?

23 MS. MCDOWELL: Just -- I just want to object.  
24 I'm not sure. I didn't understand the question, and I  
25 just want to be sure the record's clear. When



1 Mr. Jetter referred to this docket, I wasn't clear  
2 whether he is referring to the instant docket here in  
3 Utah or the Oregon docket.

4 MR. JETTER: I am referring to the Oregon  
5 docket. And I'll rephrase my question here.

6 Q. (By Mr. Jetter) The company was seeking  
7 approval of the short list from the RFP in the Oregon  
8 commission's procedure that resulted in this order; is  
9 that correct?

10 A. We were seeking acknowledgement.

11 Q. And the Oregon commission decline to  
12 acknowledge that; is that correct?

13 A. They did, from an RFP, but they did  
14 acknowledge the integrated resource plan, and the action  
15 plan that was associated with it that had these  
16 projects.

17 Q. And so going forward, you are subject to risk  
18 that these projects might be recoverable entirely or in  
19 part in the next rate case in the state of Oregon; is  
20 that correct?

21 A. Well, the company will follow the statutes and  
22 processes that are available to us in Oregon to advance  
23 the projects into approval and rates.

24 Q. Okay. And that would be a prudence review in  
25 the next rate case; is that correct?

1           A.    I'm not familiar with all the processes in  
2   Oregon, sir.

3           Q.    Okay.  Is the company willing to accept -- in  
4   the event that Oregon declines to approve all or part of  
5   the recovery of this project, would the company expect  
6   to wear that risk and not share any of that risk with  
7   the other states in the six states that are served by  
8   Rocky Mountain Power?  PacifiCorp.

9           A.    The company has not stepped back to look at  
10   what happens, associated with differing decisions coming  
11   from different states as to whether or not we would  
12   proceed, not proceed, or how those projects would get  
13   allocated.  Certainly as we move forward, we will need  
14   to consider that based on the results of each of our  
15   processes.

16          Q.    Okay.  So you would -- it's my understanding  
17   is that -- just make sure I am correct, you are not  
18   agreeing on behalf of the company that the company would  
19   accept an allocation risk if a hole is left by the  
20   Oregon commission?

21          A.    That is an accurate statement.

22          Q.    And following up on that statement, if you  
23   were put in the same position as Utah, that recovery of  
24   these assets were not approved in this docket, but the  
25   company were allowed to go forward and build them and

1     **seek approval in the next Utah general rate case, would**  
2     **the company go forward with the projects?**

3           A.     I actually cannot answer that. We'd have to  
4     look at the significant risk that poses. And the fact  
5     that we are in this preapproval process is because  
6     parties several years back preferred to have a  
7     preapproval process so that they can go through the  
8     details of a resource decision that the company is  
9     pursuing in advance of the decision as opposed to after  
10    the fact. So certainly we would have to consider what  
11    the ramifications could be.

12           Q.     And so I guess the answer to that is the  
13    company doesn't know if it would go forward with these?

14           A.     The company has not made a definitive decision  
15    at this time. We would assess the risk and determine  
16    whether or not that was a risk we are willing to take,  
17    and/or we would also talk with our other states and see  
18    if they would prefer to get all the benefits from the  
19    projects.

20           Q.     Okay. And you haven't had those discussions  
21    before today?

22           A.     No, sir. We are not through all of our  
23    proceedings.

24           Q.     Would you agree with me that the company has  
25    substantially greater risk of less-than-complete

1     **recovery in Oregon going forward with these projects**  
2     **than it would with an approval here in Utah?**

3           A.     I am not familiar with all of the Oregon  
4     statutes to be able to affirmatively agree to that. We  
5     have an IRP acknowledged, which acknowledged our action  
6     plan that has these projects in it. And that is  
7     consistent with our recovery protections historically as  
8     well.

9           MR. JETTER: I have no further questions for  
10    Ms. Crane. Thank you.

11           CHAIRMAN LEVAR: Thank you. Mr. Moore or  
12    Mr. Snarr?

13           MR. MOORE: Just a quick -- couple of quick  
14    areas of inquiry.

15                               CROSS-EXAMINATION

16    BY MR. MOORE:

17           Q.     **Ms. Crane, can I direct your attention to your**  
18    **May 15th, 2018, surrebuttal testimony?**

19           A.     I am there.

20           Q.     **Lines 240, 242. You stated that "Generally**  
21    **the company will assume all risks associated with the**  
22    **qualifications of PTCs, with the exception of force**  
23    **majeure event or a change in law." Did I state your**  
24    **testimony correctly?**

25           A.     Yes, you did.

1           Q.    I am going to hand you a docket document  
2 marked OCS Exhibit A. This document contains a portion  
3 of Mr. Gary Hoogeveen April 23rd, 2018, supplemental  
4 rebuttal testimony in the repowering docket. That's  
5 docket 17-035-39. I'm going to direct you to lines 176  
6 and 185 on the second page.

7           A.    I am there.

8           Q.    Can you read that question and answer into the  
9 record?

10          A.    Absolutely. "Notwithstanding the repowering  
11 projects' decreasing risk profile, some parties still  
12 raise concerns about PTC qualification." See -- do you  
13 want all that?

14          Q.    No.

15          A.    Okay. "Does the company stand by its  
16 commitment to assume the risk of nonqualification for  
17 production tax credits if it is related to the company's  
18 performance"?

19                The answer states, "Yes. If the repowered  
20 facilities are not 100 percent PTC eligible because of  
21 some occurrence within the company's control,  
22 shareholders will hold customers harmless. This  
23 commitment extends to entities with whom the company has  
24 contracted for services, including contractors, vendors,  
25 and suppliers, meaning that if the failure to qualify

1 for protection tax credits is due to an event within a  
2 contractor's control, the company will hold customers  
3 harmless."

4 Q. I just want to make this crystal clear on the  
5 record. My question to you is, does the company provide  
6 the same guarantee to customers of this docket, the wind  
7 transmission docket, that the customers will be held  
8 harmless if the combined projects fail to qualify for  
9 100 percent PTCs due to an event within the  
10 contractors', vendors' or suppliers' control?

11 A. Yes.

12 Q. Thank you. Could you turn to your May 15th,  
13 2018 surrebuttal testimony?

14 A. Okay.

15 Q. You argue that both the Utah and Oregon IU  
16 report supports the approval of the combined project.  
17 In fact in lines 178 through 179 of your surrebuttal  
18 testimony, you stated, "Both independent evaluators  
19 found the 2017R RFP was conducted in a manner that  
20 produced the most competitive research options for the  
21 customers." Correct?

22 A. That's correct.

23 Q. Could I turn your attention to DPU's cross  
24 Exhibit No. 3?

25 A. Was that the Oregon?

1 Q. Yes.

2 A. Okay.

3 Q. Can I direct your attention to page 113. The  
4 first full paragraph beginning with the sentence, "Our  
5 conclusions do not -- do not acknowledge a short list as  
6 supported by the IEA's review."

7 It goes on to state, "Far from supporting your  
8 contention, the RFP determined that the IE determined  
9 that the RFP produced the most competitive resource  
10 options for customers. The order provides the  
11 conditions provided by the IE highlight the IE's concern  
12 that the RFP was insufficiently competitive." Isn't  
13 that true?

14 A. Can you take me back to the sentences you are  
15 referring to?

16 Q. On page 13.

17 A. Yes.

18 Q. The second paragraph. The second full  
19 sentence starting with -- oh, no. It's the third  
20 full -- no, it's the second. I'm sorry. It's the  
21 second full sentence starting with "although these  
22 conditions." Can you read that?

23 A. So the second sentence says, "Although the IE  
24 recommended that we acknowledge the short list" --

25 Q. I'm sorry. I am going to interrupt you. That

1 was my mistake. It's the third sentence I am after.

2 A. "Although these conditions and observations  
3 might be viewed as outside the traditional role of an  
4 IE's review of an RFP short list, they highlighted the  
5 IE's concerns that the RFP was insufficiently  
6 competitive and the IE's conclusion that a portfolio  
7 with a more balanced representation of commercial  
8 structures could have mitigated the precise risks to  
9 which the IE pointed."

10 Q. Thank you.

11 MR. JETTER: I have no further questions.

12 CHAIRMAN LEVAR: Okay. Thank you.

13 Mr. Russell?

14 MR. RUSSELL: Thank you, Chair. I do not have  
15 any questions for Ms. Crane.

16 CHAIRMAN LEVAR: Okay. Thank you. Mr. Baker.

17 MR. BAKER: Thank you. And I'm sorry to be  
18 talking to your back here, Ms. Crane, and appreciate you  
19 turning so that we can see face-to-face.

20 CROSS-EXAMINATION

21 BY MR. BAKER:

22 Q. I just have a few questions, and wanted to  
23 briefly start by going back through the history of the  
24 project. Your initial application on June 30th, 2017,  
25 requested approval of 860 megawatts, correct?



1           A.    Yes, it did.  And that included the TB Flats  
2   and Ekola projects.

3           Q.    Thank you.  And at that time, did your initial  
4   application include a certificate of -- that the  
5   company's request and had to approve the -- sorry.  I'll  
6   rephrase.

7                   Did your initial application include a  
8   certification that the company's request would  
9   eventually comply with the energy resource procurement  
10  act and rules?

11          A.    I am not familiar with the certifications that  
12  were all done at that time.

13          Q.    You -- I had had those here to show you  
14  briefly.  I seem to have misplaced that at the moment.  
15  So I will -- I will move on.  Then on January 16th,  
16  2018, did you change the resource portfolio to increase  
17  it to 1,170 megawatts?

18          A.    I believe that filing did have an initial  
19  short list in it, and I believe that TB Flats and some  
20  of the other projects were still in there actually.

21          Q.    And then your request changed again in your  
22  February 16th, 2018, filing, didn't it?

23          A.    The final list did have the final analysis  
24  completed.

25          Q.    And in that it increased the megawatts of the

1 projects to, I believe, 1,311 megawatts; is that  
2 correct?

3 A. I believe so. Subject to check.

4 Q. And in your May 15th, 2018, filing, it changed  
5 again, didn't it?

6 A. Yes. In the May 15th filing we withdrew the  
7 Uinta project.

8 Q. And I think I heard you say in your summary  
9 that this is the final request of the portfolio that you  
10 are requesting approval of?

11 A. I would have to go back to the words as to  
12 whether it's the final request or exact words that we  
13 said, but this is what we are requesting approval for.

14 Q. And I think I heard you testify that -- well,  
15 when you initially included Uinta in your February 16th  
16 filing, it was your position that the acquisition of  
17 Uinta was in the public interest, correct?

18 A. I believe Mr. Link's probably better suited to  
19 answer that question, but the economic analysis did  
20 support the inclusion of Uinta at that time.

21 Q. And I believe you testified that in response  
22 to a settlement in Wyoming, you have removed Uinta?

23 A. Yes. In the settlement in Wyoming we removed  
24 Uinta, and we were not issued an conditional CPCN for  
25 that project.

1           **Q.    Are you suggesting to this commission that**  
 2   **what is best for Wyoming customers is what is best for**  
 3   **Utah customers?**

4           A.    No.   We are simply adjusting the docket to  
 5   represent what we currently have CPCNs for in the state  
 6   in which they are going to be built.

7           **Q.    And if I may return to the initial**  
 8   **certification briefly.  I am happy to -- this was the**  
 9   **company's initial filing.  I was hoping that I could**  
 10   **approach and see if the statement refreshes your**  
 11   **recollection regarding the initial filing.**

12               MS. MCDOWELL:  For the record, would it be  
 13   possible to have this document identified so I  
 14   understand what it is?

15               MR. BAKER:  I will actually.  I apologize.  
 16   Let me provide you this one, which includes the cover  
 17   letter as well.  And I apologize, I didn't print full  
 18   copies, because this was their initial application and  
 19   it is currently in the record.

20               And what I have handed is, to Ms. Crane, is  
 21   the June 30th, 2017, submittal cover letter, along with  
 22   the initial request for application.  And I wanted to  
 23   draw Ms. Crane's attention to page 13 of that request,  
 24   and it's the blue tab on the document that I handed you.

25           **Q.    (By Mr. Baker)  Would you please read the**

1     **shaded section please.**

2           A.     It reads, "Finally, the company's testimony  
3     and this application demonstrate compliance with the  
4     commission's administrative rules as set forth in  
5     attachment A. The company's supplemental filing  
6     following the conclusion of the 2017R RFP process will  
7     demonstrate compliance with the commission's  
8     solicitation process."

9           Q.     Thank you. Then in --

10          A.     There's no attachment A.

11          Q.     No, there is not an attachment A. I just  
12     wanted you to read into the record the initial -- the  
13     highlighted section. And does that refresh your  
14     recollection that the company had stated that its  
15     filings will comply with the rules once the solicitation  
16     process is complete?

17          A.     I believe it states that.

18          Q.     And in your February 16th, 2017 -- 2018,  
19     filing, I -- the second supplemental direct testimony of  
20     Mr. Link included a statement regarding that the company  
21     was certifying its compliance with the act and rules.  
22     Do you have a recollection of that?

23          A.     In Mr. Link's testimony?

24          Q.     Mr. Link's second supplemental direct  
25     testimony?

1 A. I don't have his testimony with me.

2 Q. May I approach to present you a copy of that  
3 section?

4 CHAIRMAN LEVAR: Yes.

5 Q. (By Mr. Baker) Would you please read into the  
6 record lines 666 through 675?

7 A. Certainly. So this is page 33 of the second  
8 supplemental direct testimony of Rick T. Link. Starting  
9 with line 666, "Question. Has the company provided a  
10 signed acknowledgement from the utility officer involved  
11 in the solicitation that to the best of his or her  
12 knowledge, the utility fully observed and complied with  
13 the requirements of the commission's rules or statutes  
14 applicable to the solicitation process as required by  
15 Utah Administrative Code" -- excuse me, "rule R  
16 746-430-2 paren. 1, paren. C, paren. V." Question mark.

17 "Answer: Yes. The signed acknowledgement is  
18 attached as Exhibit RMP-RTL-4SS." That's Sam Sam.

19 "It is my understanding that the commission's  
20 final order approving the 2017R RFP issued in docket No.  
21 17-035-23 has been appealed. My understanding, however,  
22 is that the commission's order approving the 2017R RFP  
23 was not stayed pending the appeal and therefore remains  
24 in effect."

25 Q. Thank you. Now, that testimony describes the

1 administrative code. Are you familiar with rule R  
2 746-430-22(C)? And I would not expect that you would  
3 have that -- have that memorized, but just, I guess, in  
4 general are you familiar with the procedures and rule  
5 associated with the significant energy resource?

6 A. I am not. I am not familiar with the details  
7 of the rule, no.

8 Q. I would ask that the commission take  
9 administrative notice of its rule, R 746-430  
10 subparagraph 2, sub part C? And if I may, may I read  
11 that rule, or I am happy to have Ms. Crane read that  
12 rule into the record?

13 CHAIRMAN LEVAR: Either way. If you would  
14 like to read the rule, that would be fine.

15 Q. (By Mr. Baker) It says, "The effective  
16 procedure to approve a significant energy resource and  
17 its acquisition. The respective utility shall file a  
18 request for approval of a significant energy resource as  
19 soon as practicable after completion of the utility's  
20 decision to select the resource."

21 Did the company comply with that requirement?

22 A. We believe we did. We believe our filing  
23 included the TB Flats, the Ekola Flats, and the McFadden  
24 Ridge. And we also were clear in our filing that the  
25 RFP process would be conducted in parallel, and that we

1 would update once we had the final results of the 2017R  
2 RFP.

3 Q. So did you file your application before the  
4 resource decision was finalized?

5 A. Yes. Because the RFP had not been conducted.

6 Q. Thank you.

7 A. And that was clear in our application.

8 Q. Thank you. The passage you read from  
9 Mr. Link's testimony reference the RFP appeal. Are you  
10 aware that the -- the question of whether the RFP  
11 complied with the significant energy resource act has  
12 been appealed and is currently pending in the courts?

13 A. I am generally aware there is an appeal.

14 Q. And would you agree that one of the risks of a  
15 court appeal is that the court could overturn or vacate  
16 the commission's order approving the RPF?

17 A. Certainly that could be a risk.

18 Q. And if the construction stops and doesn't  
19 continue as a result of such a vacation by the court,  
20 will RMP claim that the costs sunk up to the time of the  
21 court's decision, and any costs in shutting down or  
22 suspending the project, are the customers'  
23 responsibility?

24 A. Rocky Mountain Power will proceed according to  
25 the orders that we receive from the commission, and

1 proceed in that manner.

2 Q. Well, that doesn't really answer my question.  
3 I understand that you will proceed in accordance with  
4 the commission rules. What I am asking is, if -- if a  
5 court overturns the commission and the project has to  
6 stop, will the -- will Rocky Mountain Power hold the  
7 customers free from any potential sunk costs or increase  
8 in costs as a result of such an order?

9 MS. MCDOWELL: I just want to object. Because  
10 Ms. Crane said that the company would comply with  
11 orders. And the question says, I understand you will  
12 comply with rules, but my question is, such and such. I  
13 think she has answered the question, and he has  
14 misstated her answer.

15 CHAIRMAN LEVAR: Do you want to respond to the  
16 objection?

17 MR. BAKER: Yes, I would. I am trying to  
18 evaluate whether the risk of an appeal, and the  
19 potential costs associated with that risk, if Rocky will  
20 come and seek those costs from the company -- or from  
21 the customers, or whether the company is going to  
22 protect the customers from that foreseeable risk.

23 CHAIRMAN LEVAR: With the hypothetical you  
24 have given and the answer Ms. Crane has given, I am just  
25 trying to -- I think -- I think the way she has answered



1 your question gives all the answer she -- I think she  
2 has indicated that's the answer she is able to give so  
3 I --

4 MR. BAKER: So let me rephrase the question.

5 Q. (By Mr. Baker) So are -- would you agree,  
6 Ms. Crane, that the costs in that scenario are a  
7 potential risk that has not been resolved in this  
8 docket?

9 A. I guess I would agree that the appeal has not  
10 been resolved in this docket.

11 Q. Ms. Crane, is it fair to say that in -- in the  
12 company's normal contract, its normal contract position,  
13 and more specifically with like its BTAs, it avoids  
14 these sorts of appeal risks by requiring developers have  
15 a nonappealable government permit an authorization?

16 A. I don't have the details of the BTA contract.  
17 Certainly Mr. Teply is the one that negotiates those,  
18 and could probably answer that in more specific detail.

19 Q. As the CEO of the company, do you determine  
20 whether the risks -- acceptable risk tolerances of the  
21 company?

22 A. Yes, I do.

23 MR. BAKER: May I approach with page 28 of 127  
24 from the RMP Exhibit CAT-4SS-8?

25 CHAIRMAN LEVAR: Yes.

1 MS. MCDOWELL: I am just going to object to  
2 this question. I think it's a similar issue that we  
3 addressed with respect to the testimony of Mr. Link.  
4 Mr. Teply is here to respond to questions. Ms. Crane  
5 has just said that she is not familiar with the risk  
6 provisions of BTA agreement.

7 Mr. Teply is quite familiar with those. So it  
8 just seems inappropriate to be going through the process  
9 of asking Ms. Crane these questions when we have a  
10 witness here who can better speak to the issues.

11 CHAIRMAN LEVAR: And would you like to respond  
12 to the objection? And if there's something in  
13 Ms. Crane's direct that opens the door for this, please  
14 point it out to me.

15 MR. BAKER: Sure. I would like to respond  
16 that in this line of cross Ms. Crane has testified that  
17 as the CEO, the risk tolerances of the company are  
18 within her purview. I am looking at the risk tolerance  
19 here and using examples from the company's exhibits to  
20 explore what those risk tolerances may be.

21 Ms. Crane, I believe, in her -- I don't have  
22 the specific reference, and I could pause for a moment  
23 to find it, but I believe in her prior testimony she did  
24 mention that the risk mitigation measures to address  
25 some of the risks that customers have identified would

1 be done through the contract vehicles. And so I think  
2 that that opens the door for her to discuss those  
3 specific risk mitigation measures.

4 MS. MCDOWELL: I think we would need a  
5 specific page and line cite to that testimony because  
6 that's not testimony that I recall.

7 CHAIRMAN LEVAR: Before we go to that issue,  
8 I'd like to ask Mr. Baker, can you articulate any  
9 prejudice that you would experience if this question is  
10 reserved for Mr. Teply later?

11 MR. BAKER: I would -- I potentially in that  
12 I'm not sure that Mr. Teply can talk to the specifics of  
13 the contract. I am not sure that Mr. Teply is  
14 authorized to opine on the broader risk tolerances of  
15 the company.

16 CHAIRMAN LEVAR: Okay. With that explanation,  
17 can you give us more clear point to where Ms. Crane's  
18 testimony this was opened.

19 MR. BAKER: Yes. Please give me one moment.  
20 One example in Ms. -- apologize. That's Mr. Teply's  
21 testimony. On page 9 in Ms. Crane's supplemental direct  
22 and rebuttal testimony.

23 CHAIRMAN LEVAR: What's the date of that  
24 testimony?

25 MR. BAKER: This date is the January 16th,

1 2018.

2 CHAIRMAN LEVAR: Can you repeat the page  
3 number again?

4 MR. BAKER: Yes. Page 9, lines 193 through  
5 196. The timing and terms, and I'm starting on 194.  
6 "The timing and terms of the execution of the contracts  
7 necessary to procure, construct the wind projects will  
8 also provide flexibility to allow the company to  
9 reassess project's economics before executing them." In  
10 that testimony she is opening the door to discuss the  
11 ability of the contracts to mitigate customer risks.

12 CHAIRMAN LEVAR: And as with before, I think  
13 I'm going to rule that the phrase right before you  
14 started reading was when she said "as addressed by  
15 Mr. Teply," I think her role where she introduces other  
16 witnesses in her testimony doesn't necessarily open up  
17 her to cross-examine on her high level summaries, where  
18 we have the other witnesses. So I am going to affirm  
19 the objection.

20 MR. BAKER: Okay. I will move on. Thank you.

21 **Q. (By Mr. Baker) How does the company define**  
22 **force majeure?**

23 A. There's fairly standard definitions, and  
24 certainly Mr. Teply can go through those as it pertains  
25 to traditional contract definition of the force majeure.

1 Acts of God, things of that nature.

2 Q. Are -- is that term -- is the company's  
3 position that that is -- that uncontrollable risks, such  
4 as force majeure, change will be governed by the general  
5 term of force majeure or the specific terms of the  
6 contract?

7 A. We would go by the general term of force  
8 majeure. That's fairly standard general term industry  
9 for the specifics within those contracts.

10 Q. The -- I am sorry. Is it the general term or  
11 the specific contracts?

12 A. For the specific contract, it would be the  
13 contracts' force majeure provisions that are in them.

14 Q. And has Rocky Mountain Power yet finalized  
15 those specific -- I'm sorry, they have not been signed,  
16 but do you have final negotiation of those contracts  
17 complete?

18 A. Mr. Teply can answer that specifically, but he  
19 is pretty close, if not already fully done.

20 Q. So pretty close means no?

21 A. I said, if not already done.

22 Q. Has Rocky Mountain Power submitted those  
23 contracts into the record so that the commission or the  
24 parties can review these key terms such as force  
25 majeure?

1           A.    I am not certain if those have been submitted  
2   with Mr. Teply's submission.

3           Q.    Thank you. Stepping back a moment, you have  
4   mentioned that the company will guarantee the value of  
5   PTCs to the extent it's within the company control. I  
6   would like to explore a little further company control.

7           A.    Can I clarify that? We guaranteed the  
8   qualification for production tax credits, not the value  
9   of production tax credits.

10          Q.    Thank you for that clarification. The parties  
11   have -- are you aware that the parties have raised  
12   concerns of the qualification of the PTCs as a risk?  
13   And -- sorry. I'll let you answer that.

14          A.    I believe so, yes. Early on and thus the  
15   reason why the company has accepted responsibility and  
16   has guaranteed the qualification.

17          Q.    And the -- the construction schedule for the  
18   transmission lines, is it fair to say that that provides  
19   one of the key risks associated with PTC qualification?

20          A.    Certainly the interconnection and transmission  
21   availability is necessary to be able to qualify the  
22   projects.

23          Q.    If there was more time for the construction  
24   and interconnection to occur, would that reduce the  
25   risks associated with this project?

1           A.     Certainly more time enables to be able to do  
2     things in a risk-managed basis. The company has built  
3     wind projects and interconnected them, has qualified  
4     them for PTCs on similar schedules to the schedule we  
5     have here.

6           Q.     In -- are you aware that in 2015, in the  
7     company's application to modify the maximum allowable  
8     contract term for qualifying facilities, or qualifying  
9     facility contracts under PURPA, that the company  
10    indicated that it had no resource need for the next  
11    decade?

12          A.     I am not familiar with that docket at this  
13    time.

14          Q.     May I approach with what will be UIEC cross  
15    Exhibit 1?

16                 CHAIRMAN LEVAR: Yes.

17                 (UIEC Cross Exhibit No. 1 was marked.)

18                 MR. BAKER: I didn't make enough copies for  
19    all of the different attorneys with each party.

20                 CHAIRMAN LEVAR: Mr. Baker, while you are  
21    passing these out, let me just ask, in terms of thinking  
22    about whether you might need to take a break, are you  
23    anticipating cross-examination going on for a  
24    significant amount of more time?

25                 MR. BAKER: 10, 15 more minutes.

1 CHAIRMAN LEVAR: Okay. Why don't we go ahead  
2 and finish your cross-examination, then we'll take a  
3 break before redirect.

4 MR. BAKER: Thank you.

5 Q. (By Mr. Baker) What I have handed to  
6 Ms. Crane is the cover filing dated May 11th, 2015, from  
7 Rocky Mountain Power in docket No. 15-035 dash... It  
8 was not yet presented at the time. And it -- would you  
9 read -- please read the first paragraph?

10 A. The first paragraph?

11 Q. Sorry. Beginning "in the above-referenced  
12 matter."

13 A. "In the above-referenced matter, Rocky  
14 Mountain Power hereby submits its application to the  
15 Public Service Commission of Utah for an order  
16 authorizing the company to modify the maximum contract  
17 term of prospective power purchase agreements with  
18 qualifying facilities under the Public Utility  
19 Regulatory Policies Act of 1978.

20 "An original and 10 copies of the company's  
21 application, and the supporting testimony and exhibit of  
22 Paul H. Clements will be provided via hand delivery.  
23 The company will also provide electronic versions to  
24 this filing to PSC@Utah.gov."

25 Q. Thank you. Now, if we turn the page, I have



1 provided you page 1, direct testimony of Paul Clements;  
2 is that correct?

3 A. Yes. It says direct testimony of Paul H.  
4 Clements. There is no reference to what docket though.

5 Q. I am getting to that, thank you. In lines 18  
6 through 20, will you please read --

7 MS. MCDOWELL: I just want to throw out an  
8 objection. I'm sorry to interrupt, but I needed to do  
9 that.

10 I just wanted to object on the basis that  
11 there's no foundation to ask this witness about this  
12 document. Ms. Crane says she was not familiar with this  
13 docket when the first question was asked, and there's  
14 nothing, I think that has -- he's elicited that has  
15 indicated that her recollection has been refreshed. So  
16 I don't think there's foundation to ask this witness  
17 about this testimony.

18 I will say that Mr. Link is in charge of the  
19 QF-related issues. It all reports up to him. He is  
20 somebody who would be familiar with this docket and this  
21 testimony, even though it isn't his testimony.

22 CHAIRMAN LEVAR: Okay. Thank you. And before  
23 you respond to that objection, I was just going to ask a  
24 clarifying question. Sometimes -- I don't know if this  
25 is a redacted document. Sometimes highlighting refers

1 to confidential material.

2 MR. BAKER: Sorry. That's my highlighting.

3 CHAIRMAN LEVAR: That's your highlighting?

4 MR. BAKER: Yes. I apologize for that.

5 CHAIRMAN LEVAR: Would you like to respond to  
6 Ms. McDowell's objection?

7 MR. BAKER: Yes. First, I was not asking if  
8 this refreshed her recollection, and I can briefly  
9 establish some foundation if you need me to.

10 Q. (By Mr. Baker) Ms. Crane, were you CEO of  
11 Rocky Mountain Power in May 11, 2015?

12 A. Yes, I was.

13 Q. And as CEO of Rocky Mountain Power in 2015,  
14 would you have generally been over the filings and the  
15 matters proceeding before the commission?

16 A. Yes, I would, as a CEO and high level.

17 MR. BAKER: May I continue?

18 CHAIRMAN LEVAR: Yeah. Ask the next question.

19 MR. BAKER: Well, the next question goes to  
20 the -- so I believe I have established the foundation as  
21 CEO of the company, she -- this fell within her purview.  
22 I am asking questions about this, the official company  
23 position made in this docket, and I am happy to  
24 establish the foundation that Paul -- Mr. Paul Clements  
25 was acting in that role at that time, if needed.

1 CHAIRMAN LEVAR: Why don't you ask the  
2 question, and we'll see if there's any continued  
3 objection with where we are this morning.

4 Q. (By Mr. Baker) Was Mr. Paul Clements employed  
5 with Rocky Mountain Power in 2015?

6 A. Yes, he was.

7 Q. And at the time was his position senior  
8 originator power marketer for Rocky Mountain Power?

9 A. Yes, it was.

10 Q. And at that time was his testimony used to  
11 support the position of the company in this docket?

12 A. Yes, it was.

13 MR. BAKER: May I proceed?

14 CHAIRMAN LEVAR: Yes. Again, we'll -- if any  
15 objections are raised, we'll consider those as we move  
16 forward.

17 MR. BAKER: Thank you.

18 Q. (By Mr. Baker) So lines -- will you read lines  
19 18 through 21, please?

20 A. The question is line 17. It says, "What is  
21 the purpose of your testimony"? Line 18 is the start of  
22 the answer, and the answer starts, "The purpose of my  
23 testimony is to support and present the company's  
24 application to modify the maximum allowable contract  
25 term for qualifying facility contracts that the company

1 must enter into under the Public Utility Regulatory  
2 Policy Act of 1978, PURPA."

3 Q. Thank you. Does -- now, that sentence that  
4 you read comports with the initial sentence that you  
5 read from May 11th, 2015, cover letter; does it not?

6 A. Yes.

7 Q. Thank you. Would you please turn to page 3 of  
8 direct testimony of Paul Clements?

9 A. I'm there.

10 Q. And would you start reading from line -- the  
11 highlighted or shaded sections on line 62 and 63?

12 A. So this is in the section answering to a  
13 question, that is, "Why is a requested modification  
14 critical at this time?" The line requested to be read  
15 is, "The company has no need for resources for the next  
16 decade."

17 Q. Thank you. Continuing on in response to  
18 this -- to the question that you had referenced, on page  
19 4, line 68 through 69, would you please read the shaded  
20 section?

21 A. I'll read 68, 69, 70. 68 starts with "Given  
22 the magnitude of new QF requests, and considering the  
23 inherent uncertainties in projecting avoided cost rates  
24 out 20 years or more, current Utah avoided cost rates  
25 expose customers to unreasonable fixed price risk for 20

1 years."

2 Q. So in that it appears the company is arguing  
3 the uncertainties associated with forecasts out 20  
4 years; is that correct?

5 A. I believe the company is arguing the  
6 calculation of the avoided cost rates that it must be --  
7 that it must enter into because there's not a  
8 competitive process for which the QFs go through.

9 Q. So the uncertainties associated with the  
10 avoided cost calculation, is that unique to the avoided  
11 cost calculation?

12 A. I'm not familiar with the details of the  
13 avoided cost calculation itself, so I can't compare it  
14 as to whether it's unique or different.

15 Q. All right. I will reserve some questions for  
16 Mr. Link on this. Ms. Crane, are you aware that in --  
17 on October 23rd, 2015, the Obama administration, the  
18 Environmental Protection Agency more specifically, had  
19 promulgated the final rules for the clean power plan?

20 A. For the what?

21 Q. The clean power plan.

22 A. Subject to check to the preciseness of that,  
23 yes.

24 Q. And the -- is it your understanding that the  
25 clean power plan would have increased costs associated

1 with energy production and greenhouse control? Is that  
2 correct?

3 A. I think that's a general statement. The  
4 PacifiCorp environmental program and resource portfolio  
5 has not differed as a result of the clean power plan,  
6 whether it be enacted or not enacted.

7 Q. So generally -- generally yes, under the -- as  
8 promulgated, those rules had the potential of increasing  
9 costs associated with carbon dioxide control or  
10 greenhouse gas control more broadly?

11 A. Certainly potential. Would require the  
12 circumstances to know where and when and how much.

13 Q. In the 2015 -- or I'm sorry, have load  
14 forecasts decreased in the 2017 IRP?

15 A. Yes. And in the 2017 IRP update, the load  
16 forecast update was included in that update.

17 Q. Where were those load forecast -- those load  
18 forecasts were lower than the 2015 IRP load forecasts,  
19 weren't they?

20 A. Subject to check, I believe so.

21 Q. Yet in 2015, with the threats of increased CO2  
22 higher loads, you did not present to the commission a  
23 request to build resources; is that correct?

24 A. The company's integrated resource plan had  
25 options, resource options available to it when it goes

1 through its portfolio selection procedures. And in that  
2 plan, based on market prices, the integrated resource  
3 plan selected front office transactions, DSM and not  
4 additional generation resources.

5 **Q. Was the company aware of PTC availability in**  
6 **2015?**

7 A. The company became aware of the safe harbor  
8 provisions once it was fully enacted and made clear.  
9 And once the awareness was made, we did investigate the  
10 ability to qualify, take actions to preserve the safe  
11 harbor in order to enable future opportunities, and we  
12 did execute that safe harbor in December of 2016.

13 **Q. But the PTCs were available to Rocky Mountain**  
14 **Power and potential benefits to the customers if the**  
15 **Rocky Mountain Power would have proceeded with the wind**  
16 **resource requests in 2015; is that correct?**

17 A. PTCs were available, and again, the integrated  
18 resource plan did not select any new resources in the  
19 integrated resource plan.

20 **Q. And so through Rocky Mountain Power's**  
21 **decisions, these resources were not presented to the**  
22 **commission until June 30th, 2017, at the earliest; is**  
23 **that correct?**

24 A. The 2017 integrated resource plan is where  
25 resources were selected in the portfolio, and the

1 company brought those forward in our filing here to this  
2 commission in June of 2017.

3 **Q. Was that the first time that the company had**  
4 **presented a request to provide these economic benefits**  
5 **to the customer?**

6 A. Yes. As a result of the integrated resource  
7 plan, and the economic potential of the projects that  
8 were built into the integrate resource plan, they  
9 displaced front office transactions for the first time.  
10 And therefore, as a result of that, the integrated  
11 resource plan developed an action plan, and we have  
12 executed on that action plan that has brought forward  
13 this docket and the associated projects.

14 **Q. But the conditions that you attempt to justify**  
15 **this project on existed in 2015; is that correct?**

16 A. PTCs were eligible, but the integrated  
17 resource plan did not select any projects at that time.  
18 At that time the analysis selected front office  
19 transactions, as well as DSM, and that is all based on  
20 the economics.

21 **Q. One last question. You, I believe, in**  
22 **response to a cross-examination from Mr. Jetter, you**  
23 **said that the company has not looked at the impact of**  
24 **the Oregon decision; is that correct?**

25 A. The company received its IRP acknowledgement



1 from Oregon. The additional acknowledgement on the RFP,  
2 or no acknowledgement on the RFP, still leaves the  
3 acknowledgement of the integrated resource plan in  
4 place. And based on my understanding, although I am not  
5 as familiar with the Oregon statutes, but based on the  
6 legal interpretations I have been provided, is the  
7 integrative resource plan acknowledgement carries the  
8 same statutory protections that an acknowledgement of  
9 the RFP would have.

10 MR. BAKER: I object and move to strike as  
11 nonresponsive to the -- to the question as to whether or  
12 not the company has looked at the impact, not what she  
13 believes today may be that impact.

14 CHAIRMAN LEVAR: I think her answer was  
15 responsive. She was giving her view of the impact,  
16 which I think implies that there has been a look at it.  
17 But if you want to follow up with an additional  
18 question, you may do so.

19 **Q. (By Mr. Baker) Has the company submitted an**  
20 **analysis of what are the impacts to Utah rate payers in**  
21 **the event that Oregon denies any or all of the project**  
22 **through the prudency review that is to happen in the**  
23 **future?**

24 A. No we --

25 MS. MCDOWELL: Objection, vague. I don't know

1 what you mean by submitted. In this docket?

2 Q. (By Mr. Baker) Is there anything in this  
3 testimony submitted in this docket from the company that  
4 describes the potential impact of a denial of any or all  
5 of the project by another state?

6 A. No. The company has not submitted anything in  
7 this docket associated with actions taken by the Oregon  
8 commission.

9 Q. Have you submitted any analysis on the impact  
10 of a denial of any or all of the projects in any of  
11 the -- any of the sister states reviewing the combined  
12 projects?

13 A. No. We have not submitted any specific  
14 state-specific analysis for any hypothetical  
15 disallowance or nonapproval of specific projects. What  
16 we have submitted is that we do have the approvals for  
17 the combined projects in Wyoming and pending approval in  
18 Idaho that is supported by a stipulation between the  
19 company and staff.

20 Q. And so there is no analysis in your testimony  
21 that you can point me to?

22 A. No, there is not.

23 MR. BAKER: Thank you. No further questions.

24 CHAIRMAN LEVAR: Okay. Why don't we break for  
25 one hour, and then we'll move to any redirect for this

1 witness. Thank you, Ms. Crane.

2 (Lunch recess from 12:45 p.m. to 1:47 p.m.)

3 CHAIRMAN LEVAR: Ms. McDowell, do you have any  
4 redirect for Ms. Crane?

5 MS. MCDOWELL: Yes. Thank you.

6 REDIRECT EXAMINATION

7 BY MS. MCDOWELL:

8 Q. Good afternoon, Ms. Crane.

9 A. Good afternoon.

10 Q. Before the break you were asked -- and I think  
11 it was just right before the break, you were asked a  
12 couple of questions about the availability of the  
13 production tax credits in 2015.

14 Can you explain a little bit about what  
15 happened with the production tax credits in 2015 and  
16 early 2016 that led the company to pursue the  
17 opportunity presented to the commission today?

18 A. Certainly. In 2015 there was uncertainty  
19 around the tax credits until the PATH Act was passed.  
20 That was not passed until December of 2015, and then in  
21 May of 2016 is when the Internal Revenue Service  
22 extended the construction window to be four years as  
23 part of the safe harbor provision, giving ample time to  
24 be able to analyze and pursue an opportunity and get it  
25 done within the safe harbor window provision.

1 MS. MCDOWELL: That's all I have, thank you.

2 CHAIRMAN LEVAR: Okay. Thank you. Does any  
3 party have any recross based on that question and  
4 answer? I am not seeing any indications.

5 MR. JETTER: I --

6 CHAIRMAN LEVAR: Oh, Mr. Jetter, did you --

7 MR. JETTER: I actually would like to ask a  
8 brief question on that.

9 RECROSS-EXAMINATION

10 BY MR. JETTER:

11 Q. Did -- can you briefly describe how the PATH  
12 Act changed your analysis?

13 A. Our 2015 IRP was filed in March, and  
14 therefore, in that IRP process there was the uncertainty  
15 because there had been no production tax credit  
16 extension, so there was no value associated with  
17 production tax credit, even though there were wind  
18 projects in the IRP.

19 So once that was passed, it still was  
20 constrained because it didn't have a long enough  
21 construction window to where you could actually do the  
22 analysis, run an RFP, go ahead and enter into contracts,  
23 and construct. And so that uncertainty window still  
24 remained until the IRS extended the construction window  
25 under the safe harbor provision and made it four years.

1           Q.    Okay.  At that time you had a fairly large  
2   queue of qualifying facilities with wind projects in  
3   there that were receiving the same production tax  
4   credits; is that correct?

5           A.    I'm not familiar.  We typically do have a  
6   large QFC, but I'm not certain of what it was at that  
7   time.

8           Q.    Okay.  If there was a large queue at that time  
9   full of production-tax-credit-seeking wind projects,  
10  would it be fair to say that they must have figured out  
11  something that the company couldn't do in terms of being  
12  able to move forward with those?

13          A.    I wouldn't necessarily agree with that because  
14  I don't know when they entered the queue and how long  
15  they would have been sitting in the queue, so they may  
16  have been in the queue for quite some time and were  
17  awaiting for certainty.  I can't read the minds of the  
18  developers that are in the queue for qualifying  
19  facilities, sir.

20          Q.    And are you aware of the constraints on that  
21  -- in the IRP model at that time?

22          A.    I am not familiar with specifically what QFs,  
23  if any QFs are in the IRP model.  That would certainly  
24  be something Mr. Link would have to address.

25          Q.    Oh, I'm sorry.  I may have asked a confusing

1 question. Were those constraints on Rocky Mountain  
2 Power's proposal to do these projects prior to the act  
3 that you referenced, was that built into the IRP model  
4 at that time?

5 A. Again, Mr. Link can give you more detail. My  
6 understanding of it is that there were wind projects as  
7 resources for the IRP to be able to select in its  
8 process, but that there was no value associated with the  
9 PTC because there was no certainty because it had not  
10 been extended, and there was not a construction window  
11 long enough to actually be able to get the projects  
12 built. But obviously Mr. Link who does the IRP could  
13 give you far more detail than I can.

14 MR. JETTER: Thank you.

15 CHAIRMAN LEVAR: Okay. Does anyone else have  
16 any recross? Okay. I am not seeing any indication.  
17 Okay. Commissioner Clark, do you have any questions for  
18 Ms. Crane?

19 MR. CLARK: No questions, thank you.

20 CHAIRMAN LEVAR: Commissioner White?

21 MR. WHITE: No questions, thank you.

22 THE WITNESS: Thank you.

23 CHAIRMAN LEVAR: And I don't either. So thank  
24 you for your testimony today.

25 THE WITNESS: Thank you very much.

1 MS. MCDOWELL: We call Mr. Rick Link.

2 CHAIRMAN LEVAR: Mr. Link, do you swear to  
3 tell the truth?

4 THE WITNESS: I do.

5 CHAIRMAN LEVAR: Thank you.

6 RICK LINK,  
7 called as a witness, having been first duly sworn, was  
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. MCDOWELL:

11 Q. Mr. Link, can you state your full name and  
12 spell it for the record?

13 A. Yes. My name is Rick Link, spelled R-I-C-K,  
14 L-I-N-K.

15 Q. Mr. Link, how are you employed?

16 A. I am vice president of resource and commercial  
17 strategy for PacifiCorp.

18 CHAIRMAN LEVAR: I am not sure your mic is on.  
19 It matters for the streaming because some people listen  
20 over the streaming.

21 THE WITNESS: It was not. Thank you.

22 Q. (By Ms. McDowell) Mr. Link, in that capacity  
23 have you prepared testimony and exhibits in this  
24 proceeding?

25 A. I have.

1           **Q.     So other than a discussion of the application**  
2     **of the commission's ruling on the motion to strike, do**  
3     **you have any changes or corrections to your prefiled**  
4     **testimony?**

5           A.     I do.   Much like Ms. Crane, with regard to the  
6     motion to strike, I spent a bit of time over the lunch  
7     hour going through the specific line items in that  
8     motion and have some recommended adjustments to those  
9     specific line items that I am prepared to walk through.

10           MS. MCDOWELL:   So Chairman LeVar, would it be  
11     permissible for Mr. Link to go through the -- basically  
12     the suggestions from the committee with respect to what  
13     should be stricken that relates to the sensitivities and  
14     respond to which portions of his testimony he believes  
15     respond to those sensitivities?

16           CHAIRMAN LEVAR:   Yes.   I think considering our  
17     ruling this morning, that that would be appropriate to  
18     see if it needs to be refined any.

19           THE WITNESS:   Thank you.

20           **Q.     (By Ms. McDowell)   And so Mr. Link, are you on**  
21     **your surrebuttal testimony?**

22           A.     I am.

23           **Q.     So that was the testimony filed May 15th?**

24           A.     Correct.

25           **Q.     And what page are you -- will you begin?**



1           A.    I will begin on page 2.  Actually, I take that  
2 back.  I will go to line of page 3, and the motion to  
3 strike listed initially lines -- I'll just say lines 25  
4 to 27.  I have no changes to that -- to striking those  
5 two lines or three lines.

6                   Then the next set of lines are lines 58 to 60,  
7 which is part of my summary and essentially state very  
8 similar conclusions included in earlier testimony -- my  
9 earlier testimony in this case -- are not specific to  
10 the sensitivity economic analysis of -- at issue with  
11 the motion.

12                   CHAIRMAN LEVAR:  Okay.  So your recommendation  
13 is that we not strike 58 to 60?

14                   THE WITNESS:  Yes.  Then in lines -- the next  
15 reference is line 62 to line 72.  Probably the easiest  
16 way for me to address this one is, I would propose  
17 keeping that entire paragraph, except for lines 64  
18 through 67.

19                   CHAIRMAN LEVAR:  You said 64 through 67?

20                   THE WITNESS:  Yes.

21                   COMMISSIONER CLARK:  Is it the -- is it the  
22 entirety of the lines or the sentence that begins on 64?

23                   THE WITNESS:  Yeah, they are actually partial  
24 lines.  I would begin retaining on line 67, the sentence  
25 that starts with moreover.

1 CHAIRMAN LEVAR: Okay. So you are proposing  
2 to strike one sentence and keep the rest of the  
3 paragraph; is that correct?

4 THE WITNESS: Yes. And then lines 73 through  
5 88 are referenced. I propose keeping lines 73 and 74.  
6 Again, restating testimony that I made in previous file  
7 testimony in this case, and I'm okay with keeping or  
8 retaining the strike through for lines 75 through 77.

9 CHAIRMAN LEVAR: Was that all or --

10 THE WITNESS: Moving on to the next section,  
11 this is the largest block of testimony. I have a  
12 combination of things to keep and retain in this  
13 section. So please bear with me as I go through my  
14 notes.

15 CHAIRMAN LEVAR: So we're going to line 1816  
16 then?

17 THE WITNESS: Correct. I would propose  
18 keeping lines 1816 through lines 1847. I would strike  
19 everything in lines 1848 through 1855, except for the  
20 first part of the response which simply states, no. I  
21 would keep the next paragraph, lines 1856 through 1863.

22 I am okay with striking lines 1864 through  
23 1876. I would keep lines 1877 through 1892. I am okay  
24 with striking lines 1893 through 2148, which is on page  
25 99. Then would I propose keeping lines 2149 through

1 2203. I'm okay with striking lines 2204 through 2207.

2 I would prefer to keep lines 2208 through 2213.

3 I am okay with striking lines 2214 through  
4 2228. I propose keeping lines 2229 through 2253. And  
5 then in the very last section of testimony referenced in  
6 the motion, I would propose retaining all of that except  
7 for a statement on line 2263 where it states solar  
8 resource valuation risk. That piece could be struck.

9 CHAIRMAN LEVAR: What line was that again?

10 THE WITNESS: Line 2263.

11 CHAIRMAN LEVAR: By piece, do you mean  
12 sentence or does it go beyond that sentence?

13 THE WITNESS: Just that, those four words.  
14 Solar resource valuation.

15 COMMISSIONER CLARK: Oh, I see.

16 MR. MOORE: I would object to that. I don't  
17 think the sentence makes sense without that.

18 CHAIRMAN LEVAR: I think -- I think we're  
19 going to allow -- once he's finished outlining his  
20 proposals, we'll allow objections to any of them --

21 MR. MOORE: All right.

22 CHAIRMAN LEVAR: -- at that point. And we may  
23 need to give all of you a moment or two or a little bit  
24 of time to -- to go through these and see if you object  
25 to any of them, but -- so your proposal on line 2263 is

1 just to retain the words "solar resource valuation  
2 risks"?

3 THE WITNESS: To strike that piece.

4 CHAIRMAN LEVAR: Okay. To strike.

5 THE WITNESS: So that it would read, "When  
6 considering expected..." and continue on with the text  
7 that's there.

8 CHAIRMAN LEVAR: Okay. That's all -- that's  
9 all of the stricken lines, right?

10 THE WITNESS: That is all.

11 CHAIRMAN LEVAR: The exhibit RTL3SRE, you are  
12 not proposing that that come back in?

13 THE WITNESS: That, I believe, was determined  
14 to be retained as the solar IE -- the IE report.

15 CHAIRMAN LEVAR: Yeah. Oh, that's right. We  
16 already dealt with that.

17 Q. (By Ms. McDowell) So Mr. Link, when you went  
18 through and made those recommendations, what was the --  
19 what was the standard you were applying in deciding what  
20 should stay in your testimony and what should be  
21 stricken?

22 A. Yes, thank you. I chose to retain -- or to  
23 propose to retain sections of the testimony that are not  
24 specific to the economic analysis that the company used  
25 to -- so ultimately establish its solar final shortlist.

1 MS. MCDOWELL: So I don't know what -- how you  
2 want to proceed right now. We are going to then propose  
3 to offer his testimony with the -- you know, the  
4 retentions and the redactions that he has just gone  
5 through. So that would be our proposal to offer his  
6 testimony and -- which is extensive, so maybe I will  
7 just reference the exhibit list.

8 It's on page 8, 9, 10, and top of 11. Lists  
9 all of his -- excuse me. Lists all of his testimony and  
10 exhibits. So we would offer all of that subject to the  
11 suggested deletions that we have just reviewed.

12 CHAIRMAN LEVAR: Okay. With that motion, do  
13 any of the parties need a review of what -- which  
14 particular lines Mr. Link was requesting be un-stricken?  
15 I can read what I have.

16 So what I have is what's proposing to be  
17 brought back into this testimony is lines 58 through 60,  
18 62 through 72 with the exception of one sentence on line  
19 64 through 67. That would still -- that sentence would  
20 still be stricken. The rest of 62 through 72 would come  
21 back in. Line 73 to 74.

22 Lines 1816 through 1847, Line 1848 -- I mean,  
23 I may have written this down wrong. You suggested  
24 keeping the word "no" and then still striking the rest  
25 of the paragraph.

1 THE WITNESS: Yes.

2 CHAIRMAN LEVAR: Okay. So just retaining the  
3 word no on 1848? Okay. Retaining lines 1856 through  
4 1863. Retaining lines 1877 through 1892. Retaining  
5 lines 2149 through 2203. Retaining lines 2208 through  
6 2213. Retaining lines 2229 through 2253 and retaining  
7 lines 2254 through 24 -- I'm sorry, through 2271, except  
8 striking four words, "solar resource valuation risks" on  
9 line 2260 something. 2263, you would strike those four  
10 words, otherwise keep everything in lines 2254, 2271.

11 So I'm going to ask the parties, do you need  
12 some time to review this and see if you have any  
13 objections to those lines coming back in? Mr. Baker and  
14 then Mr. Moore.

15 MR. BAKER: I also -- Chairman, if I may, I  
16 was hoping to maybe ask one clarifying question  
17 regarding the standards and the approach that he took,  
18 if that would be all right.

19 CHAIRMAN LEVAR: I think that would be helpful  
20 as we're trying to sort through this, yes.

21 MR. BAKER: If I heard correctly, I think he  
22 said he retained sections that are not specific to the  
23 analysis. Does that mean that the -- I guess my  
24 question is, is was that analysis, although not  
25 specific, incorporated into any of these lines that you

1 have asked to be retained?

2 THE WITNESS: That was not my intention.

3 MR. BAKER: Okay. So it's -- you are saying  
4 it's not that you are retaining sections that are not  
5 specific to the analysis, but you are retaining sections  
6 that have no reliance -- or no reliance on that  
7 analysis?

8 THE WITNESS: On the economic analysis,  
9 correct.

10 MR. BAKER: Okay. Thanks for that  
11 clarification.

12 CHAIRMAN LEVAR: Mr. Moore?

13 MR. MOORE: I need some time to go through  
14 the -- the lines that are proposed to be retained.

15 CHAIRMAN LEVAR: Sure. How much time do you  
16 think you need?

17 MR. RUSSELL: Probably about five minutes. Is  
18 that too long?

19 CHAIRMAN LEVAR: Okay. Why don't we recess  
20 for five minutes? Does anyone feel like they need more  
21 time than five minutes? Okay. We'll recess for five  
22 minutes.

23 (Recess from 2:06 p.m. to 2:18 p.m.)

24 CHAIRMAN LEVAR: Okay. I think we're ready to  
25 go back on the record. And it looks like it makes sense

1 to start with Mr. Moore and Mr. Snarr, if they have any  
2 objections to the proposed reinsertions.

3 MR. MOORE: We do have two objections. On  
4 page 83, 1847, he wants to keep in the word "no." I am  
5 not sure that you can. The no is informed by the rest  
6 of the language that is stricken, so I don't think the  
7 no makes sense by itself. It's just a loose conclusion  
8 based on analysis that has been stricken.

9 CHAIRMAN LEVAR: Okay. So you object to  
10 retaining the word "no"?

11 MR. MOORE: That's correct.

12 CHAIRMAN LEVAR: Okay.

13 MR. MOORE: And for the same reason on page  
14 104, lines 2263, he wants to only strike the words  
15 "solar resource valuation risk" for the same reason.  
16 That -- that provides -- that risk is -- provides the  
17 rationale for the rest of the sentence and it's  
18 intertwined with the economic analysis, so I would argue  
19 that the entire sentence be stricken.

20 And these are with the provision that Mr. Link  
21 presented to Mr. Baker that none of these retained  
22 positions can bootstrap the economic analysis of -- he  
23 said it was his intention to remove all portions that do  
24 not -- are not dependent on the economic analysis, and I  
25 think with that proviso those are the only two



1 objections I have.

2 CHAIRMAN LEVAR: I just want to make sure I  
3 understand your second one. Where he was proposing  
4 retaining all of that sentence except for those four  
5 words and I assume the next comma, you are going to keep  
6 the comma stricken, Mr. Moore. Your recommendation is  
7 to strike the entire sentence that starts "when  
8 considering"?

9 MR. MOORE: Yes.

10 CHAIRMAN LEVAR: That entire sentence that  
11 goes down through line 2271?

12 MR. MOORE: Yes.

13 CHAIRMAN LEVAR: Okay. So 2263 through '71  
14 you think should -- your argument should remain  
15 stricken?

16 MR. MOORE: That's correct.

17 CHAIRMAN LEVAR: All of 2263 to '71. Okay.  
18 And those are your only two objections?

19 MR. MOORE: With that proviso. Oh.

20 (Discussion off the record.)

21 CHAIRMAN LEVAR: Mr. Moore, can I ask you to  
22 repeat what that -- what the proviso you referred to  
23 was? I was trying to write down what you had given us  
24 and --

25 MR. MOORE: Well, yes. Mr. Baker asked my

1 understanding. Mr. Link, what that -- whether his basis  
2 for the testimony which he requested not to be stricken  
3 or reimposed has any connection with the stricken  
4 portions relating to the economic analysis.

5 And Mr. Link, I believe, testified that it was  
6 not his intention that any of the retained testimony  
7 be -- is informed by or can be used to bootstrap back in  
8 the economic analysis. I don't want to waive anything  
9 basically is what I am saying.

10 CHAIRMAN LEVAR: Okay. I understand. Okay.  
11 Any other parties have any additional objections to  
12 Mr. Link's proposals? Mr. Jetter, do you have any? Or  
13 Ms. Schmid, do you have any additional ones?

14 MR. JETTER: I don't have any additional ones,  
15 no.

16 CHAIRMAN LEVAR: Mr. Russell or Mr. Baker?

17 MR. BAKER: Thank you, yes. On page 99, line  
18 2149, I believe the first part of that question, "So in  
19 addition to the risk associated with hourly prices and  
20 capacity contribution..." I believe that that first  
21 parenthetical relates to the solar sensitivity analysis  
22 at least for some of the foundational principles of that  
23 analysis and therefore should be stricken. I think I  
24 am -- I am okay with --

25 CHAIRMAN LEVAR: I'm not sure I caught exactly

1 what you were referring to. When you said -- I heard  
2 you say parenthetical, and I am not --

3 MR. BAKER: Or -- sorry. Not parenthetical.  
4 The compound. I apologize for my grammatical mistake.

5 CHAIRMAN LEVAR: Okay. So if you would repeat  
6 what you are proposing to strike.

7 MR. BAKER: Proposing to strike beginning on  
8 line 2149 "in addition" through the first comma that  
9 ends after "contribution."

10 CHAIRMAN LEVAR: Okay. Noted that.

11 MR. BAKER: Thank you. No further -- nothing  
12 else to add.

13 CHAIRMAN LEVAR: Okay. Anything else from any  
14 other party? Indicate to me if you do. Okay.  
15 Ms. McDowell, do you want to respond to those three  
16 objections?

17 MS. MCDOWELL: Yes. Thank you. Let me start  
18 with the last suggestion for Mr. Baker, and indicate  
19 that we're fine with that. So that is on line 2149. We  
20 would continue to delete the opening clause, "In  
21 addition to the risk associated with hourly prices and  
22 capacity contribution," so that the question would begin  
23 with the word "are." So we're fine with that.

24 With respect to the other two, I guess I'll  
25 just start at the back of the testimony, so we are back

1 there. In conclusion, I -- you know, the rationale for  
2 Mr. Link's conclusion is a list of several factors. The  
3 solar resource valuation risks is the reference to the  
4 sensitivity analysis that you have stricken.

5 The other items, expected cost declines and  
6 the availability of the 30 percent ITC for solar  
7 projects coming online as late as 2021, are independent  
8 factors. They are not related to the solar sensitivity  
9 analysis. So the sentence stands on its own without any  
10 reference back to the sensitivity analysis.

11 And similarly, going back to the -- let's see.  
12 Find the previous reference. It's the no.

13 CHAIRMAN LEVAR: On 1848.

14 MS. MCDOWELL: 1848, thank you. So as I  
15 understand the state of play, we have a question. We  
16 have an answer that we propose to keep in, and then we  
17 have additional explanations beginning on line 1856. So  
18 I do think the -- and someone said that the word "no" is  
19 required to make the rest of what remains in make sense,  
20 and the rest of what remains in has nothing to do with  
21 the sensitivity analysis.

22 So as I understand, it would say -- you would  
23 have the question. You would have the answer no, and  
24 then you would go to line 1856 which would say, you  
25 know, in addition -- I suppose those words would come

1 out, but then you would begin with the answer.

2 CHAIRMAN LEVAR: Okay. Mr. Moore, do you want  
3 to respond to those two issues? This question starting  
4 at 1845 does initially refer to the earlier solar  
5 sensitivity studies, not the ones that were brought in  
6 on surrebuttal, although that first paragraph does. So  
7 let me understand your objection.

8 You're okay with -- let me make sure I have  
9 Mr. Link's suggestion on this correct. We were going to  
10 retain 1856 through 1863, that paragraph, but you object  
11 to there being a no at the beginning of that paragraph?

12 MR. MOORE: Well, I think the -- no, I mean  
13 the no at the beginning of that paragraph. I think  
14 would be fine. I just think the no in front of the  
15 first paragraph commingles the analysis. I didn't -- we  
16 didn't read it as Ms. McDowell did.

17 CHAIRMAN LEVAR: So if we were -- my  
18 understanding of Mr. Link's suggestion is we would be  
19 deleting that entire -- or striking -- keeping that  
20 entire first paragraph stricken, but reinserting the  
21 second paragraph with the word "no" at the beginning or  
22 replacing in addition.

23 MR. MOORE: I would have no objection to that,  
24 if you take out "in addition" and put in "no." I think  
25 that --

1 CHAIRMAN LEVAR: Okay. So that clears up that  
2 one, and we have one more contested one. They are still  
3 preferring to keep in from lines 263 to 271 except for  
4 solar resource valuation risks. Do you want to comment  
5 any further on what she expressed with respect to that  
6 one?

7 MR. MOORE: Well, my objection is, as written  
8 it's not -- it relies on the -- partially, it relies on  
9 the solar sensitivities. My concern is that if Mr. Link  
10 is going to testify today that when considering  
11 everything besides the solar testimony, he reaches his  
12 conclusion, I am not objecting to that, but I am  
13 objecting to having it in without that explanation that  
14 coming from Mr. Link, instead of his lawyer, that those  
15 remaining aspects are sufficient for his conclusion.

16 CHAIRMAN LEVAR: Ms. McDowell, do you have any  
17 objection to asking Mr. Link that question as we  
18 consider this one?

19 MS. MCDOWELL: Well, no. Except I do think  
20 this is where we get into the issues associated with the  
21 fact that the IE report remains in. And this is really  
22 deciding what -- how the company managed the RFP and  
23 decision making process. And there are -- you know,  
24 within that IE report that is in the record there is  
25 some reference to the company's economic analysis that

1 it did and its sensitivity analysis that it did.

2 So you know, I think if we take that out, then  
3 that's sufficient, but if the idea is we didn't -- we're  
4 going to pretend like we didn't do risk analysis and  
5 that isn't reported in the IE report, that's inaccurate  
6 and it doesn't reflect, you know, another piece of  
7 evidence that's in the record.

8 MR. MOORE: Technically it's not in the record  
9 yet. I believe it was an exhibit to Mr. Link's  
10 testimony that's coming up, but so when it is introduced  
11 in the record, we make that objection.

12 CHAIRMAN LEVAR: Well, that's the motion  
13 that's in front of us right now.

14 MR. MOORE: Right.

15 CHAIRMAN LEVAR: Is to introduce all of his  
16 testimony with these modifications to what we've  
17 stricken.

18 MS. MCDOWELL: And I was just reflecting what  
19 I understood the ruling was from this morning which is  
20 these items from the testimony are stricken but the IE  
21 report comes in.

22 CHAIRMAN LEVAR: We -- our motion -- our  
23 granting the motion to strike this morning did not  
24 strike the IE report, but it has not yet been entered  
25 because we're still -- the motion is still pending

1 before us, but right now the motion includes the IE  
2 report.

3 MS. MCDOWELL: Thank you.

4 CHAIRMAN LEVAR: Is anybody's understanding  
5 inconsistent with that? Mr. Baker?

6 MR. BAKER: I guess I have a clarifying  
7 question with respect to the IE report is, my  
8 understanding of the IE report does include a discussion  
9 of the sensitivity analysis.

10 My understanding of the order this morning was  
11 that that -- also that would have been stricken, and so  
12 I suppose my clarifying question is, is if the IE report  
13 is admitted into evidence, will that include the IE's  
14 discussion of the additional sensitivity -- or I should  
15 say new sensitivity analysis?

16 CHAIRMAN LEVAR: Yeah, and I think the way we  
17 ruled this morning was to exclude additional testimony  
18 that discussed that sensitivity -- those sensitivities,  
19 but not their inclusion in the IE report, which was  
20 provided the parties prior to the last round of  
21 testimony, but that motion -- it hasn't been entered  
22 into evidence. So I mean that's the motion that's in  
23 front of us.

24 If there needs to be further discussion on  
25 whether the IE report should be partially stricken, I



1 don't think it was -- it wasn't dispositively addressed  
2 in our motion this morning. We did not -- we did not  
3 strike the IE report. We had some discussion on the  
4 substantive basis for our ruling, but that's still --  
5 that's still live in this motion, is whether to strike  
6 all or part of the IE report as we enter Mr. Link's  
7 testimony.

8 MR. MOORE: I would move to strike portions  
9 just for the record of the IE report starting on page  
10 23. Does everybody have it? Let me pause.

11 CHAIRMAN LEVAR: And it's Exhibit 3 SR, right?

12 MR. MOORE: 3 SR, correct. No more.

13 CHAIRMAN LEVAR: Okay. You said page 23?

14 MR. MOORE: Page 23, starting paragraph 5.5  
15 through the end of 26. My reasoning for that is, I  
16 believe part of the commission's ruling was that in  
17 response to our arguments that we only had five or seven  
18 days to respond in testimony to every possible argument  
19 stemming from the IE report, and we didn't know what  
20 specific arguments were presented until -- or were  
21 relied upon until we had Mr. Link's testimony -- and  
22 that the seven days was insufficient to do an analysis  
23 of the solar sensitivities and to provide them in our  
24 testimony.

25 Certainly we didn't have any opportunity to

1 provide discovery, so we were prejudiced to the same  
2 degree with the -- these sections of the IE report.

3 CHAIRMAN LEVAR: Okay. As I have considered  
4 the objections, I think I am ready to rule on this  
5 admission. I think what makes sense here is to strike  
6 that page and a half from the IE report, but with that  
7 being stricken, I don't think it's necessary to remove  
8 the material on lines 2263 to '71. I believe that --  
9 those two things would both be consistent with our  
10 ruling on the motion this morning because I don't -- I  
11 don't think it prejudices the issue to have that  
12 sentence remaining without solar resource valuation  
13 risks once we have stricken this from the IE report.

14 So I am going to repeat what I believe is the  
15 ruling on this motion to admit. So we're granting the  
16 motion to admit all of Mr. Link's testimony with the  
17 exception of what was stricken this morning, except with  
18 the following modifications to what was stricken.

19 So 58 through 60 is reinserted. Lines 62  
20 through 72 is reinserted, except the sentence that runs  
21 between line 64 and 67 will remain stricken. Lines 73  
22 through 74 will be reinserted. Lines 1816 through 1847  
23 will be reinserted.

24 On line 1848 the word "no" will be reinserted.  
25 Lines 1856 through 1863 will be reinserted. 1877

1 through 1892 will be reinserted. 2141 through 2203 will  
2 be reinserted, except that the phrase on line 2149, "in  
3 addition" ending with "contribution," comma will be  
4 stricken. Is that --

5 MR. RUSSELL: Was it 2149 through 2203? I  
6 think you said 2141.

7 CHAIRMAN LEVAR: I meant to say 2149. I'm  
8 sorry. So 2149 through 2203 will be reinserted except  
9 that the phrase an 2149 starting with "in addition" will  
10 be stricken finishing with "contribution" comma. Lines  
11 2208 through 2213 will be retained. Lines 2229 through  
12 2253 will be retained.

13 Lines 2254 through 2271 will be retained,  
14 except the phrase "solar resource valuation risks,"  
15 comma, will be stricken on line 2263, and then the  
16 independent evaluator report except for starting on page  
17 23 section 5.5 through all of page 24 will be stricken,  
18 but the rest of the IE report will be entered into  
19 evidence.

20 MR. MOORE: My objection went to page 26. Did  
21 you just partially -- those are the two solar --

22 CHAIRMAN LEVAR: Oh --

23 MR. MOORE: -- sensitivities.

24 CHAIRMAN LEVAR: I'm sorry. 23 through 26.

25 MR. RUSSELL: Chairman LeVar?

1 CHAIRMAN LEVAR: Yes.

2 MR. RUSSELL: When -- when you have a second,  
3 if you turn to page 27, for the same reasons I would  
4 recommend striking the first bullet point under section  
5 5.6, which is a recitation of PacifiCorp's  
6 recommendations regarding that section that was just  
7 stricken.

8 CHAIRMAN LEVAR: Okay. So Ms. McDowell, do  
9 you have any objection to striking section 5.5, which is  
10 the second half of page 23 through 26 and then that one  
11 bullet point on page 27?

12 MS. MCDOWELL: Yes, I do, for all of the  
13 reasons we stated this morning. This was provided to  
14 the parties on April 10th. The idea that they didn't  
15 have a chance to do discovery between April 10th and  
16 last Friday is just wrong. There's been an expedited  
17 discovery process in place pretty much that entire time.

18 The parties knew that the RFP was not filed in  
19 February, that a final RFP shortlist and IE report would  
20 be coming out in March and it was provided to them  
21 promptly. So to me, you know, the commission, as part  
22 of its RFP process, said it was important for the  
23 company to be able to defend how it was comparing solar  
24 resources to wind resources, and this is a part of that  
25 record.

1 I think, you know, it's one thing to take out  
2 the testimony that analyzes it and argues it, but this  
3 is really the factual record on how the company reviewed  
4 the solar resources, how it resolved the, you know, the  
5 comparative analysis, and how the IE reviews that.

6 So you know, I respect your ruling. I just  
7 want to note for the -- I know, if you decide to exclude  
8 this, I just want to note that objection for the record  
9 that I think the parties have had an opportunity to  
10 review this. And I do think it goes to the, you know,  
11 the issue of the comparative analysis between the solar  
12 and the wind projects.

13 CHAIRMAN LEVAR: Okay. Thank you. I  
14 appreciate that explanation. I think consistent with  
15 our ruling this morning, the ruling was based on the  
16 substantive provision that parties did not have a chance  
17 to run alternate sensitivities and to run alternate  
18 modeling. And having this on April 10th, seven days  
19 before their rebuttal testimony, in my opinion, doesn't  
20 correct that which was our ultimate concern this morning  
21 is the parties did not have that chance.

22 So our decision was to strike reference to  
23 that in the absence of giving parties more time to run  
24 their additional sensitivities. So with that, I think,  
25 the only way to be consistent with our ruling this

1 morning is to strike those portions of this exhibit. So  
2 the second half of 23 through 26 and the second bullet  
3 on 27, and with that the remainder of Mr. Link's  
4 testimony is admitted. Ms. McDowell.

5 **Q. (By Ms. McDowell) Thank you. So now that we**  
6 **have that behind us, Mr. Link, have you prepared a**  
7 **summary of your testimony?**

8 A. I have.

9 **Q. Please proceed.**

10 A. Good afternoon, Chairman LeVar, Commissioner  
11 Clark, and Commissioner White. I am pleased to  
12 summarize my testimony supporting the company's  
13 application seeking approval to construct the  
14 Aeolus-to-Bridger transmission line and will acquire  
15 three wind facilities with associated transmission  
16 network upgrades. Collectively, I will refer to these  
17 projects as the combined projects.

18 The 2017R RFP resulted in a portfolio of wind  
19 facilities that together, with the proposed transmission  
20 facilities, will benefit customers by, first, helping to  
21 offset the capacity need. The projects will generate  
22 wind production tax credits or PTCs. They will produce  
23 zero fuel cost energy. They will enable more efficient  
24 use of existing resources, and they will improve system  
25 reliability.

1           My testimony primarily addresses certain  
2 factors that must be considered when determining whether  
3 the combined projects are in the public interest. I  
4 will summarize the need for these resources and address  
5 why the combined projects do not necessitate a higher  
6 standard of review. I will explain that the 2017R RFP  
7 was implemented in accordance with your RFP approval  
8 order and how we addressed concerns you raised in that  
9 order.

10           I will explain how the company's economic  
11 analysis demonstrates that the combined projects are  
12 most likely to result in the lowest reasonable cost for  
13 customers and that they will generate both near-term and  
14 long-term benefits. I will also summarize how the  
15 combined projects are lower costs than other resource  
16 alternatives.

17           So beginning with capacity need, despite the  
18 fact that the 2017 IRP establishes a clear capacity  
19 need, several parties assert that the combined projects  
20 are not needed, that they are discretionary, and that  
21 they are solely an economic opportunity.

22           As the individual responsible for developing  
23 PacifiCorp's load and resource balance, which is a  
24 critical element of our long-term resource plan, I am  
25 testifying that there is no doubt that PacifiCorp has an

1 immediate and sustained need for system capacity.

2 Certain parties' claims to the contrary are in  
3 conflict with the following facts. First, with existing  
4 resources, the 2017 IRP load and resource balance shows  
5 an immediate capacity short-fall of over a thousand  
6 megawatts in 2021 rising to over 4,000 megawatts by  
7 2036.

8 Second, after accounting for the updated load  
9 forecast used in my economic analysis of the combined  
10 projects, the company still has an immediate capacity  
11 shortfall. Nearly 600 megawatts in 2021 rising to over  
12 3,000 megawatts by 2036. The most recent load and  
13 resource balance presented in the 2017 IRP update is  
14 consistent with the capacity position assumed in my  
15 economic analysis.

16 Fourth, the capacity contribution of the  
17 proposed new wind projects is just over 180 megawatts,  
18 and this is well below the projected near-term and  
19 long-term capacity needs. And finally, parties have not  
20 disputed the company's accounting of its existing  
21 resource capacity, its firm obligations, or its load  
22 forecast.

23 Certain parties' claims that PacifiCorp does  
24 not have a capacity need rests on their belief that  
25 market purchases or FOTs should be assessed as an



1 existing resource without any consideration of cost or  
2 risk. This belief is contrary to basic least-cost  
3 planning principles. It's contrary to your IRP  
4 standards and guidelines and would fundamentally alter  
5 how the company approaches its long-term resource plan.

6           There is no question that PacifiCorp has an  
7 immediate capacity need and consequently there is no  
8 basis for this commission to evaluate the combined  
9 projects under a higher standard when considering  
10 whether they are in the public interest.

11           Moreover, the 2017 IRP is the first time that  
12 PacifiCorp could fully evaluate the implications of the  
13 2015 PATH Act which was passed seven months after the  
14 2015 IRP was filed and extended -- which extended the  
15 and ramped down the PTCs for eligible wind resources.

16           I will now move onto the 2017R RFP. As the  
17 individual responsible for implementing the 2017R RFP  
18 for PacifiCorp, I am testifying that this solicitation  
19 was administered in accordance with your RFP approval  
20 order, elicited robust market response, and led to the  
21 selection of the best wind resources that are most  
22 likely to deliver net benefits for our customers.

23           Importantly, my testimony is supported by the  
24 Utah independent evaluator who concluded that the  
25 modeling used during the bid evaluation process is

1 consistent with and likely exceeds industry standards,  
2 the design and implementation of the solicitation  
3 process was generally consistent with the solicitation  
4 requirements outlined in statute, and that the  
5 solicitation process was -- overall was fair,  
6 transparent, reasonable, and generally in the public  
7 interest.

8           While we did not ultimately modify the 2017R  
9 RFP to include solar resources as you recommended in  
10 that RFP approval order due to schedule concerns, we did  
11 issue a separate RFP, the 2017S RFP, and we were able to  
12 incorporate solar bids into the bid evaluation and  
13 selection process used to establish the fine shortlist  
14 of wind resources in a way that specifically addresses  
15 concerns raised in your RFP order.

16           In that approval order you stated that a  
17 second and separate RFP for solar resources based on  
18 modelling inputs that would assume construction of the  
19 proposed wind resource would not accomplish the  
20 objective of comparing the proposed solar resources  
21 against the wind resources on an equal basis. We have  
22 met that objective.

23           Solar resource sensitivities prepared before  
24 selecting winning bids in the 2017R RFP, the wind RFP,  
25 were exquisitely structured to evaluate both wind and

1 solar bids as if offered into a single RFP. This was  
2 achieved by not forcing or hard coding any of the wind  
3 resource bids. When our bid selection model, the system  
4 optimizer model, or the SO model was able, based off of  
5 its selections, when made available to choose from both  
6 wind and solar bids, it did not select solar bids over  
7 wind bids. It chose both.

8           This set of sensitivities specifically  
9 addressed the question raised in your RFP approval  
10 order, which was whether solar resources should be built  
11 instead of, before, or in conjunction with the proposed  
12 wind resources. Contrary to the claims by certain  
13 parties, who have argued that solar resources are a  
14 lower cost, lower risk alternative to the combined  
15 projects, our sensitivity analyses demonstrates that  
16 market bids for solar resources do not displace the  
17 combined projects.

18           While solar resources may provide customer  
19 benefits, solar resource bids submitted into the 2017S  
20 RFP are not a superior resource to the combined  
21 projects. Solar resources, I guess can be best viewed  
22 as an incremental opportunity, not as an alternative to  
23 the combined projects.

24           Recognizing that PacifiCorp has an immediate  
25 capacity need, even after accounting for the incremental

1 capacity from the proposed new wind resources, we remain  
2 actively engaged with solar developers to identify  
3 low-cost, high-value projects that can deliver  
4 additional customer benefits.

5 Also contrary to the parties' arguments, the  
6 company's treatment of the interconnection queue did not  
7 bias the outcome. The company analyzed the bids and  
8 selected the initial final shortlist based on economics  
9 alone. The interconnection restudies actually increased  
10 interconnection capacity allowing the more economic and  
11 larger Ekola Flats to be chosen instead of the smaller  
12 McFadden Ridge 2 project.

13 The only project that had been selected to the  
14 original final shortlist and then removed based on the  
15 outcome of the interconnections restudies was McFadden  
16 Ridge 2, the company's own project.

17 I will now turn to the economic analysis of  
18 the combined projects. My testimony demonstrates that  
19 the combined projects will most likely result in the  
20 acquisition, production, and delivery of utility  
21 services at the lowest reasonable cost to the retail  
22 customers of an energy utility located in this state.

23 My testimony summarizes extensive and  
24 conservative economic analysis that measures customer  
25 benefits under nine different price policy scenarios

1 each with varying market price and CO2 price assumptions  
2 and across two different time frames. Through 2036 and  
3 through 2050. These are the same price policy scenarios  
4 used in our repowering case.

5 This analysis also considers how uncertainties  
6 in load, market prices, hydro-generation and thermal  
7 unit outages affect system cost. Through a number of  
8 sensitivities, this analysis further quantifies how  
9 customer benefits are affected by other system variables  
10 like the wind repowering project and with the potential  
11 incremental acquisition of solar resources through  
12 long-term power purchase agreements.

13 The company has updated its analysis  
14 throughout this proceeding to account for changes in  
15 cost, performance, load, tax reform and price policy  
16 inputs. Changing conditions over the last year  
17 demonstrate the durability of the net benefits from the  
18 combined projects.

19 Across the nine price policy scenarios and the  
20 two different times frames, there are eighteen different  
21 scenarios presented in my testimony. The combined  
22 projects show net customer benefits in sixteen of these  
23 eighteen scenarios.

24 When using base case assumptions, present  
25 value gross benefits from the combined projects exceed

1 1.7 billion dollars, which is 338 million dollars higher  
2 than the present value of the gross costs when assessed  
3 through 2036. When assessed through 2050 using these  
4 base case assumptions, the present value benefits exceed  
5 2.2 billion dollars, which is 174 million higher than  
6 the present value of gross costs.

7 My testimony also demonstrates that short-term  
8 and long-term impact of the combined projects are to  
9 deliver substantial customer benefits. Over the 30 year  
10 life of the wind resources, the combined projects are  
11 projected to generate net customer benefits in 24 of 30  
12 years.

13 In the short term, the new wind projects will  
14 generate over 1.2 billion in PTC benefits over a 10 year  
15 period, which is over a hundred percent of the inservice  
16 capital cost for the wind facilities. After the PTCs  
17 expire in 2030, the combined projects are projected to  
18 generate net customer benefits in 18 of 20 years. The  
19 present value net benefits discounted back to 2030,  
20 which is after the PTCs expire, from the combined  
21 projects is over 370 million dollars.

22 And these projected net benefits are  
23 conservative, by no less than hundreds of millions of  
24 dollars for the following six reasons. First, the  
25 company's economic analysis assumes 750 megawatts of

1 incremental transfer capabilities from the  
2 Aeolus-to-Bridger transmission line. Mr. Vail's  
3 testimony addresses more recent transmission studies  
4 supporting a 27 percent increase to this figure to just  
5 over 950 megawatts.

6 Second, the economic analysis does not reflect  
7 expected O&M, or operations and maintenance cost savings  
8 that are associated with the installation of larger wind  
9 turbines at two of the wind facilities. Those O&M  
10 savings would improve present value net benefits by over  
11 18 million in the 2036 studies and by over 28 million in  
12 the 2050 studies.

13 Third, the economic analysis assigns no  
14 incremental value to the RECs that will be generated  
15 from the wind projects. Each dollar assigned to the  
16 RECs would improve present value net benefits by 30  
17 million in the 2036 studies and by 38 million in the  
18 2050 studies.

19 The extrapolation of system benefits beyond  
20 2036, which are used in my nominal revenue requirement  
21 analysis that extends out through 2050, are conservative  
22 as they do not reach the levels that we observe in the  
23 model until you get out to beyond 2047. Extending the  
24 model results from 2036 at inflation, as is done for  
25 qualifying facilities, would improve present value net

1 benefits by 150 million dollars in the 2050 studies.

2 The base case simulations, these are the  
3 simulations without the combined projects, do not  
4 include any cost for the Aelous-to-Bridger/Anticline  
5 transmission line. As Mr. Vail testifies and as  
6 Ms. Crane noted this morning, this line is needed, and  
7 if the costs were included in the base case simulation  
8 without the combined projects, it would increase present  
9 value customer benefits by hundreds of millions of  
10 dollars.

11 Finally, the price policy scenarios that  
12 include a CO2 price assumption are conservative because  
13 they were implemented in 2012 dollars instead of nominal  
14 dollars.

15 Finally, I will address project risks. While  
16 the company analyzed various scenarios to measure risk  
17 and ensure customer benefits under a range of market  
18 conditions, I recommend that the commission principally  
19 rely on the medium case, which is based on the company's  
20 official forward price curve, the same price curve used  
21 to set rates in Utah and to establish avoided cost price  
22 for qualifying facilities.

23 When assessing the risk of the combined  
24 projects it is also important to consider the risk of  
25 not moving forward with this amazing project. The risks



1 of a do-nothing strategy are either overlooked or  
2 underestimated by certain parties.

3 Before even accounting for the conservative  
4 assumptions that I just summarized, the company's  
5 economic analysis shows that a do-nothing strategy will  
6 result in higher costs in 16 of 18 scenarios when  
7 assessed over 9 price policy scenarios in two different  
8 time frames.

9 The do-nothing strategy increases the  
10 company's reliance on the market which is subject to  
11 volatility at a time when thousands of megawatts of coal  
12 unit retirements are expected throughout the region. A  
13 do-nothing strategy will increase the carbon intensity  
14 of PacifiCorp's system making their customers more  
15 susceptible to future carbon policies.

16 And importantly, a do-nothing strategy  
17 includes the very real and substantial risk that  
18 customers will bear the cost of the needed transmission  
19 infrastructure without the benefit of PTC-eligible wind  
20 resources.

21 In conclusion, taken together, the economic  
22 analyses provided by the company in this case  
23 demonstrates that the combined projects are in the  
24 public interest, the combined projects are most likely  
25 to lower customer costs, have beneficial near and

1 long-term customer impacts, and are lower risk than a  
2 do-nothing resource strategy across a broad range of  
3 potential future market and system conditions. That  
4 concludes my summary. Thank you.

5 MS. MCDOWELL: Thank you. Mr. Link is  
6 available for cross-examination and commissioner  
7 questions.

8 CHAIRMAN LEVAR: Thank you. I think I'll go  
9 to Ms. Hickey first. Do you have any questions for  
10 Mr. Link?

11 MS. HICKEY: I don't. Thank you, sir.

12 CHAIRMAN LEVAR: Thank you. Mr. Holman?

13 MR. HOLMAN: No questions. Thank you.

14 CHAIRMAN LEVAR: Thank you. Mr. Michel?

15 MR. MICHEL: Just a couple.

16 CROSS-EXAMINATION

17 BY MR. MICHEL:

18 Q. Good afternoon, Mr. Link.

19 A. Good afternoon.

20 Q. In your summary and your testimony you focused  
21 on the economic and rate impacts of the combined  
22 projects. The wind projects, when they are operating,  
23 will have zero emissions; is that right?

24 A. Yes.

25 (Discussion off the record.)

1           Q.    (By Mr. Michel) And when operating, those  
2 resources will likely displace other resources,  
3 presumably thermal resources that do have emissions; is  
4 that right?

5           A.    Yes. Depending on the time of day and system  
6 conditions, it's expected that the wind projects will,  
7 as noted, displace other resources on the system that  
8 are or could be emitting CO2.

9           Q.    And would you agree that that feature,  
10 emission reductions, tends to promote the safety,  
11 health, comfort, and convenience of the public?

12          A.    It sounds like you are quoting some sort of  
13 statute, and I will say that it -- everyone has their  
14 own opinion on what emissions do. I think that it is a  
15 valuable element as noted in my summary from this  
16 particular project, is that it does reduce risk  
17 associated with potential CO2 emission types of  
18 policies.

19          Q.    Okay. And I was quoting 54-3-1, and so I am  
20 not sure I got an answer to the specific question I was  
21 asking, which is whether a zero emission resource, as  
22 opposed to a resource that does emit various pollutants,  
23 does tend to promote the health, safety, comfort, and  
24 convenience of the public, if you know.

25          A.    And that I think generally I agree with the

1 concept there, that part of one of the reasons I think  
2 as I stated in my summary that I believe these projects  
3 are in fact in the public interest.

4 **Q. Okay. That's all I have. Thank you.**

5 CHAIRMAN LEVAR: Okay. Thank you, Mr. Michel.  
6 Mr. Jetter or Ms. Schmid?

7 MR. JETTER: Yes. I do have some cross  
8 questions.

9 CROSS-EXAMINATION

10 BY MR. JETTER:

11 **Q. Good afternoon.**

12 **A. Good afternoon.**

13 **Q. Can you explain when and why Rocky Mountain**  
14 **Power changed its view on the capacity of front office**  
15 **transactions?**

16 **A. I don't believe that the company has changed**  
17 **its view on front office transactions.**

18 **Q. Okay. You agree with me that the company made**  
19 **numerous statements in -- throughout even as late as**  
20 **December of 2015 that it identified no resource needs.**  
21 **Is that an accurate statement?**

22 **A. There's been a lot of discussion around that**  
23 **topic. I would prefer to see a particular reference. A**  
24 **lot of confusion, I think on the issue.**

25 **Q. I am happy to oblige. Can you -- excuse me.**

1 Can you identify the document I have just handed you?

2 A. It looks like it's in relation to docket No.  
3 15-035-53.

4 Q. That's correct. And on the cover page at the  
5 top left, is it accurate that it was filed or at least  
6 has the date on it as December 9, 2015?

7 A. Yeah. The date on the document is December  
8 9th, 2015.

9 Q. Okay. And would you open that to page 7,  
10 please. On page 7 there's the end of a first paragraph,  
11 and as we go down through the second paragraph, there is  
12 a sentence that is -- I believe it's the 4th sentence in  
13 that paragraph, that begins, "In addition" comma.

14 A. I am there.

15 Q. Would you please read that sentence for me?

16 A. Yes. "In addition, the integrated resource  
17 plan or IRP planning cycle and current action plan do  
18 not identify a resource need until 2028."

19 Q. Thank you. And isn't it correct that the  
20 current load forecast is in fact lower than it was in  
21 December of 2015?

22 A. I believe that's accurate.

23 Q. Okay. And -- but today you are claiming that  
24 you have a resource need; is that correct?

25 A. So the reference that you pointed to here,

1 which is -- appears to be the testimony of Mr. Clements  
2 that was referred to earlier in this particular  
3 proceeding, I would note that it does state that it's in  
4 reference to the current action plan.

5 So as associated with the 2015, I assume, IRP  
6 and the IRP action plan at that particular point in  
7 time, and so in that context we were in a different  
8 environment where the PTC opportunities that we have  
9 available to us today coming out of the 2017 IRP were  
10 not available, and so the statement is an accurate  
11 description of the outcome of that 2015 IRP, as I  
12 recall.

13 Which is essentially that that IRP found that  
14 market purchases, for example, were more economic than  
15 other resource alternatives and that the first  
16 generating resource ultimately was not included in that  
17 plan until 2028. It doesn't talk about capacity need.  
18 It's in reference to timing of resources, as I -- as I  
19 read it.

20 **Q. Okay.**

21 MR. MOORE: Objection. Doesn't that transfer  
22 into the solar RP issue that has been stricken?

23 MS. MCDOWELL: No. I can just say, if it is  
24 appropriate for me to respond, that does not.

25 CHAIRMAN LEVAR: What exactly are you

1 objecting to, Mr. Moore? What -- what's the language  
2 you used that you were --

3 MR. MOORE: The accommodate capacity. Is that  
4 just for the wind?

5 THE WITNESS: I -- I am --

6 CHAIRMAN LEVAR: Before he answers the  
7 question -- so I just want to clarify your objection and  
8 let Ms. McDowell -- because I assume you are making a  
9 motion to strike what he just said; is that --

10 MR. MOORE: Yes.

11 CHAIRMAN LEVAR: Okay. Ms. McDowell?

12 MS. MCDOWELL: So Mr. Link is talking about --  
13 as I was following the testimony, he is talking about  
14 the fact that the production tax credits created a  
15 new -- once they were, as Ms. Crane indicated, once the  
16 PATH Act was passed, once the longer or safe harbor  
17 provisions were passed, that created an opportunity to  
18 made production-tax-credit-fueled resources more  
19 attractive than front office transaction market  
20 resources.

21 So this is not getting in anywhere -- he does,  
22 it is talking about capacity because it's filling a  
23 capacity need, but it's not getting into the capacity  
24 contribution sensitivity that we were talking about with  
25 respect to solar resources.

1 CHAIRMAN LEVAR: Mr. Jetter, since you are the  
2 one questioning, do you have a position on Mr. Moore's  
3 objection or motion?

4 MR. JETTER: You know, I wasn't thinking about  
5 it in that light. I don't recall the exact answer, so I  
6 guess I don't have an opinion either way.

7 CHAIRMAN LEVAR: And again I don't know if  
8 it's worth going back to the court reporter and getting  
9 the exact words, but your explanation is consistent with  
10 what the question was, and I think the context, and so I  
11 think with our ruling this morning on the issue we're  
12 substantively not allowing into the record anything that  
13 goes to that, but I think we'll let the questioning  
14 continue at this point.

15 MR. JETTER: Okay. Thank you.

16 Q. (By Mr. Jetter) I guess, following up on some  
17 statements that were just made, do the production tax  
18 credits use electricity?

19 A. No, they are tax credits.

20 Q. Okay. And so they don't change the  
21 availability of -- those wouldn't change demand anywhere  
22 on your system?

23 A. No. Production tax credits, if I understand  
24 your question correctly, are not essentially load.

25 Q. Okay. Thank you. So the availability of



1 those being there or not being there would have no  
2 difference in the capacity needs of the company; is that  
3 correct?

4 A. That's correct. They just affect the  
5 economics of the resource alternatives that can be used  
6 to fill a capacity need.

7 Q. Okay. And so back to the statement that I had  
8 you read. It's accurate that the company's position as  
9 of December of 2015 was that there were no resources  
10 identified in the IRP planning cycle that were needed  
11 until 2028?

12 A. Correct. As my response earlier, which was in  
13 the context of the 2015 IRP, just to clarify, not to do  
14 with capacity contribution, not to do with solar in any  
15 fashion, had identified a capacity need that at that  
16 time was being filled with front office transactions for  
17 some period of time, that capacity need.

18 And over the longer term it was met with  
19 additional generating resources, and so this statement,  
20 as I read it, certainly cannot speak on behalf of  
21 Mr. Clements, but I read it as describing the action  
22 plan in the portfolio in the 2015 IRP. And from that  
23 perspective, again from what I recall, this is an  
24 accurate representation of that particular plan.

25 Q. Thank you. And you have just testified,

1    **however, that the company has a current capacity need**  
2    **that -- is it your testimony that that cannot be filled**  
3    **with front office transactions?**

4            A.    It is not my testimony. My testimony is, we  
5    have a capacity need -- have had a capacity need  
6    immediately for many IRP cycles, and it's just that for  
7    the first time that I can remember in several IRP  
8    cycles, what we have in front of us in the '17 IRP is a  
9    resource that's actually lower cost than that market  
10   option, than those FOTs.

11            And so it's not a question of whether a  
12   resource defines a need. That there's a capacity need,  
13   and you define -- identify which resources are the least  
14   cost mix to fill that need. And in the '17 IRP, unlike  
15   the '15 IRP, wind, with production tax credits, with  
16   access to transmission, is the lowest cost, least risk  
17   element of our preferred portfolio.

18            Q.    And so the -- is that -- so that's accurate  
19   then that in prior generations, the IRP front office  
20   transactions were available as an alternative source of  
21   energy to fill a capacity need?

22            A.    Yes. We routinely used front office  
23   transactions as one of many different resource  
24   alternatives in our resource plan.

25            Q.    Okay. And going forward, you could continue

1 to do the same; is that correct?

2 A. I don't see any reason to stop assuming the  
3 fact in the 2017 IRP, the very IRP in which the combined  
4 projects are in then current form, the proposed new wind  
5 transition projects were established still includes  
6 market purchases as part of that overall portfolio.

7 Q. And the capacity need that you described is  
8 significantly larger going out to, say, 2036, than the  
9 182 roughly megawatts that will be provided by this  
10 project; is that correct?

11 A. Yes. I think in my summary the most recent  
12 capacity need position starts at roughly 600 megawatts  
13 in 2021 climbing to over 3,000 megawatts by 2036.

14 Q. And if you are paying -- just in rough  
15 numbers, if you were getting 200 megawatts of capacity  
16 for 2 billion dollars, and you needed 3,000 megawatts of  
17 capacity, is that roughly \$30 million?

18 A. I am not sure I follow the logic.

19 Q. I am just asking if my math is correct. If  
20 you were paying --

21 A. Can you please restate?

22 Q. If you were paying approximately a billion  
23 dollars per hundred megawatt of capacity value for  
24 projects, is it accurate that it would cost  
25 approximately 30 billion dollars to fill the capacity

1     **need by to 2036?**

2           A.     I don't know. I'd have to do the math. You  
3     might think I can do the simple math in my head, but I  
4     do rely heavily on my calculator for almost everything  
5     that I do. But subject to check in terms of, if the  
6     questions is, is a certain number divided by another  
7     number 30 million, I'll go with that, subject to check.

8           **Q.     Okay. Do you think it would be prudent to**  
9     **lock in 30 billion dollars worth of capital expenditures**  
10    **to cover the full capacity shortfall by 2036?**

11          A.     It would totally depend on what the benefits  
12    of -- we don't look at anything from a pure cost  
13    perspective. It's cost net of what value do you get for  
14    the 30 billion. So hypothetically -- I think you  
15    mentioned 30 billion. If you spent 30 billion and you  
16    got a hundred trillion in benefits, then yes, I would  
17    support that type or some benefit stream.

18          **Q.     So then is it your testimony that essentially**  
19    **unlimited spending would be acceptable to fill a**  
20    **capacity need?**

21          A.     No. It's not what I am saying. I'm thinking  
22    it has to be prudent. It has to be supported by  
23    analysis relative to other alternatives available at the  
24    time, accounting for current planning assumptions, the  
25    current environment which we have done in this case,

1 that demonstrate these are the lowest cost, least risk  
2 combination of resources in our plan.

3 **Q. And you testified that you are doing these for**  
4 **the capacity need; is that correct?**

5 A. There is a need. It helps support the  
6 capacity need, but the projects provide additional  
7 benefits beyond capacity, including using energy zero  
8 fuel cost energy, PTCs, net power cost benefits,  
9 reliability benefits. The list that I went through both  
10 in my testimony, I think I also summarized in my summary  
11 today.

12 **Q. Are you aware of Rocky Mountain Power or**  
13 **PacifiCorp having ever spent a similar ratio of dollars**  
14 **of capital expenditure relative to an incremental**  
15 **megawatt of capacity?**

16 A. I am generally aware that that has occurred  
17 before. You know, in the past we've actually -- we have  
18 a pretty sizable winds fleet on our system today that  
19 was procured in project-by-project chunks over a pretty  
20 short time period that are comparable in magnitude to  
21 investments we are looking at right here.

22 **Q. And those were done as the result of**  
23 **requirements by state renewable portfolio standards,**  
24 **were they not?**

25 A. No, they were not.

1           Q.    Would you please turn to the document I have  
2 handed you, to page 2. And we're at the very top of  
3 page 2, and would you read the first sentence of the  
4 first paragraph on page 2?

5           A.    Starting with, "The 20 year"?

6           Q.    Yes.

7           A.    "A 20 year contract term unnecessarily exposes  
8 customers to unreasonable fixed price risks considering  
9 the limitless number and magnitude of contracts the  
10 company must and continues to execute in this  
11 jurisdiction."

12          Q.    Is there a reason that a 20 year contract term  
13 is an unnecessary exposure to unreasonable fixed price  
14 risks when it's a third party, but a 30 or 50 year  
15 investment is not an unnecessary exposure to  
16 unreasonable fixed price risks?

17          A.    I believe that this -- the statement is really  
18 not in the context. Again, I am kind of taking this a  
19 little out of context, but it is not in the context of a  
20 power purchase agreement. It's really in the context of  
21 PURPA, where we have a must purchase obligation  
22 regardless of need, where we are required to procure the  
23 output, both energy and capacity, from these projects  
24 based off of one model run, not thousands of simulations  
25 and risk analysis, without any competitive bidding or

1 procurement process and for every contract.

2 So I think there's a differentiation between  
3 the type of resources we're looking to propose here  
4 which are part of a least-cost, least-risk plan, as  
5 opposed to a qualifying facility project where we have a  
6 must purchase obligation under PURPA.

7 Q. So in that instance the company wouldn't  
8 propose a shorter contract or using the same modeling  
9 because it wouldn't be subject to the same issues you  
10 just described; is that correct?

11 A. In what instance? I'm sorry. Would you  
12 please clarify?

13 Q. Well, in this docket the company had asked to  
14 shorten the term, not to shorten the nature of the  
15 calculation of the values, and you have just described a  
16 lot of issues with the nature of the calculations of  
17 values. I don't think you have described anything  
18 related to the contract term variation between using the  
19 same calculation method on a short-term contract versus  
20 long-term contract.

21 A. So I was trying to just answer the question  
22 per the statements here in the exhibit that you have  
23 handed me, which is in relation to contract term and  
24 then in the context of how that applies to what we are  
25 proposing here, whether it be for a 30 year asset or 20

1 year PPA.

2 I was just simply trying to draw the  
3 distinction as resources chosen as part of a least-cost,  
4 least-risk plan as opposed to purchases that are  
5 established at an avoided cost under federal mandate.

6 **Q. But you would agree with me that in both cases**  
7 **they expose customers to fixed price risks; is that**  
8 **right?**

9 A. It may perhaps in some ways. There's -- they  
10 are different risks though. They are one where we at  
11 least assess those risks. Certainly as part of this  
12 element, that is part of that least-cost, least-risk  
13 planning differentiation that I am trying to draw  
14 between these projects.

15 But we have done a lot of risk analysis in an  
16 11 month proceeding to support the economics for the  
17 resources we're seeking approval for, as opposed to a  
18 single run without any competitive bidding or review  
19 process, essentially, that's done for a PURPA contract.

20 **Q. But getting back to my question, the same**  
21 **fixed price risk is present in this case, is it not?**

22 A. Could you please clarify in what context?  
23 Just to make sure I understand the question correctly.

24 **Q. A long-term fixed. In this case it would be a**  
25 **recovery value for the company. In the 20 year PPA, it**



1 would have been a power purchase agreement contract.  
2 That exposes customers to what the company has described  
3 as an unreasonable fixed price risk, the risk of having  
4 fixed prices as compared to a market that may be lower.

5 A. Yeah. There are similarities, but I'm drawing  
6 a pretty key distinction to differentiate again what I  
7 see happening through a PURPA contract versus resources  
8 chosen as part of a least-cost, least-risk plan.

9 Q. So I guess let me ask you the inverse of that.  
10 Are customers not exposed to a fixed price risk in these  
11 contracts or in these capital expenditures for the  
12 combined projects?

13 A. There is certainly a fixed cost element to the  
14 projects that we are proposing, whether they were  
15 through the BTA or PPAs as they flow through rates. My  
16 point is that we have assessed those projects relative  
17 to a very broad and robust range of risks, market price,  
18 policy risks, system risks, none of which are considered  
19 when evaluating the PURPA contracts.

20 Q. But the fixed price risk remains; is that  
21 correct?

22 MS. MCDOWELL: Objection. This question has  
23 now been asked I think about four times, and he  
24 continues to answer it the way he has answered it four  
25 times. So I'm not sure we need the 5th.

1 MR. JETTER: With all due respect, he is not  
2 answering the question. So I keep asking the same  
3 question hoping for an actual answer.

4 CHAIRMAN LEVAR: I am going to sustain the  
5 objection. I think he has answered the question.

6 MR. JETTER: Okay. In that case I'll move on  
7 to another line of questioning.

8 Q. (By Mr. Jetter) Let's talk about the  
9 stochastic modeling that the company uses. Is it  
10 accurate that it uses five variables which are load, gas  
11 prices, market prices, hydro output, and thermal  
12 resource output?

13 A. Yes.

14 Q. And in that modeling, is it also accurate that  
15 the company randomly selects within a range of inputs, a  
16 range that is set by the person running the model?

17 A. Well, I wouldn't quite characterize it as a  
18 range of inputs. There are -- this gets a little  
19 statistical in nature, but there are volatility metrics  
20 and correlation metrics that are calculated off of,  
21 depending on the data set, historical data that the  
22 modelers use and then enter into the model.

23 But the modelers are not explicitly, to be  
24 clear, choosing combinations of the stochastic  
25 variables. That's normally done within a Monte Carlo

1 type simulation.

2 Q. Okay. But with the gas price, for example, do  
3 the modelers put in a range of low-to-high gas prices,  
4 and the model selects somewhere in that range?

5 A. Is this in the context of stochastic analysis?

6 Q. Yes.

7 A. Yeah. So the -- again, the modelers don't  
8 choose a low or high gas price number as part of our  
9 stochastic assessment. There's essentially a  
10 distribution driven by again the variables of -- this  
11 gets a little technical, but the volatility and  
12 correlations, again, that define that distribution, and  
13 the model is choosing from that distribution of  
14 variabilities when it's running its Monte Carlo  
15 analysis.

16 Q. Okay. And when you do that, that distribution  
17 curve for gas prices, does the model go out to the  
18 market and choose that distribution curve? Does it use  
19 artificial intelligence, or is it input by someone?

20 A. We enter in the volatility parameters. We  
21 update those every -- at least every IRP cycle or try  
22 to, again based off whatever historical data set we have  
23 at the time to refresh that analysis.

24 Q. So if your gas price forecasts were incorrect  
25 or your range of variability and that were incorrect,

1     **the model may have erroneous results; is that correct?**

2           A.     I wouldn't characterize it that way. I am not  
3     familiar with any forecast that's perfectly correct.  
4     They are all forecasts. The model is not erroneous in  
5     that it is producing some sort of erred output. It's  
6     reporting its output based off of those variables, which  
7     again are tied to empirical statistical analysis of  
8     actual market information.

9           Q.     Okay. But the result is dependent on the  
10    **inputs for the choices in those five categories; is that**  
11    **correct?**

12          A.     Yeah. The stochastic results are driven by  
13    those variables that are used on the Monte Carlo  
14    simulations.

15          Q.     And would you say that the results then are as  
16    **reliable as the inputs?**

17          A.     Certainly the results reflects the inputs.  
18    They are a product of the inputs.

19          Q.     Thank you. I'd like to discuss for a minute  
20    Rocky Mountain Power gas load forecasting, and for this  
21    part, the exhibit I am going to use presents us a little  
22    bit of a tricky situation because this is confidential  
23    information. But it's confidential information in  
24    another docket that some of the parties to this docket  
25    may not have been covered by their nondisclosure

1     **agreements, and I would like to --**

2                   CHAIRMAN LEVAR:   What docket is it?

3                   MR. JETTER:    It's the Jim Bridger, 12-035-92.

4                   MS. MCDOWELL:   So I --

5                   CHAIRMAN LEVAR:   Is anything from that docket  
6     still confidential?

7                   MS. MCDOWELL:   I was going to say, I think I  
8     can make this easier.  Mr. Jetter showed me the exhibits  
9     he wants to use.  I conferred with Mr. Link who has  
10    informed me that that information is no longer  
11    considered confidential.

12                  CHAIRMAN LEVAR:   Okay.  Thank you.

13                  MS. MCDOWELL:   Oh, great.  May my co-counsel  
14    enter the well and pass out this exhibit?

15                  CHAIRMAN LEVAR:   Thank you.

16                  (DPU Confidential Exhibit No. 1 was marked.)

17                  **Q.    (By Mr. Jetter)  I'd like to note for the**  
18    **record before we -- before we get started that the red**  
19    **line in this graph is erred in its labeling.  It says,**  
20    **RMP Henry Hub Price, 2017 URP update, and that should be**  
21    **IRP update.  And -- okay.  So I'd like to go on to some**  
22    **questions about this.**

23                  MS. MCDOWELL:   Excuse me before we go further.  
24    Just so the record's clear, does this have an exhibit  
25    number?

1 MR. JETTER: Yes, this labeled DPU  
2 confidential Exhibit 1.

3 MS. MCDOWELL: So that is your cross exhibit  
4 number?

5 MR. JETTER: Yes, yes.

6 MS. MCDOWELL: Okay. And just also for the  
7 record the brief from the QF docket, does that have a  
8 cross exhibit number?

9 MR. JETTER: I did not assign that a number as  
10 we were discussing it, and I didn't intend to  
11 necessarily enter that into the record. So I was just  
12 simply using it as a cross-example.

13 Q. (By Mr. Jetter) Would you accept, subject to  
14 check, that the different lines on this graph represent  
15 what they are represent -- what they were identified as  
16 in the top part of the graph, being the Rocky Mountain  
17 Power Henry Hub futures price 2017 IRP update, which is  
18 the red colored line? The four following, being four  
19 examples out of, I believe, nine scenarios that were  
20 presented in the 12-03-592 docket?

21 MS. MCDOWELL: I guess would I just like to  
22 say that we would like to see the underlying document to  
23 which this refers. I'm sure the witness would like to  
24 see it, and I would like to see it as well.

25 MR. JETTER: I have the confidential -- well,

1 I've got the IRP update, which I can provide as well as  
2 I think I only have one copy of Mr. Link's confidential  
3 testimony with that exhibit on which this is based, but  
4 I can provide that to the witness.

5 CHAIRMAN LEVAR: Let me jump in and say, this  
6 is probably a good time for a short break anyway. So  
7 why don't we take a 10 minute break or so and see if any  
8 of this can be worked out during the break? Thank you.  
9 We'll be in recess for 10 minutes.

10 (Recess from 3:30 p.m. to 3:40 p.m.)

11 CHAIRMAN LEVAR: Okay. I think we're back on  
12 record. And Mr. Jetter.

13 MR. JETTER: Thank you. We have had some  
14 discussion while we were on off the record, and the  
15 company has agreed to go forward with this. They have  
16 agreed with any representations made here, but that they  
17 are not -- I don't know how to describe this.

18 MS. MCDOWELL: Subject to check.

19 MR. JETTER: Subject to check, that these  
20 numbers on this graph represents what it is describing.

21 **Q. (By Mr. Jetter) So Mr. Link, is it accurate**  
22 **that this graph represents the purple line in the middle**  
23 **being the base gas forecast that was used in the Jim**  
24 **Bridger SER docket?**

25 A. Excuse me. Subject to check, yes.

1 Q. Okay. And also subject to check, is it a  
2 reasonable representation that the blue line, which is  
3 the highest line, represents the highest of the nine gas  
4 price policy forecasts used in that docket?

5 A. Subject to check, yes.

6 Q. And finally is it -- same question on low one.  
7 Is it, subject to check, a representation in the orange  
8 line there the lowest gas forecast used in that graph?

9 A. Again, subject to check, yes.

10 Q. Okay. And then finally there's a green line  
11 there that represents a low gas, base CO2 that differs  
12 from the orange line which was the low gas, no CO2; is  
13 that correct?

14 A. Yes.

15 Q. If you recall from that docket, could you  
16 briefly describe why there was a difference in the  
17 company's modeling of the two low gas forecasts  
18 depending on the CO2 price?

19 A. So maybe if I could clarify or make sure I  
20 understand your question, why there's a difference  
21 between the orange and green lines?

22 Q. Yes.

23 A. Okay. Sure. At the time of this process we  
24 had gone through -- we developed our price policy  
25 scenarios fundamentally the same way we do today, which



1 is ultimately review of their price forecast, try to  
2 find a central tendency to establish a base case, and  
3 then look at the range of third party forecasts to come  
4 up with potential low and high price scenarios. So that  
5 is fundamentally the same from what I recall back to the  
6 time these were produced as to what we do today.

7           However, at that time we also had a nuance  
8 where we tried to impute the fact that if there was a  
9 CO2 type of policy, that that would affect natural gas  
10 demand particularly or specifically in the electric  
11 sector of the U.S. economy for utilities and energy,  
12 that would -- so for example, if there was a higher CO2  
13 price, that might put upward pressure on natural gas  
14 demand and cause a slight uptick potentially in natural  
15 gas prices as a result of that.

16           Since that time, we have kind of simplified  
17 our approach for a whole number of reasons. A lot has  
18 changed since 2012. In fact, one of the main elements  
19 of this entire docket is the cost of renewables have  
20 come down quite a bit, so CO2 policies may not  
21 necessarily cause the type of natural gas demand  
22 response that we were assuming back when these were  
23 produced.

24           So we simplified our approach to just use kind  
25 of three natural gas price scenarios; low, medium, high.

1 Three CO2 price scenarios, in this case, zero, medium,  
2 and high to simplify that process.

3 Q. Okay. Thank you. And would that mean in this  
4 case that the green line there being the low gas, base  
5 CO2 would be the closest analogue to what is the low gas  
6 case in the current docket?

7 A. I think it's the low gas, no CO2, if I am  
8 understanding the chart correctly, would be closest to  
9 the low case in this docket. I guess I am trying to  
10 understand which combination of the nine you are  
11 referring to.

12 Q. So what I am trying to describe here is  
13 there's two different gas price forecasts for the low  
14 cases, and in the current docket we have only used one  
15 low gas that applies across all the price policy  
16 forecasts; is that correct? In each of the three low  
17 gas scenarios in both short and long-term.

18 A. Yeah. Low gas paired with three different CO2  
19 price scenarios but --

20 Q. Okay.

21 A. -- the same gas price assumption.

22 Q. So that low gas price in the current case  
23 would be equivalent to a low gas-based CO2; is that  
24 accurate?

25 A. Well, in our current application we have a low

1 gas -- trying to think of the issue here. We have got a  
2 low gas, zero CO2, base CO2, high CO2. So I have three  
3 low gas. I am trying to understand which one you are  
4 referring to in the current proceeding.

5 **Q. So what I am trying to refer to is that**  
6 **there's not a separate low gas, low CO2 gas forecast in**  
7 **this case that would be lower than the low gas --**

8 A. But --

9 **Q. -- medium CO2 forecast.**

10 A. Sorry. Yeah. We have -- as I have described,  
11 we have one gas price that we pair with three CO2 price  
12 assumptions. We simplified the approach for the reasons  
13 stated in my response earlier.

14 **Q. Thank you. And were you similarly**  
15 **conservative in your forecasting of the range of gas**  
16 **prices in the Jim Bridger docket?**

17 A. I am not sure your -- make sure I understand.  
18 You are saying similarly conservative. What's the basis  
19 to that statement?

20 **Q. I believe you described your modeling as being**  
21 **conservative. What does that mean to you?**

22 A. So in my summary, I walk through the six  
23 reasons why I believe our analysis is conservative.  
24 Don't know that I -- in response to your question, if  
25 you want me to walk through those particular six again,

1 but I could.

2 Q. Is a range of gas forecasts that includes the  
3 future part of that conservative analysis?

4 A. No, I didn't. I did not list as one of those  
5 six items the gas price forecast assumptions.

6 Q. Okay. So the gas price forecast is one of the  
7 elements of your modeling that the outcome of this is  
8 most sensitive to; is that accurate?

9 A. I don't know if it's most sensitive or not,  
10 but we -- the results are sensitive to gas price  
11 assumptions, which are really precursor for power price  
12 and the value of energy in the market. And we ran a  
13 range of those across three cases again with three pairs  
14 of CO2, and the higher the gas price, the higher the  
15 power prices, the higher benefits. Similarly on the low  
16 side, the lower the benefits.

17 Q. Thank you. And is it accurate as I look at  
18 this graph that the red line here, which is the medium  
19 gas forecast price, is not within the range for 2017,  
20 '18, '19, '20, '21, '22, '23 of the lowest gas forecast  
21 that was used in the 12-035-92 docket?

22 A. Yeah. The red line, which represents our best  
23 estimate of what gas prices are going to be from what we  
24 know now, is lower than what our best estimates of what  
25 gas prices look like using the same approach. I can't

1 remember the date of exactly when this was done. It  
2 feels like a long time ago, but at least several years  
3 back.

4 **Q. Okay. And actual gas prices today are not**  
5 **within even the widest range that you had used in that**  
6 **docket?**

7 A. Well, in the near term they're not. They  
8 start to cross over. If we are just looking at where  
9 the lines are on this chart, especially in the time  
10 frame where the projects are online, they are within --  
11 they are already within the range if we wanted to get  
12 particular.

13 **Q. But since that project with the ranges shown**  
14 **here, reality has not matched within any of the range**  
15 **from the highest to the lowest forecast that was made in**  
16 **the Jim Bridger docket?**

17 A. Well, none of this reflects reality. It's all  
18 forecast. At least I can say that, you know, at the  
19 time they were forecasts, and so my point that I am only  
20 making is, I believe you were stating that essentially  
21 the red line never falls within the range of the lowest  
22 to the highest from this Bridger SER proceeding. And  
23 I'm simply highlighting that, you know, in fact it does  
24 fall within the range. It's higher than the orange  
25 line.

1 Q. Okay. And that --

2 A. (Talking at once.)

3 Q. -- orange line is one that you did not use in  
4 this docket which was a low gas that was then modified  
5 dynamically by no CO2 price?

6 A. They are fundamentally different types of  
7 forecasts, so it's two different approaches and  
8 different methods. I can't recall if I would argue it's  
9 one we did or didn't use.

10 Q. Okay. And you would -- you would accept at a  
11 minimum that today's market prices are below the lowest  
12 range forecast in that docket?

13 A. I am going to go back to my same statement.  
14 I'm going to highlight that the price does go higher  
15 than the orange line.

16 Q. I'm just asking today's market prices for  
17 2018. That's less --

18 A. Like the gas price for tomorrow? Like  
19 day-ahead gas price?

20 Q. Yes.

21 A. I don't have that day-ahead gas price in front  
22 of me. So these are forward projections for calendar  
23 year '18 established as of December 2017 in terms of the  
24 red line.

25 Q. Okay. I think I am going to move on to my

1 next exhibit actually. I will briefly send out, and if  
2 we can mark this as DPU Cross 4, I believe is where we  
3 are at.

4 (DPU Cross Exhibit No. 4 was marked.)

5 (Discussion off the record.)

6 Q. (By Mr. Jetter) Do you have DPU Cross Exhibit  
7 4 in front of you?

8 A. Yes.

9 Q. Thank you. Can you tell me what first page of  
10 this is titled as?

11 A. I have to say my eyes played a joke on me. I  
12 thought it was the -- I almost said the 2017 IRP update,  
13 but it is the 2007 IRP update.

14 Q. Thank you. And if you open this to page 2, is  
15 this graph representing the update from the 2007 IRP to  
16 the 2008 business plan Henry Hub gas forecast?

17 A. It appears so.

18 Q. And would you describe, particularly from 2018  
19 on in that graph, that the forecast has reduced the  
20 forecast prices?

21 A. I'm sorry. You used two terms. The forecast  
22 reduced the forecast prices.

23 Q. I'm sorry. So the update from the 2007 IRP to  
24 the 2008 business plan shows a reduction in the gas  
25 prices from 2018 on?

1 A. Yes.

2 Q. And turning to the next page in this exhibit,  
3 is that the cover page of the 2008 IRP update?

4 A. It appears so.

5 Q. And looking at page -- the next page in this  
6 document, which is page 37 of the 2008 IRP update, does  
7 that reflect the October 2008 price as compared to the  
8 September 2009 forecasts for Henry Hub natural gas  
9 prices?

10 A. It appears so.

11 Q. And is it accurate that universally along that  
12 graph, all of the updated prices are again lower than  
13 the October 2008 forecast pricing?

14 A. Yes.

15 Q. And moving on to the next page, is this the  
16 cover page of the 2011 integrated resource plan update?

17 A. Yes.

18 Q. And as we move to the next page, which is page  
19 No. 38 of the 2011 IRP update, in that case is it  
20 accurate to describe this graph as showing a reduction  
21 in forecasts between the September 2010 and August 2011  
22 forecasts in years 2000 -- approximately 2018 out to  
23 about 2026, in which case there's a slight reversal, and  
24 approximately 2030 they are very similar?

25 A. Yes. That's what the graph appears to show.



1 Q. And moving to the 2013 IRP update, is it  
2 accurate that page 2 of that, the graph that is on the  
3 left side of the two shown there, shows a September '13  
4 business plan, a '13 IRP, and a '13 IRP update? Those  
5 are a little bit smaller graph because of the way it was  
6 presented.

7 A. Yes. I'm probably to blame for that to begin  
8 with, so but yeah, that's what appears what it looks  
9 like.

10 Q. Okay. And is it accurate to describe the 2013  
11 IRP update as the -- from 2018 going forward as the  
12 lowest of the three forecasts?

13 A. That's what the chart shows, yes.

14 Q. Thank you. And moving on for the 2015  
15 integrated resource plan update, it will be a similar  
16 question here. This is page 2 of the 2015 IRP update.  
17 Is it accurate to represent that as between the 2015  
18 IRP, which I believe is the top line on that graph, and  
19 the 2015 IRP update, that the 2015 IRP update shows a  
20 reduction in forecast gas prices?

21 A. Yes. It would look that way.

22 Q. Thank you. And finally the final portion of  
23 this Cross-Exhibit is a 2017 IRP plan update, and is it  
24 accurate to represent that in the 2017 IRP update,  
25 there's a reduction in gas price forecast out until

1    **years approximately 2030 or '31, in which case there's**  
2    **an inverse relationship there?**

3           A.    Yeah.  And I would also highlight, so it's  
4    clear, that the 2017 IRP update data series on this  
5    particular chart is the same essential gas price  
6    forecast used in the economic analysis portion of my  
7    testimony, which even at these levels, as noted in my  
8    summary, generates over 2.2 billion in gross customer  
9    present value benefits when assessed through 2015.

10          Q.    Okay.  Thank you.  And would it be fair to  
11    say, particularly if you compare the pattern across all  
12    these IRP updates, that beginning in 2017 -- or 2007  
13    through 2017 gas price forecasts have continued to drop?

14          A.    Yeah.  Gas price forecasts, as we walk through  
15    each of the updates we have made going back to about a  
16    decade ago, I would say generally starting with the 2007  
17    IRP information, again subject to check, as it was  
18    presented, has shown a declining trend.

19                Don't know that that can continue much  
20    further.  There's not much room to go down from there, I  
21    would say, after going through that incredible period  
22    where the key drivers to all of this is really the boom  
23    in nonconventional gas supplies in North America  
24    providing low cost supply driving down these prices over  
25    time.

1           **Q.    And that has led to a result today that,**  
 2       **compared to the Jim Bridger docket a few year ago, has**  
 3       **left us at least with forecasts, it sounds like you**  
 4       **don't know the current spot prices, that are below**  
 5       **lowest range used to evaluate that project?**

6           A.    Current prices, I disagree with the statement  
 7       that they are below the lowest range used in that  
 8       analysis.

9           **Q.    So if the spot price today was \$2.50, for**  
 10       **example, that would not be below the range?**

11          A.    Hypothetically, a spot price is not what we  
 12       are analyzing for the wind projects. We are looking at  
 13       a forward price. What's really driving the economics  
 14       are the spot prices for 2021 and beyond. Not the spot  
 15       price. The forecast price for 2021 and beyond. What  
 16       the spot price is for tomorrow or day ahead is  
 17       irrelevant. It has no bearing on the analysis.

18          **Q.    So does the spot price in 2026 matter?**

19          A.    Spot price is kind of a real time actual  
 20       price, so at some point in 2026 we'll know what  
 21       yesterday's price was on January 2, 2026. We'll know  
 22       what January 1st price was.

23          **Q.    Okay. So today's spot price would matter**  
 24       **potentially to the analysis of a prior project?**

25          A.    No. The analysis of prior projects are based

1 on the best information we have available at that time,  
2 assessed from the forecast that we have at this point in  
3 time, so I disagree with that.

4 **Q. So would you disagree with me that the results**  
5 **of actual prices compared to forecasts are a fair way to**  
6 **check if you forecast the model included reality?**

7 A. Yeah. I don't agree that. It's a check, but  
8 I certainly would not base my entire forecast off simply  
9 what prices were yesterday or the day before or last  
10 year and where those prices are going.

11 I think it's important to evaluate where we  
12 expect prices to go based on today's market dynamics and  
13 fundamental information rather than just trying to just  
14 turn a blind eye to that information and say yesterday's  
15 prices were X and they're going to be that way forever.

16 **Q. But you would certainly say it's a useful**  
17 **metric to compare the potential range of future gas**  
18 **price scenarios in context of historical gas prices; is**  
19 **that correct?**

20 A. I don't know that it's a use -- it's a metric  
21 that one can use to assess where forecasts are relative  
22 to where we have been in the past, and, you know, in  
23 that context, your reference to spot prices and actual  
24 prices we saw a significant spike in the 2008 to 2009  
25 time frame associated with the economic crisis that

1 began around that particular point in time. And so that  
2 gives you some context of how high prices can  
3 potentially go.

4 If there are economic disruptions or some sort  
5 of fundamental disruption to where gas prices could go  
6 which is in large part where we look at scenarios when  
7 we're evaluating these types of projects, the lows, the  
8 mediums, the highs, full recognition that those things  
9 can change.

10 **Q. Okay. And you recognize the forecasts in Jim**  
11 **Bridger did not include actual gas prices in many of the**  
12 **years since then?**

13 A. I am not sure I understand the question, but I  
14 believe I would say that the forecasts -- they were all  
15 forecasts. There were no, that I recall, historical or  
16 backward-looking actual prices used in analysis that I  
17 recall.

18 **Q. Okay. Maybe I am not asking the right**  
19 **question. Is it accurate that the purpose of**  
20 **forecasting gas prices is to try guess what the gas**  
21 **prices will actually cost to purchase gas in the future?**

22 A. I differentiate terms just for semantics.  
23 Guess versus forecast. I mean the forecast is what it  
24 is. The point of a forecast is to take the best  
25 information you have available to you at the point in

1 time you are deriving that forecast to determine what  
2 you think the most reasonable outcome will be, given  
3 that information.

4 And then recognizing there's uncertainties  
5 associated with any forecast, to then also use a very  
6 similar process to come up with a range of where things  
7 might end up if things turn out differently than what  
8 you are forecasting. Whether that be on the low side or  
9 the high side. Either range.

10 Q. And I don't think I got an answer to my  
11 question. Is -- when you create a forecast, are you  
12 trying to predict what the cost of gas will be in the  
13 future?

14 A. I guess in some ways you are trying to get a  
15 sense. You're predicting of what your best guess, your  
16 best forecast would be of where prices are likely to end  
17 up.

18 Q. Okay. And in answering that last question you  
19 had just described, you are trying to also with a high  
20 low gas predict the range of possible future outcomes  
21 or -- let me rephrase that. You are trying to predict a  
22 likely range of future outcomes?

23 A. Yeah. A range. Lows and highs around that  
24 base forecast.

25 Q. Okay. And then if you are being conservative

1 with your range, it would be a surprise to fall outside  
2 that range; would it not?

3 A. Maybe not for short periods of time. That's  
4 entirely possible. I think the range is intended to  
5 represent a basic long-term trend without to get into a  
6 forecast of explicit timing. Let's say boom-bust cycles  
7 or you know, short term supply disruptions, things that  
8 can cause volatility in the market to go higher than the  
9 forecast. But I would say, on a central tendency, you  
10 are trying to get within a reasonable range of where  
11 prices could be.

12 Q. Okay. And the more conservative that forecast  
13 would be, is it fair to say that the wider the range  
14 would be?

15 A. I am not sure I understand. I don't believe I  
16 agree with that statement.

17 Q. Okay. The wider the range that you use, the  
18 more likely you would be to include actual prices in the  
19 future; is that accurate?

20 A. I guess, in theory. If your question is, if I  
21 assumed a price of zero or a hundred dollars, a wide  
22 range for your example, the probability that future  
23 prices end up within that range would be higher. I  
24 would agree.

25 Q. And would it be also fair to say that if

1 prices fall outside of that range, then all of the price  
2 policy scenario forecasts potentially miss the actual  
3 outcome, that it wasn't within the range of high and low  
4 in the price policy forecasts?

5 A. I mean, we are trying to come up with a  
6 reasonable range of low and high price scenarios. We  
7 could come up with any number of forecasts, you know.  
8 We could, instead of doing -- what was it? 1300  
9 stimulations, we could add another 2010 forecast and  
10 triple that, but I think we are trying to get a sense of  
11 what are the low and high side risks. I think we have  
12 done that in our economic analysis.

13 We have got a pretty good sense of how these  
14 economics are affected by projections or assumptions  
15 that might differ from our base case view, and that's  
16 the whole purpose of that sensitivity analysis is to  
17 understand how those things move around, not precisely  
18 to -- not to precisely predict at every hour, at every  
19 month along the way, do we have the perfect forecast.

20 Q. And I think I have asked you this, but you do  
21 agree that looking at historical gas price levels is a  
22 useful way to evaluate the range of future natural gas  
23 prices?

24 MS. MCDOWELL: Can I object? I mean he has  
25 asked it and he has answered it, and you know, we are --



1 this is a lot of questions that are being reasked. And

2 I guess I would just object to this one. He's

3 acknowledged that he's already asked it. So I think --

4 CHAIRMAN LEVAR: I recall the specific answer.

5 MR. JETTER: Okay.

6 CHAIRMAN LEVAR: So I think it's been

7 answered.

8 Q. (By Mr. Jetter) I will move on briefly to a  
9 different -- slightly different line of questioning  
10 regarding this. Do you believe that any of the price  
11 policy scenarios out of the either nine or eighteen that  
12 you have presented are more likely hold a higher weight  
13 than any of the other ones?

14 A. Yeah. I do believe that our best projection  
15 of our best estimate of where we think the market will  
16 be is our base case. So my opening comments, I have  
17 urged the commission to make sure they take a hard look  
18 at our medium, medium case which we assess as our base  
19 case. To me that is our best representation or best  
20 forecast of the data and information we have today of  
21 where we are most likely to see this play out.

22 Q. Okay. And I am going to bring you a copy of  
23 DPU Cross Exhibit 2. Would you please turn in DPU Cross  
24 Exhibit 2 to line 638? A reminder for folks, this is  
25 rebuttal testimony of Mr. Link from the 12-035-92

1 docket, and would you read the sentence beginning on  
2 line 638?

3 A. Yes. "Rather, assigning probability  
4 assumptions would be a highly subjective exercise  
5 largely informed by individual opinion."

6 Q. And is that in reference to assigning the  
7 probability to the various price policy scenarios in  
8 that docket?

9 A. Based on my quick review of the question, I  
10 assume that that's the case. I'm trying to orient  
11 myself to the content of -- context of this Q and A.

12 Q. Okay. Let me just clarify that quickly.  
13 Could you please read the question on line -- beginning  
14 on 631?

15 A. Yes. "Have you assigned probabilities to each  
16 of these scenarios to arrive at a weighted PVRRD  
17 result?"

18 Q. And I will let the prior answer stand as the  
19 end of your answer to that question. And moving on to a  
20 little bit different topic about the transmission lines,  
21 changing gears here just a little bit. You testified  
22 that you think that the company will construct a  
23 transmission line requested in this docket with or  
24 without approval of these wind resources; is that  
25 correct?

1           A.    Yeah. I have noted, I think in reference to a  
2   number, Mr. Vail's testimony and testimony related to  
3   our long-term transmission plan, similar to I believe  
4   the comments we heard from Ms. Crane this morning in  
5   that the Aeolus-to-Bridger transmission line is  
6   identified as part our long-term transmission plan, the  
7   region's plan.

8           The current supposition is that line would be  
9   constructed in the 2024 time frame, even without the  
10   current EV 2020 or the combined projects, which really  
11   look to accelerate that transmission line to take  
12   advantage of the full value of production tax credits.

13          **Q.    So do you believe that that transmission line**  
14   **currently is noncompliant with any reliability**  
15   **standards?**

16          A.    I think that's a question best reserved for  
17   Mr. Vail.

18          **Q.    Okay. Are you aware of any other generations**  
19   **besides these wind projects that Rocky Mountain Power or**  
20   **PacifiCorp intends to build anywhere out there that**  
21   **would utilize these transmission lines?**

22          A.    Well, I think --

23          **Q.    And I can -- I can qualify that. Between now**  
24   **and 2025.**

25          A.    So no. I am not aware of specific Rocky

1 Mountain Power, I'll call it, least-cost, least-risk  
2 type of resources that might require that line. There  
3 are a lot of wind projects, I think as noted earlier, in  
4 that area seeking to interconnect to our system. They  
5 could be qualifying facilities, and so on those it's  
6 always difficult to predict whether or not one of those  
7 might become a Pacific -- PacifiCorp or Rocky Mountain  
8 Power resource in the context of PURPA.

9 But I would also highlight that it's my  
10 understanding as well that there are a number of reasons  
11 why transmission lines may be needed that go beyond  
12 potential use of the line, let's say, from a transfer  
13 capability perspective. It could be reliability-driven  
14 or other reasons, but that's my general understanding.

15 Q. Okay. And it sounds like you may not be the  
16 correct witness for this, but I'd like to ask it so I  
17 don't regret not asking it when we come to the next one.  
18 Are you familiar with who would pay for -- if a third  
19 party requires a network resource upgrade, upgrade to  
20 the transmission line, are you familiar with who would  
21 pay for that?

22 A. I have a basic general understanding of those  
23 rules, but I think to be clear for the record, it's best  
24 that that question be reserved for Mr. Vail.

25 Q. Okay. Thank you. At any point during this

1 docket, did you run the similar analysis to these  
2 projects for the Uinta project as a standalone project?

3 A. I think the analysis that we produced in my  
4 surrebuttal testimony to highlight the economics of  
5 removing Uinta is a marginal -- is the analysis that  
6 tells us what the marginal value of Uinta is in the  
7 overall portfolio of the projects being solicited  
8 through the 2017 RFP.

9 Q. And by that you mean, you did the analysis  
10 with the currently final final projects minus Uinta and  
11 the current final project plus Uinta; is that accurate?  
12 And compared those two scenarios?

13 A. Well, my surrebuttal -- I think that's  
14 correct, but let me just clarify and make sure I have  
15 got it right. The -- my surrebuttal testimony shows  
16 what the economic analysis would be by simply removing  
17 Uinta. That's the only change to the analysis, no  
18 change in assumptions, removing that project from the  
19 bid portfolio.

20 And when you compare that alongside the  
21 economics of the case that included all of the projects  
22 prior to removing it, the difference between those is  
23 essentially the impact of removing the Uinta project.  
24 So that's why I choose my statement to say that  
25 represents the marginal value or cost that Uinta had in

1 the prior analysis quantified by that comparison.

2 Q. Okay. And so then it's correct to say that  
3 you did not do a comparison in the same way without the  
4 combined projects with Uinta or without Uinta?

5 A. Could you please say that one more time? Make  
6 sure I have got it right?

7 Q. So you did not do an analysis of the company  
8 system without any of the combined project proposal, but  
9 with Uinta or without Uinta?

10 A. No. Our -- all of our analysis was based on  
11 what the model chose. So up until the point of removing  
12 Uinta, going back to the RFP, the bid selection process,  
13 we weren't hard coding in particular resources. And so  
14 the Uinta project, through that bid selection and  
15 evaluation process, was routinely being chosen as part  
16 of the winning bids, given the amount of resources  
17 available to the model.

18 Q. Okay. Thank you.

19 MR. JETTER: I have no further questions.  
20 Thank you.

21 CHAIRMAN LEVAR: Okay. Thank you, Mr. Jetter.  
22 Mr. Moore --

23 MR. JETTER: Oh, you know. Before we go on,  
24 I'd like to move for the admission of the exhibits that  
25 I have used.

1 CHAIRMAN LEVAR: Which exhibits have not been  
2 admitted yet?

3 MR. JETTER: Which are DPU Cross Exhibit 2,  
4 and then I believe --

5 CHAIRMAN LEVAR: The confidential exhibit?

6 MR. JETTER: We didn't use that one. Then the  
7 confidential exhibit which is actually marked DPU  
8 Exhibit 1. It's actually marked DPU Confidential  
9 Exhibit 1, and then DPU Cross 4 which is the set of IRP  
10 update documents.

11 CHAIRMAN LEVAR: Okay. So you are moving for  
12 the admission of those three --

13 MR. JETTER: Yes.

14 CHAIRMAN LEVAR: -- exhibits? If anyone  
15 objects to that, please indicate to me.

16 MS. MCDOWELL: I don't have any objections but  
17 the --

18 MR. MICHEL: Mr. Chairman?

19 CHAIRMAN LEVAR: Let her go first and I'll --

20 MS. MCDOWELL: Oh, excuse me. I'm sorry.

21 CHAIRMAN LEVAR: No. Ms. McDowell first and  
22 then we'll go to Mr. Michel.

23 MS. MCDOWELL: I don't have any objection. I  
24 just want to note DPU Exhibit 1 is not confidential.

25 CHAIRMAN LEVAR: Yes. It's labeled as

1 confidential, but I think we have that on record.

2 Mr. Michel?

3 MR. MICHEL: That was my same point too.

4 CHAIRMAN LEVAR: Thank you. Any further  
5 objections? Okay. The motion is granted. Thank you.  
6 Mr. Moore.

7 CROSS-EXAMINATION

8 BY MR. MOORE:

9 Q. Mr. Link, may I direct your attention to your  
10 May 15, 2018, surrebuttal testimony line 365 to 371?

11 A. You said starting on 365?

12 Q. 365. I believe there's a question there.

13 A. Yes, I'm there.

14 Q. The question provides, Mr. Hayet argues that  
15 the fact the company did not include the  
16 Aeolus-to-Bridger/Anticline transmission line in service  
17 in 2024 in the status quo case in its monitoring  
18 analysis indicates that the company does not, open  
19 quotes, again, really believe the transmission line  
20 would have been constructed in 2024.

21 There's a cite and the question provides, "Is  
22 this reasonable?" You answered that the proposition was  
23 not reasonable and penalizes the company for being  
24 conservative in its modeling assumptions; is that  
25 correct?



1 A. The testimony, I think, speaks for itself.

2 Q. In your summary today, you also mentioned that  
3 the analysis was conservative because it's not include  
4 the transmission line and that the base case would have  
5 included hundred of millions of dollars worth of  
6 benefits; is that correct?

7 A. Yes.

8 Q. Now, I direct your attention to your June 30,  
9 2017, direct testimony. Lines 770. Do you want to get  
10 your testimony first?

11 A. Yes, please.

12 Q. I direct you to lines 770 to 776.

13 A. Yes, I'm there.

14 Q. You again testified that the economic analysis  
15 is conservative because it doesn't take into the  
16 potential upside the possible value of RECs, but you  
17 dealt with the mention of potential upside of  
18 transmission projects beginning service by 2024; is that  
19 correct?

20 A. I did not mention it in our direct  
21 application. I highlighted the conservatism in direct  
22 response to, I believe it was the testimony of witness  
23 Hayet.

24 Q. Now, can I direct your attention to your  
25 January 16, 2018, supplemental direct and rebuttal

1 testimony, lines 585 and 641.

2 A. I am there.

3 Q. Again, you testified the economic analysis was  
4 conservative because it did not take into account  
5 potential upsides of possible REC values and reduction  
6 in operation maintenance costs associated with the use  
7 of large turbines, but again, you neglected to mention  
8 upside of the including transmission service as of 2024;  
9 isn't that correct?

10 A. Yes, it was not highlighted here. Again, it  
11 was brought up in response to the later testimony, I  
12 believe, of Mr. Hayet.

13 Q. And finally, may I direct your attention to  
14 the February 16, 2018, second supplemental direct  
15 testimony, lines 293 to 325.

16 A. I'm sorry. Could you please repeat the lines?

17 Q. 293 to 325.

18 A. I'm there.

19 Q. You again testified that your economic  
20 analysis was conservative because it does not take into  
21 account potential upsides of possible value for RECs,  
22 reduction in operation and maintenance costs, and the  
23 fact that CO2 costs were mistakenly modeled in 2012 real  
24 dollars instead of nominal dollars. Isn't that correct?

25 A. Yes. In this section those are the focus I am

1 highlighting. I would highlight that there are other  
2 sections where I note I believe our analysis is  
3 conservative not just in these areas describing  
4 potential upsides of the economic analysis.

5 But I will go back and stand by my earlier  
6 answer that any statement in my surrebuttal testimony  
7 that we began with was included in response to the  
8 testimony -- I can't remember if it was reply or  
9 rebuttal, the labeling of it from Mr. Hayet.

10 **Q. Isn't it true that reading your testimony as**  
11 **whole in this docket, you repeatedly emphasize the**  
12 **conservative nature of the economic analysis citing**  
13 **relatively modest upsides to various excluded input but**  
14 **do not mention until your final surrebuttal a supposed**  
15 **upside that has significantly more benefits associated**  
16 **with the assumption the transmission line was planned**  
17 **for 2024?**

18 **A.** I don't know if I agree with your  
19 characterization, but I certainly did raise that there  
20 is substantial upside, and the fact is that there is  
21 significant upside that was again raised in response to,  
22 again, the reply or second rebuttal of Mr. Hayet that  
23 was brought up in my surrebuttal. I think it's  
24 important to recognize that that is an important upside  
25 to these projects.

1           **Q.    It's the most significant benefit in your**  
2           **analysis, isn't it, potential upside?**

3           A.    I don't know that I have quantified all of  
4           them.  It is a significant benefit.  So it's notable,  
5           and I believe even in my summary today, I noted that  
6           that's one of the material risks of the do-nothing  
7           strategy is that project could be -- could be -- could  
8           be -- constructed and come on line without the benefit  
9           of the PTCs.  And if you account for that potential and  
10          real outcome that could occur, then these benefits would  
11          go up quite a bit from anything that we have modeled,  
12          and I think it's important to note that's the case.

13          **Q.    And again you testified that you made that**  
14          **argument after Mr. Hayet -- only after Mr. Hayet**  
15          **indicated that the fact that you excluded that benefit**  
16          **from your economic analysis indicates the transmission**  
17          **line would not actually be constructed by 2024?**

18          A.    I brought it up in response to the specific  
19          question that I had in my surrebuttal testimony that we  
20          started with.

21          **Q.    Now, Mr. Link, isn't it true that after the**  
22          **change in federal corporate income tax rates, the**  
23          **company changed its assumption regarding PTC benefits in**  
24          **its 2036 study period from calculating the benefits from**  
25          **levelized basis for a non-levelized or nominal basis?**

1           A.    Yes.  It is true that the timing is accurate.  
2   The -- after the new tax legislation was passed is when  
3   we first implemented this change, but the improvement  
4   that we -- that we did in terms of the PTC treatment in  
5   our economics had nothing to do with the passage of that  
6   tax bill.  They are completely separate dates.

7           Q.    I am going to hand you a portion of  
8   Mr. Hayet's confidential second rebuttal testimony.

9           A.    Thank you.

10          Q.    Can I have you turn to page 20.

11          A.    I am there.

12          Q.    This page includes a chart comparing the  
13   results of the company's economic analysis from the  
14   company original 2036 analysis, using levelized capital  
15   cost revenue requirements and levelized CTC benefits  
16   with the company's new analysis -- oh, did I state that  
17   correctly?  Yeah, I think I did.

18                   The company's new analysis using non-levelized  
19   PTCs and levelized capital cost revenue requirement and  
20   a third approach using non-levelized PTCs, a  
21   non-levelized capital cost revenue requirement.  Does  
22   that seem correct to you?

23          A.    I believe that's what the table with the three  
24   columns in the table are meant to represent.

25          Q.    Isn't it true that in your prefiled testimony,

1    **although you contested Mr. Hayet's modeling assumptions,**  
2    **you do not contest the calculations contained in this**  
3    **table?**

4           A.    The truth of the mathematical calcs for each  
5    of the thee scenarios, I didn't address as I recall any  
6    particular errors that I had identified.

7           Q.    **Isn't it true then this table demonstrates**  
8    **that under your previous approach, the change -- prior**  
9    **to the change in corporate income tax would result in**  
10   **approximately 233 million dollars lower benefits in**  
11   **every price policy case?**

12          A.    Yeah.  If the -- in terms of the difference in  
13    the numbers between column 1 and column 2, I would agree  
14    that generally, subject to check, that that's in the  
15    range of the difference between the cases.  But my  
16    testimony in this case is that the previous approach was  
17    significantly understating the benefits from the wind  
18    projects that are PTC eligible for.

19          Q.    **Isn't it true that the company changed its**  
20    **modeling to PTCs on a non-levelized basis is primarily**  
21    **objectified by the contention that this approach better**  
22    **reflects how the PTC benefits flowed to customers and**  
23    **rates?**

24          A.    Yes.  That's definitely one of the key  
25    criteria and the rationale for making that change, and

1 it's really driven by the fact that for the first time  
2 since I have worked with the company, we have used the  
3 system optimizer model to choose between different bid  
4 structures, whether that be a build transfer agreement  
5 or a benchmark, essentially an owned and operated asset  
6 where we get the PTCs and pass that through, relative to  
7 other alternatives like a PPA where that is not the case  
8 where we just pay a PPA price through the term of the  
9 contract.

10 So given the fact that this was the first time  
11 that we have used the model in this way, we took a hard  
12 look to make sure that the model's calculations were  
13 accurately reflecting the very fact that there is a  
14 front-loaded benefit associated with the PTCs that is a  
15 legitimate reason for present value calculations to  
16 reflect that benefit when choosing between these  
17 different structures.

18 **Q. Isn't it also true that Mr. Hayet's third**  
19 **analysis using non-levelized PTCs and non-levelized**  
20 **capital costs not only depicts how PTCs are reflected in**  
21 **rates but how cost revenue requirements are reflected in**  
22 **rates?**

23 A. That's, I believe, if I recall, the assertion  
24 in Mr. Hayet's testimony, without rereading it all right  
25 here in front of me. However, I would highlight that I

1 disagree with this approach when being used through the  
2 2036 timeframe because it inappropriately captures all  
3 of the cost, the front-end loaded cost associated with  
4 the capital without any recognition of the benefits  
5 beyond the 2036 time horizon.

6 If there is reason to want to look at rate  
7 implications, it's the very purpose in which the company  
8 produced its analysis through 2050, where present value  
9 calculations capturing the full life of the asset, the  
10 full cost of the project, including the full life of the  
11 potential benefits, is a more appropriate way to try to  
12 capture rate implications while still getting a present  
13 value look, but this approach I am not in agreement with  
14 as being an appropriate look.

15 **Q. So do you capture -- let me make sure I**  
16 **understand you. Do you capture how PTCs -- well -- how**  
17 **these various components reflect in rates, the 2050**  
18 **analysis is more appropriate?**

19 A. Yeah. There's an interest to understand how  
20 the numbers look in rates. That's the purpose  
21 essentially of why we produce the 2050 analysis. That  
22 analysis, like any long-term analysis, is most  
23 beneficial in the earlier years, especially for that  
24 purpose.

25 But if one wants to calculate present value



1 benefits, kind of wrapping up the full life cycle costs  
2 into a single figure, then it's only appropriate to look  
3 at nominal capital, in my opinion, when done over that  
4 longer term.

5 Q. Turning finally to -- I know you don't accept  
6 this approach, but turning to the non-levelized PTC,  
7 non-levelized capital approach demonstrated in  
8 Mr. Hayet's table, benefits decrease approximately 308  
9 million dollars in every price scenario, resulting in  
10 noneconomic results in the low gas, zero CO2 and low  
11 gas, medium CO2 cases, and insignificant benefits in  
12 medium gas, medium CO2 case.

13 A. I'm sorry. Was that a question or --

14 Q. I'm sorry. Did I say isn't it true  
15 beforehand?

16 A. You may have. If I missed it, I apologize.  
17 Subject to check on the exact math, I am -- a calculator  
18 would help, but I'll go with the general representation.

19 MR. MOORE: Thank you. I have no further  
20 questions.

21 CHAIRMAN LEVAR: Thank you, Mr. Moore.  
22 Mr. Russell.

23 MR. RUSSELL: Thank you, Chairman LeVar.

24 CROSS-EXAMINATION

25 BY MR. RUSSELL:

1           Q.    I'll note at the outset that my colleagues  
2   have addressed some of the matters that I wanted to  
3   address, so I'm going to jump around a little bit.  
4   Let's start with table 3SR, Mr. Link, of your  
5   surrebuttal testimony that's on top of page 10.

6           A.    I am there.

7           Q.    Okay. I'll wait until everybody else has a  
8   chance. Okay. I think we're all there. Table 3SR  
9   presents information related to -- it presents your  
10  high-level estimate of the costs or benefits of the  
11  project from removing Uinta alongside the modeled  
12  result.

13                   I guess my initial question is, which of those  
14  is the cost or benefit number that you want the  
15  commission to use in making its determination on this  
16  resource decision?

17           A.    So again, I'll emphasize that I do believe the  
18  medium gas/medium CO2 case is the primary case for  
19  review, and so in that instance, the model results in  
20  the center column here without Uinta showing the 338  
21  million dollar benefit at the top of the table kind of  
22  the center of that chart, when assessed through 2036, to  
23  me is the best figure to look at.

24                   And then similarly, at the bottom when looking  
25  at results through 2050, the 174 million dollars net

1 benefit figure, and again the center of that table.

2 Q. My question was somewhat imprecise. I -- the  
3 question I was intending to ask, but you may have  
4 answered is, as between the high-level estimate and the  
5 modeled result, which are the numbers that you want the  
6 commission to look at? It seems as though you are  
7 pointing to the modeled result; is that right?

8 A. Yeah. For the price scenarios we have that  
9 model result, the modeled result is the appropriate  
10 number to look at. The high-level estimates were used  
11 to calculate essentially, as the name implies, an  
12 initial high-level estimate across all nine price policy  
13 scenarios. The testimony describes the approach used to  
14 do that.

15 By comparing the modeled result to that  
16 high-level estimate here and the differential being  
17 shown in the column off to the right, my conclusion is  
18 that the high -- the modeled result confirms ultimately  
19 that the high-level estimates are reasonable estimates  
20 for assessing that range of outcomes across those nine  
21 price policy scenarios, where we have actual model  
22 results for those particular price policy scenarios  
23 shown here, in both the 3206 and through 2050 cases.

24 Q. In speaking of the through 2036 and through  
25 2050 scenarios, do you have a recommendation for this

1 commission as to which, as between the two of them, they  
2 should focus on?

3 A. Yeah. I think as I have testified throughout  
4 this proceeding, I believe there's value in both  
5 approaches. A couple reasons for that. The through  
6 2036 studies are consistent with a couple things.

7 One, those are the models that were used to  
8 choose the resources from the RFP. Model selection and  
9 bids were done through the 2036 results basically using  
10 our IRP models effectively mimicking our IRP process,  
11 replacing proxy and resources traditionally used in an  
12 IRP with actual bids and actual data that the model  
13 could choose from to determine the least-cost  
14 combination of resource, so consistent with least-cost  
15 planning principles and how we perform our resource  
16 plan.

17 And so I believe that's a very valuable tool  
18 to look at, particularly when comparing resource  
19 alternatives. And secondly, I think the value in the  
20 2050 numbers is to get a sense of what the annual  
21 revenue requirement implications might be between the  
22 two cases that we're looking at for any price policy  
23 scenario, one with and one without the combined process,  
24 again I think that has value.

25 I do believe that the further out you go in

1 time, it's -- the bands of uncertainty on that perhaps  
2 get a little larger, particularly on the benefit side.  
3 We have a really good idea of what the costs are in  
4 terms of revenue requirement as you go out over that  
5 period, but it's the range in benefits, whether it's net  
6 power cost or other things, that are a bit more  
7 difficult to project out through 2050.

8 So I believe they both have value in their own  
9 way, and I think importantly we look at all of them, and  
10 that's why in my opening comments I highlight that of  
11 the 18 cases, we've got 16 of them across all of the  
12 short term, long term and price policy scenarios that  
13 are showing significant benefits for customers.

14 Q. You testified in the repowering hearing in  
15 this very room at the beginning of this month, correct?

16 A. I did. I remember it well.

17 Q. And fondly, I'm sure. You testified in that  
18 docket that you recommended the 2050 look over the 2036  
19 look; is that correct?

20 A. (Witness nods.)

21 Q. And I don't intend to put words in your mouth,  
22 but I think the reason for that was that the resources  
23 that would be retired, the base case would be that they  
24 would have run through approximately 2036 or something,  
25 and that the benefits of the repowered resources would

1     **increase after that 2036 time period. Is that right?**

2     **Feel free to rephrase that if I didn't get it quite**  
3     **right.**

4           A.     Sure. First I'll agree that I believe I did  
5     suggest that the 2050 -- through 2050 results had  
6     significant value in that proceeding, and in that case  
7     what was particularly unique about the repowering  
8     project is the fact that that beyond 2036 when those  
9     assets would otherwise have retired, the incremental  
10    change in energy that we expect out of those projects  
11    relative to a case without it was quite sizeable,  
12    essentially the full output of those projects as opposed  
13    to just the percentage increase expected prior to that  
14    time period.

15                   And so that's unique to that repowering  
16    project and why in my mind I recommended giving a little  
17    extra weight to the results through 2050 in that  
18    proceeding. I do still think the 2036 had value in  
19    that -- in that case. It wasn't without value or  
20    merits.

21                   It's still consistent with the time frame  
22    using our IRPs and how we compare different resource  
23    alternatives. In this case again, I still stand by the  
24    fact that the 2050 is valuable, but so is the 2036. I  
25    like to look at both of them.

1           Q.    The 2036, as we have -- you have discussed  
2   with Mr. Moore, and I believe you and I discussed at the  
3   beginning of the month, the use of levelized capital  
4   costs does not reflect capital costs in the way that  
5   they would be experienced in rates through the 2036 time  
6   period, correct?

7           A.    That's correct. The levelized costs -- we  
8   don't levelize capital costs in revenue requirement.

9           Q.    And you mentioned that the 2036 look was  
10  the -- was the study that was done to evaluate the RFP.  
11  The independent evaluators expressed some concern about  
12  that, didn't they?

13          A.    We definitely shared this, and my recollection  
14  and review of the -- well, first my recollection of the  
15  conversations with the independent evaluator which I was  
16  involved with at the time these analyses were being  
17  performed and then his comments in his closing report  
18  and other reports throughout the process were that he  
19  certainly raised a question about it.

20                He wanted to understand, I think, just like  
21  all do, why that was being done. What was the purpose  
22  of it. Consistent with the comments that I had had in  
23  my testimony in this case. They are essentially the  
24  same that we spoke with on the IE, which is it's more  
25  consistent with how these are being treated in rates.

1 To address some of the IE's concerns, they  
2 requested analysis. We were responsive to it. We ran  
3 the study out to 2050 where it was more appropriate to  
4 look at the cost in that format, and I believe in the  
5 end, my recollection of the IE's comments, and I know he  
6 will be here in attendance at some point so we can ask  
7 him directly, but in the end he ultimately concluded  
8 that the -- that treatment didn't ultimately affect the  
9 bid selections coming out of the 2017R RFP process.

10 Q. Let's look at the Utah IE's report, and I do  
11 recognize that he will be here, but I have a question  
12 for you related to his testimony -- to his report,  
13 excuse me. And it's page 81 of my version and it's your  
14 Exhibit 2 SR.

15 I recognized in my review of the various  
16 versions of the testimony that the IE's report page  
17 numbers are a little bit different depending on what  
18 version you have. Which version do you have, Mr. Link?

19 A. I believe I have the one that is the exhibit,  
20 but maybe to ensure we're at the same place, you could  
21 point me to a section header.

22 Q. Yeah. So the first three words that I have on  
23 the top of page 81 are, "Requirements identified in."  
24 Is that what you have?

25 A. Yes.



1           Q.    Okay. I will note for the record that the  
2   redacted version that some folks here have, the page  
3   numbers are a little bit off. I'm not sure why, but  
4   that's the case. I want to focus your attention to a  
5   sentence kind of in the middle of that first big  
6   paragraph. I guess it's the second full paragraph that  
7   starts, "We also questioned."

8           A.    Yes. I'm there. I see it.

9           Q.    Okay. We -- And I'll just read it. "We also  
10   questioned the use of nominal value for the PTCs in  
11   calculating their portfolio evaluation results. In  
12   addition, we questioned the term of the evaluation;  
13   i.e., 2017 to 2036. Our concern was that all these  
14   factors could bias the evaluation results toward BTA  
15   option in which Pacific Corp would be project owner and  
16   the costs would be included in rate base.

17                "At the request of the IE's, PacifiCorp ran 30  
18   year analysis as well as assessments without using  
19   nominal dollars for PTC benefits. The results show the  
20   BTA and PPA for the most competitive projects to be  
21   close in value. We feel that there is perhaps a small  
22   bias favoring BTA's based largely on the value  
23   attributed to the PTCs."

24                Now, I want to focus first on the -- on this  
25   issue of asking you to run a 30 year analysis. Was that

1 the same 30 year analysis that is being presented in  
2 table 3SR that we looked at, or is that a different 30  
3 year analysis?

4 A. It would have been different in a number of  
5 ways. I think first, the independent evaluators  
6 specifically requested 30 year analysis results from the  
7 system optimizer model. Throughout the docket in this  
8 proceeding those nominal revenue requirement through  
9 2050 look has been done on our planning and risk for PaR  
10 model results.

11 Separately also at that point in time, we were  
12 in the middle of the bid evaluation and selection  
13 process. Certainly not where we are today, and so the  
14 list of projects and resources we were comparing and  
15 what was our then current short list to an alternative  
16 using these alternative assumptions is different than  
17 what's in my surrebuttal testimony. That excludes the  
18 Uinta project.

19 Q. Okay. And I think I'm going to reserve my  
20 question on the second half of that paragraph for  
21 Mr. Oliver. Let's go back for a second to your table  
22 3SR, page 10 of your surrebuttal.

23 A. If I recall, that's page 10 you said, right?

24 Q. Yes. Okay. You present in table 3SR the  
25 numbers that we've discussed. For -- let's focus just

1 on this middle column, the modeled result and for the  
2 moment let's focus on the medium gas/medium CO2. But  
3 you present numbers from the 20 year look through 2036  
4 and then also the 30 year look through 2050.

5 I notice that there's a fairly large  
6 discrepancy between the benefit numbers there, and I am  
7 wondering what you can tell me as to why there is. And  
8 my quick calculation is there's 164 million dollars  
9 worth of difference in those numbers, and I am wondering  
10 if you can tell me why.

11 A. Sure. Between the 2036 to 2050?

12 Q. Yeah.

13 A. Yeah. There's a couple of reasons why that's  
14 the case. I think one, probably one of the largest ones  
15 is the fact that I believe, as I mention in my summary,  
16 the extrapolation of results that we have beyond 2036 is  
17 conservative in the sense, for a number of reasons.

18 If -- if you look at the check -- in fact I  
19 could probably point you, if you give me a second, to a  
20 graph in my surrebuttal testimony that I can speak to to  
21 highlight in my response one of the key drivers to  
22 address that specific question, if you just give me a  
23 moment.

24 It's figure 2SR beginning at line 1405, page  
25 63 of my surrebuttal testimony, and I'll focus on the

1 dark dotted line there, which is essentially the dollar  
2 per megawatt hour gross benefits associated with the  
3 combined projects over time as used in that analysis out  
4 through 2050.

5 And in that figure, you will see a drop that  
6 occurs in 2037, which is the first year that we  
7 extrapolate results from the modeled outcome, and that  
8 we do not get back to the levels observed in 2036, the  
9 last year we have the modeling results, until beyond  
10 roughly around that 2047 to 2048 time frame.

11 In my opening comments, I believe I  
12 highlighted that if one were to simply extend the 2036  
13 results at inflation as an alternative to this  
14 conservative extrapolation approach, that would add  
15 about 150 million of benefits, which is, I believe,  
16 pretty close to, if I recall the figure you quoted,  
17 about 164 is what you calculated between.

18 So it's just a -- one of the reasons why there  
19 could be a big difference between those figures. The  
20 costs, I don't believe were capturing the full value of  
21 the benefits in the long period, which was never really  
22 intended to be the point of that particular analysis.

23 **Q. It's also true that you are not capturing all**  
24 **of the costs in the 2036 time frame, right? As we have**  
25 **discussed, the capital costs will be experienced not**

1 levelized. You have testified the capital costs will  
2 not be levelized in rates, right?

3 A. Yes.

4 Q. But in the 2050 look, we get all the capital  
5 costs, right?

6 A. And the benefits. My point is that the  
7 benefits are conservative.

8 Q. But in the 2036 look, we also have all of the  
9 PTCs. As you said, they are front-loaded into the 2036  
10 look, right?

11 A. Correct. And my testimony is that that is the  
12 appropriate way to model it, and maybe to help clarify  
13 that issue, levelizing -- let's say we chose to levelize  
14 PTCs over a 10 year period. The present value impact of  
15 that calculation is identical to treating PTCs as a  
16 nominal benefit by definition. Mathematically that is  
17 the case.

18 So inherently all that we have done is  
19 essentially levelize cost and benefits over the period  
20 in which they are expected to occur, PTCs over 10 years,  
21 capital costs over 30 years, run rate, operating cost  
22 and benefits on a year-to-year basis without -- they are  
23 kind of on a nominal basis. That's the appropriate way  
24 for resource selections and running the economic  
25 analysis through 2020.

1 Q. But as between the two looks, the 2036 and the  
2 2050, the 2050 look is the only one that includes all of  
3 the PTCs and all of the capital costs, right?

4 A. It includes all of the capital costs certainly  
5 for the wind, all of the nominal cost for the  
6 transmission, the PTCs. The 2036 uses levelized capital  
7 costs because it doesn't account for any of the benefits  
8 that would accrue as a result of that investment and  
9 spending that capital beyond the 2036 time frame.

10 Q. Okay. And we started by looking at the  
11 medium/medium case in your table 3SR. We'll go back to  
12 that table and look at the -- and this is again on page  
13 10 and look at the difference between the low cost, zero  
14 CO2 modeled results from the 2036 study and the costs  
15 from that same price scenario in the 2050 study.

16 And we mentioned that the difference in the  
17 medium/medium between those two studies is 164 million.  
18 The difference in the low gas/zero CO2 is even greater.  
19 My quick calculation is a 287 million difference, and  
20 you can agree with that or not. I am not really asking  
21 you to agree with it.

22 I am just -- all of this -- all the questions  
23 that I just asked you about why those differences exist,  
24 I assume those are also true for the same -- you know,  
25 for all the same reasons that we just discussed for the

1 medium/medium case.

2 A. Yeah. The approach, the methodology, the  
3 treatment of PTCs, capital costs is identical between  
4 the two cases. All that's different is the price policy  
5 scenario assumptions and ultimately its impact, that  
6 impact on system operations and resource selections.

7 Q. Bear with me for just a moment. I want to ask  
8 you about some testimony in your surrebuttal, prefiled  
9 surrebuttal testimony relating to the energy information  
10 administration's annual energy outlook from this year.  
11 Do you recall that?

12 A. I recall making reference to the EIA's report.

13 Q. Okay. And I think that reference is at page  
14 16 -- excuse me, line 1608 of your testimony on page 72.  
15 If you could turn to that, and I'll tell you what I --  
16 how I understand your testimony. You can tell me if you  
17 think that's incorrect.

18 My understanding of what you are saying here  
19 in this portion of your testimony is that the low gas  
20 scenarios that PacifiCorp modeled, the assumption in the  
21 low gas scenarios was that LNG exports, liquid natural  
22 gas exports, would stay low or flat long-term, right?

23 A. I believe that's one of the drivers behind the  
24 fundamental assumptions in the low gas scenario.

25 Q. Okay. So if there are others, what are they?

1           A.    I am trying to recall without -- you know,  
2   from memory, but typically it could be other economic  
3   drivers beyond just -- it wasn't just particularly, say,  
4   an LNG scenario.

5           **Q.    Okay. And you cite to the annual energy**  
6   **outlook, 2018, to suggest that -- or to conclude that**  
7   **LNG exports will in fact rise over, you know, the next**  
8   **couple of decades, right?**

9           A.    I think it's to highlight that it's -- it's  
10   essentially one of the key assumptions behind our base  
11   case forecast, which does show, we've seen some of the  
12   figures, rising gas prices a bit over time. That is  
13   driven in large part by increasing LNG demand which is a  
14   global demand; exports out of the U.S. natural gas  
15   market, essentially requiring more supply from the North  
16   American gas market to ship that gas to other markets  
17   globally.

18                   There's a lot of activity in that arena to  
19   permit and develop these LNG export terminals that have  
20   been ongoing, and it's essentially one of the key  
21   reasons why I don't believe it's useful to look at what  
22   happened last year, what happened two years ago, as the  
23   means to forecast where gas prices will likely be, given  
24   what we know today. None of that would be captured, the  
25   fact that there is investments going into LNG terminals



1 to export this natural gas by looking at simple historic  
2 price data.

3 My reference to the annual energy outlook is  
4 to simply highlight that assumption in the company's  
5 base case forecast is not inappropriate. There are  
6 other forecasters out there making the same type of  
7 projections that we're not sitting here in isolation and  
8 kind of off the reservation so to speak.

9 Q. And as the EIA states in that report, its  
10 assumption regarding escalating LNG exports is that  
11 exports of LNG will escalate precisely because gas rates  
12 will stay low, domestic gas prices will stay low, right?

13 A. Without the specific reference to the report,  
14 I have gone through it, I can't say precisely what the  
15 AEO 2018 section you are referencing states.

16 Q. Okay. I have it and I'll hand it out in just  
17 a second.

18 A. Thank you.

19 Q. I haven't marked this yet. Let's mark this as  
20 UAE Cross Exhibit 1.

21 (UAE Cross Exhibit No. 1 was marked.)

22 Q. (By Mr. Russell) And I'll represent that this  
23 document is a -- is a portion of a much larger document.  
24 The EIA energy -- annual energy outlook is a very large  
25 document. I didn't print the whole thing out because it

1 is quite large. What I have printed out is the cover  
2 page, several pages relating to the reference case, in  
3 case we need it, as well as the entire section related  
4 to the EIA's discussion of natural gas and natural gas  
5 forecasts.

6 Mr. Link, I'll have you turn to -- towards the  
7 back of the exhibit that I have handed you is a page  
8 with -- just for the record, this is -- the pages are  
9 sort of laid out like a Power Point presentation with  
10 one slide on top and one slide on bottom, so there's a  
11 page 73 or slide No. 73. Maybe you can refer to it that  
12 way. Do you have that?

13 A. 75. I'm sorry. Could you state that one more  
14 time?

15 Q. Yeah, I wanted to look at the next to last  
16 page of the exhibit that has two slides, 73 and 74.

17 A. Thank you.

18 Q. It didn't -- yeah.

19 A. You just noted there are two page numbers per  
20 page. That's what was throwing me.

21 Q. Yeah. Made it hard to print too. Is this the  
22 information you were referring to in your testimony when  
23 you explained that LNG exports will be -- will be  
24 increasing over time?

25 A. Yes, I was just taking a look at that and

1 noting the suppositions. I am going to jump just  
2 temporarily, for example, to page 75 which shows in  
3 trillion cubic feet the level of liquified natural gas  
4 exports from the U.S. or out of the U.S. across a range  
5 of different cases, it looks like, and in their  
6 reference case, that that is increasing over time.

7 Q. Okay. And can you explain to me what the  
8 reference case is if you recall? If you don't, I have  
9 got the explanation for what the reference case is here,  
10 but maybe we can just shortcut that.

11 A. That's fine with me. I mean it's essentially,  
12 my view is they are kind of base case view as well.

13 Q. Okay. So they have got a base case view, and  
14 then they have got what they call the high technology  
15 view which results in lower prices and then the low  
16 technology sensitivity or view which results in higher  
17 prices, right?

18 A. As I understand it.

19 Q. Yeah. And I will point to you to, and we'll  
20 go with the slide numbers just for easy reference.  
21 Let's go to page or slide No. 62, and I want to look at  
22 the next to last bullet on that page.

23 And that says, "After 2020, production grows  
24 at a higher rate than consumption in all cases, except  
25 in the low oil and gas resource and technology case,

1 where production and consumption remain relatively flat  
2 as a result of higher production costs." Now, if  
3 production is growing at a higher rate than consumption,  
4 that would place downward pressure on prices, correct?

5 A. Generally my expectation of basic  
6 supply/demand is that this is an increase in supply  
7 without a change in demand. All else equal, I would  
8 agree that that would fundamentally put downward  
9 pressure on prices.

10 Q. Then let's turn the page and focus on a couple  
11 of statements on slide No. 64. I'll note for the record  
12 that slide No. 63 has a couple of graphs related to  
13 natural gas production and natural gas spot prices.

14 Going to slide 64, the header at the bottom of  
15 this says that Henry Hub prices in the AEO 2018  
16 reference case are 14 percent lower on average through  
17 2050 than in AEO 2017, right?

18 A. Yeah. The words are what they are, but that's  
19 what they say.

20 Q. Sure. So what they are saying, despite your  
21 notation that their expectation is that LNG exports will  
22 go up, it's that the reference case forecast is a  
23 reduction in prices over that time period by 14 percent,  
24 right?

25 A. I don't agree. I think we're mixing and

1 matching how we're describing potentially changes or  
2 reductions in gas prices. So I read this as overall,  
3 the gas price forecast by 2050 from, say, the prior  
4 energy outlook is, according to the numbers in the  
5 report, 14 percent lower than in the current forecast.  
6 That's not the same thing as saying over time between,  
7 say, today out through, 2050, there is an upward price  
8 trajectory over that time horizon.

9 Q. I guess I am not sure what distinction you are  
10 making. It is this very report you cited indicating  
11 that LNG exports would be rising. Yes?

12 A. Right. To highlight the fact that, let's say,  
13 year on year as those LNG exports come to fruition,  
14 essentially more demand for natural gas, increased cost  
15 to produce more of that gas, year-on-year changes as  
16 that grows, you would expect an increase in price.

17 What I am not describing is a fundamental  
18 shift in all years, say, up or down, but that the timing  
19 of that will be somewhat dependent on when those LNG  
20 exports are expected to occur.

21 Q. And I guess the question I have is, the  
22 reference case here takes that into account, takes into  
23 account those -- the assumption of increased LNG  
24 exports, right?

25 A. Yes. Its year-on-year price trajectories are

1 influenced by those fundamental drivers, and that the --  
2 I'll also note that the EIA reference case forecast is  
3 higher than our base case forecast.

4 Q. And I'll point you to one last statement in  
5 the report. It's the last bullet point on slide number  
6 64. And it says, "Natural gas prices in the AEO 2018  
7 reference case are lower than in the AEO 2017 reference  
8 case because of an estimated increase in lower cost  
9 resources primarily in the Permian and Appalachian  
10 basins, which support higher production levels at lower  
11 prices over the projection period."

12 And I guess that just gets back to my initial  
13 question. Isn't the fact that expectations of the  
14 increased LNG exports, isn't that reliant on the idea of  
15 lower domestic gas prices?

16 A. No. I don't -- I don't think they are.  
17 That's not what I read in EIA statement that they are  
18 referencing here.

19 They were simply kind of saying the same thing  
20 that their headline states which is, due to increased  
21 production out of two of the biggest shale plays in the  
22 U.S. market, the Permian Basin and Appalachian Basin,  
23 Permian being up in more Texas/ Oklahoma area,  
24 Appalachian being in the Appalachian region, they are  
25 expected that the cost to produce the gas from those

1 supply basins is lower in this year's forecast versus  
2 the prior year's forecast.

3 That is fundamentally a key driver behind the  
4 reason, I think, According to what I interpret their  
5 statement being, that their forecast this year is lower  
6 than it was the prior year, the year before. That's not  
7 the same thing -- it's not connected, per se, to the  
8 fact that year on year, in this year's forecast they  
9 assume an increase in LNG exports. And coincident with  
10 that, you see an increase in their gas price on a  
11 year-on-year basis.

12 **Q. Do you disagree that an assumption regarding**  
13 **future LNG exports can be sensitive to domestic natural**  
14 **gas prices? I guess the question I am asking is, do**  
15 **those two things have some relation to each other?**

16 A. I would say it's one of many variables that  
17 could go into LNG. Certainly I have done this a couple  
18 of times today. I like to give examples in extreme, but  
19 you know, if gas prices in North America were  
20 exceptionally high for some period of time for whatever  
21 reason, 20 dollars or 30 dollars, then that price would  
22 not compete in the global market. You wouldn't have as  
23 many LNG market exports, but that's just one variable.

24 Similarly, if prices were exceptionally low in  
25 the U.S. natural gas market in terms of being able to

1 produce -- the cost to produce the gas were very low,  
2 that would create a market advantage for U.S. gas  
3 producers in the LNG export market; and so you would  
4 expect, all else equal, that that could lead to  
5 increased LNG exports potentially.

6 However, there are a number of other variables  
7 on the demand side of the equation and the supply side  
8 of equation that makes it difficult in isolation to  
9 answer the question as presented.

10 MR. RUSSELL: I don't have any further  
11 questions.

12 CHAIRMAN LEVAR: Okay. Thank you, Mr.  
13 Russell. This is probably an appropriate time to stop  
14 for the day. I'll just mention that tomorrow, if  
15 there's no objection from PacifiCorp, we'll probably  
16 finish with Mr. Link, then go to Mr. Oliver, unless you  
17 have an objection to that. And then we'll also try to  
18 get Mr. Jenner in tomorrow afternoon. We may have to  
19 get through a couple more -- one or two more witnesses  
20 before we get to that point.

21 And I'll just mention, it may be early to  
22 start talking about this, but if we're going to get in a  
23 situation where to finish by Friday we're going to start  
24 staying late, it's probably best to stay a little bit  
25 late of the next few days rather than stay really late



1 on Friday. I think everybody would prefer that.

2 So I think by this time tomorrow we maybe  
3 ought to start thinking about whether we go farther past  
4 five o'clock, but I think it's worth seeing where we get  
5 through tomorrow, but we'll look at that when we get  
6 there. Anything else that needs to be taken up before  
7 we -- did you want to enter this into evidence, this  
8 exhibit?

9 MR. RUSSELL: I do, yes. Thank you.

10 CHAIRMAN LEVAR: This is UAE Cross Exhibit 1.  
11 Is there any objection to entering this exhibit?

12 MS. MCDOWELL: No objection.

13 CHAIRMAN LEVAR: Not seeing any objections.  
14 So thank you. The exhibit is entered, and we are in  
15 recess until 9:00 a.m. tomorrow.

16 (The hearing concluded at 5:11 p.m.)

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1 C E R T I F I C A T E

2 STATE OF UTAH )

3 COUNTY OF SALT LAKE )

4 THIS IS TO CERTIFY that the foregoing proceedings  
5 were taken before me, Teri Hansen Cronenwett, Certified  
6 Realtime Reporter, Registered Merit Reporter and Notary  
7 Public in and for the State of Utah.

8 That the proceedings were reported by me in  
9 Stenotype, and thereafter transcribed by computer under  
10 my supervision, and that a full, true, and correct  
11 transcription is set forth in the foregoing pages,  
12 numbered 5 through 256 inclusive.

13 I further certify that I am not of kin or otherwise  
14 associated with any of the parties to said cause of  
15 action, and that I am not interested in the event  
16 thereof.

17 WITNESS MY HAND and official seal at Salt Lake  
18 City, Utah, this 6th day of June, 2018.

19   
20 Teri Hansen Cronenwett, CRR, RMR  
21 License No. 91-109812-7801

22 My commission expires:  
23 January 19, 2019

24  
25

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