

In the Matter Of:

In Re: Formal Complaint - 1.21 GW LLC vs. RMP

HEARING DOCKET NO. 17-035-52

December 21, 2017

Job Number: 436964

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application of Rocky Mountain Power for Approval of Rocky Mountain Power for Approval of Formal Complaint under Schedule 38, Clenera, LLC on behalf of 1.21 GW LLC against Rocky Mountain Power

HEARING PROCEEDINGS

DOCKET NO. 17-035-52

TAKEN AT: Public Service Commission
160 East 300 South, Room 403
Salt Lake City, Utah
DATE: Thursday, December 21, 2017
TIME: 9:00 a.m.
REPORTER: Robert D. Stanley, R.P.R.

JOB NO.: 436964

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1	INDEX OF EXAMINATION	
2	FOR THE COMPLAINANT:	
3	WITNESS	PAGE
4	DUSTIN SHIVELY	
	Examination by Mr. Barkley	9
5	JASON ELLSWORTH	
6	Examination by Mr. Barkley	19
	Examination by Ms. Hogle	29
7	Examination by Mr. Jetter	39
	Examination by Mr. Barkley	46
8		
9	FOR ROCKY MOUNTAIN POWER:	
	MARK TOURANGEAU	
10	Examination by Ms. Hogle	51
	Examination by Mr. Barkley	59
11	Examination by Mr. Jetter	63
	Examination by Ms. Hogle	66
12		
	BRIAN FRITZ	
13	Examination by Ms. Hogle	68
	Examination by Mr. Barkley	77
14	Examination by Mr. Jetter	82
	Examination by Ms. Hogle	89
15	Examination by Mr. Barkley	92
16	FOR THE DIVISION OF PUBLIC UTILITIES:	
17	CHARLES E. PETERSON	
	Examination by Mr. Jetter	96
18		
19		
20		
21		
22		
23		
24		
25		

1	INDEX OF EXHIBITS		
2	EXHIBITS	DESCRIPTION	MARKED
3	FOR ROCKY MOUNTAIN POWER		
4	EXHIBIT 1	October 23, 2017 Daniel E. Solander letter, with Rocky Mountain Power's Response to the formal Complaint of Clenera, LLC, and motion to dismiss	53
5			
6			
7	EXHIBIT 2	Summary of generation interconnection applications received by PacifiCorp	71
8			
9	EXHIBITS	DESCRIPTION	MARKED
10	FOR CLENERA, LLC		
11	EXHIBIT 1	September 22, 2017, RE: Notice and Request for Extension of Deadlines Related to Schedule 38, Removal from QF Pricing Queue due to delays by Company. Sections I.B.5(f), I.B.9, and I.B.10	109
12			
13			
14			
15	EXHIBIT 2	October 24, 2017, RE: UT PSC Docket # 17-035-52, Clenera Response to PacifiCorp Motion to Dismiss	109
16			
17			
18		---oooOooo---	
19			
20			
21			
22			
23			
24			
25			

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

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3 PRESIDING OFFICER HAMMER: Going on the
4 record, please.

5 Good morning. This is the time and place
6 noticed for a hearing in the formal complaint under
7 Schedule 38 of Clenera, LLC, on behalf 1.21 Gigawatt,
8 LLC, against Rocky Mountain Power. It's Docket
9 No. 17-035-52.

10 My name is Michael Hammer and I am the
11 Commission's designated presiding officer. Let's go
12 ahead and take appearances, please. We'll begin with
13 Rocky Mountain Power.

14 MS. HOGLE: Okay. Good morning. My name
15 is Yvonne Hogel. Can you hear me?

16 PRESIDING OFFICER HAMMER: I can.

17 THE CLERK: You know what, Yvonne, we're
18 having issues with that mic.

19 MS. HOGLE: Okay. Is that better?

20 PRESIDING OFFICER HAMMER: Much.

21 MS. HOGLE: Good morning. I'm Yvonne
22 Hogle, and I'm here on behalf of Rocky Mountain
23 Power. With me here today are Mr. Mark Tourangeau,
24 who is the director of Commercial Services. And
25 Mr. Brian Fritz, who's the director of engineering.

1 On the phone I believe we have Mr. Rick
2 Bail, who is president of -- excuse me, vice
3 president of transmission, and Mr. Kris Bremer, who
4 is manager of Generation Interconnection. Thank you.

5 PRESIDING OFFICER HAMMER: And the
6 Complainant.

7 MS. HOGLE: Jim Barkley, Baker Botts,
8 representing Clenera Energy. I have with me Jason
9 Ellsworth and Justin Shively from the company.

10 I want to let you know that I am licensed
11 in Texas, not in Utah, but have with me the
12 certificates of good standing that are required to
13 allow me to be present today and represent my client.

14 PRESIDING OFFICER HAMMER: Thank you,
15 Mr. Barkley.

16 MR. JETTER: Good morning, I'm Justin
17 Jetter with the Utah Attorney General's Office, and
18 I'm here today representing the Utah Division of
19 Public Utilities. And with me at counsel table is
20 Charles Peterson with the Division.

21 PRESIDING OFFICER HAMMER: Are there any
22 preliminary matters before we begin?

23 MS. HOGLE: Just one question.
24 Mr. Barkley, do you also have the admission pro hac
25 vice from the State of Utah to be here?

1 MR. BARKLEY: The new rules do not require
2 the admission of pro hac vice for out-of-state
3 attorneys; they simply require that you present the
4 Commission with a certificate of good standing from
5 the State Bar.

6 MS. HOGLE: Okay. Thank you.

7 MR. BARKLEY: It is a new rule. It's not
8 even codified yet. It became effective, I believe,
9 in October.

10 MS. HOGLE: Thank you.

11 MR. BARKLEY: You're welcome.

12 PRESIDING OFFICER HAMMER: With that we'll
13 go ahead and proceed.

14 Mr. Barkley, are you prepared to call a
15 witness?

16 MR. BARKLEY: We are, Your Honor. We
17 would be begin by calling Mr. Dustin Shively.

18 PRESIDING OFFICER HAMMER: And does
19 counsel have any preferences whether witnesses take
20 the stand? With this many it might be easier.

21 MR. BARKLEY: I would be delighted for him
22 to take the stand. Actually, I think it's probably
23 the simplest.

24 PRESIDING OFFICER HAMMER: Okay. Please,
25 Mr. Shively.

1 Mr. Shively, do you swear to tell the
2 truth?

3 THE WITNESS: Yes.

4 PRESIDING OFFICER HAMMER: Thank you. Go
5 ahead, Mr. Barkley.

6 EXAMINATION

7 BY MR. BARKLEY:

8 Q. Mr. Shively, by whom are you employed?

9 A. Is this on? Clenera, LLC.

10 Q. Okay. And what are your job
11 responsibilities and your job title at Clenera?

12 A. I am director of engineering, and I'm
13 responsible for all of the technical oversight for
14 our projects in development, construction, and
15 operations.

16 Q. Okay. And could you describe for the
17 Commission the projects that are at issue in this
18 case?

19 A. The projects that are at issue in this
20 case are 1480 megawatt AC project that is located in
21 Utah County, solar PV projects.

22 Q. And do the two -- do the two sets of
23 projects have names that are commonly used?

24 A. Yes. The Faraday -- there's a group of
25 seven called the Faraday projects, and the other

1 group are called the Goshen Valley projects.

2 Q. And when was the -- I would just like to
3 walk through with you the timeline of events in the
4 case.

5 When was the first request from Clenera to
6 PacifiCorp for indicative pricing for the Faraday
7 projects?

8 A. The first request for the Faraday projects
9 for indicative pricing was November 2nd, 2016.

10 Q. And when was the first request for
11 indicative pricing for the Goshen projects?

12 A. November 15th, 2016.

13 Q. Were there any subsequent changes to those
14 requests?

15 A. Yes. We later -- in December we had -- we
16 had a larger batch of projects in the Faraday
17 projects that originally went in for pricing and we
18 withdrew seven of those because we had different
19 on-line dates, and we decided to not proceed with
20 those projects. And on the Goshen Valley projects we
21 later changed the point of interconnection. The site
22 remained the same, but there's multiple lines across
23 the property. So we swapped from one line to the
24 other line and changed the points of interconnection.

25 Q. Did the changes that you made in December

1 of 2016 affect the deadline for the indicative
2 pricing on the Faraday projects?

3 A. Yes. Those -- the original -- when we
4 removed seven projects from the list, the other seven
5 then were repriced, or sort of -- they maintained the
6 queue position in the pricing queue, but the pricing
7 was recalculated.

8 Q. Did it affect the indicative pricing
9 request for the Goshen projects?

10 A. No, those ones were still under the same
11 procedure.

12 Q. When did you first receive indicative
13 pricing for the Goshen projects?

14 A. The first -- and I believe we received the
15 first Goshen Valley pricing on December 22nd, 2016.

16 Q. And when did you receive the first
17 indicative pricing for the Faraday projects?

18 A. January 17th, 2017.

19 Q. Were those the final indicative prices for
20 both the Faraday and the Goshen projects?

21 A. For Faraday, yes. For Goshen, no.
22 Because that change in the point of interconnection,
23 we received new pricing for Goshen later in 2017.

24 Q. When did you make that change to the
25 interconnection point for Goshen?

1 A. February 1st, 2017.

2 Q. And how did that affect the timing on new
3 indicative pricing for Goshen?

4 A. That reset the 30-day clock for PacifiCorp
5 to provide the pricing.

6 Q. And did PacifiCorp indicate to you when
7 you were likely to receive that indicative pricing?

8 A. They did. Just a correction. After
9 the -- or clarification, after the change in
10 interconnection?

11 Q. I'm sorry, after the change in
12 interconnect, yes.

13 A. That would be delivered to us in -- I mean
14 within the 30-day period in early March.

15 Q. When did you receive the revised
16 indicative pricing for Goshen?

17 A. On March 16th.

18 Q. Have you had an opportunity to review the
19 October 23rd response and motion to dismiss that was
20 filed by PacifiCorp?

21 A. Yes.

22 Q. And have you had a chance to review the
23 October 23rd response that was filed by the
24 Department of Public Utilities?

25 A. Yes.

1 **Q. In the response filed -- or the response**
2 **from the Department of Public Utilities on Page 3,**
3 **there is a discussion of some of these dates involved**
4 **with indicative pricing.**

5 **Do you find the dates in that discussion**
6 **to be accurate?**

7 A. Yes. A lot of the discrepancies, as far
8 as we're talking one day here or a few days there,
9 has to do with the fact of when the request was made
10 or when it was deemed complete. But by and large,
11 yeah, all of the dates are consistent with our
12 timeline. Just a few differences here or there on
13 when e-mails were, you know, exchanged, considering
14 when the request was made or when it was deemed
15 complete, those kind of things.

16 **Q. Has Clenera made a request for form PPAs?**

17 A. Yes.

18 **Q. And when was the request for a form PPA**
19 **prepared for Faraday?**

20 A. On March 13th of this year.

21 **Q. And when was a request made for a form PPS**
22 **for Goshen?**

23 A. On May 12th of this year.

24 **Q. And is it your understanding that both of**
25 **those were made within the applicable deadlines?**

1 A. Correct, yes.

2 Q. Did you receive any confirmation from
3 PacifiCorp as to the completeness of the PPA request
4 for Faraday?

5 A. Yes. It was communicated from PacifiCorp
6 that our request was complete.

7 Q. Okay. Have you received a similar
8 confirmation regarding your request for a PPA for
9 Goshen?

10 A. I would have to confirm because right
11 around that time is when the conversation was
12 continuing on Faraday. For Goshen, the confirmation
13 sort of got lumped into the discussion on Faraday.

14 Q. Okay. And when you say the conversation
15 on Faraday was continuing, what are you referring to?

16 A. I'm referring to whether or not we needed
17 to provide a completed interconnection study to
18 receive a draft PPA.

19 Q. And did PacifiCorp indicate to you that
20 you needed a completed interconnection study in order
21 to get the form PPA for Faraday?

22 A. PacifiCorp communicated to us that we
23 needed a draft interconnection study through
24 communicating with them, but not in the tariff was
25 that communicated.

1 **Q. When did they first communicate that to**
2 **you?**

3 A. That was April of this year. April 18th
4 is the note I have when that was first communicated
5 that we would need a completed interconnection study
6 to receive a draft PPA.

7 **Q. And again, does your understanding of the**
8 **dates on which requests were made for form PPAs match**
9 **the discussion of those dates in the response that**
10 **was filed by DPU on October 23rd?**

11 A. Yes. More or less the dates for when we
12 requested PPAs are consistent, you know, minus any
13 day-here-or-day-there difference.

14 **Q. Has Clenera requested an interconnection**
15 **study for Faraday?**

16 A. Yes.

17 **Q. Have you requested an interconnection**
18 **study for the Goshen projects?**

19 A. Yes.

20 **Q. When did you request those interconnection**
21 **studies?**

22 A. The initial interconnection requests, or
23 the BNA interconnection requests, were November 29th
24 of 2016.

25 **Q. And have you received any communication**

1 **from PacifiCorp deeming those requests complete?**

2 A. Yes. Their requests were deemed complete.
3 We exchanged -- you know, there was, of course, some
4 back and forth on the technical aspects of the
5 project. We had a scoping meeting, which is the
6 preliminary call before feasibility study agreement.
7 We proceeded with the feasibility study agreement and
8 executed it.

9 Q. **And when were the feasibility study**
10 **agreements executed?**

11 A. On February 15th of this year.

12 Q. **And was that for both Faraday and for**
13 **Goshen?**

14 A. Yes, for both.

15 Q. **How long have you -- have you yet received**
16 **an interconnection feasibility study from the**
17 **utility?**

18 A. We have not received a feasibility study
19 yet.

20 Q. **What is your understanding of the usual**
21 **timing for an interconnection feasibility study?**

22 A. The usual timing is about a month. The
23 FERC guidelines in the large generating
24 interconnection procedures is 45 days.

25 Q. **Do you recall what the utility's tariff**

1 **says will be the timeline?**

2 A. The tariff says it's a 45-day feasibility
3 study.

4 MR. BARKLEY: And I have no further
5 questions for Mr. Shively, Your Honor.

6 PRESIDING OFFICER HAMMER: Thank you.
7 We'll begin with Ms. Hogle on cross.

8 MS. HOGLE: It depends. I would like to
9 know if Mr. Ellsworth will be available as a witness?

10 MR. BARKLEY: Mr. Ellsworth will also be
11 available as a witness.

12 MS. HOGLE: I had intended to cross
13 Mr. Ellsworth, given that his name is on the
14 pleadings that were filed in the case. I don't know
15 if that would be okay with you, or if we can ask your
16 current witness.

17 MR. BARKLEY: And I really am not trying
18 to be a obstructionist. If there are questions about
19 dates, Mr. Shively is probably the better witness.
20 I'm happy to tell you now that Mr. Ellsworth -- that
21 the testimony that I will elicit from Mr. Ellsworth
22 is really going to involve timing of QF status, the
23 relief that's requested by the Company, and the basis
24 for that belief.

25 So to the extent that the questions

1 involve those subjects, Mr. Ellsworth is absolutely
2 the most appropriate of the two witnesses. To the
3 extent it involves dates and timelines, Mr. Shively
4 is probably the better of the two, although
5 Mr. Ellsworth is familiar with much of that
6 information as well.

7 PRESIDING OFFICER HAMMER: If Mr. Shively
8 plans to stay around, I would be happy to allow
9 Ms. Hogle to call him when the Company puts on its
10 witnesses, if he'll be present.

11 MR. BARKLEY: And that's fine with us,
12 Your Honor. I am happy to proceed however you would
13 like. That was sort of to give you some background
14 on how at least we view the two witnesses and their
15 subject matter.

16 MS. HOGLE: Sure. I guess I'm hesitating
17 a little bit because typically the witness on the
18 stand would adopt any pleadings that were filed by a
19 party. And so I'm not sure if Mr. Ellsworth --
20 Mr. Ellsworth or Mr. Shively is adopting the
21 pleadings that were filed and signed by --

22 MR. BARKLEY: We'll have Mr. Ellsworth
23 adopt them.

24 MS. HOGLE: Okay. Thank you. Then I will
25 wait for cross-examination.

1 PRESIDING OFFICER HAMMER: Thank you.

2 MS. HOGLE: Thank you.

3 PRESIDING OFFICER HAMMER: Mr. Jetter.

4 MR. JETTER: And I have no questions.

5 Thank you.

6 THE WITNESS: Sorry.

7 PRESIDING OFFICER HAMMER: Thank you,

8 Mr. Shively.

9 Mr. Barkley.

10 MR. BARKLEY: And with that we'll call

11 Mr. Ellsworth.

12 PRESIDING OFFICER HAMMER: Thank you.

13 Mr. Ellsworth, do you swear to tell the

14 truth?

15 THE WITNESS: Yes.

16 PRESIDING OFFICER HAMMER: Thank you.

17 EXAMINATION

18 BY MR. BARKLEY:

19 Q. Mr. Ellsworth, can you state your full
20 name?

21 A. Jason Ellsworth.

22 Q. And by whom are you employed?

23 A. Clenera, LLC.

24 Q. What is your title at Clenera?

25 A. I am president and CEO.

1 Q. And what are your responsibilities there?

2 A. I am responsible for the overall
3 operations of the company. The direction, in fact,
4 involved in day to day.

5 Q. Have you been involved in the preparation
6 of the pleadings that have been filed in this case by
7 Clenera?

8 A. I have, yes.

9 Q. Are you in a position to adopt those as
10 your own testimony?

11 A. Yes, I am.

12 Q. Have you had a chance to review
13 PacifiCorp's filings as well?

14 A. Yes, I have.

15 Q. And how do you respond to the criticism in
16 those claims that Clenera has not filed its Form 556
17 to obtain QF status?

18 A. It is typical for us and other developers
19 to file a 556 at a point that is closer to the actual
20 commercial operation date of the project. In fact,
21 we completed a project in Southern Utah with
22 PacifiCorp recently where the 556 was filed just
23 shortly before our commercial operation date.

24 The reason for that is the 556 identifies
25 certain structural ownership elements of the project

1 that may not be finalized and fully determined until
2 late in the billing cycle.

3 **Q. Is it your understanding of utilities**
4 **tariffs that Clenera would be required to have**
5 **obtained that QF status at this stage of the**
6 **interconnection process?**

7 A. No, that's not our understanding, and it's
8 also not typical of tariffs generally in the world
9 that we participate in in this utility scale solar
10 world.

11 **Q. Do you have -- are you familiar with what**
12 **the Rocky Mountain Power tariff does in fact require**
13 **with regard to QF status?**

14 A. Yes. Yes, I am.

15 **Q. And what is that?**

16 A. So the requirement, as I understand it, is
17 that we -- we show that we are eligible, that we are
18 eligible as a QF.

19 In fact, the interesting component of a
20 556 is that it's a self certification anyway. So
21 it's not something that we look to for their judgment
22 or rules. Rather, we self certify at the time and
23 place that's best necessary.

24 **Q. How do you respond to PacifiCorp's claim**
25 **that the delay in processing Clenera's**

1 interconnection requests was justified by an increase
2 in interconnection requests across the PacifiCorp
3 system?

4 A. I'm surprised by the assertion. It is not
5 consistent with the data that we have reviewed that
6 is publicly available on the PacifiCorp Oasis system,
7 their realtime system.

8 After seeing their assertion that that was
9 a limitation on their side, we pulled up, at the time
10 of their motion to dismiss, the actual data on Oasis
11 and see that, in fact, there has been a relatively
12 consistent drop in the number of applications since
13 2013 here in Utah to a very small number. Relative
14 to other utilities, there's a very small number of
15 applications that are being processed and handled by
16 PacifiCorp for Utah.

17 For PacifiCorp in total, because I think
18 they handle these applications, not on a
19 state-by-state basis but across their systems, the
20 applications rose in 2015 but been relatively
21 consistent thereafter, with a kind of small bump from
22 '15 to '16, but have been relatively consistent
23 thereafter.

24 Q. Did you present data on the volume of
25 interconnection requests in your October 24th

1 response to PacifiCorp's motion to dismiss?

2 A. We did. We presented that data. We
3 thought it was important to answer the assertion that
4 that was a cause for the delay, with the data that is
5 available on-line and direct from the company. And
6 that data does indeed show that there has not been a
7 significant climb in applications.

8 Back in '15 to '16, there was about a
9 30 percent increase, and that -- and we have -- we
10 have struggled to see where -- how that ties to a
11 delay in terms of the study process, which is
12 scheduled for 45 days, to go from 45 days to the
13 approximate year right now that is anticipated by
14 PacifiCorp.

15 Q. Mr. Ellsworth, what relief does Clenera
16 seek in this proceeding?

17 A. So we are -- we are seeking for relief
18 under the tariff as it relates to the deadlines. The
19 tariff allows for an extension in the case of the
20 company delays. And we are looking at these company
21 delays and requesting that we receive a day-per-day
22 extension on developer deadlines associated with the
23 tariff as it relates to the company's delays.

24 Right now the delays are -- we're
25 approaching a total of a year on a 45-day project, or

1 a 45-day study, and we -- based on the existing -- on
2 our previous experience expect that those delays
3 may -- may exceed that as it relates to further
4 activities with the company.

5 **Q. What are the specific deadlines for which**
6 **the company is seeking relief?**

7 A. So specifically to call out two deadlines
8 that are important to us, is the first -- first
9 deadline in which we already have a PPA executed
10 between developer and the company within the six
11 months following the receipt of indicative pricing.
12 In addition to that we are -- we are looking for
13 overall extension and delay as it relates to our
14 on-line date.

15 As the -- as Your Honor may be aware, the
16 tariff calls for a 30-month limitation in terms of
17 when we file for pricing, we must indicate that our
18 on-line dates are to be within 30 months of the
19 timeline allowed for a PPA.

20 So -- so at the time of our -- our filing
21 for the pricing, we could not -- we could date these
22 projects no later than the end of 2019. That
23 timeline limitation has made it very difficult as we
24 have seen and have now seen a year of our processing
25 time disappear.

1 So that's 365 days on the first study
2 versus what is in the tariff, which is 45 days,
3 making it very difficult for us to perform in that
4 timeline. Therefore, we're asking for an extension,
5 an overall extension, to those -- to those dates as
6 well, to those on-line dates.

7 **Q. Mr. Ellsworth, you're familiar with the**
8 **Department of Public Utilities response that was**
9 **filed on October 23rd, yes?**

10 A. I am, yes.

11 **Q. And you have seen the concerns that they**
12 **express regarding the extension of the operation**
13 **date?**

14 A. Yes.

15 **Q. Would you address those concerns?**

16 A. Yeah, I think the -- overall the -- if you
17 review the -- I think the overall concern was -- was
18 pricing and relevance of pricing if those dates are
19 extended. The -- the challenge is -- is trying to
20 draw -- I think the challenge that's been highlighted
21 is whether or not those prices are -- are relevant in
22 an extended situation.

23 The reality for us, and based on the
24 numbers that we have received and our review of the
25 IRP, is the forecast for PacifiCorp is rising prices

1 over time. So the further extension -- the further
2 extension of -- of our timelines, had we been given
3 time to -- greater than the 30 months, in light of
4 the time that the PacifiCorp takes on their sites,
5 those -- those prices on those PPAs would have been
6 higher. Right now those prices are, in fact, at a
7 very competitive level.

8 We believe that, in fact, we -- we are in
9 a position to hold to those, despite the ups and
10 downs in the markets and the difficulties in
11 delivering, but have spent a great deal of time and
12 energy as a company at the conclusion of other
13 opportunities that we could have pursued, to pursue
14 these projects for the benefit of ratepayers.

15 We believe that the avoided cost
16 calculations are an accurate way of identifying what
17 the impact is to the ratepayers, and that these
18 projects are, in fact, beneficial to ratepayers.

19 I think that PacifiCorp can identify -- or
20 I'm not sure what's appropriate in this -- this
21 environment to identify these prices, but they're
22 very, very competitive prices and in the context of
23 energy in general, not just solar.

24 **Q. How does the timing of PacifiCorp's**
25 **handling of these interconnection requests compare to**

1 the handling of interconnection requests that you
2 have seen in other projects done with PacifiCorp and
3 other utilities?

4 A. So our experience with PacifiCorp is
5 limited. We have one -- we have project that is
6 operating, 80 megawatts, the size of one of these
7 typical projects, in -- in Southern Utah. And then
8 have run a number -- quite a number of other projects
9 through the process here with PacifiCorp, identifying
10 across their system where -- where there was
11 opportunity, where there was interconnection
12 capacity, and where it made sense from a
13 load-proximity basis to deliver -- to deliver power.

14 We in that process have -- have identified
15 what appears to be, I think historically, a process
16 that's been -- that's been relatively responsive, but
17 of late one that is -- is significantly delayed
18 without a necessary commensurate sort of set of
19 applications to justify that.

20 With that said, our review with them on
21 the reasons for those delays has resulted in
22 explanations that this is -- they are pursuing a
23 serial process, which means as -- as they review each
24 project, one drops out, they have to -- they have to
25 go back and review all of the projects again. That

1 is the most inefficient and slowest of all the
2 processes that we deal with in the utility scale
3 world.

4 What is typical in the case where there
5 are a significant number of applications, is that
6 those applications will be handled in a cluster
7 process and studied together, and then -- and then
8 there is -- there is often in that case an ability to
9 deliver -- in fact, typically an ability to deliver
10 in roughly the 45-day timeline.

11 Whereas, here on the PacifiCorp side,
12 the -- some decision, the decision has been made to
13 pursue -- continue to pursue a serial process, and
14 that -- that serial process has resulted in delays
15 beyond anything that we have experienced elsewhere
16 across the United States.

17 We -- we also see that in general the
18 number of applications that PacifiCorp has seen is a
19 very -- it's de minimis, as compared to the number of
20 applications other utilities have seen in California
21 and elsewhere. And those -- those processes in other
22 applications have continued to operate within a
23 reasonable range of that 45-day period, whereas here
24 with PacifiCorp it's not -- it's not a minor
25 extension from 45 days to a few -- you know, maybe

1 60 days, it's 45 -- it's going to 365 days. And
2 that's been an unusual experience for us and one that
3 we think is markedly different from the market in the
4 rest of the industry.

5 MR. BARKLEY: I have nothing further for
6 Mr. Ellsworth, Your Honor.

7 PRESIDING OFFICER HAMMER: Thank you.

8 Ms. Hogle?

9 MS. HOGLE: Thank you. I guess I'll
10 start.

11 EXAMINATION

12 BY MS. HOGLE:

13 Q. I guess I'll start with what you just
14 mentioned as being the typical process that you're
15 used to.

16 Can you provide the basis for that
17 testimony?

18 A. Yes. So we have -- we -- we as a company
19 and individuals have been in the development space
20 and working with interconnection and projects for the
21 better part of a decade, and in that process have
22 made hundreds, and if not thousands, of
23 interconnection applications and worked through that
24 process with various utilities, mostly in the west
25 but also in the southeastern United States.

1 So with that I would say the number of
2 utilities that we have worked with exceeds -- exceeds
3 40. And so the sample size is relatively large, both
4 in terms of applications and running through that
5 process, as well as -- as actual utilities that we
6 have interfaced with.

7 **Q. Okay. Thank you.**

8 I want to take you to the reply that you
9 filed on behalf of Clenera. Do -- do you have it
10 with you?

11 A. I don't have it in front of me, no.

12 **Q. Okay. So if I were to ask you questions**
13 **in that reply, would you -- could I jog your memory**
14 **for you to be able to respond to my questions?**

15 A. I'll do the best I can.

16 **Q. Okay. Thank you.**

17 MR. BARKLEY: Ms. Hogle, are we referring
18 to the October 24 reply?

19 MS. HOGLE: We are. We are referring to
20 Clenera's reply to Rocky Mountain Power's response.

21 **Q. BY MS. HOGLE: So in the first page of**
22 **that reply, I believe you stated, given that you**
23 **signed the pleading, "PacifiCorp gives no reason for**
24 **their last-minute change in position." And I believe**
25 **that you were talking about the extension that we're**

1 **talking about here. Is that correct?**

2 A. Yes. In fact, I think the -- the reply is
3 in the context of PacifiCorp originally was very
4 clear about supporting our -- our effort to extend.
5 In fact, noting that they had made a decision
6 internally to extend. And due to delay -- their own
7 delay as the company, that was the subject of
8 conversations with -- with Kyle Moore at PacifiCorp.

9 Later on Kyle Moore came back and
10 indicated that on discussion with the Department of
11 Public Utilities and the -- and the consumer
12 services, that -- that they -- they were advised that
13 they could not do that, and that the company,
14 therefore, had taken -- had -- had determined that
15 that was not -- not possible. But had it been, they
16 were still in support of, and -- and yet they were
17 unable to -- unable to proceed because of limitations
18 with these other agencies.

19 So when I said that the company had
20 changed their position, that is -- so the motion to
21 dismiss was -- was a very different tact than them
22 supporting our effort to -- to make an extension. In
23 fact, in that motion to dismiss, they referenced
24 another docket that was filed before the Commission
25 with sPower, in fact, where they -- they cited these

1 very -- these very delays as delays which were
2 recently these kind of delays, of delays for which it
3 was a reason for them to extend the process, extend
4 the deadlines.

5 So taking that different tact with us and
6 opposing that, I -- I view that as without
7 explanation and without -- without -- without context
8 in terms of the communication.

9 Q. Thank you.

10 I'm also going to reference your complaint
11 that you also signed. And in that complaint, on the
12 last page you state, ". . .approximately two weeks
13 after the meeting and discussion of PacifiCorp's
14 proposed solution, Developer received the following
15 communication from PacifiCorp." And I quote, "after
16 further review and discussions with the staff of both
17 the Division of Public Utilities and the Office of
18 Consumer Services, the position of Rocky Mountain
19 Power is that delays caused by PacifiCorp
20 Transmission are not contemplated as RMP delays and
21 should not extend the timeline in the Schedule 38
22 tariff."

23 Isn't that a reason that you stated in
24 your complaint?

25 A. So that's consistent with -- with the

1 facts I just -- I just referred to, in that
2 PacifiCorp had turned to the DPU and consumer
3 services and -- and indicated that their -- their --
4 their lack of support for this and their opposition
5 it was -- was a cause for them as a company to
6 change -- change directions.

7 And -- and so the -- that is -- that's
8 consistent in terms of the direction, inconsistent in
9 terms of the sentiment that was expressed by
10 PacifiCorp.

11 **Q. And so given that PacifiCorp and you**
12 **yourself quoted the A reason, or a change in**
13 **position, that is not consistent, is it, with what**
14 **you said in your reply when you said, PacifiCorp**
15 **gives no reason for their last-minute change?**

16 A. When I -- when I noted their last-minute
17 change, I wasn't -- I wasn't noting that -- that they
18 were -- that they were looking to different reasons.
19 I was noting that PacifiCorp was changing their
20 sentiment, in fact saying that their -- their
21 perspective was that this was not something that they
22 had supported at all, which in fact was not true.

23 From -- from the beginning PacifiCorp was
24 in support of an extension. Their history has been
25 to support extensions in the case that delays were

1 caused by the company. And so this -- the -- the
2 sentiment had changed.

3 Q. Okay. But unlike or contrary to what you
4 said in the reply that PacifiCorp gave no reason for
5 this last-minute change on the sentiment of the
6 extension, in fact in the -- in your complaint you
7 actually quoted PacifiCorp's reason. So there was a
8 reason that you yourself quoted in your complaint.
9 And so that would be inconsistent with your reply
10 that there was no reason, correct?

11 A. I disagree. I think you're speaking to
12 rational for the reasons for making a decision. I'm
13 speaking to the sentiment behind the decision.

14 Q. Okay. Thank you.

15 Going back to the reply that you filed and
16 your claim that PacifiCorp's behavior in this matter
17 results in economic harm to stakeholders. Do you --
18 do you recall that?

19 A. Yes. Yes.

20 Q. Are you aware of the approved term for a
21 power-purchase agreement in Utah?

22 A. I am very aware of the approved terms for
23 a power-purchase agreement in Utah.

24 Q. And -- and what is that?

25 A. Right now for projects of this size, it's

1 15 years.

2 Q. Okay. Are you aware of the fact that
3 PacifiCorp passes through its energy costs to its
4 customers in the State of Utah?

5 A. Yes. I'm aware that this is -- this --
6 this is rate based.

7 Q. And that's 100 percent? Are you aware of
8 that subject? Would you agree that it's 100 percent
9 passed through, meaning customers ultimately pay for
10 the avoided-cost pricing that are provided?

11 A. Correct. I'm aware that avoided cost
12 is -- is supported by customers.

13 Q. Okay. And so Clenera is seeking a
14 power-purchase agreement for a term of 15 years; is
15 that right?

16 A. That is correct.

17 Q. And isn't it true that the commercial
18 operation date has an impact on avoided-cost pricing?

19 A. It does. As that explained the commercial
20 date, the further that it's pushed out is
21 typically -- is typically the higher. So it does
22 have -- it does have an impact on pricing.

23 Q. And so if PacifiCorp doesn't know whether
24 Clenera can meet that commercial operation date, the
25 avoided-cost pricing may not be accurate, correct?

1 A. If the -- it is correct that if the -- if
2 the timing changes, the pricing calculation would be
3 different at the point of calculating that pricing,
4 yes.

5 **Q. And so isn't it reasonable for the company**
6 **to require that information prior to that**
7 **information, meaning the commercial-operation date,**
8 **prior to providing a power-purchase agreement with**
9 **avoided-cost pricing that would be locked in for**
10 **15 years?**

11 A. It's entirely reasonable. In fact, it's
12 something -- it's a similar process that's pursued in
13 many other utilities. Those -- those timelines are
14 important to both the utility and the developer.

15 **Q. And so whether the prices are high or low**
16 **is really not relevant, it's -- what's relevant is**
17 **that they be accurate; would you agree with that?**

18 A. I think that the -- when you're talking
19 pricing and timing, both are very important and both
20 parties need to be able to rely on timing. Timing is
21 critical to these -- these projects?

22 So, in fact, we are entirely subject to
23 and reliant on the timing that's provided in the
24 tariff, on the timing by way of commitments that are
25 made by PacifiCorp.

1 So as the company -- as the -- as the
2 company delays, we -- we have -- we have no other
3 recourse than under the tariff to look for
4 extensions.

5 But, yes, the timing -- timing is
6 important.

7 **Q. And the pricing? The accuracy of the**
8 **pricing is important, correct?**

9 A. Pricing and timing are tied, absolutely.

10 **Q. Okay. All right.**

11 **And so if the company locks in a PPA with**
12 **a QF for 15 years and the pricing is not accurate,**
13 **that would be an economic harm to its customers,**
14 **wouldn't it?**

15 A. I think you just made an intellectual leap
16 between accuracy and economic harm. Economic harm
17 would presume that the pricing were, in fact, higher
18 than it would otherwise have been. I think that had
19 there been at that time a clear understanding that
20 PacifiCorp was not going to perform within the
21 timeline that was provided, that in fact we could
22 have gone to a later date to accommodate the
23 PacifiCorp timing. I think, in fact, the pricing
24 would have been higher.

25 So -- so that's -- and that's consistent

1 with the pricing that was received. We got pricing
2 for a 2018 project, we got pricing for 2019. 2019
3 pricing was higher, and that's consistent with the
4 IRP. Which leads me to the conclusions, if we are to
5 make conclusions, then in fact, this would have been
6 an economic benefit to ratepayers to take a later
7 date versus the original date.

8 And -- and judging this process based on
9 current timelines that have been imposed and created
10 by PacifiCorp's lack of -- lack of performance is
11 a -- is a mismatch with what is originally and most
12 importantly a process whereby we are -- we are given
13 pricing based on the timing and the -- and the
14 conditions at the outset of a project.

15 **Q. And economic harm can result not only when**
16 **prices when higher but also if prices are lower than**
17 **they should be, correct?**

18 **Because if -- if you lock in something --**
19 **if you lock in a contract that is lowering prices,**
20 **for example, then economically it might not make**
21 **sense because, you know, for 15 years those prices**
22 **are locked. And given the length of the contract,**
23 **the point is that the pricing should be accurate, not**
24 **lower, not higher, but accurate.**

25 **A. So I think the discussion about economic**

1 harm for higher -- or for lower prices, in the
2 context of rate base, is -- doesn't tie to my
3 experience in -- in mathematics and economics. The
4 lower the price, the more the rate base that the
5 consumer benefits.

6 Whether or not we as a company are able to
7 deliver at that price is our responsibility. The
8 tariff doesn't speak to that. The tariff speaks to
9 pricing and timing and the process whereby the
10 company and we as a developer are -- are tied
11 together in a process to deliver a product at a given
12 price. And that price, if it is lower for -- for the
13 consumer, that's ideal, and that's something that we
14 strive for as a company.

15 MS. HOGLE: I have no further questions.
16 Thank you.

17 PRESIDING OFFICER HAMMER: Thank you.

18 Mr. Jetter.

19 EXAMINATION

20 BY MR. JETTER:

21 **Q. Good morning. I do have a few questions.**

22 **I would just like to sort of clarify a**
23 **little bit with something that you had stated in your**
24 **cross-examination and I believe also today in your**
25 **direct testimony.**

1 Is it accurate to -- to kind of rephrase
2 what you said a few minutes ago, that your basis for
3 understanding that a later interconnection date would
4 potentially have a higher price was due to a
5 repricing that changed the on-line date early in the
6 project and that gave you a slightly higher price?

7 A. No, it's not due to the repricing. So we
8 originally submitted for both 2018 and 2019 prices,
9 and on the repricing pushed -- pushed our 2018 back
10 to 2019.

11 To the point of with respect to economics,
12 we determined the economics were -- were not
13 favorable, were not -- not attractive, for the 2018
14 time frame. We also determined at that time that
15 that 2018 was not -- was not a workable time frame
16 within the process that -- that is allowed here.

17 But those -- those prices came -- came out
18 showing -- showing, in fact, a rise in price to 2019,
19 which, in fact, does tie to the IRP and -- and would
20 be expected in -- in the aurora modeling that takes
21 place behind this.

22 Q. Okay. So are you aware of any direct
23 connection between the IRP process and avoided-cost
24 pricing?

25 A. So we're -- we're -- all we know is that

1 this -- this utilizes aurora in it's -- I think
2 that's my understanding that the aurora pricing
3 modeling tools are used to reach the avoided costs
4 here.

5 The inputs and information are -- are the
6 same inputs and information, or should be the same
7 inputs and information, used in the IRP process.
8 They're both -- they're both represented to the state
9 and to all -- all stakeholders that are involved
10 in -- in looking at the pricing of energy and in the
11 long-term equation for the utility and for those that
12 participate with the utility.

13 **Q. Would it be surprising for you to learn,**
14 **or would you, subject to check, that IRP pricing**
15 **forecasts have consistently been higher than QF**
16 **pricing contracts?**

17 A. It would be -- no, it's not surprising, in
18 terms of the -- the quantum, correct, that that is --
19 I think that is correct.

20 **Q. Okay. And I assume in your capacity in**
21 **your employment that you follow wholesale market**
22 **prices during solar hours?**

23 A. We do, yes.

24 **Q. And what would you describe the trend of**
25 **those over the past five years?**

1 A. So the wholesale pricing is -- well, in
2 what market?

3 **Q. Any of the western hubs that are**
4 **interconnected into that system, of course.**

5 A. So the western hubs are -- we could spend
6 a lot of time talking about the western hubs and
7 what's been happening in pricing. But it's --

8 **Q. Just use kind of a Palo Verde.**

9 A. Yeah. So Palo Verde and others have been
10 impacted by very low natural gas rates. Those
11 natural gas rates have hovered near -- have dropped
12 to historic lows. But that -- and that follows some
13 cyclical patterns associated with -- associated with
14 gas, also advances in technology and other things on
15 the gas side.

16 The other impact that's been a push type,
17 so say Palo Verde, on the renewable side where we and
18 others have been successful at driving -- driving
19 costs down and continuing to drive costs down.

20 So generating depends on the time of the
21 day, but certain times of the day are actually quite
22 expensive for power, and others are -- are not, based
23 on the generation mix of any given utility.

24 **Q. And so following up on that, would you --**
25 **would it be accurate to say over the past five years,**

1 for example, the prices during those hours have been
2 trending down?

3 A. During the last five years, yes.

4 Q. Okay. And would it be fair to say that a
5 one-year extension or comparison that you received
6 during your indicative-pricing request comparison may
7 not be an accurate reflection in other changes in
8 on-line dates, like the consecutive year pushing this
9 out?

10 A. I think that the reality is that all
11 future pricing is based on forecasting at the time,
12 and forecasting based on what limited information one
13 might have.

14 As I understand it, PacifiCorp, like many
15 of us, has -- has affiliates that also participate
16 in -- with -- with avoided cost, and that avoided
17 cost is said in a similar process, using -- you know,
18 locking in on rates based on forecast, based on
19 avoided cost, and a profile that uses the best
20 information that PacifiCorp and others have -- the
21 Commission and others have in setting those rates.

22 Q. Okay. And so just to kind of tie this
23 down a little bit. You don't know, do you, whether
24 extending the on-line date would have resulted in a
25 higher or lower price for another year, for example?

1 A. So had we -- had we at the time that we
2 filed been able to insert a later date than the
3 30-month limitation provides, we having not done it
4 and not having been able to do it, we don't have
5 specific information about it. All we can say is
6 that the underlying information and the profile for
7 those -- those projects in fact shows an increase.

8 And I will -- I'll revise my statement
9 slightly and say that under -- under PacifiCorp's
10 tariff, we can take a -- and PacifiCorp allows us to
11 take an average price, weighted price, over that
12 period of time or -- or a variable price based on
13 their forecast. Those variable prices showed prices
14 increasing over time.

15 So, in fact, in a much more detailed way
16 we can see a profile coming out of that pricing,
17 whether it was 2018 or 2019 that showed a consistent
18 increase in pricing over time. And even today we see
19 that in the pricing that has been provided by
20 PacifiCorp.

21 So -- so I would say that definitively we
22 can say that if -- if that same data were used,
23 absolutely we would have had a higher price for --
24 for a later date. Did we -- did we actually get a
25 later date with -- with another price? No, because

1 it's not allowed in the process. And it wasn't
2 anticipated it would be needed.

3 **Q. Okay. Just to clarify, you said you can't**
4 **definitively say or that you can definitively say**
5 **that it would have been higher?**

6 A. No, I can say that it would have been
7 higher based on the information that was provided to
8 us, yes.

9 **Q. Okay. So they provided information for**
10 **the value of the 16th year?**

11 A. So they did provide information for the
12 value of -- they did not provide information for the
13 value of the 16th year, but they had the trajectory
14 for the full 15 years.

15 **Q. Okay. So you're saying that you can**
16 **definitely confirm today what would have been in the**
17 **16th year?**

18 A. I have not, no.

19 **Q. Thank you.**

20 MR. JETTER: Those all the questions that
21 I have.

22 PRESIDING OFFICER HAMMER: Any recross?

23 MR. BARKLEY: Just a couple, Your Honor.

24 ///

25 ///

1 EXAMINATION

2 BY MR. BARKLEY:

3 Q. Mr. Ellsworth, there was some discussion
4 earlier regarding a reference in PacifiCorp's motion
5 to dismiss to another docket. I'm looking at Page 3
6 of that motion to dismiss, where PacifiCorp says, "As
7 the Company previously stated in Docket
8 No. 17-035-13, PacifiCorp Transmission has
9 experienced an unprecedented surge in interconnection
10 applications, primarily from developers in Utah and
11 Wyoming."

12 Is that the docket to which you were
13 referring? I ask that just to see if that's the
14 right docket number reference.

15 A. Yes, that's correct. That's the correct
16 docket.

17 Q. There was also some discussion about
18 whether or not PacifiCorp had given a reason for
19 their change in position. Do you remember that back
20 and forth?

21 A. That's -- that's right.

22 Q. Okay. When PacifiCorp informed you that
23 they were changing their position based on meetings
24 with the Department of Public Utilities and the
25 Office of Consumer Services, what actions did you

1 **take in follow-up to that?**

2 A. So we -- we asked for contact information
3 as it related to those agencies and -- and so that we
4 could follow up and confirm. It took us multiple
5 contacts and then a follow-up in-person meeting
6 before PacifiCorp provided us that contact
7 information.

8 We then with that contact information in
9 hand reached out to and made direct contact with both
10 agencies. The first consumer services said that, in
11 fact, they did not -- to paraphrase, did not have
12 anything to do with this and -- and were not -- would
13 not be involved in or have an opinion associated with
14 this process.

15 And then on our contact with the
16 Department of Public Utilities, they indicated they
17 did not recall ever having this conversation with
18 PacifiCorp, but, in fact, had been a part of this
19 recent docket that was referenced by PacifiCorp in
20 their response -- I'm sorry, in their -- their motion
21 and -- and had been successful in extending dates,
22 and that they would generally be -- be supportive if
23 there was a similar fact part pattern from the
24 standpoint of delays by the company.

25 **Q. Other than the concern expressed in DPU's**

1 response regarding the on-line date, has either DPU
2 or the Office of Consumer Services expressed to you
3 any concern with your request of extension, for
4 example, the six-month deadline for executing a PPA
5 following indicative pricing?

6 A. No, they have not. And I think on the
7 note of extension, and I think we understand the
8 concern on timeline and pricing. Not knowing what
9 the 16th year pricing would be, we as a company would
10 be very open to -- to an update on that 16th year,
11 whatever that 16th year update would be, but
12 otherwise holding to the pricing that -- and
13 methodology for the remaining -- remaining years that
14 were provided to us.

15 Q. So based on your follow-up actions, your
16 follow-up conversations, with DPU and the Office of
17 Consumer Services, did you conclude that PacifiCorp
18 had provided any compelling rational for its change
19 in position?

20 A. No. In terms of the compelling rational,
21 we concluded that, in fact, neither of these agencies
22 showed any sign of having any meaningful dialogue
23 with PacifiCorp, and it was surprising to us that
24 that was used as the rational for a change in
25 position, when neither agency really could -- had

1 enough -- enough of a dialogue to even recall having
2 had the dialogue, one. And, two, one -- one of the
3 agencies was totally disengaged, not involved, and
4 had little concern for this, and the other agency was
5 supportive of our -- our effort to extend.

6 MR. BARKLEY: I have no further questions,
7 Your Honor.

8 PRESIDING OFFICER HAMMER: Thank you.

9 And just one follow-up from me. And this
10 is really a legal question, so I'll invite your
11 counsel to answer if he deems it appropriate.

12 But you have referenced a couple of times
13 this 45-day expectation of a turnaround time with
14 respect to the feasibility study. Of course,
15 Schedule 38 references the OATT. I didn't see a
16 portion of the OATT quoted so I went and read it, and
17 I think what you're referring to is in Section 41.3.
18 Can you confirm if that's the case?

19 MR. BARKLEY: I believe that's right. If
20 you'll give me just a moment, I do have it.

21 PRESIDING OFFICER HAMMER: Sure.

22 MR. BARKLEY: Yes, Your Honor, I'm on
23 Page 143 of the Open Access Transmission Tariff for a
24 Collective Transmission Tariff Volume No. 11 for
25 PacifiCorp. And it is Section 41.3, which says

1 Transmission provider shall use reasonable efforts to
2 complete the interconnection feasibility study no
3 later than 45 calendar days after transmission
4 provider receives a fully executed interconnection
5 feasibility study agreement.

6 PRESIDING OFFICER HAMMER: Thank you.
7 That's helpful.

8 You're excused, Mr. Ellsworth.

9 MR. BARKLEY: Your Honor, that's all we
10 have.

11 PRESIDING OFFICER HAMMER: Okay.

12 Ms. Hogle.

13 MS. HOGLE: Thank you. The Company calls
14 Mr. Mark Tourangeau.

15 PRESIDING OFFICER HAMMER: And before I
16 swear you in, would you mind spelling your last name?

17 THE WITNESS: Certainly. Last name is
18 T-O-U-R-A-N-G-E-A-U.

19 PRESIDING OFFICER HAMMER: Mr. Tourangeau,
20 do you swear to tell the truth?

21 THE WITNESS: You got it.

22 PRESIDING OFFICER HAMMER: Do you swear to
23 tell the truth, sir?

24 THE WITNESS: I do.

25 PRESIDING OFFICER HAMMER: Thank you.

1 EXAMINATION

2 BY MS. HOGLE:

3 Q. Good morning, Mr. Tourangeau. Once again,
4 maybe for the reporter benefit, can you state and
5 spell your name for the record.

6 A. Yes. Mark Tourangeau,
7 T-O-U-R-A-N-G-E-A-U.

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

10 A. I'm employed by Rocky Mountain Power as a
11 director of commercial services, where I oversee our
12 negotiations and relationships with our large
13 industrial customers that we have special contracts
14 with. I also work with customers who are looking to
15 purchase renewables through our green tariffs. And
16 then I also oversee our qualifying-facility process
17 under PERPA for the Rocky Mountain Power territory.

18 Q. And is this the first time that you have
19 testified in the State of Utah?

20 A. It is.

21 Q. So given that, can you please provide a
22 brief background of your service.

23 A. Certainly. So I have over 20 years of
24 experience in the energy industry. Previous to Rocky
25 Mountain Power, I joined Rocky Mountain Power just

1 about a year ago. Previous to that I worked for
2 eight years for NextEra Energy out of Florida, which
3 is the largest renewable zone in North America. I
4 also worked for Morgan Stanley Commodities and for
5 Duke Energy.

6 Q. Thank you.

7 And are you familiar with the complaint
8 that was filed by Clenera on September 22nd, 2017?

9 A. I am.

10 Q. Are you familiar with Rocky Mountain
11 Power's response to that complaint October 24th,
12 2017?

13 A. Yes.

14 Q. Did you assist in the preparation of that
15 response?

16 A. I did, yes.

17 Q. And so you're comfortable adopting that
18 response as your own testimony today?

19 A. Yes, I am.

20 Q. And responding to the questions about that
21 response?

22 A. Correct.

23 Q. Okay.

24 MR. BARKLEY: Could we just -- could we
25 clarify the date on that? Was it 24 or 23?

1 MS. HOGLE: I believe that was
2 October 23rd, 2017.

3 THE WITNESS: That's the date I have.

4 MR. BARKLEY: Thank you.

5 Q. BY MS. HOGLE: Do you have any changes
6 that you would like to make to that response?

7 A. No, I do not.

8 MS. HOGLE: If it pleases the Commission
9 at this time, I would like to enter into the record
10 as Mr. Tourangeau's testimony the Company's response
11 filed October 23rd, 2017.

12 PRESIDING OFFICER HAMMER: Hearing no
13 objection, it's admitted.

14 MS. HOGLE: And I would like that to be
15 marked Rocky Mountain Power Exhibit 1.

16 (Whereupon, Rocky Mountain Power
17 Exhibit 1 was marked for
18 identification.)

19 Q. BY MS. HOGLE: Mr. Tourangeau, are you
20 also familiar with the reply that was filed by
21 Clenera October 24th, 2017?

22 A. Yes, I am.

23 Q. Did you prepare a summary of your response
24 to the complaint and the reply to the Company's
25 response that you would like to share today?

1 A. I did, yes.

2 **Q. Please proceed.**

3 A. Thank you. I really just want to make
4 three points. The first one is our tariff and
5 procedures in Schedule 38 are very clear, that the
6 interconnection process and the PPA indicative
7 pricing and negotiation process are two very separate
8 processes. It's mentioned a couple times in
9 Schedule 38.

10 Schedule 38 also provides a directive to
11 QF developers that they should start the
12 interconnection process as soon as possible because
13 it can be a lengthy and time consuming process. And
14 PacifiCorp Transmission Services is the part of the
15 company that runs that. PacifiCorp Merchant, of
16 which I'm apart, is running the PPA contracting
17 process. We, in fact, cannot have communication with
18 the core transmission services due to fair code of
19 conduct rules, unless we're granted a waiver provided
20 by the QF developer.

21 In any case, those processes are very
22 different, very separate, and the tariff is very
23 clear that our customer or our developer is
24 developing the QF, should initiate that
25 interconnection process as soon as possible and well

1 before the PPA negotiation process, in which this
2 situation that really didn't happen. They were
3 really done contemporaneously or, actually, after the
4 interconnection specifications were corrected by
5 Clenera for Faraday and Goshen, it happened after
6 they had requested indicative pricing.

7 So that is the first point.

8 My second point is, you know, due to the
9 tariff, we are unable to start negotiation on a PPA
10 until we have a series of information, series of
11 facts, from the QF developer, including, as
12 Schedule 38 says, their status on their
13 interconnection process. We take that to mean that
14 they need to establish an interconnection date
15 through a feasibility and system impact study done
16 with the support of Transmission Services to be able
17 to prove out that they can interconnect to our system
18 at or about the same time that they anticipate
19 bringing the project to commercial operations.

20 In Clenera's case -- Clenera, excuse me,
21 we are of a mind that given the challenges of taking
22 1120 QF megawatts and integrating those onto our
23 system using the approved methodology that PacifiCorp
24 Transmission Services has under our OATT to study
25 that, we cannot in good faith under Schedule 38

1 negotiate a PPA with them or keep them in our pricing
2 queue until those studies are completed and they can
3 prove that their stated TOD date coincides with their
4 actual interconnection date under those studies.

5 The third point is more just goes towards
6 equity overall with respect to all of our customers
7 and stakeholders. And, you know, counsel mentioned
8 it in terms of making sure that the pricing is
9 representative of the COD date when the QF facility
10 is going to come on-line.

11 I am totally indifferent as to the level
12 of that pricing. It just needs to be right in terms
13 of when that pricing starts, when our indicative
14 pricing starts, has to be associated with the date
15 that that site goes commercial. Otherwise, there's a
16 total mismatch there and it is not fair to our
17 customers, in that the avoided cost pricing is not
18 representative of when the site will actually become
19 commercial and operate for the 15 years it's under
20 contract. It's not fair to other developers who are
21 held to this standard, and it's not fair to the --
22 all of our other stakeholders as well.

23 So we strive to main equity from that
24 perspective, and we feel that the action we have
25 taken, which were very deliberative, we took a lot of

1 time, and I'm first to admit that, and it could have
2 gone more quickly in terms of our response. But we
3 had a very deliberative process after the
4 conversations with the DPU, which unfortunately they
5 don't recall it was done in a general sense, it
6 wasn't done with respect to the Clenera situation
7 specifically.

8 Our representative Kyle Moore
9 distinctively remembers having the conversations, and
10 unfortunately the representative from the Commission
11 and Consumer Services don't.

12 But given that feedback and then a very
13 in-depth analysis that we did over the next few
14 weeks, we feel justified in following our process and
15 upon notice of Schedule 38 and taking the actions of
16 the tariff.

17 MS. HOGLE: I don't have any further
18 questions. Thank you.

19 **Q. BY MS. HOGLE: Or do you have any final**
20 **comments, Mr. Tourangeau?**

21 A. Yeah. I mean, I just -- I struggle
22 sometimes when we talk about, you know, the
23 economics. And I don't think we're here to debate
24 the economics of the QF facility and whether it's
25 good or bad for ratepayers. We could have that

1 debate and it could last for hours and hours.

2 These -- this is unprecedented for us to
3 have 14 different QF facilities of 80 megawatts each.
4 Basically it's one solar development coming onto our
5 system in one location. The impacts on the
6 transmission system are large, and I think our
7 representative from Pat (phonetic) Transmission will
8 speak to that.

9 But the impacts are great. And so you
10 can't really talk about the economic impact just in
11 terms of rates because there are broad economic
12 impacts across the entire states that we serve
13 associated with it.

14 So we want to make sure we've have been
15 deliberative, very fair with respect to this huge
16 project that is coming on-line as 14 separate 80
17 megawatt QF facilities that I'm sure are probably a
18 mile apart. And we want to make sure that we are
19 following our procedures to a T, because this size of
20 project will have massive implications for our
21 customers for fairness and for our system. So we
22 want to make sure that we're being thoughtful for all
23 of our customers and stakeholders.

24 MS. HOGLE: Mr. Tourangeau is available
25 for questions. Thank you.

1 PRESIDING OFFICER HAMMER: Mr. Barkley.

2 MR. BARKLEY: I do have some questions,
3 Your Honor.

4 EXAMINATION

5 BY MR. BARKLEY:

6 Q. Good morning, Mr. Tourangeau.

7 A. Good morning, sir.

8 Q. Is it your testimony that Rocky Mountain
9 Power has historically required a completed facility
10 study before tendering a form of PPA and beginning
11 negotiations?

12 A. My understanding is that we have to have
13 proof that a facilities study has been done that
14 proves that the interconnection can be made at or
15 around the stated C.O.D. Now, I've been here for a
16 year, so I'm not sure if that is always what we
17 followed in the past. But based on our read of the
18 tariff, that's what we're looking at.

19 Q. Is it your understanding that the tariff
20 requires demonstration that an interconnection study
21 has been completed before you can -- before you can
22 provide the form of PPA?

23 A. And let me pull up the tariff here real
24 quickly so I can speak to that.

25 The tariff says there's evidence that any

1 necessary interconnection studies that are underway
2 and that the necessary interconnection arrangements
3 can timely be completed in accordance with Part 2
4 sufficient for the projects to reach amortization by
5 the proposed on-line date. Our interpretation of
6 that is that until the study is done, there is no way
7 for us to have determined, based on this core
8 transmission services analysis, whether it can meet
9 it's proposed service date or not.

10 **Q. Specifically, which study are you speaking**
11 **about? Are you speaking of the feasibility study,**
12 **the impact study, or the final study?**

13 **A. Typically the feasibility -- typically the**
14 **feasibility study.**

15 **Q. Okay. And is it your testimony, then,**
16 **that it has been the historical practice of Rocky**
17 **Mountain Power to require a completed feasibility**
18 **study before it will tender a form of PPA for**
19 **negotiation?**

20 MS. HOGLE: Objection, asked and answered.

21 PRESIDING OFFICER HAMMER: Overruled. I
22 think he reformulated the question.

23 You can answer, sir.

24 THE WITNESS: I'm not able to answer for
25 certain historically whether that's been required.

1 Q. BY MR. BARKLEY: Okay. I believe one of
2 the second points you made was a point of equity, and
3 you spoke about fairness to other developers.

4 You do understand, Mr. Tourangeau, don't
5 you, that all developers are depending upon the
6 process that's laid out in the company's tariffs in
7 making their investment decision on these very
8 expensive projects?

9 A. Yes.

10 Q. And do you believe that it is the
11 company's obligation to adhere to that process?

12 A. I do, yes.

13 Q. And you understand that the process that
14 is laid out in PacifiCorp's open access transmission
15 tariff calls for reasonable efforts to get a
16 feasibility study done within 45 days, correct?

17 MS. HOGLE: Excuse me, objection. Or
18 maybe not just a clarification. I wonder if that
19 question is not better answered by Mr. Fritz, who
20 will be on the stand shortly.

21 PRESIDING OFFICER HAMMER: I'll defer to
22 Mr. Barkley whether you want to reassert the
23 question.

24 MR. BARKLEY: Your Honor, I would like to
25 Mr. Tourangeau to answer that because he did opine

1 about fairness to developers and developers
2 reasonable expectations.

3 PRESIDING OFFICER HAMMER: If you know the
4 answer to the question, Mr. Tourangeau, you may
5 answer.

6 THE WITNESS: Please restate the question.

7 Q. BY MR. BARKLEY: Sure. Is it your
8 understanding that the company's OATT, Open Access
9 Transmission Tariff, requires that the company use
10 reasonable efforts to complete a facility study
11 within 45 days?

12 A. I'm not familiar with the specific term.
13 I believe you read it. So --

14 Q. Are you familiar with the depth -- with
15 the timelines with the remaining two studies, the
16 system impact study and the final study?

17 A. I am not because I don't work in
18 PacifiCorp Transmissions Services.

19 Q. You mentioned at one point the company had
20 a very deliberative process. To be clear, the
21 company is still in that very deliberative process,
22 correct?

23 A. We have made our decision and communicated
24 it through our response.

25 Q. When you say your decision, when you

1 refer -- maybe I didn't understand your testimony.

2 When you refer to the deliberative
3 process, were you referring to the interconnection
4 study process?

5 A. No, not at all. I was referring to the
6 situation at hand here where we were analyzing our
7 decision as to whether or not to continue keeping the
8 clean air projects in the pricing queue or not. That
9 is a process I'm referring to that we were
10 deliberating on over time and came to our decision,
11 which we then communicated to Clenera.

12 MR. BARKLEY: Your Honor, I have no
13 further questions.

14 PRESIDING OFFICER HAMMER: Thank you.
15 Mr. Jetter.

16 MR. JETTER: I do have just a few brief
17 questions.

18 EXAMINATION

19 BY MR. JETTER:

20 Q. So I'm going to pick one of the timelines
21 out of Schedule 38 here. So I'm looking at sub --
22 it's Roman numeral I B 4, indicative pricing.

23 And it says, Within 30 days following the
24 dated QF project was added to the QF pricing queue
25 under Section I B 3, the company shall provide the QF

1 developer with indicative pricing, et cetera.

2 Would it be reasonable for the company in
3 that case if the timeline was 30 days to come back a
4 year later?

5 A. No, it would not.

6 MR. JETTER: Okay. That's my only
7 question. Thank you.

8 PRESIDING OFFICER HAMMER: Mr. Trudeau --
9 did I get your name correct?

10 THE WITNESS: Tourangeau.

11 PRESIDING OFFER HAMMER: I apologize for
12 that.

13 THE WITNESS: That's okay.

14 PRESIDING OFFICER HAMMER: I just have one
15 question. I'm going to read a couple of sentences
16 from the Complainant's initial complaint, and I
17 wonder if you could lend any context to them.

18 It states, On March 13th, 2017, developer
19 made a timely request for a proposed PPA. On
20 March 21sts, 2017, the Company responded, quote, we
21 have reviewed your request for a proposed PPA, and we
22 find it to be complete, end quote. Nevertheless,
23 nearly a month later on the April 18, 2017, the
24 Company requested an additional update on the
25 interconnection studies, asserting it needed to have

1 the study results prior to issuing a proposed PPA.

2 And I'll end there.

3 Are those statements true?

4 THE WITNESS: That is accurate.

5 PRESIDING OFFICER HAMMER: Can you explain
6 why the Company represented that the application was
7 complete or that it had all the required information
8 it needed and later changed its position?

9 THE WITNESS: I think that may have just
10 been a case of not having gotten -- looking at it
11 again and looking at the response with respect to the
12 interconnection study, the feasibility study, and not
13 seeing there and responding that we need to see that
14 as well.

15 PRESIDING OFFICER HAMMER: I have nothing
16 else. Thank you, sir.

17 THE WITNESS: Thank you. Thank you, Your
18 Honor.

19 MS. HOGLE: Your Honor, I wonder if I can
20 ask a couple clarifying questions, because I think
21 it's a little bit unclear now based on what he's
22 testified about, okay?

23 PRESIDING OFFICER HAMMER: I have no
24 objection.

25 MS. HOGLE: Okay.

1 EXAMINATION

2 BY MS. HOGLE:

3 Q. Mr. Tourangeau, can you testify when the
4 first time it was that Clenera sought indicative
5 pricing or reached out to the commercial unit of
6 PacifiCorp?

7 A. I believe they sought indicative pricing
8 in November, and I believe Mr. Shively spoke about
9 that. And then there was a change to the
10 interconnection point. And so that kind of restarted
11 the process.

12 So on December 14th of 2016, they
13 requested indicative pricing for the Faraday 780
14 megawatt Farady projects. And then on February 1st
15 of 2017 they sought the indicative pricing for the
16 780 megawatt Goshen Valley projects.

17 Q. Is it your understanding that Clenera
18 sought indicative pricing before reaching out to
19 PacifiCorp Transmission regarding the transmission
20 queue and the transmission services for this project?

21 A. My understanding of the timeline for the
22 transmission services, you know, starting in late
23 November, they requested -- or they applied for a
24 queue number, and then later on in early January they
25 changed that from just a generally large generation

1 interconnect agreement request to a specific
2 qualifying facility request, which would require a
3 network resource application.

4 **Q. Do you have Schedule 38 in front of you?**

5 A. I do, yes.

6 **Q. Can you please turn to Paragraph 3 in the**
7 **first page?**

8 A. I'm there.

9 **Q. Can you read for me, beginning the**
10 **generation interconnection process, all the way to**
11 **the end?**

12 A. The generation interconnection process are
13 a critical and lengthy process that typically must be
14 well underway before a power purchase agreement
15 should be requested. QF developers are strongly
16 encouraged to gain a clear understanding of the
17 transmission interconnection process and associated
18 costs and timelines before requesting indicative
19 pricing or a power-purchase agreement under this
20 schedule. The interconnection process is described
21 in Section 2 dot B of this.

22 **Q. Is it your understanding that Clenera**
23 **followed this directive?**

24 A. I think you could question whether they
25 followed that directive.

1 MS. HOGLE: Thank you. I have no further
2 questions.

3 PRESIDING OFFICER HAMMER: I'll allow
4 Mr. Barkley to ask some follow-up questions that he
5 may have.

6 MR. BARKLEY: I have no further questions,
7 Your Honor.

8 PRESIDING OFFICER HAMMER: Thank you.
9 Mr. Jetter, any follow-up?

10 MR. JETTER: No, I don't have any
11 follow-up. Thank you.

12 THE WITNESS: Thank you, Your Honor.

13 PRESIDING OFFICER HAMMER: Thank you. You
14 are excused.

15 Ms. Hogle.

16 MS. HOGLE: I'm going to call Mr. Brian
17 Fritz.

18 PRESIDING OFFICER HAMMER: Mr. Fritz, do
19 you swear to tell the truth?

20 THE WITNESS: Yes.

21 PRESIDING OFFICER HAMMER: Thank you.

22 EXAMINATION

23 BY MS. HOGLE:

24 Q. Good morning, Mr. Fritz.

25 A. Good morning.

1 Q. Can you please and spell your name for the
2 record?

3 A. Brian Fritz, F-R-I-T-Z.

4 Q. And by whom are you employed and in what
5 capacity?

6 A. PacifiCorp as director of Transmission
7 Services and Transmission Development.

8 Q. And is this the first time that you have
9 testified in Utah?

10 A. Yes.

11 Q. Given that, can you please provide a brief
12 background of your experience?

13 A. Sure. I currently have over 30 years
14 experience in the energy industry, with Portland
15 General Electric, Enron, and PacifiCorp. My current
16 responsibilities in PacifiCorp include general
17 oversight of the generation interconnection process.

18 Q. Are you familiar with the complaint that
19 was filed by Clenera?

20 A. Yes.

21 Q. Are you familiar with Rocky Mountain
22 Power's response to that complaint filed
23 October 23rd, 2017?

24 A. Yes.

25 Q. Are you familiar with the issues related

1 to the transmission queue that arose in that
2 complaint?

3 A. Yes.

4 Q. So you're comfortable responding to
5 questions related to those issues here today?

6 A. Yes.

7 Q. Are you also familiar with a reply to the
8 Company's response filed by Clenera October 24th,
9 2017?

10 A. Yes.

11 Q. Are you prepared to respond to some of the
12 allegations made in that reply?

13 A. Yes.

14 Q. Do you have any exhibits that support your
15 response to Clenera's reply today?

16 A. Yes.

17 MS. HOGLE: Your Honor, may I approach to
18 provide an exhibit that Rocky Mountain Power would
19 like marked as Rocky Mountain Power Exhibit 2 to the
20 bench and the parties at this time before I continue
21 my direct examination?

22 PRESIDING OFFICER HAMMER: Of course.

23 MS. HOGLE: Thank you.

24 / / /

25 / / /

1 (Whereupon, Rocky Mountain Power
2 Exhibit 2 was marked for
3 identification.)

4 **Q. BY MS. HOGLE: Mr. Fritz, can you briefly**
5 **describe what I just passed out as Rocky Mountain**
6 **Power Exhibit 2?**

7 A. Yes. What this shows in the top graph is
8 requests that have come into the interconnection
9 queue by size. Well, what you can see is between
10 2015 and '17, we have seen a large increase of the
11 projects that have been requested in the queue. The
12 bottom graph shows specific to Utah the same
13 information. Again, you can see a very large uptick
14 in 2016.

15 **Q. And, Mr. Fritz, just to describe it a**
16 **little more, how do you compare this graph with what**
17 **Clenera included in its graphs in its reply to the**
18 **Company's response?**

19 A. What they provided was just the number of
20 requests, which is just part of the story. What we
21 have here is an additional piece of the story, which
22 has a big impact on the interconnection queue study
23 process.

24 **Q. Thank you.**

25 MS. HOGLE: Would it please the Commission

1 at this time, we would that RMP Exhibit 2 be entered
2 into the record and admitted into evidence.

3 PRESIDING OFFICER HAMMER: Any objection?

4 MR. BARKLEY: No objection, Your Honor.

5 MR. JETTER: No objection.

6 PRESIDING OFFICER HAMMER: It's admitted.

7 MS. HOGLE: Thank you.

8 **Q. BY MS. HOGLE: Mr. Fritz, did you prepare**
9 **a summary of Rocky Mountain Power's response to the**
10 **interconnection queue issues that you would like to**
11 **address at this time?**

12 A. Yes, I did.

13 **Q. Please proceed.**

14 A. Today I'll address the interconnection
15 study process and how the influx of large number of
16 higher megawatt projects in 2016 and '17 have
17 increased the complexity of the process and the time
18 to complete the studies. I'll also address the
19 limited value of bringing on third-party analysts to
20 complete studies.

21 As have been stated today, PacifiCorp
22 follows the FERC open transmission tariff. The FERC
23 regulatory commission, they govern the
24 interconnection process, including studies on a
25 nondiscriminatory basis.

1 For QF interconnections in Utah, the
2 company's Schedule 38 states that we follow the
3 tariff.

4 We do -- as I said today, we do follow the
5 sequential order study process, which is allowed
6 under the tariff, with higher queued requests studied
7 first. This allows the company to determine the
8 system impacts for each generator and associated
9 mitigation, if any. And that's required to ensure
10 that we safely and reliably interconnect each
11 generator, and it's necessary to properly identify
12 the project that is triggering any system
13 improvements and to incorporate those improvements
14 into the study results for that project and any lower
15 queued projects.

16 Contrary to Clenera's claim, the time
17 required to study generator interconnections is not
18 simply a function of how many are in the queue.
19 That's a small piece of it.

20 One of the important factors include the
21 size, where the interconnections are proposed, if
22 they're on transmission or distribution, and the
23 activity in the higher queued projects. And what I
24 mean by that is if projects at higher queue are
25 removed from the queue.

1 So what we see in Exhibit 2 is it
2 demonstrates that in recent years we have seen a
3 large increase in the size of the projects. Had they
4 been on the transmission system and not the
5 distribution system, as is Clenera's request, there's
6 a significant difference between studying a project
7 such as a 3-megawatt project on distribution, versus
8 a thousand fifty megawatt project such as Clenera's
9 on the transmission system.

10 And these factors will increase the
11 complexity of the study and the timeline required to
12 do those things.

13 Another complexity is in the process,
14 since we use a sequential process, if a higher queued
15 project removes from the queue, we're required to
16 then go back and restudy lower-queued projects to
17 look at the impacts that were identified with the
18 higher queued and how -- and do they apply to the
19 lower-queued projects. And then we would apply those
20 to the lower-queued projects.

21 So right now the Company is experiencing
22 an unprecedented spike in interconnection requests of
23 large megawatts. You can see -- again you can see
24 the spike in Exhibit 2. We currently have more
25 megawatts in our interconnection queue than we have

1 existing generation today. And it is approximately a
2 200 percent increase in excess of current PacifiCorp
3 east network load.

4 As an example, this single thousand fifty
5 megawatt project that Clenera is proposing, equals
6 approximately one-tenth of PacifiCorp's existing
7 generation fleet.

8 The interconnection study process is --
9 uses a complex powerful model to determine impacts to
10 the system and upgrades required to maintain
11 reliability of the system. As proposed generation
12 increases at a pace faster than load, which we are
13 currently experiencing, the analysis becomes
14 increasingly complex.

15 With a request of this size, a thousand
16 fifty megawatts connected at the same point, the
17 impacts are likely to be identified across a very
18 wide footprint of PacifiCorp's transmission system.
19 This also increases the complexity.

20 The value of independent third-party
21 interconnection study is limited at best. An
22 independent party only has access to publicly
23 available information, and not all interconnection
24 studies are public. There's also information about
25 PacifiCorp's transmission system that is not publicly

1 available.

2 Therefore, the independent third-party
3 analyst does not have sufficient information to
4 complete an appropriate interconnection study.
5 Simply focusing on one project does not provide the
6 information required and could jeopardy reliability
7 of the system.

8 So in summary, the process schedules
9 impacted by the size, location, its proposed
10 interconnect to transmission or distribution, and the
11 action of those projects that are higher in the
12 queue.

13 The use of third-party analysis does not
14 provide the full picture and cannot be used
15 effectively picking one request to the queue and
16 performing an analysis without the full information
17 of all higher-queued projects.

18 **Q. Mr. Fritz, just one -- maybe one or two**
19 **questions.**

20 **Is PacifiCorp Transmission processing**
21 **interconnection request applications as quickly as**
22 **possible, given the sequential process it uses and**
23 **the complexity of the process, including as well the**
24 **number and the size of the projects that are seeking**
25 **requests?**

1 A. Yes. We're using all reasonable efforts,
2 as is stated in the tariff, to complete these studies
3 in a timely manner.

4 Q. Thank you.

5 MS. HOGLE: Mr. Fritz is available for
6 questions.

7 PRESIDING OFFICER HAMMER: Mr. Barkley?

8 MR. BARKLEY: Thank you, Your Honor.

9 EXAMINATION

10 BY MR. BARKLEY:

11 Q. Good morning, Mr. Fritz.

12 A. Good morning.

13 Q. Is it the historic practice -- excuse me.

14 Is it the historic practice of Rocky Mountain Power
15 or PacifiCorp to require a completed feasibility
16 study before tendering a form of PPA for negotiation?

17 A. I can't answer that. I am not part of the
18 marketing function. I don't deal with PPAs. What I
19 can say and what I heard earlier is that is the case.

20 Q. You are not personally able to provide us
21 today an example of an instance in which either Rocky
22 Mountain Power or PacifiCorp has required a completed
23 feasibility study before tendering a PPA; is that
24 correct?

25 A. That is correct.

1 Q. Regarding the chart that you supplied,
2 what was the source of the data for this chart?

3 A. It's the data that is in our
4 interconnection queue.

5 Q. Is that data from your OASIS system?

6 A. I would have to go look at OASIS and see
7 if we actually provide the megawatt information in
8 the queue -- the queue information that we provide.

9 Q. If that's not provided, would that likely
10 be because of confidentiality concerns?

11 A. Yes.

12 Q. Would you expect this information to be
13 otherwise consistent with the data that's in the
14 OASIS system?

15 A. Yes, if it's provided.

16 Q. I believe you stated that you were
17 familiar with the October 23rd response that was
18 filed by PacifiCorp, correct?

19 A. Correct.

20 Q. Is it your recollection that in discussing
21 the work load facing PacifiCorp that that
22 October 23rd response focused on the number of
23 interconnection requests or on the magnitude of those
24 requests?

25 A. Reading the document, it focused on the

1 number, which as I've stated, really doesn't provide
2 the whole picture.

3 **Q. Now, one of the difficulties that you**
4 **discussed was the difficulty of having to deal with**
5 **changes ahead of an applicant in the queue?**

6 A. Yes.

7 **Q. Did I word that well enough for you to**
8 **understand?**

9 A. Yes. You're talking about a higher queued
10 project that would remove itself or get removed from
11 the queue.

12 **Q. And that's a significant problem?**

13 A. It's a consistent problem. We recently
14 have seen two very large projects removed from the
15 queue in Southern Utah, which will have impact on the
16 other projects in the queue.

17 **Q. Is that more likely to be a problem when**
18 **there are two applicants or when there are 20**
19 **applicants?**

20 A. It's more likely to be an issue based on
21 all factors, not just the number. Again, we see
22 people remove themselves from the queue for various
23 reasons. I think a consistent reason is with these
24 larger projects, the cost to integrate them to the
25 system is sometimes very large, and I would assume

1 that that then drives their economics the wrong way
2 and they remove themselves from the queue.

3 So I would say it's probably more a
4 function -- it's not just a function of number, it's
5 a function of number and size and location.

6 **Q. But to be clear, if there are three**
7 **requests in the queue and I'm No. 3, there are only**
8 **two people ahead of me who might change their minds**
9 **and affect my timing, correct?**

10 A. No. It's not just that there's two people
11 ahead of you, it's how many are ahead of you that may
12 or do remove themselves from the queue that then have
13 an impact on you. And so that project could be in
14 Southern Utah, Northern Utah, Idaho. If it has an
15 impact on those queue positions below it, then those
16 queue positions have to be restudied to evaluate the
17 impacts and the upgrades associated with that removed
18 project, and those get applied down into the queue.

19 **Q. Maybe my question wasn't clear, because**
20 **I'm not sure your answer was inconsistent with what I**
21 **was suggesting. So let me try again.**

22 **If there are only three applicants in the**
23 **queue and I'm last, I'm No. 3, there are two**
24 **applicants in front of me, and if either of those two**
25 **applicants decides to withdraw from the queue or**

1 change the parameters of their application, that
2 could affect me, right?

3 A. Yes. In theory if there were only three
4 customers in the queue in the same general location
5 or in a location that would impact you, if they
6 remove themselves, yes.

7 Q. Okay. And if there are 40 applications in
8 the queue, and again, I have the misfortune of being
9 last, I'm No. 40, there are 39 applications in the
10 queue ahead of me, any one of which could change,
11 either withdraw from the queue or change its
12 parameters, and require a restudy that would affect
13 me, right?

14 A. That is possible, yes.

15 Q. And is it reasonable to suggest that if
16 there are 40 applications in the queue, it's more
17 likely that some of them are in the same area or
18 region as I am and some of them may be on the same
19 transmission lines I am?

20 A. It's possible.

21 Q. Is it your position today that the Rocky
22 Mountain Power tariffs and/or the PacifiCorp tariffs
23 do not allow for a cluster study of the sort that was
24 described by Mr. Ellsworth?

25 A. No. A cluster study or sequential studies

1 are both allowed in the Open Access Transmission
2 Tariff.

3 Q. One last topic, Mr. Fritz.

4 In the company's October 23rd response
5 there was a reference made to Docket No. 17-35-13, in
6 which PacifiCorp Transmission had experienced an
7 unprecedented surge in interconnection applications.

8 Are you familiar with that reference?

9 A. Yes.

10 Q. It is correct, isn't it, that in that
11 docket PacifiCorp cited its workload as support for a
12 request to extend deadlines?

13 A. Yes.

14 MR. BARKLEY: Thank you. I have no
15 further questions.

16 PRESIDING OFFICER HAMMER: Mr. Jetter?

17 MR. JETTER: I do have a few questions.

18 Good morning.

19 THE WITNESS: Good morning.

20 EXAMINATION

21 BY MR. JETTER:

22 Q. I guess let's start out with, when -- when
23 did the Pac Trans unit realize that it was seeing a
24 sufficient volume of applications coming in that it
25 was no longer able to keep to the 45-day turnaround

1 on those?

2 A. I don't have exact dates in front of me,
3 but it would have been in, I believe, late 2015,
4 early 2016.

5 Q. And do you notify QF applications
6 immediately upon their application to you for a
7 interconnection study that this is the case?

8 A. No. Not immediately.

9 Q. At what point in the process do you
10 typically notify them?

11 A. When we get an application in, there's
12 many steps we go through. But when we get a deemed
13 complete application, then we hold a scoping meeting.
14 When we have the scoping meeting, that's where we
15 would provide information on the study process.

16 Q. Okay. And so would it be fair to say that
17 there's really no way for a QF to know what the
18 timeline would be before they get to that point?

19 A. Again, I would have to go back and look
20 and see what information we have on OASIS. I'm
21 trying to remember if the dates are included there or
22 not. But that could be a way for them to see that.

23 Q. Okay. In this case do you know when that
24 scoping meeting happened?

25 A. The scoping meeting was January 3rd, 2017.

1 Q. Okay. And do you know how soon after that
2 you had informed the applicant for these QF's that
3 that study would be delayed?

4 A. That would have been 3-14, 2017.

5 Q. Okay. Thank you.

6 Since the influx of these QF applications
7 in 2015, has the staff that do the calculations and
8 studies on this increase at Pac Trans?

9 A. First I would like to clarify that it's
10 not just an increase in QF's. We don't treat the QF
11 request any different than we do a PERC
12 jurisdictional request. They enter the same queue
13 and they're studied in the same manner.

14 We have added a consultant to help with
15 the studies during this timeframe.

16 Q. Okay. And when you say a consultant, is
17 that a consulting firm or is that an individual
18 person?

19 A. It's a consulting firm.

20 Q. Okay. Has that significantly reduced the
21 time to turn around these applications?

22 A. Initially, yes, it did. With the
23 additional influx with the size, it hasn't gone as
24 fast. When we first brought them in, we were dealing
25 more with small generation. And so it's -- I would

1 say it's helped, but it's slowed down a little bit.

2 Q. Okay. And is it -- is it accurate to say
3 that a new application today, if we hypothetically
4 created an 80-megawatt new QF at the bottom of the
5 queue in the same location in Southern Utah, that
6 they would be reasonable to expect a one-year-plus
7 timeframe?

8 A. Yes.

9 Q. Are you doing anything actively now to
10 reduce those times?

11 A. Not beyond what we have done. We have
12 looked at options. We have not found an option.

13 Q. I guess maybe to follow-up on that, could
14 you briefly describe what options you have
15 considered?

16 A. We have looked at options of breaking the
17 system up. In other words, looking at studies
18 associated with Southern Utah, Eastern Wyoming. What
19 we have found is that with the increase in the
20 megawatt size that that doesn't work. We have looked
21 to see if there's additional contractors out there
22 that could help. And we have looked at adding
23 resources, although we've only looked at that. We
24 haven't done any real analysis or decided to do it.

25 Q. And in terms of these studies, if you were

1 to increase your staff doing the studies, would that
2 speed up the process?

3 A. No.

4 Q. And why is that?

5 A. Because we use the sequential method. So
6 the higher-queued project has to be studied first.
7 And so throwing bodies at the queue doesn't
8 necessarily mean that you speed the process up.

9 Q. So in that sequential study, is it
10 computer calculation time? What is taking so long
11 that increasing adding another team of other analysts
12 would not speed that up?

13 A. Generally it's the complexity of the
14 analysis. And so when we see this, you know,
15 increase in size and megawatts in the requests, it
16 involves a larger footprint of the transmission
17 system that has to be analyzed.

18 And so with the power-flow analysis, what
19 we're really trying to do is at the end of the day
20 balance generation with load. So as your generation
21 increases beyond what your load increases, then it
22 becomes more and more complex. It takes more time to
23 do the study.

24 We use a term in the power-flow analysis
25 that we say the analysis has to solve. And that

1 means that we have figured out what additions need to
2 be made, what are the impacts, what are the solutions
3 to those impacts, that we maintain a safe, reliable
4 system for all customers.

5 Q. And in so doing that you're using, I
6 assume, a model of your current grid of transmission
7 lines --

8 A. Yes.

9 Q. -- in the distribution system; is that
10 right?

11 A. Yes.

12 Q. And the calculations done on the power
13 flow across any given line, are those generated
14 through a computer model? Are you doing some type of
15 a manual input calculation?

16 A. It's a computer model, but there's
17 human -- a lot of human interface when it starts
18 coming to the time of the model didn't solve, now how
19 do we fix it so it does solve. So that requires, you
20 know, a pretty good knowledge of our system to be
21 able to do that.

22 And what I mean by that is, if it doesn't
23 solve, then what the engineering planner does is
24 says, Okay, what if -- what if we install X, and that
25 could be a new transformer. It could be a finish

1 shifter. It could be a new transmission line. And
2 does that solve the case. And, of course, when they
3 do that, then that has more impacts on the rest of
4 the system, so they have to look at it again.

5 Q. And you just do one test solution at a
6 time to see if it works and then go on to the next
7 one?

8 A. Yes. I believe so, although I'm not a
9 planner.

10 Q. And I guess ultimately my question is, you
11 know, as a regulator from the State of Utah what
12 we're seeing is potentially putting customers at risk
13 of delaying good projects or potentially causing good
14 projects to be terminated simply by a delay in the
15 calculations or the analysis from Pac Trans, and
16 frankly that's kind of why we're here today.

17 Is it -- is it accurate to say that your
18 testimony is that there's nothing you can do to speed
19 this up?

20 A. No. We continue to look for ways to speed
21 the process up. And that does include, you know, the
22 possibility of moving to a cluster-type study. But
23 these are things that, sorry to say, can't happen
24 overnight.

25 Q. Okay.

1 MR. JETTER: I think that's all of my
2 questions. Thank you.

3 THE WITNESS: Thank you.

4 PRESIDING OFFICER HAMMER: I have a
5 couple. Do you want to wait or go ahead and do
6 yours?

7 MS. HOGLE: I apologize. I will leave
8 that up to you, whatever you want me to do. If you
9 want me to go before or after.

10 PRESIDING OFFICER HAMMER: Go ahead.

11 MS. HOGLE: Okay, thank you.

12 EXAMINATION

13 BY MS. HOGLE:

14 Q. Mr. Fritz, to your knowledge, does the
15 OATT allow for reasonable delays in the processing of
16 interconnection application requests to accommodate
17 spikes, such as spikes in the requests, such as the
18 surge and the spike that PacifiCorp transmission is
19 experiencing and has been experiencing for over a
20 year now?

21 A. Yes.

22 Q. You were also asked earlier about the
23 cluster process and whether that is allowed under
24 PacifiCorp's OATT. Do you recall that question?

25 A. Yes, I do.

1 Q. Is it your understanding whether this
2 hearing is to debate our process? Or is it to find
3 out whether PacifiCorp is following its Schedule 38
4 in order to run through the applications pursuant to
5 Schedule 38?

6 A. It's my understanding that this hearing is
7 about how PacifiCorp is following Schedule 38.

8 Q. Could one of the reasons or a factor that
9 is driving the surge in the applications of
10 interconnection requests be the upcoming expirations
11 of the PTC's, is that a factor, perhaps, that is
12 driving the significant surge that PacifiCorp
13 Transmission is seeing with its interconnection
14 requests?

15 A. Yes. Actually, that's a phenomena that we
16 see every year that we get close to, you know, that
17 date. And it has happened in various times in past
18 history. And when that -- you know, we start getting
19 close to that date, we see an uptick.

20 Q. Does PacifiCorp Transmission have control
21 over the number and the size of interconnection
22 requests it receives?

23 A. No.

24 Q. You were also asked about whether you
25 understood that as regulators these delays that are

1 caused by the significant number and the volume of
2 requests that PacifiCorp Transmission is getting
3 could potentially be harmful to customers.

4 Is it your understanding that as a
5 regulator also running through these applications
6 without the sequential process that is used by
7 PacifiCorp and without following Schedule 38 could
8 also potentially be harmful to customers?

9 A. Yes. By not following our process, if we
10 were to pull a customer out of that process and study
11 them outside the process, then that would harm
12 everybody with a higher-queued project. Or I should
13 say has the potential to.

14 Q. Is Clenera the -- to your knowledge, the
15 only QF that is experiencing these conditions in the
16 current environment of ever increasing requests as a
17 result of the PTC's expirations?

18 A. No. I would say that that's -- that's an
19 issue with every applicant in the queue. It's not
20 specific to QF's or for jurisdictional, it's the
21 timeline in the queue today, and it impacts everybody
22 in the queue.

23 MS. HOGLE: I have no further questions,
24 thank you.

25 MR. BARKLEY: Your Honor, can I be

1 permitted just a couple quick follow-ups to that?

2 PRESIDING OFFICER HAMMER: Of course.

3 EXAMINATION

4 BY MR. BARKLEY:

5 Q. I want to talk specifically about your
6 statement that utility, by which I assume you mean
7 Pac Tran, has no control over the number of
8 applications.

9 In looking at your chart, what was the
10 date, by the way, of this data?

11 A. Yesterday.

12 Q. Yesterday. Okay.

13 Has Rocky Mountain Power recently issued
14 an RFP for proposed projects?

15 A. Yes. I believe they have actually issued
16 two.

17 Q. Okay. And so that is an invitation for
18 people to propose new projects that will have to be
19 studied, correct?

20 A. I'm not privy to the details of the RFP.
21 But I believe it's my understanding that a developer
22 has to be in the queue before they can submit a
23 project in the RFP.

24 Q. So if I want to submit -- if I want to
25 respond to the RFP, I've got to get in the queue

1 before I can do so?

2 A. I believe that's correct, although maybe
3 Mark has a different take on that.

4 Q. You also said that it was your
5 understanding that the OATT allows for reasonable
6 delays due to spikes in applications. Are you able
7 here today to point us to the language in that OATT
8 or that general area where we would find that?

9 A. You pointed it out earlier when you quoted
10 the 45 days. It says, reasonable effort.

11 Q. Okay. Perfect.

12 MR. BARKLEY: Thank you. That's all I
13 have.

14 PRESIDING OFFICER HAMMER: Thank you. And
15 just a couple questions from me, Mr. Fritz.

16 I believe you testified earlier that your
17 understanding is that the OATT allows Pac Trans
18 discretion as to whether to employ what we have
19 referred to today as a serial method or a cluster
20 method; is that right?

21 THE WITNESS: Correct.

22 PRESIDING OFFICER HAMMER: Whichever
23 option Pac Trans selects, whether cluster or serial,
24 does the OATT require to apply that -- require Pac
25 Trans to apply that method to all applicants?

1 A. I would say that the tariff is not clear
2 on that. The tariff allows you to use either
3 process. I don't believe it's clear on exactly how
4 you apply the process and if you can split it up.

5 **Q. So you don't know the answer to the**
6 **question as to whether if this Commission issued an**
7 **order finding that Pac Trans ought to use the cluster**
8 **method, that Pac Trans would be in violation of its**
9 **OATT if it did employ that method in FERC**
10 **jurisdictional applications?**

11 A. I don't think I have an answer to that.
12 We're allowed to use cluster studies, per the tariff.
13 So I don't think I can answer that if we were
14 directed.

15 PRESIDING OFFICER HAMMER: No, that's
16 fine. I don't know is a perfectly acceptable answer.
17 I'm just wondering.

18 Have you testified in other administrative
19 proceedings, whether before a state commission or
20 before FERC that related to Pac Trans's processing of
21 interconnection applications or the studies related
22 to them, and specifically the timeliness of that
23 processing?

24 THE WITNESS: No.

25 PRESIDING OFFICER HAMMER: I have nothing

1 else. Thank you.

2 Ms. Hogle.

3 MS. HOGLE: The Company rests its case.

4 Thank you.

5 PRESIDING OFFICER HAMMER: Thank you.

6 It has been -- well, I was going to point
7 out it's been a little over two hours and if the
8 parties might desire a break. But it looked as
9 though Mr. Barkley wanted to say something.

10 MR. BARKLEY: I wanted to be sure that
11 whoever gets my certificate of good standing gets it,
12 it's looks really pretty. But other than that, we're
13 fine.

14 RESIDING OFFICER HAMMER: I assume
15 Mr. Jetter wants to put on some evidence; is that
16 right?

17 MR. JETTER: Yes.

18 PRESIDING OFFICER HAMMER: Would the
19 parties like to take a break or press on?

20 MR. BARKLEY: I'm fine with pressing on.

21 MR. JETTER: I need a break.

22 PRESIDING OFFICER HAMMER: We're going to
23 request for a break. We'll be back at 11:20, 10
24 minutes. We're in recess. Thank you.

25 (Whereupon, a recess was taken at

1 11:07 a.m. to 11:21 a.m.)

2 PRESIDING OFFICER HAMMER: Let's go back
3 on the record, please.

4 Mr. Jetter.

5 MR. JETTER: Thank you. The Division
6 would like to call Charles Peterson.

7 PRESIDING OFFICER HAMMER: Mr. Peterson,
8 do you swear to tell the truth?

9 THE WITNESS: Yes.

10 PRESIDING OFFICER HAMMER: Thank you.

11 EXAMINATION

12 BY MR. JETTER:

13 **Q. Mr. Peterson, would you please state your**
14 **name and occupation for the record.**

15 A. Charles E. Peterson. Spelled with an
16 S-O-N.

17 **Q. Thank you.**

18 A. And my occupation, I'm sorry. I'm a
19 utility technical consultant with the Division of
20 Public Utilities.

21 **Q. Thank you.**

22 **And in the course of your employment, did**
23 **you have the opportunity to review the filings in**
24 **this docket?**

25 A. Yes.

1 Q. And did you create and cause to be filed
2 with the Commission an action request response dated
3 October 23rd, 2017?

4 A. Yes.

5 Q. Do you have any corrections or changes
6 that you would like to make to anything you have put
7 in that?

8 A. None that I'm aware of.

9 Q. And rather than going through all of that
10 today, would you be -- would you adopt that as your
11 testimony?

12 A. Yes.

13 Q. Thank you.

14 MR. JETTER: I guess I would like to move
15 at this point to enter the action request response of
16 October 23rd, 2017, into the record.

17 PRESIDING OFFICER HAMMER: It's admitted.

18 MR. JETTER: Thank you.

19 Q. BY MR. JETTER: Just a couple of brief
20 maybe follow-up questions from things that have been
21 discussed this morning. Would you tell me your
22 thoughts on the use of the -- I'm not remembering the
23 correct term. The group-study method rather than
24 sequential method.

25 Do you think that -- to be more specific,

1 do you think a wholesale switch to that type of
2 method would be possibly more appropriate after a
3 broader docket to evaluate whether that's the
4 appropriate method for the Commission to order?

5 A. I think in a regulatory process that would
6 be the proper procedure, to have a separate docket
7 that would study the pros and cons of each method and
8 allow different parties to weigh in from an
9 engineering standpoint or technical standpoint, as
10 opposed to someone like me, an economist, to opine
11 about.

12 Q. Thank you.

13 MR. JETTER: I have no further questions
14 with that. Mr. Peterson is available for cross from
15 the parties or the Commission.

16 PRESIDING OFFICER HAMMER: Mr. Barkley?

17 MR. BARKLEY: I have no questions. Thank
18 you, Mr. Peterson.

19 PRESIDING OFFICER HAMMER: Ms. Hogle?

20 MS. HOGLE: I have no questions. Thank
21 you.

22 PRESIDING OFFICER HAMMER: I suppose -- I
23 just have one.

24 If you could summarize the Division's
25 recommendation as to what the Commission ought to do

1 with respect to any ordering issues in this
2 proceeding, that would be helpful.

3 THE WITNESS: Well, I think the Division's
4 position is outlined in the memorandum or action
5 request response that we supplied.

6 But basically the Division believes that
7 delays in the timeline created by the company, which
8 would also include Pac Tran, are a basis for
9 extending or suspending the timeline in a given
10 case-by-case situation. It appears to me that
11 Clenera was operating under the assumption that
12 PacifiCorp was going to be able to function at or
13 near its tariff timelines when it began the process.
14 By the end of March it appears -- it appears that by
15 the end of March Clenera clearly understood that --
16 March of 2017, to be more clear -- the Company was
17 not going to be able to process its interconnection
18 requests for almost another year.

19 The Division leaves open the question
20 whether the Company is acting reasonably in
21 processing its interconnection request. But we know
22 that this has become a problem and was part of the
23 subject of a previous docket before the Commission.

24 So the Division thinks it's reasonable,
25 believes it's reasonable, and recommends that the

1 Commission give essentially a day-by-day extension
2 until such time as the Company provides an
3 interconnection study to Clenera, at which time the
4 clock could be restarted.

5 PRESIDING OFFICER HAMMER: Perhaps I
6 should have been more specific.

7 Does the Division also concur that the
8 Commission should grant that day-per-day extension
9 with respect to the commercial operation date?

10 THE WITNESS: No. The Division does not
11 go that far.

12 PRESIDING OFFICER HAMMER: All right. I
13 have nothing else. Thank you, Mr. Peterson.

14 THE WITNESS: Thank you.

15 PRESIDING OFFICER HAMMER: If any counsel
16 wishes to make any closing statement or argument, I'm
17 happy to hear it.

18 MR. BARKLEY: Your Honor, if I could take
19 care of one housekeeping matter?

20 I should probably offer Clenera's
21 Complaint as Exhibit 1 and their October 24th
22 response to the motion to dismiss as Exhibit 2.

23 PRESIDING OFFICER HAMMER: Hearing no
24 objection, they're admitted.

25 Are you interested in making a closing

1 statement or argument?

2 MR. BARKLEY: I'll make a very brief one,
3 Your Honor. And thank you the opportunity.

4 PRESIDING OFFICER HAMMER: I'm sorry,
5 Mr. Peterson, you can take a seat.

6 MR. BARKLEY: Thank you, Mr. Peterson.

7 Clenera's position is they should not only
8 be expected to be familiar with the utilities,
9 procedures, and processes as they are laid out in the
10 company's tariffs, but they should also be able to
11 rely upon them. The Company is way outside the
12 deadlines that are stated in those tariffs, and an
13 initial step, which was to take 45 days, is currently
14 taking, by anybody's reckoning, over 200, and we are
15 still months away from the projected target for that
16 initial step. There are two steps after that
17 traditionally take 90 days, adding another 180 to
18 that.

19 And the Company's feedback to Clenera on
20 the adequacy of the information provided has been
21 inconsistent. As I think you noted, there have been
22 times that they had been told everything that they
23 needed to do, only to be told subsequently that,
24 well, it turns out that's not really not enough, we
25 need something else.

1 Certainly the Company is allowed delay,
2 but it is required to make reasonable efforts. And I
3 think as we listened to the testimony today, it's
4 pretty clear that there have not been reasonable
5 efforts.

6 In fact, the testimony today from company
7 witnesses was that they can anticipate spikes any
8 time the PTC is up for renewal. So this was, by
9 their testimony, something they could have
10 anticipated. The testimony was that they have no
11 control over applications, but in fact, they issue --
12 they and their affiliates issue RFP's that do, in
13 fact, have an impact on the level of applications,
14 and they should have some insight to when and how
15 that's going to happen.

16 And, lastly, I just say that the extension
17 of the operational date deadline is critical. There
18 is a limit on how far out an applicant is allowed to
19 push that deadline or that operational date in their
20 initial application. And given that limitation at
21 the outside, if the Company is allowed to delay its
22 studies this long, they have the -- they have the
23 ability to effectively kill a project. And
24 developers should not be in a position where they're
25 caught in that pincher.

1 But they need to request PPAs early enough
2 that they can get through the negotiation and get it
3 executed in time to then meet their operation date,
4 because if the operation date comes more than three
5 months too early, they could be kicked out of the
6 queue and lose their pricing.

7 On the other hand, if they're subject to
8 these kind of delays, they get pinched in the other
9 direction. So they're put in something of an
10 untenable position.

11 I think, as Mr. Ellsworth indicated, I
12 think the Company would be open to some sort of
13 modification, if it involves redoing the study for
14 year 2016. I think, frankly, if it involved
15 shortening the term of the PPA by -- by a year in
16 order to account for those delays, those are all
17 things that they would be open to and that would
18 leave consumers, frankly, in no worse position than
19 they would have been in, but preserves the investment
20 decisions that were reasonably made by Clenera.

21 Thank you, Your Honor, for your time.

22 PRESIDING OFFICER HAMMER: Thank you, sir.

23 Ms. Hogle.

24 MS. HOGLE: Thank you, Your Honor.

25 Rocky Mountain Power, PacifiCorp, its goal

1 is not to kill any projects. It has nothing against
2 Clenera's QF's. However, I do think that the
3 evidence today has shown, contrary to what has been
4 testified by Clenera and its witnesses, that Rocky
5 Mountain Power is facing an unprecedented --
6 unprecedented number of interconnection requests.
7 One of the factors that is driving that is the PTC
8 expiration, upcoming expiration.

9 Unfortunately, the decision of Clenera to
10 reach out to PacifiCorp merchant, or our commercial
11 unit, to seek indicative pricing before going to
12 PacifiCorp's transmission unit to familiarize itself
13 and educate itself about the transmission queue and
14 transmission process at that time, I think is the
15 reason why we are here.

16 I think a couple of key points that need
17 to be made again here, and that is that the QF
18 pricing queue is managed by PacifiCorp's commercial
19 unit merchant. It's independent and separate from
20 the interconnection transmission queue and service
21 maintained by PacifiCorp's transmission unit in
22 accordance with the OATT, which has been generally
23 adopted by this Commission.

24 The interconnection queue-in process and
25 critical and lengthy and should be well underway

1 before seeking indicative pricing and the power
2 purchase agreement with PacifiCorp's commercial unit.
3 That is one of the very first things that is included
4 in Schedule 38, Paragraph 3, under the preface
5 section. Developers are strongly encouraged to gain
6 a clear understanding of that process before reaching
7 out to PacifiCorp's commercial unit for indicative
8 pricing. That did not happen in this case.

9 This is particularly important in the
10 situation that we're in currently with the
11 significant surge in applications that we have been
12 seeing, Your Honor. Again, the company has nothing
13 against Clenera.

14 If the Commission, in its discretion,
15 believes that extenuating circumstances exist for it
16 to allow Clenera to stay in the queue, PacifiCorp is
17 ready to accept that. However, we also want to
18 remind the Commission and for it be to be mindful
19 that there are situations that this is not a unique
20 situation. This -- this situation is similar for
21 QF's. Other QF's are facing similar situations.

22 And so whatever decision it makes in this
23 particular case, although would not apply to other
24 QF's, it certainly informs the company and the way
25 that it handles future QF's.

1 And the decision that the Commission makes
2 will affect its customers, will affect PacifiCorp's
3 customers, retail customers in particular.

4 There was also some discussion about the
5 cluster process, using the cluster process, as
6 opposed to the current process that PacifiCorp has
7 been using. And I believe that Your even Honor asked
8 a question regarding that.

9 I guess in closing, PacifiCorp I would
10 submit to you that that is not a decision that can be
11 made independent in a vacuum from the processes that
12 are used by PacifiCorp. I believe that's even going
13 into FERC jurisdictional law. That has to be
14 studied. It will impact the reliability of the
15 system.

16 PacifiCorp has been using its current
17 method for a long time, and something of that, a
18 decision to use the cluster method, requires that
19 issue to be taken, in PacifiCorp's mind or
20 PacifiCorp's position, that that is something that
21 needs to be taken up in a broader scale and studied
22 so that there are no unintended consequences.

23 Thank you.

24 PRESIDING OFFICER HAMMER: Of course.

25 I'll iterate to clarify and perhaps

1 alleviate any anxiety. My question wasn't intended
2 to suggest that this would be an appropriate
3 proceeding in which to make such an order. I'm
4 wondering if even basing a finding in this case that
5 assumes such an order would be appropriate in the
6 future would -- would be a legitimate basis for a
7 finding in this case.

8 In other words, we have heard testimony
9 that the cluster method would be more efficient, but
10 if that's not an option for this Commission to order
11 at any time in the future, then it's difficult for me
12 to understand how it would be relevant to consider in
13 this case.

14 Mr. Jetter.

15 MR. JETTER: Thank you. I'll keep our
16 comments brief.

17 I wanted to clarify a few things that --
18 particularly about the Division's position on the
19 delay of the on-line commercial on-line date.

20 The Division has fairly consistently
21 throughout the history of the QF process, and we've
22 gone through a number of dockets to hopefully fix
23 some problems in the pricing, and we've been often
24 concerned about scale pricing and on-line dates that
25 are far off into the future would result in putting

1 customers at risk in those scenarios.

2 In this case the Division is not
3 recommending a day-per-day extension of the
4 commercial on-line date, but I wanted to clarify that
5 the Division is not opposed to some deviation of the
6 commercial on-line date. I think, at least at this
7 point, we're not sure how much additional time or if
8 additional time is actually necessary, depending on
9 how the next set of studies go and how this project
10 goes through the PPA negotiation process and what
11 comes forth after this.

12 And so I suppose our recommendation might
13 be something along the lines of that we wouldn't
14 oppose an extension or the possibility of an
15 extension to be determined. What we would be
16 concerned about is the potential for a day-per-day
17 extension that ends up extending that commercial
18 on-line date six months past where it needed to be to
19 have the completed project done and on-line. And so
20 ultimately our goal would be if these go forward that
21 we match the commercial on-line date as nearly as
22 practically possible with the dates that the
23 avoided-cost calculation were performed.

24 I hope that gives a little bit of clarity
25 to where our opinions or our recommendations would be

1 on that.

2 And I think we have covered most of the
3 other comments from the Division and the comments by
4 Mr. Peterson. So I think that would wrap up my
5 closing statement.

6 PRESIDING OFFICER HAMMER: All right. I
7 thank the parties for their participation. Happy
8 holidays.

9 MR. BARKLEY: Thank you, Your Honor.

10 MS. HOGLE: Thank you.

11 (Whereupon, Clenera Exhibits 1
12 and 2 were marked for
13 identification.)

14 (Thereupon, the proceedings
15 concluded at 11:44 a.m.)

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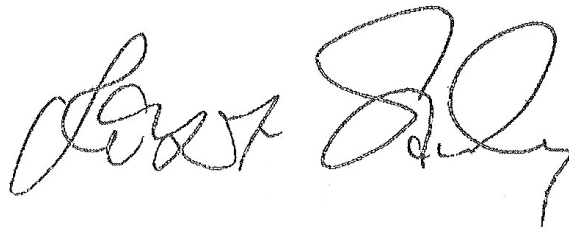
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REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss
COUNTY OF WASHINGTON)

I, Robert Stanley, Certified Shorthand Reporter, do hereby certify that I took down in Stenotype all of the proceedings had in the before-entitled matter at the time and place indicated and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and that the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto set my hand in my office in the County of Washington, State of Utah, this date of January 10, 2018.



Robert Stanley, RPR, CSR

Exhibits	1120 54:22	16 21:22 22:8	108:12	21sts 63:20
EXHIBIT-000C1 4:11	11:07 a.m 95:1	16th 11:17 44:10,13,17 47:9,10,11	20 50:23 78:18	22 4:11
EXHIBIT-000C2 4:15	11:20 94:23	17 70:10 71:16	200 74:2 100:14	22nd 10:15 51:8
EXHIBIT-ORMP1 4:4	11:21 a.m 95:1	17-035-13 45:8	2013 21:13	23 4:4 51:25
EXHIBIT-ORMP2 4:7	11:44 a.m 108:15	17-035-52 1:9 4:16 5:9	2015 21:20 70:10 82:3 83:7	23rd 11:19,23 14:10 24:9 52:2,11 68:23 77:17,22 81:4 96:3,16
-	12th 12:23	17-35-13 81:5	2016 9:9,12 10:1,15 14:24 65:12 70:14 71:16 82:4 102:14	24 4:15 29:18 51:25
---oooooooo---	13th 12:20 63:18	17th 10:18		24th 21:25 51:11 52:21 69:8 99:21
4:18	14 57:3,16	18 63:23	2017 1:11 4:4, 11,15 10:18, 23 11:1 51:8, 12 52:2,11,21 63:18,20,23 65:15 68:23 69:9 82:25 83:4 96:3,16 98:16	29 3:6
1	1407 2:9	180 100:17		29th 14:23
1 4:4,11 52:15,17 99:21 108:11	143 48:23	18th 14:3		2nd 9:9
1.21 1:4 5:7	1480 8:20	19 3:6		3
10 94:23	14th 65:12	1st 11:1 65:14	2018 37:2 39:8,9,13,15 43:17	3 12:2 45:5 62:25 66:6 79:7,23 104:4
100 34:7,8	15 21:22 22:8 34:1,14 35:10 36:12 37:21 44:14 55:19	2	2019 23:22 37:2 39:8,10, 18 43:17	3-14 83:4
109 4:11,15	15th 9:12 15:11	2 4:7,15 59:3 66:21 69:19 70:2,6 71:1 73:1,24 99:22		
11 48:24			21 1:11	

3-megawatt 73:7	40 29:3 80:7, 9,16	6	89 3:14	AC 8:20
30 22:9 23:18 25:3 62:23 63:3 68:13	403 1:10	60 28:1	9	accept 104:17
30-day 11:4, 14	41.3 48:17,25	63 3:11	9 3:4	acceptable 93:16
30-month 23:16 43:3	436964 1:25	66 3:11	90 100:17	access 48:23 60:14 61:8 74:22 81:1
300 1:10 2:5	45 15:24 22:12 24:2 27:25 28:1 49:3 60:16 61:11 92:10 100:13	68 3:13	910 2:13	accommodate 36:22 88:16
320 2:9	45-day 16:2 22:25 23:1 27:10,23 48:13 81:25	7	92 3:15	accordance 59:3 103:22
365 24:1 28:1	46 3:7	77 3:13	96 3:17	account 102:16
38 1:4 4:13 5:7 31:21 48:15 53:5,9, 10 54:12,25 56:15 62:21 66:4 72:2 89:3,5,7 90:7 104:4	5	77002-4995 2:13	9:00 1:12	accuracy 36:7,16
39 3:7 80:9	51 3:10	780 65:13,16	A	accurate 12:6 25:16 34:25 35:17 36:12 37:23,24 39:1 41:25 42:7 64:4 84:2 87:17
3rd 82:25	53 4:4	8	a.m. 1:12	ability 27:8,9 101:23
4	556 19:16,19, 22,24 20:20	80 26:6 57:3, 16	able 29:14 35:20 38:6 43:2,4 54:16 59:24 76:20 81:25 86:21 92:6 98:12,17 100:10	across 9:22 21:2,19 26:10 27:16 57:12 74:17 86:13
4 62:22	59 3:10	80-megawatt 84:4	absolutely 17:1 36:9 43:23	acting 98:20
		82 3:14		
		84114 2:6		
		84116 2:9		

action 55:24 75:11 96:2,15 98:4	107:7,8	41:14	48:4	allegations 69:12
actions 45:25 47:15 56:15	additions 86:1	advised 30:12	ago 39:2 51:1	alleviate 106:1
actively 84:9	address 24:15 71:11, 14,18	affect 10:1,8 11:2 79:9 80:2,12 105:2	agree 34:8 35:17	allow 6:13 17:8 67:3 80:23 88:15 97:8 104:16
activities 23:4	adequacy 100:20	affiliates 42:15 101:12	agreement 15:6,7 33:21, 23 34:14 35:8 49:5 66:1,14, 19 104:2	allowed 23:19 39:16 44:1 72:5 81:1 88:23 93:12 101:1,18,21
activity 72:23	adhere 60:11	after 11:8,9, 11 21:8 31:13,15 49:3 54:3,5 56:3 83:1 88:9 97:2 100:16 107:11	agreements 15:10	allows 22:19 43:10 72:7 92:5,17 93:2
actual 19:19 21:10 29:5 55:4	administrativ e 93:18	again 14:7 26:25 50:3 64:11 70:13 73:23 78:21 79:21 80:8 82:19 87:4 103:17 104:12	ahead 5:12 7:13 8:5 78:5 79:8,11 80:10 88:5,10	almost 98:18
actually 7:22 33:7 41:21 43:24 54:3 55:18 77:7 89:15 91:15 107:8	admission 6:24 7:2	against 1:4 5:8 103:1 104:13	air 62:8	along 107:13
added 62:24 83:14	admit 56:1	agencies 30:18 46:3,10 47:21 48:3	all 8:13 12:11 26:25 27:1 32:22 36:10 39:25 40:9 42:10 43:5 44:20 49:9 55:6,22 57:22 60:5 62:5 64:7 66:10 74:23 75:17 76:1 78:21 86:4 88:1 92:12,25 96:9 99:12 102:16 108:6	already 23:9
adding 84:22 85:11 100:17	adopt 17:18, 23 19:9 96:10	agency 47:25		also 6:24 16:10 20:8 27:17 28:25 31:10,11 37:16 38:24 39:14 41:14 42:15 45:17 50:14,16 51:4 52:20 53:10 69:7 71:18 74:19,24
addition 23:12	adopted 103:23			
additional 63:24 70:21 83:23 84:21	adopting 17:20 51:17			
	advances			

88:22 89:24 90:5,8 92:4 98:8 99:7 100:10 104:17 105:4	42:25 43:25 45:5 73:13 85:11 98:18 100:17	12:25	approach 69:17	17:8 58:15 83:21
although 17:4 84:23 87:8 92:2 104:23	anticipate 54:18 101:7	applicant 78:5 83:2 90:19 101:18	approaching 22:25	arrangements 59:2
always 58:16	anticipated 22:13 44:2 101:10	applicants 78:18,19 79:22,24,25 92:25	appropriate 17:2 25:20 48:11 75:4 97:2,4 106:2, 5	aspects 15:4
America 51:3	anxiety 106:1	application 1:3 64:6 66:3 80:1 82:6,11, 13 84:3 88:16 101:20	Approval 1:3, 4	assertion 21:4,8 22:3
amortization 59:4	anybody's 100:14	applications 4:7 21:12,15, 18,20 22:7 26:19 27:5,6, 18,20,22 28:23 29:4 45:10 75:21 80:7,9,16 81:7,24 82:5 83:6,21 89:4, 9 90:5 91:8 92:6 93:10,21 101:11,13 104:11	approved 33:20,22 54:23	assist 51:14
analysis 56:13 59:8 74:13 75:13, 16 84:24 85:14,18,24, 25 87:15	anything 27:15 46:12 84:9 96:6		approved 33:20,22 54:23	ASSISTANT 2:5
analyst 75:3	anyway 20:20		approximate 22:13	associated 22:22 41:13 46:13 55:14 57:13 66:17 72:8 79:17 84:18
analysts 71:19 85:11	apart 53:16 57:18		approximatel y 31:12 74:1,6	
analyzed 85:17	apologize 63:11 88:7		April 14:3 63:23	assume 40:20 78:25 86:6 91:6 94:14
analyzing 62:6	appearances 2:1 5:12	applied 65:23 79:18	area 80:17 92:8	
and/or 80:22	appears 26:15 98:10, 14	apply 73:18, 19 92:24,25 93:4 104:23	argument 99:16 100:1	assumes 106:5
another 30:24	applicable		arose 69:1	assumption 98:11
			around 13:11	Attorney 2:5

6:17	B	49:9 51:24	become	being 21:15
attorneys 7:3		52:4 58:1,2,5	55:18 98:22	28:14 57:22
	back 15:4	60:1,22,24		80:8
attractive	22:8 26:25	61:7 62:12	becomes	
39:13	30:9 33:15	67:4,6 71:4	74:13 85:22	belief 16:24
	39:9 45:19	76:7,8,10		
aurora 39:20	63:3 73:16	81:14 90:25	before 1:1	believe 6:1
40:1,2	82:19 94:23	91:4 92:12	6:22 15:6	7:8 10:14
	95:2	94:9,10,20	19:23 30:24	25:8,15
available		97:16,17	46:6 49:15	29:22,24
16:9,11 21:6	background	99:18 100:2,6	54:1 58:10,21	38:24 48:19
22:5 57:24	17:13 50:22	108:9	59:18 65:18	52:1 60:1,10
74:23 75:1	68:12	base 38:2,4	66:14,18	61:13 65:7,8
76:5 97:14			69:20 76:16,	77:16 82:3
	bad 56:25	based 23:1	23 82:18 88:9	87:8 91:15,21
average		24:23 34:6	91:22 92:1	92:2,16 93:3
43:11	Bail 6:2	37:8,13 41:22	93:19,20	105:7,12
		42:11,12,18	98:23 103:11	
avoided	Baker 2:12	43:12 44:7	104:1,6	believes 98:6,
25:15 34:11	6:7	45:23 47:15	began 98:13	25 104:15
40:3 42:16,19		58:17 59:7		
55:17	balance	64:21 78:20	begin 5:12	below 79:15
	85:20	basically 57:4	6:22 7:17	bench 69:20
avoided-cost		98:6	16:7	
34:10,18,25	Bar 7:5	basing 106:4	beginning	beneficial
35:9 39:23			32:23 58:10	25:18
107:23	Barkley 2:11	basis 16:23	66:9	benefit 25:14
	3:4,6,7,10,13,	21:19 26:13	behalf 1:4	37:6 50:4
aware 23:15	15 6:7,15,24	28:16 39:2	5:7,22 29:9	benefits 38:5
33:20,22	7:1,7,11,14,	71:25 98:8		
34:2,5,7,11	16,21 8:5,7	106:6	behavior	best 20:23
39:22 96:8	16:4,10,17	batch 9:16	33:16	29:15 42:19
	17:11,22		behind 33:13	74:21
away 100:15	18:9,10,18	became 7:8	39:21	better 5:19
	28:5 29:17			
	44:23 45:2			
	48:6,19,22			

16:19 17:4 28:21 60:19	19,21,23	calculating 35:3	54:25 75:14	41:21 59:25
between 23:10 36:16 39:23 70:9 73:6	breaking 84:16	calculation 35:2 85:10 86:15 107:23	capacity 26:12 40:20 50:9 68:5	certainly 49:17 50:23 101:1 104:24
beyond 27:15 84:11 85:21	Bremer 6:3	calculations 25:16 83:7 86:12 87:15	care 99:19	certificate 7:4 94:11
big 70:22	Brian 3:12 5:25 67:16 68:3	calendar 49:3	case 8:18,20 9:4 16:14 19:6 22:19 27:4,8 32:25 48:18 53:21 54:20 63:3 64:10 76:19 82:7,23 87:2 94:3 104:8,23 106:4,7,13 107:2	certificates 6:12
billing 20:2	brief 50:22 62:16 68:11 96:19 100:2 106:16	California 27:20	certification 20:20	certify 20:22
bit 17:17 38:23 42:23 64:21 84:1 107:24	briefly 70:4 84:14	call 7:14 15:6 17:9 18:10 23:7 67:16 95:6	case-by-case 98:10	cetera 63:1
BNA 14:23	bringing 54:19 71:19	called 8:25 9:1	caught 101:25	challenge 24:19,20
bodies 85:7	broad 57:11	calling 7:17	cause 22:4 32:5 96:1	challenges 54:21
both 10:20 12:24 15:12, 14 29:3 31:16 35:14,19 39:8 40:8 46:9 81:1	broader 97:3 105:21	calls 23:16 49:13 60:15	caused 31:19 33:1 90:1	chance 11:22 19:12
bottom 70:12 84:4	brought 83:24	came 30:9 39:17 62:10	causing 87:13	change 10:22,24 11:9,11 29:24 32:6,12,15,17 33:5 45:19 47:18,24 65:9 79:8 80:1,10, 11
Botts 2:12 6:7	bump 21:21	can't 44:3 57:10 76:17 87:23	CEO 18:25	
break 94:8,	<hr/> C <hr/>	cannot 53:17	certain 19:25	changed
	C.O.D. 58:15			

<p>9:21,24 30:20 33:2 39:5 64:8 65:25</p> <p>changes 9:13,25 35:2 42:7 52:5 78:5 96:5</p> <p>changing 32:19 45:23</p> <p>Charles 3:17 6:20 95:6,15</p> <p>chart 77:1,2 91:9</p> <p>check 40:14</p> <p>circumstances 104:15</p> <p>cited 30:25 81:11</p> <p>City 1:11 2:6, 9</p> <p>claim 20:24 33:16 72:16</p> <p>claims 19:16</p> <p>clarification 11:9 60:18</p>	<p>clarify 38:22 44:3 51:25 83:9 105:25 106:17 107:4</p> <p>clarifying 64:20</p> <p>clarity 107:24</p> <p>clean 62:8</p> <p>clear 30:4 36:19 53:5,23 61:20 66:16 79:6,19 93:1, 3 98:16 101:4 104:6</p> <p>clearly 98:15</p> <p>Clenera 1:4 4:5,10,16 5:7 6:8 8:9,11 9:5 12:16 14:14 18:23,24 19:7,16 20:4 22:15 29:9 34:13,24 51:8 52:21 54:5,20 56:6 62:11 65:4,17 66:22 68:19 69:8 70:17 74:5 90:14 98:11, 15 99:3 100:19 102:20 103:4, 9 104:13,16</p>	<p>108:11</p> <p>Clenera's 20:25 29:20 54:20 69:15 72:16 73:5,8 99:20 100:7 103:2</p> <p>CLERK 5:17</p> <p>client 6:13</p> <p>climb 22:7</p> <p>clock 11:4 99:4</p> <p>close 89:16, 19</p> <p>closer 19:19</p> <p>closing 99:16,25 105:9 108:5</p> <p>cluster 27:6 80:23,25 88:23 92:19, 23 93:7,12 105:5,18 106:9</p> <p>cluster-type 87:22</p> <p>COD 55:9</p>	<p>code 53:18</p> <p>codified 7:8</p> <p>coincides 55:3</p> <p>Collective 48:24</p> <p>come 55:10 63:3 70:8</p> <p>comes 102:4 107:11</p> <p>comfortable 51:17 69:4</p> <p>coming 43:16 57:4,16 81:24 86:18</p> <p>commensurate 26:18</p> <p>comments 56:20 106:16 108:3</p> <p>commercial 5:24 19:20,23 34:17,19,24 50:11 54:19 55:15,19 65:5 99:9 103:10, 18 104:2,7</p>	<p>106:19 107:4, 6,17,21</p> <p>commercial-operation 35:7</p> <p>commission 1:1,10 7:4 8:17 30:24 42:21 52:8 56:10 70:25 71:23 93:6,19 96:2 97:4,15, 25 98:23 99:1,8 103:23 104:14,18 105:1 106:10</p> <p>Commission's 5:11</p> <p>commitments 35:24</p> <p>Commodities 51:4</p> <p>commonly 8:23</p> <p>communicate 14:1</p> <p>communicated 13:5,22,25 14:4 61:23 62:11</p>
---	--	---	---	---

communicating 13:24	compared 27:19	107:19	conclusion 25:12	consider 106:12
communicating 14:25 31:8,15 53:17	comparison 42:5,6	completeness 13:3	conclusions 37:4,5	considered 84:15
company 4:13 6:9 16:23 17:9 19:3 22:5,20 23:4,6,10 25:12 28:18 30:7,13,19 32:5 33:1 35:5 36:1,2, 11 38:6,10,14 45:7 46:24 47:9 49:13 53:15 61:9, 19,21 62:25 63:2,20,24 64:6 72:7 73:21 94:3 98:7,16,20 99:2 100:11 101:1,6,21 102:12 104:12,24	compelling 47:18,20	complex 74:9,14 85:22	concur 99:7	considering 12:13
	competitive 25:7,22	complexity 71:17 73:11, 13 74:19 75:23 85:13	conditions 37:14 90:15	consistent 12:11 14:12 21:5,12,21,22 31:25 32:8,13 36:25 37:3 43:17 77:13 78:13,23
	Complainant 2:11 3:2 6:6	component 20:19	conduct 53:19	
	Complainant's 63:16	computer 85:10 86:14, 16	confidentiality 77:10	consistently 40:15 106:20
	complaint 1:4 4:5 5:6 31:10, 11,24 33:6,8 51:7,11 52:24 63:16 68:18, 22 69:2 99:21	concern 24:17 46:25 47:3,8 48:4	confirm 13:10 44:16 46:4 48:18	construction 8:14
	complete 12:10,15 13:6 15:1,2 49:2 61:10 63:22 64:7 71:18,20 75:4 76:2 82:13	concerned 106:24 107:16	confirmation 13:2,8,12	consultant 83:14,16 95:19
company's 22:23 52:10, 24 60:6,11 61:8 69:8 70:18 72:2 81:4 100:10, 19	completed 13:17,20 14:5 19:21 55:2 58:9,21 59:3, 17 76:15,22	concerns 24:11,15 77:10	connected 74:16	consulting 83:17,19
compare 25:25 70:16		conclude 47:17	connection 39:23	consumer 30:11 31:18 32:2 38:5,13 45:25 46:10 47:2,17 56:11
		concluded 47:21 108:15	cons 97:7	consumers 102:18
			consecutive 42:8	
			consequences 105:22	

consuming 53:13	84:21	11:8	created 37:9 84:4 98:7	3 107:1
contact 46:2, 6,8,9,15	contracts 40:16 50:13	corrections 96:5	critical 35:21 66:13 101:17 103:25	cycle 20:2
contacts 46:5	contrary 33:3 72:16 103:3	cost 25:15 34:11 42:16, 17,19 55:17 78:24	criticism 19:15	cyclical 41:13
contemplated 31:20	control 89:20 91:7 101:11	costs 34:3 40:3 41:19 66:18	cross 16:7,12 97:14	D
contemporan eously 54:3	conversation 13:11,14 46:17	counsel 6:19 7:19 48:11 55:7 99:15	cross- examination 17:25 38:24	Daniel 4:4
context 25:22 30:3 31:7 38:2 63:17	conversations 30:8 47:16 56:4,9	County 8:21	current 16:16 37:9 68:15 74:2 86:6 90:16 105:6, 16	data 21:5,10, 24 22:2,4,6 43:22 77:2,3, 5,13 91:10
continue 27:13 62:7 69:20 87:20	core 53:18 59:7	couple 44:23 48:12 53:8 63:15 64:20 88:5 91:1 92:15 96:19 103:16	currently 68:13 73:24 74:13 100:13 104:10	date 1:11 19:20,23 23:14,21 24:13 34:18, 20,24 35:7 36:22 37:7 39:3,5 42:24 43:2,24,25 47:1 51:25 52:3 54:14 55:3,4,9,14 59:5,9 89:17, 19 91:10 99:9
continued 27:22	correct 13:1 30:1 33:10 34:11,16,25 35:1 36:8 37:17 40:18, 19 45:15 51:22 60:16 61:22 63:9 76:24,25 77:18,19 79:9 81:10 91:19 92:2,21 96:23	course 15:3 41:4 48:14 69:22 87:2 91:2 95:22 105:24	customer 53:23 90:10	101:17,19 102:3,4 106:19 107:4, 6,18,21
continuing 13:12,15 41:19	corrected 54:4	covered 108:2	customers 34:4,9,12 36:13 50:13, 14 55:6,17 57:21,23 80:4 86:4 87:12 90:3,8 105:2,	dated 62:24 96:2
contract 37:19,22 55:20	correction	create 96:1		dates 9:19
contracting 53:16				
contractors				

12:3,5,11 14:8,9,11 16:19 17:3 23:18 24:5,6, 18 42:8 46:21 82:2,21 106:24 107:22	4:12 12:25 22:18,22 23:5,7 31:4 81:12 100:12	12:10,14 15:2 82:12	62:10	describe 8:16 40:24 70:5,15 84:14
day 12:8 19:4 41:21 85:19	deal 25:11 27:2 76:18 78:4	deeming 15:1	deliberative 55:25 56:3 57:15 61:20, 21 62:2	described 66:20 80:24
day-by-day 99:1	dealing 83:24	deems 48:11	delighted 7:21	DESCRIPTION 4:2,9
day-here-or-day-there 14:13	debate 56:23 57:1 89:2	defer 60:21	deliver 26:13 27:9 38:7,11	designated 5:11
day-per-day 22:21 99:8 107:3,16	decade 28:21	definitely 44:16	delivered 11:13	desire 94:8
days 12:8 15:24 22:12 24:1,2 27:25 28:1 49:3 60:16 61:11 62:23 63:3 92:10 100:13, 17	December 1:11 9:15,25 10:15 65:12	definitively 43:21 44:4	delay 20:25 22:4,11 23:13 30:6,7 87:14 101:1,21 106:19	despite 25:9
de 27:19	decided 9:19 84:24	delayed 26:17 83:3	delivering 25:11	detailed 43:15
deadline 10:1 23:9 47:4 101:17,19	decides 79:25	delaying 87:13	demonstrates 73:2	details 91:20
deadlines	decision 27:12 30:5 33:12,13 60:7 61:23,25 62:7,10 103:9 104:22 105:1, 10,18	delays 4:13 22:20,21,23, 24 23:2 26:21 27:14 31:1,2, 19,20 32:25 36:2 46:24 88:15 89:25 92:6 98:7 102:8,16	demonstratio n 58:20	determine 72:7 74:9
	decisions 102:20	deliberating	Department 11:24 12:2 24:8 30:10 45:24 46:16	determined 20:1 30:14 39:12,14 59:7 107:15
	deemed		depending 60:5 107:8	developer 22:22 23:10 31:14 35:14 38:10 53:20, 23 54:11 63:1,18 91:21
			depth 61:14	developers

19:18 45:10 53:11 55:20 60:3,5 61:1 66:15 101:24 104:5	difficulty 78:4	discussing 77:20	106:18	14:6
developing 53:24	direct 22:5 38:25 39:22 46:9 69:21	discussion 12:3,5 13:13 14:9 30:10 31:13 37:25 45:3,17 105:4	docket 1:9 4:16 5:8 30:24 45:5,7, 12,14,16 46:19 81:5,11 95:24 97:3,6 98:23	draw 24:20
development 8:14 28:19 57:4 68:7	directed 93:14	discussions 31:16	dockets 106:22	drive 41:19
deviation 107:5	direction 19:3 32:8 102:9	disengaged 48:3	document 77:25	drives 79:1
dialogue 47:22 48:1,2	directions 32:6	dismiss 4:6, 17 11:19 21:10 22:1 30:21,23 45:5,6 99:22	done 26:2 43:3 54:3,15 56:5,6 58:13 59:6 60:16 84:11,24 86:12 107:19	driving 41:18 89:9,12 103:7
difference 14:13 73:6	directive 53:10 66:23, 25	distinctively 56:9	dot 66:21	drop 21:12
differences 12:12	director 5:24, 25 8:12 50:11 68:6	distribution 72:22 73:5,7 75:10 86:9	down 41:19 42:2,23 79:18 84:1	dropped 41:11
different 9:18 28:3 30:21 31:5 32:18 35:3 53:22 57:3 83:11 92:3 97:8	disagree 33:11	Division 2:4 3:16 6:18,20 31:17 95:5,19 98:6,19,24 99:7,10 106:20 107:2, 5 108:3	downs 25:10	drops 26:24
difficult 23:23 24:3 106:11	disappear 23:25	Division's 97:24 98:3	DPU 14:10 32:2 47:1,16 56:4	due 4:13 30:6 39:4,7 53:18 54:8 92:6
difficulties 25:10 78:3	discrepancies 12:7		DPU'S 46:25	Duke 51:5
	discretion 92:18 104:14		draft 13:18,23	during 40:22 42:1,3,6 83:15
	discussed 78:4 96:21			Dustin 3:4 7:17
				<hr/> E <hr/>
				e-mails 12:13

each 26:23 57:3 72:8,10 97:7	effectively 75:15 101:23	80:24 102:11	Enron 68:15	105:7,12 106:4
earlier 45:4 76:19 88:22 92:9,16	efficient 106:9	elsewhere 27:15,21	ensure 72:9	events 9:3
early 11:14 39:5 65:24 82:4 102:1,5	effort 30:4,22 48:5 92:10	employ 92:18 93:9	enter 52:9 83:12 96:15	every 89:16 90:19
easier 7:20	efforts 49:1 60:15 61:10 76:1 101:2,5	employed 8:8 18:22 50:8,10 68:4	entered 71:1	everybody 90:12,21
east 1:10 2:5 74:3	eight 51:2	employment 40:21 95:22	entire 57:12	everything 100:22
Eastern 84:18	either 47:1 76:21 79:24 80:11 93:2	encouraged 66:16 104:5	entirely 35:11,22	evidence 58:25 71:2 94:15 103:3
economic 33:17 36:13, 16 37:6,15,25 57:10,11	Electric 68:15	end 23:22 63:22 64:2 66:11 85:19 98:14,15	environment 25:21 90:16	exact 82:2
economically 37:20	elements 19:25	ends 107:17	equals 74:5	exactly 93:3
economics 38:3 39:11,12 56:23,24 79:1	elicit 16:21	energy 6:8 25:12,23 34:3 40:10 50:24 51:2,5 68:14	equation 40:11	examination 3:1,4,6,7,10, 11,13,14,15, 17 8:6 18:17 28:11 38:19 45:1 50:1 58:4 62:18 65:1 67:22 69:21 76:9 81:20 88:12 91:3 95:11
economist 97:10	eligible 20:17,18	engineering 5:25 8:12 86:23 97:9	equity 55:6, 23 60:2	essentially 99:1
educate 103:13	Ellsworth 3:5 6:9 16:9,10, 13,20,21 17:1,5,19,20, 22 18:11,13, 19,21 22:15 24:7 28:6 45:3 49:8	enough 48:1 78:7 100:24 102:1	establish 54:14	evaluate 79:16 97:3
effective 7:8			even 7:8 43:18 48:1	example 37:20 42:1,25 47:4 74:4 76:21

exceed 23:3	74:1,6	explained 34:19	32:25 36:4	factors 72:20 73:10 78:21 103:7
exceeds 29:2	expect 23:2 77:12 84:6	explanation 31:7	extent 16:25 17:3	facts 32:1 54:11
excess 74:2	expectation 48:13	explanations 26:22	extenuating 104:15	fair 42:4 53:18 55:16, 20,21 57:15 82:16
exchanged 12:13 15:3	expectations 61:2	express 24:12	<hr/> F <hr/>	fairly 106:20
excuse 6:2 54:20 60:17 76:13	expected 39:20 100:8	expressed 32:9 46:25 47:2	F-r-i-t-z 68:3	fairness 57:21 60:3 61:1
excused 49:8 67:14	expensive 41:22 60:8	extend 30:4,6 31:3,21 48:5 81:12	facilities 57:3,17 58:13	faith 54:25
executed 15:8,10 23:9 49:4 102:3	experience 23:2 26:4 28:2 38:3 50:24 68:12, 14	extended 24:19,22	facility 55:9 56:24 58:9 61:10 66:2	familiar 17:5 20:11 24:7 51:7,10 52:20 61:12,14 68:18,21,25 69:7 77:17 81:8 100:8
executing 47:4	experienced 27:15 45:9 81:6	extending 42:24 46:21 98:9 107:17	facing 77:21 103:5 104:21	familiarize 103:12
exhibit 4:4,7, 11,15 52:15, 17 69:18,19 70:2,6 71:1 73:1,24 99:21,22	experiencing 73:21 74:13 88:19 90:15	extension 4:12 22:19,22 23:13 24:4,5, 12 25:1,2 27:25 29:25 30:22 32:24 33:6 42:5 47:3,7 99:1,8 101:16 107:3, 14,15,17	fact 12:9 19:3,20 20:12,19 21:11 25:6,8, 18 27:9 30:2, 5,23,25 32:20,22 33:6 34:2 35:11,22 36:17,21,23 37:5 39:18,19 43:7,15 46:11,18,23 47:21 53:17 101:6,11,13	far 12:7 99:11 101:18 106:25
exhibits 4:1, 2,9 69:14 108:11	expiration 103:8			Faraday 8:24, 25 9:6,8,16 10:2,17,20,21
exist 104:15	expirations 89:10 90:17	extensions	factor 89:8,11	
existing 23:1	explain 64:5			

12:19 13:4, 12,13,15,21 14:15 15:12 54:5 65:13	27:25 38:21 39:2 56:13 62:16 81:17 106:17	63:22 89:2 92:8	flow 86:13	24:25 42:18 43:13
Farady 65:14	Fifth 2:5	finding 93:7 106:4,7	focused 77:22,25	forecasting 42:11,12
fast 83:24	fifty 73:8 74:4,16	fine 17:11 93:16 94:13, 20	focusing 75:5	forecasts 40:15
faster 74:12	figured 86:1	finish 86:25	follow 40:21 46:4 72:2,4	form 12:16, 18,21 13:21 14:8 19:16 58:10,22 59:18 76:16
favorable 39:13	file 19:19 23:17	firm 83:17,19	follow-up 46:1,5 47:15, 16 48:9 67:4, 9,11 84:13 96:20	formal 1:4 4:5 5:6
feasibility 15:6,7,9,16, 18,21 16:2 48:14 49:2,5 54:15 59:11, 13,14,17 60:16 64:12 76:15,23	filed 11:20,23 12:1 14:10 16:14 17:18, 21 19:6,16,22 24:9 29:9 30:24 33:15 43:2 51:8 52:11,20 68:19,22 69:8 77:18 96:1	first 9:5,8,10 10:12,14,15, 16 14:1,4 23:8 24:1 29:21 46:10 50:18 53:4 54:7 56:1 65:4 66:7 68:8 72:7 83:9,24 85:6 104:3	follow-ups 91:1	forward 107:20
February 11:1 15:11 65:14	filing 23:20	five 40:25 41:25 42:3	followed 58:17 66:23, 25	found 84:12, 19
feedback 56:12 100:19	filings 19:13 95:23	fix 86:19 106:22	following 23:11 31:14 41:24 47:5 56:14 57:19 62:23 89:3,7 90:7,9	frame 39:14, 15
feel 55:24 56:14	final 10:19 56:19 59:12 61:16	fleet 74:7	follows 41:12 71:22	frankly 87:16 102:14,18
FERC 15:23 71:22 93:9,20 105:13	finalized 20:1	Floor 2:5	footprint 74:18 85:16	Fritz 3:12 5:25 60:19 67:17,18,24 68:3 70:4,15 71:8 75:18 76:5,11 81:3 88:14 92:15
few 12:8,12	find 12:5	Florida 51:2	forecast	

<p>front 29:11 66:4 79:24 82:2</p> <p>full 18:19 44:14 75:14, 16</p> <p>fully 20:1 49:4</p> <p>function 72:18 76:18 79:4,5 98:12</p> <p>further 16:4 23:3 25:1 28:5 31:16 34:20 38:15 48:6 56:17 62:13 67:1,6 81:15 90:23 97:13</p> <p>future 42:11 104:25 106:6, 11,25</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gain 66:16 104:5</p> <p>gas 41:10,11, 14,15</p> <p>gave 33:4</p>	<p>39:6</p> <p>general 2:5 25:23 27:17 56:5 68:15,16 80:4 92:8</p> <p>General's 6:17</p> <p>generally 20:8 46:22 65:25 85:13 103:22</p> <p>generated 86:13</p> <p>generating 15:23 41:20</p> <p>generation 4:7 6:4 41:23 65:25 66:10, 12 68:17 74:1,7,11 83:25 85:20</p> <p>generator 72:8,11,17</p> <p>getting 89:18 90:2</p> <p>Gigawatt 5:7</p> <p>give 17:13</p>	<p>48:20 99:1</p> <p>given 16:13 25:2 29:22 32:11 37:12, 22 38:11 41:23 45:18 50:21 54:21 56:12 68:11 75:22 86:13 98:9 101:20</p> <p>gives 29:23 32:15 107:24</p> <p>goal 102:25 107:20</p> <p>goes 55:5,15 107:10</p> <p>gone 36:22 56:2 83:23 106:22</p> <p>good 5:5,14, 21 6:12,16 7:4 38:21 50:3 54:25 56:25 58:6,7 67:24,25 76:11,12 81:18,19 86:20 87:13 94:11</p> <p>Goshen 9:1, 11,20 10:9, 13,15,20,21,</p>	<p>23,25 11:3,16 12:22 13:9,12 14:18 15:13 54:5 65:16</p> <p>gotten 64:10</p> <p>govern 71:23</p> <p>grant 99:8</p> <p>granted 53:19</p> <p>graph 70:7, 12,16</p> <p>graphs 70:17</p> <p>great 25:11 57:9</p> <p>greater 25:3</p> <p>green 50:15</p> <p>grid 86:6</p> <p>group 8:24 9:1</p> <p>group-study 96:23</p> <p>guess 17:16 28:9,13 81:22 84:13 87:10</p>	<p>96:14 105:9</p> <p>guidelines 15:23</p> <p>GW 1:4</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hac 6:24 7:2</p> <p>Hammer 2:2 5:3,10,16,20 6:5,14,21 7:12,18,24 8:4 16:6 17:7 18:1,3,7,12, 16 28:7 38:17 44:22 48:8,21 49:6,11,15, 19,22,25 52:12 58:1 59:21 60:21 61:3 62:14 63:8,11,14 64:5,15,23 67:3,8,13,18, 21 69:22 71:3,6 76:7 81:16 88:4,10 91:2 92:14,22 93:15,25 94:5,14,18,22 95:2,7,10 96:17 97:16, 19,22 99:5, 12,15,23 100:4 102:22 105:24 108:6</p>
--	--	---	--	--

hand 46:9 62:6 102:7	43:3,4 46:17 47:22 48:1 56:9 64:10 78:4	hesitating 17:16	10,11,13,14 5:14,19,21,22 6:7,23 7:6,10 16:7,8,12 17:9,16,24 18:2 28:8,9, 12 29:17,19, 21 38:15 49:12,13 50:2 52:1,5,8,14, 19 56:17,19 57:24 59:20 60:17 64:19, 25 65:2 67:1, 15,16,23 69:17,23 70:4,25 71:7, 8 76:5 88:7, 11,13 90:23 94:2,3 97:19, 20 102:23,24 108:10	90:25 99:18 100:3 102:21, 24 104:12 105:7 108:9
handle 21:18	he'll 17:10	high 35:15		hope 107:24
handled 21:15 27:6	hear 5:15 99:17	higher 25:6 34:21 36:17, 24 37:3,16,24 38:1 39:4,6 40:15 42:25 43:23 44:5,7 71:16 72:6, 23,24 73:14, 18 75:11 78:9		hopefully 106:22
handles 104:25	heard 76:19 106:8			hours 40:22 42:1 57:1 94:7
handling 25:25 26:1	hearing 1:7 5:6 52:12 89:2,6 99:23	higher- queued 75:17 85:6 90:12		housekeeping 99:19
happen 54:2 87:23 101:15 104:8	held 55:21	highlighted 24:20	hold 25:9 82:13	Houston 2:13
happened 54:5 82:24 89:17	help 83:14 84:22	historic 41:12 76:13,14	holding 47:12	hovered 41:11
happening 41:7	helped 84:1	historical 59:16	holidays 108:8	however 17:12 103:2 104:17
happy 16:20 17:8,12 99:17 108:7	helpful 49:7 98:2	historically 26:15 58:9 59:25	Honor 7:16 16:5 17:12 23:15 28:6 44:23 48:7,22 49:9 58:3 60:24 62:12 64:18,19 67:7,12 69:17 71:4 76:8	hubs 41:3,5,6
harm 33:17 36:13,16 37:15 38:1 90:11	here 5:22,23 6:18,25 12:8, 12 21:13 26:9 27:11,23 30:1 39:16 40:4 56:23 58:15, 23 62:6,21 69:5 70:21 87:16 92:7 103:15,17	history 32:24 89:18 106:21		huge 57:15
harmful 90:3, 8		Hogel 5:15		human 86:17
having 5:18		Hogle 2:8 3:6,		hundreds 28:22
				hypothetically

84:3	34:18,22	46:5	increasingly 74:14	individuals 28:19
I	41:16 54:15	include 68:16	independent	industrial
I.b.10 4:14	57:10 59:12	72:20 87:21	74:20,22 75:2	50:13
I.b.5(f) 4:14	61:16 70:22	98:8	103:19	industry 28:4
I.b.9 4:14	78:15 79:13, 15 80:5	included	105:11	50:24 68:14
Idaho 79:14	101:13	70:17 82:21	INDEX 3:1 4:1	inefficient
ideal 38:13	105:14	104:3	indicate 11:6	27:1
identification 52:18 70:3 108:13	impacted 41:10 75:9	including 54:11 71:24 75:23	13:19 23:17	influx 71:15
identified 26:14 73:17 74:17	impacts 57:5, 9,12 72:8	inconsistent	indicated	83:6,23
identifies 19:24	73:17 74:9,17	32:8 33:9	30:10 32:3	information
identify 25:19,21 72:11	79:17 86:2,3	79:20 100:21	46:16 102:11	17:6 35:6,7
identifying 25:16 26:9	87:3 90:21	incorporate	indicative	40:5,6,7
immediately 82:6,8	implications 57:20	72:13	9:6,9,11 10:1, 8,12,17,19	42:12,20
impact 25:17	important 22:3 23:8	increase 21:1	11:3,7,16	43:5,6 44:7,9,
	35:14,19	22:9 43:7,18	12:4 23:11	11,12 46:2,7,
	36:6,8 72:20	70:10 73:3,10	47:5 53:6	8 54:10 64:7
	104:9	74:2 83:8,10	54:6 55:13	70:13 74:23,
	importantly 37:12	84:19 85:1,15	62:22 63:1	24 75:3,6,16
	imposed 37:9	increased	65:4,7,13,15, 18 66:18	77:7,8,12
	improvement s 72:13	71:17	103:11 104:1, 7	82:15,20
	in-depth 56:13	increases	indicative- pricing 42:6	100:20
	in-person	74:12,19	indifferent	informed
		85:21	55:11	45:22 83:2
		increasing	individual	informs
		43:14 85:11	83:17	104:24
		90:16		initial 14:22
				63:16 100:13, 16 101:20
				Initially 83:22

initiate 53:24	interconnecti	interface	IRP 24:25	4 38:18,20
input 86:15	on 4:7 6:4	86:17	37:4 39:19,23	44:20 62:15,
inputs 40:5,6, 7	9:21,24	interfaced	40:7,14	16,19 63:6
insert 43:2	10:22,25	29:6	issue 8:17,19	67:9,10 71:5
insight	11:10 13:17,	internally	78:20 90:19	81:16,17,21
101:14	20,23 14:5,	30:6	101:11,12	88:1 94:15,
install 86:24	14,17,20,22,	interpretation	105:19	17,21 95:4,5,
instance	23 15:16,21,	59:5	issued 91:13,	12 96:14,18,
76:21	24 20:6 21:1,	into 13:13	15 93:6	19 97:13
integrate	2,25 25:25	41:4 52:9	issues 5:18	106:14,15
78:24	26:1,11	70:8 71:2	68:25 69:5	Jim 6:7
integrating	28:20,23 39:3	72:14 79:18	71:10 98:1	job 1:25 8:10,
54:22	45:9 49:2,4	96:16 105:13	issuing 64:1	11
intellectual	53:6,12,25	106:25	iterate 105:25	jog 29:13
36:15	54:4,13,14	investment	J	joined 50:25
intended	55:4 58:14,20	60:7 102:19		judging 37:8
16:12 106:1	59:1,2 62:3	invitation	James 2:11	judgment
interconnect	63:25 64:12	91:17	January	20:21
11:12 54:17	65:10 66:10,	invite 48:10	10:18 65:24	jurisdictional
66:1 72:10	12,17,20	involve 16:22	82:25	83:12 90:20
75:10	68:17 70:8,22	17:1	Jason 3:5 6:8	93:10 105:13
interconnecte	71:10,14,24	involved 12:3	18:21	justified 21:1
d 41:4	73:22,25	19:4,5 40:9	jeopardy 75:6	56:14
	74:8,21,23	46:13 48:3	Jetter 2:4 3:7,	justify 26:19
	75:4,21 77:4,	102:14	11,14,17	Justin 2:4
	23 81:7 82:7	involves 17:3	6:16,17 18:3,	6:9,16
	88:16 89:10,	85:16 102:13		
	13,21 93:21			
	98:17,21 99:3			
	103:6,20,24			
	interconnecti			
	ons 72:1,17,			
	21			
	interested			
	99:25			
	interesting			
	20:19			

K	laid 60:6,14 100:9	10:23 23:22 30:9 36:22 37:6 39:3 43:2,24,25 49:3 63:4,23 64:8 65:24	let 6:10 58:23 79:21	74:21
keep 55:1 81:25 106:15	Lake 1:11 2:6, 9		letter 4:4	line 9:23,24 86:13 87:1
keeping 62:7	language 92:7	law 105:13	level 25:7 55:11 101:13	lines 9:22 80:19 86:7 107:13
key 103:16		leads 37:4	licensed 6:10	list 10:4
kicked 102:5	large 12:10 15:23 29:3 50:12 57:6 65:25 70:10, 13 71:15 73:3,23 78:14,25	leap 36:15	light 25:3	listened 101:3
kill 101:23 103:1		learn 40:13	like 9:2 16:8 17:13 38:22 42:8,14 52:6, 9,14,25 60:24 69:19 71:10 83:9 94:19 95:6 96:6,14 97:10	little 17:17 38:23 42:23 48:4 64:21 70:16 84:1 94:7 107:24
kind 12:15 21:21 31:2 39:1 41:8 42:22 65:10 87:16 102:8	larger 9:16 78:24 85:16	least 17:14 107:6		LLC 1:4 4:6, 10 5:7,8 8:9 18:23
knowing 47:8	largest 51:3	leave 88:7 102:18	likely 11:7 74:17 77:9 78:17,20 80:17	LLP 2:12
knowledge 86:20 88:14 90:14	last 31:12 42:3 49:16,17 57:1 79:23 80:9 81:3	leaves 98:19	limit 101:18	load 74:3,12 77:21 85:20, 21
Kris 6:3	last-minute 29:24 32:15, 16 33:5	legal 48:10	limitation 21:9 23:16,23 43:3 101:20	load- proximity 26:13
Kyle 30:8,9 56:8	lastly 101:16	legitimate 106:6	limitations 30:17	located 8:20
L	late 20:2 26:17 65:22 82:3	lend 63:17	limited 26:5 42:12 71:19	location 57:5
lack 32:4 37:10	later 9:15,21	length 37:22		
		lengthy 53:13 66:13 103:25		
		less 14:11		

75:9 79:5 80:4,5 84:5	55:25 86:17	magnitude 77:23	35:13 42:14 72:18 79:11 82:12	38:3
lock 37:18,19	Louisiana 2:13	main 55:23	March 11:14, 17 12:20 63:18,20 98:14,15,16	matter 1:3 17:15 33:16 99:19
locked 35:9 37:22	low 35:15 41:10	maintain 74:10 86:3	Mark 3:9 5:23 49:14 50:6 92:3	matters 6:22
locking 42:18	lower 37:16, 24 38:1,4,12 42:25 72:14	maintained 10:5 103:21	may 12:23 20:1 23:3,15 34:25 42:6 61:4 64:9 67:5 69:17 79:11 80:18	
locks 36:11	lower-queued 73:16,19,20	make 10:24 30:22 37:5,20 52:6 53:3 57:14,18,22 96:6 99:16 100:2 101:2 106:3	maybe 27:25 50:4 60:18 62:1 75:18 79:19 84:13 92:2 96:20	
long 15:15 85:10 101:22 105:17	lowering 37:19	makes 104:22 105:1	marked 4:2,9 52:15,17 69:19 70:2 108:12	
long-term 40:11	lows 41:12	making 24:3 33:12 55:8 60:7 99:25	markedly 28:3	
longer 81:25	lumped 13:13	managed 103:18	market 28:3 40:21 41:2	
looked 84:12, 16,20,22,23 94:8	M	manager 6:4	marketing 76:18	
looking 22:20 23:12 32:18 40:10 45:5 50:14 58:18 62:21 64:10, 11 84:17 91:9	made 9:25 12:9,14,16, 21,25 14:8 23:23 26:12 27:12 28:22 30:5 35:25 36:15 46:9 58:14 60:2 61:23 63:19 69:12 81:5 86:2 102:20 103:17 105:11	manner 76:3 83:13	markets 25:10	
looks 94:12		manual 86:15	massive 57:20	
lose 102:6		many 7:20	match 14:8 107:21	
lot 12:7 41:6			mathematics	

<p>meeting 15:5 31:13 46:5 82:13,14,24, 25</p> <p>meetings 45:23</p> <p>megawatt 8:20 57:17 65:14,16 71:16 73:8 74:5 77:7 84:20</p> <p>megawatts 26:6 54:22 57:3 73:23,25 74:16 85:15</p> <p>memorandum 98:4</p> <p>memory 29:13</p> <p>mentioned 28:14 53:8 55:7 61:19</p> <p>merchant 53:15 103:10, 19</p> <p>method 85:5 92:19,20,25 93:8,9 96:23, 24 97:2,4,7</p>	<p>105:17,18 106:9</p> <p>methodology 47:13 54:23</p> <p>mic 5:18</p> <p>Michael 2:2 5:10</p> <p>might 7:20 37:20 42:13 79:8 94:8 107:12</p> <p>mile 57:18</p> <p>mind 49:16 54:21 105:19</p> <p>mindful 104:18</p> <p>minds 79:8</p> <p>minimis 27:19</p> <p>minor 27:24</p> <p>minus 14:12</p> <p>minutes 39:2 94:24</p> <p>misfortune</p>	<p>80:8</p> <p>mismatch 37:11 55:16</p> <p>mitigation 72:9</p> <p>mix 41:23</p> <p>model 74:9 86:6,14,16,18</p> <p>modeling 39:20 40:3</p> <p>modification 102:13</p> <p>moment 48:20</p> <p>month 15:22 63:23</p> <p>months 23:11,18 25:3 100:15 102:5 107:18</p> <p>Moore 30:8,9 56:8</p> <p>more 14:11 38:4 43:15 55:5 56:2 70:16 73:24</p>	<p>78:17,20 79:3 80:16 83:25 85:22 87:3 96:25 97:2 98:16 99:6 102:4 106:9</p> <p>Morgan 51:4</p> <p>morning 5:5, 14,21 6:16 38:21 50:3 58:6,7 67:24, 25 76:11,12 81:18,19 96:21</p> <p>most 17:2 27:1 37:11 108:2</p> <p>mostly 28:24</p> <p>motion 4:6,16 11:19 21:10 22:1 30:20,23 45:4,6 46:20 99:22</p> <p>Mountain 1:3, 5 2:7,8 3:8 4:3,5 5:8,13, 22 20:12 29:20 31:18 50:10,17,25 51:10 52:15, 16 58:8 59:17 68:21 69:18, 19 70:1,5</p>	<p>71:9 76:14,22 80:22 91:13 102:25 103:5</p> <p>move 96:14</p> <p>moving 87:22</p> <p>much 5:20 17:5 43:15 107:7</p> <p>multiple 9:22 46:4</p> <p>must 23:17 66:13</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 5:10,14 16:13 18:20 49:16,17 50:5 63:9 68:1 95:14</p> <p>names 8:23</p> <p>natural 41:10, 11</p> <p>near 41:11 98:13</p> <p>nearly 63:23 107:21</p>
---	---	---	---	--

necessarily 85:8	74:3	noticed 5:6	92:5,7,17,24 93:9 103:22	31:17 45:25 47:2,16
necessary 20:23 26:18 59:1,2 72:11 107:8	new 7:1,7 10:23 11:2 84:3,4 86:25 87:1 91:18	notify 82:5,10	objection 52:13 59:20 60:17 64:24 71:3,4,5 99:24	officer 2:2 5:3,11,16,20 6:5,14,21 7:12,18,24 8:4 16:6 17:7 18:1,3,7,12, 16 28:7 38:17 44:22 48:8,21 49:6,11,15, 19,22,25 52:12 58:1 59:21 60:21 61:3 62:14 63:8,14 64:5, 15,23 67:3,8, 13,18,21 69:22 71:3,6 76:7 81:16 88:4,10 91:2 92:14,22 93:15,25 94:5,14,18,22 95:2,7,10 96:17 97:16, 19,22 99:5, 12,15,23 100:4 102:22 105:24 108:6
need 14:5 35:20 54:14 64:13 86:1 94:21 100:25 102:1 103:16	next 56:13 87:6 107:9	Noting 30:5 32:17,19	obligation 60:11	
needed 13:16,20,23 44:2 63:25 64:8 100:23 107:18	Nextera 51:2	November 9:9,12 14:23 65:8,23	obstructionist 16:18	
needs 55:12 105:21	nondiscriminatory 71:25	number 21:12,13,14 26:8 27:5,18, 19 29:1 45:14 65:24 70:19 71:15 75:24 77:22 78:1,21 79:4,5 89:21 90:1 91:7 103:6 106:22	obtain 19:17	
negotiate 55:1	None 96:8	numbers 24:24	obtained 20:5	
negotiation 53:7 54:1,9 59:19 76:16 102:2 107:10	North 2:9 51:3	numeral 62:22	occupation 95:14,18	
negotiations 50:12 58:11	Northern 79:14	numbers 24:24	October 4:4, 15 7:9 11:19, 23 14:10 21:25 24:9 29:18 51:11 52:2,11,21 68:23 69:8 77:17,22 81:4 96:3,16 99:21	
neither 47:21, 25	note 14:4 47:7	O	off 106:25	often 27:8 106:23
network 66:3	noted 32:16 100:21	Oasis 21:6,10 77:5,6,14 82:20	offer 63:11 99:20	on-line 9:19 22:5 23:14,18 24:6 39:5 42:8,24 47:1 55:10 57:16 59:5 106:19,
	nothing 28:5 64:15 87:18 93:25 99:13 103:1 104:12	OATT 48:15, 16 54:24 61:8 88:15,24	Office 6:17	

<p>24 107:4,6, 18,19,21</p> <p>Once 50:3</p> <p>one 2:12 6:23 9:23 12:8 26:5,6,17,24 28:2 42:12 48:2,9 53:4 57:4,5 60:1 61:19 62:20 63:14 72:20 75:5,15,18 78:3 80:10 81:3 87:5,7 89:8 97:23 99:19 100:2 103:7 104:3</p> <p>one-tenth 74:6</p> <p>one-year 42:5</p> <p>one-year-plus 84:6</p> <p>ones 10:10</p> <p>only 37:15 63:6 74:22 79:7,22 80:3 84:23 90:15 100:7,23</p> <p>open 47:10 48:23 60:14</p>	<p>61:8 71:22 81:1 98:19 102:12,17</p> <p>operate 27:22 55:19</p> <p>operating 26:6 98:11</p> <p>operation 19:20,23 24:12 34:18, 24 99:9 102:3,4</p> <p>operational 101:17,19</p> <p>operations 8:15 19:3 54:19</p> <p>opine 60:25 97:10</p> <p>opinion 46:13</p> <p>opinions 107:25</p> <p>opportunities 25:13</p> <p>opportunity 11:18 26:11 95:23 100:3</p>	<p>oppose 107:14</p> <p>opposed 97:10 105:6 107:5</p> <p>opposing 31:6</p> <p>opposition 32:4</p> <p>option 84:12 92:23 106:10</p> <p>options 84:12,14,16</p> <p>order 13:20 72:5 89:4 93:7 97:4 102:16 106:3, 5,10</p> <p>ordering 98:1</p> <p>original 10:3 37:7</p> <p>originally 9:17 30:3 37:11 39:8</p> <p>others 41:9, 18,22 42:20, 21</p>	<p>otherwise 36:18 47:12 55:15 77:13</p> <p>out-of-state 7:2</p> <p>outlined 98:4</p> <p>outset 37:14</p> <p>outside 90:11 100:11 101:21</p> <p>over 25:1 40:25 41:25 43:11,14,18 50:23 56:13 62:10 68:13 88:19 89:21 91:7 94:7 100:14 101:11</p> <p>overall 19:2 23:13 24:5, 16,17 55:6</p> <p>overnight 87:24</p> <p>Overruled 59:21</p> <p>oversee 50:11,16</p>	<p>oversight 8:13 68:17</p> <p>own 19:10 30:6 51:18</p> <p>ownership 19:25</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>Pac 81:23 83:8 87:15 91:7 92:17, 23,24 93:7,8, 20 98:8</p> <p>pace 74:12</p> <p>Paciflicorp 4:8,16 9:6 11:4,6,20 13:3,5,19,22 15:1 19:22 21:2,6,16,17 22:14 24:25 25:4,19 26:2, 4,9 27:11,18, 24 29:23 30:3,8 31:15, 19 32:2,10, 11,14,19,23 33:4 34:3,23 35:25 36:20, 23 42:14,20 43:10,20 45:6,8,18,22 46:6,18,19</p>
--	--	--	--	---

47:17,23 48:25 53:14, 15 54:23 61:18 65:6,19 68:6,15,16 71:21 74:2 75:20 76:15, 22 77:18,21 80:22 81:6,11 88:18 89:3,7, 12,20 90:2,7 98:12 102:25 103:10 104:16 105:6, 9,12,16	46:18,23 53:14 59:3 70:20 76:17 98:22	patterns 41:13	permitted 91:1	pinched 102:8
Pacificcorp's 19:13 20:24 22:1 25:24 31:13 33:7,16 37:10 43:9 45:4 60:14 74:6,18,25 88:24 103:12, 18,21 104:2,7 105:2,19,20	participate 20:9 40:12 42:15	pay 34:9	PERPA 50:17	pincher 101:25
Palo 41:8,9, 17	participation 108:7	people 78:22 79:8,10 91:18	person 83:18	place 5:5 20:23 39:21
Paragraph 66:6 104:4	particular 104:23 105:3	PERC 83:11	personally 76:20	planner 86:23 87:9
parameters 80:1,12	particularly 104:9 106:18	percent 22:9 34:7,8 74:2	perspective 32:21 55:24	plans 17:8
paraphrase 46:11	parties 35:20 69:20 94:8,19 97:8,15 108:7	Perfect 92:11	Peterson 3:17 6:20 95:6,7,13,15 97:14,18 99:13 100:5,6 108:4	Plaza 2:12
part 28:21	party 17:19 74:22	perfectly 93:16	phenomena 89:15	pleading 29:23
	passed 34:9 70:5	perform 24:3 36:20	phone 6:1	pleadings 16:14 17:18, 21 19:6
	passes 34:3	performance 37:10	phonetic 57:7	pleases 52:8
	past 40:25 41:25 58:17 89:17 107:18	performed 107:23	pick 62:20	point 9:21 10:22,25 19:19 35:3 37:23 39:11 54:7,8 55:5 60:2 61:19 65:10 74:16 82:9,18 92:7 94:6 96:15 107:7
	Pat 57:7	performing 75:16	picking 75:15	
	pattern 46:23	perhaps 89:11 99:5 105:25	picture 75:14 78:2	
		period 11:14 27:23 43:12	piece 70:21 72:19	pointed 92:9

points 9:24 53:4 60:2 103:16	39:4 87:12,13 90:3,8	22 59:18 63:19,21 64:1 76:16,23 102:15 107:10	7:3 17:10 21:24	press 94:19
portion 48:16	power 1:3,5 2:7,8 3:8 4:3 5:8,13,23 20:12 26:13 31:19 41:22 50:10,17,25 52:15,16 58:9 59:17 66:14 69:18,19 70:1,6 76:14, 22 80:22 86:12 91:13 102:25 103:5 104:1	PPAS 12:16 14:8,12 25:5 76:18 102:1	presented 22:2	pressing 94:20
Portland 68:14		PPS 12:21	preserves 102:19	presume 36:17
position 10:6 19:9 25:9 29:24 30:20 31:18 32:13 45:19,23 47:19,25 64:8 80:21 98:4 100:7 101:24 102:10,18 105:20 106:18	Power's 4:5 29:20 51:11 68:22 71:9	practically 107:22	presiding 2:2 5:3,11,16,20 6:5,14,21 7:12,18,24 8:4 16:6 17:7 18:1,3,7,12, 16 28:7 38:17 44:22 48:8,21 49:6,11,15, 19,22,25 52:12 58:1 59:21 60:21 61:3 62:14 63:8,11,14 64:5,15,23 67:3,8,13,18, 21 69:22 71:3,6 76:7 81:16 88:4,10 91:2 92:14,22 93:15,25 94:5,18,22 95:2,7,10 96:17 97:16, 19,22 99:5, 12,15,23 100:4 102:22 105:24 108:6	pretty 86:20 94:12 101:4
positions 79:15,16	power-flow 85:18,24	practice 59:16 76:13, 14	president 6:2, 3 18:25	previous 23:2 50:24 51:1 98:23
possibility 87:22 107:14	power-purchase 33:21,23 34:14 35:8 66:19	practically 107:22	price 38:4,7, 12 39:4,6,18 42:25 43:11, 12,23,25	previously 45:7
possible 30:15 53:12, 25 75:22 80:14,20 107:22	powerful 74:9	practically 107:22	prices 10:19 24:21,25 25:5,6,21,22 35:15 37:16, 19,21 38:1 39:8,17 40:22 42:1 43:13	
possibly 97:2	PPA 12:18 13:3,8,18,21 14:6 23:9,19 36:11 47:4 53:6,16 54:1, 9 55:1 58:10,	preference 7:19	pricing 4:13 9:6,9,11,17 10:2,6,8,13, 15,17,23 11:3,5,7,16 12:4 23:11, 17,21 24:18	
potential 90:13 107:16		preliminary 6:22 15:6		
potentially		preparation 19:5 51:14		
		prepare 52:23 71:8		
		prepared 7:14 12:19 69:11		
		present 6:13		

<p>34:10,18,22, 25 35:2,3,9, 19 36:7,8,9, 12,17,23 37:1,2,3,13, 23 38:9 39:24 40:2,10,14,16 41:1,7 42:11 43:16,18,19 47:5,8,9,12 53:7 54:6 55:1,8,12,13, 14,17 62:8, 22,24 63:1 65:5,7,13,15, 18 66:19 102:6 103:11, 18 104:1,8 106:23,24</p> <p>primarily 45:10</p> <p>prior 35:6,8 64:1</p> <p>privy 91:20</p> <p>pro 6:24 7:2</p> <p>probably 7:22 16:19 17:4 57:17 79:3 99:20</p> <p>problem 78:12,13,17 98:22</p>	<p>problems 106:23</p> <p>procedure 10:11 97:6</p> <p>procedures 15:24 53:5 57:19 100:9</p> <p>proceed 7:13 9:19 17:12 30:17 53:2 71:13</p> <p>proceeded 15:7</p> <p>proceeding 22:16 98:2 106:3</p> <p>proceedings 1:7 93:19 108:14</p> <p>process 20:6 22:11 26:9, 14,15,23 27:7,13,14 28:14,21,24 29:5 31:3 35:12 37:8,12 38:9,11 39:16,23 40:7 42:17 44:1 46:14 50:16 53:6,7,12,13, 17,25 54:1,13</p>	<p>56:3,14 60:6, 11,13 61:20, 21 62:3,4,9 65:11 66:10, 12,13,17,20 68:17 70:23 71:15,17,24 72:5 73:13,14 74:8 75:8,22, 23 82:9,15 85:2,8 87:21 88:23 89:2 90:6,9,10,11 93:3,4 97:5 98:13,17 103:14,24 104:6 105:5,6 106:21 107:10</p> <p>processed 21:15</p> <p>processes 27:2,21 53:8, 21 100:9 105:11</p> <p>processing 20:25 23:24 75:20 88:15 93:20,23 98:21</p> <p>product 38:11</p> <p>profile 42:19 43:6,16</p>	<p>project 8:20 15:5 19:20, 21,25 22:25 26:5,24 37:2, 14 39:6 54:19 57:16,20 62:24 65:20 72:12,14 73:6,7,8,15 74:5 75:5 78:10 79:13, 18 85:6 90:12 91:23 101:23 107:9,19</p> <p>projected 100:15</p> <p>projects 8:14, 17,19,21,23, 25 9:1,7,8,11, 16,17,20 10:2,4,9,13, 17,20 14:18 23:22 25:14, 18 26:2,7,8, 25 28:20 33:25 35:21 43:7 59:4 60:8 62:8 65:14,16 70:11 71:16 72:15,23,24 73:3,16,19,20 75:11,17,24 78:14,16,24 87:13,14 91:14,18 103:1</p> <p>proof 58:13</p>	<p>proper 97:6</p> <p>properly 72:11</p> <p>property 9:23</p> <p>propose 91:18</p> <p>proposed 31:14 59:5,9 63:19,21 64:1 72:21 74:11 75:9 91:14</p> <p>proposing 74:5</p> <p>pros 97:7</p> <p>prove 54:17 55:3</p> <p>proves 58:14</p> <p>provide 11:5 13:17 28:16 44:11,12 50:21 58:22 62:25 68:11 69:18 75:5,14 76:20 77:7,8 78:1 82:15</p> <p>provided 34:10 35:23</p>
--	---	---	---	---

36:21 43:19 44:7,9 46:6 47:14,18 53:19 70:19 77:9,15 100:20	pulled 21:9	<hr/> Q <hr/>	questions 16:5,18,25 18:4 29:12,14 38:15,21 44:20 48:6 51:20 56:18 57:25 58:2 62:13,17 64:20 67:2,4, 6 69:5 75:19 76:6 81:15,17 88:2 90:23 92:15 96:20 97:13,17,20	quick 91:1
provider 49:1,4	purchase 50:15 66:14 104:2	QF 4:13 16:22 19:17 20:5, 13,18 36:12 40:15 53:11, 20,24 54:11, 22 55:9 56:24 57:3,17 62:24,25 66:15 72:1 82:5,17 83:6, 10 84:4 90:15 103:17 106:21	62:8,24 65:20,24 69:1 70:9,11,22 71:10 72:18, 24,25 73:15, 25 75:12,15 77:4,8 78:5, 11,15,16,22 79:2,7,12,15, 16,18,23,25 80:4,8,10,11, 16 83:12 84:5 85:7 90:19, 21,22 91:22, 25 102:6 103:13,18,20 104:16	quickly 56:2 58:24 75:21
provides 43:3 53:10 99:2	pursuant 89:4	QF'S 83:2,10 90:20 103:2 104:21,24,25	queue 4:13 10:6 55:2	quite 26:8 41:21
providing 35:8	pursue 25:13 27:13	qualifying 66:2	queue-in 103:24	quote 31:15 63:20,22
PSC 4:15	pursued 25:13 35:12	qualifying- facility 50:16		quoted 32:12 33:7,8 48:16 92:9
PTC 101:8 103:7	pursuing 26:22	quantum 40:18		<hr/> R <hr/>
PTC'S 89:11 90:17	push 41:16 101:19	question 6:23 48:10 59:22 60:19,23 61:4,6 63:7, 15 66:24 79:19 87:10 88:24 93:6 98:19 105:8 106:1		R.P.R. 1:12
public 1:1,10 2:4 3:16 6:19 11:24 12:2 24:8 30:11 31:17 45:24 46:16 74:24 95:20	pushed 34:20 39:9			range 27:23
publicly 21:6 74:22,25	pushing 42:8			rate 34:6 38:2,4
pull 58:23 90:10	put 94:15 96:6 102:9			ratepayers 25:14,17,18 37:6 56:25
	puts 17:9			rates 41:10, 11 42:18,21 57:11
	putting 87:12 106:25			rather 20:22 96:9,23
	PV 8:21			rational 33:12

47:18,20,24	reason 19:24 29:23 31:3,23 32:12,15 33:4,7,8,10 45:18 78:23 103:15	10:12,16 11:7,15 13:2, 18 14:6 22:21	recommending 107:3	92:19
reach 40:3 59:4 103:10	reasonable 27:23 35:5,11 49:1 60:15 61:2,10 63:2 76:1 80:15 84:6 88:15 92:5,10 98:24,25 101:2,4	received 4:8 10:14,23 13:7 14:25 15:15, 18 24:24 31:14 37:1 42:5	recommends 98:25	referring 13:15,16 29:17,19 45:13 48:17 62:3,5,9
reached 46:9 65:5		receives 49:4 89:22	record 5:4 50:5 52:9 68:2 71:2 95:3,14 96:16	reflection 42:7
reaching 65:18 104:6		recent 46:19 73:2	recourse 36:3	reformulated 59:22
read 48:16 58:17 61:13 63:15 66:9			recross 44:22	regard 20:13
Reading 77:25	reasonably 98:20 102:20	recently 19:22 31:2 78:13 91:13	redoing 102:13	regarding 13:8 24:12 45:4 47:1 65:19 77:1 105:8
ready 104:17	reasons 26:21 32:18 33:12 78:23 89:8	recess 94:24, 25	reduce 84:10	
real 58:23 84:24		reckoning 100:14	reduced 83:20	region 80:18
reality 24:23 42:10	reassert 60:22		refer 62:1,2	regulator 87:11 90:5
realize 81:23	recalculated 10:7	recollection 77:20	reference 31:10 45:4,14 81:5,8	regulators 89:25
really 16:17, 22 35:16 47:25 48:10 53:3 54:2,3 57:10 78:1 82:17 85:19 94:12 100:24	recall 15:25 33:18 46:17 48:1 56:5 88:24	recommendation 97:25 107:12	referenced 30:23 46:19 48:12	regulatory 71:23 97:5
realtime 21:7	receipt 23:11	recommendations 107:25	references 48:15	related 4:12 46:3 68:25 69:5 93:20,21
	receive		referred 32:1	relates 22:18,

23 23:3,13	9:22	101:8	47:3 63:19,21	73:11,15
relationships 50:12	remaining 47:13 61:15	rephrase 39:1	66:1,2 73:5	74:10 75:6
Relative 21:13	remember 45:19 82:21	reply 29:8,13, 18,20,22 30:2	74:15 75:15, 21 81:12	76:22 101:2
relatively 21:11,20,22 26:16 29:3	remembering 96:22	32:14 33:4,9, 15 52:20,24	83:11,12	requirement 20:16
relevance 24:18	remembers 56:9	69:7,12,15 70:17	94:23 96:2,15 98:5,21 102:1	requires 58:20 61:9 86:19 105:18
relevant 24:21 35:16 106:12	remind 104:18	reporter 1:12 50:4	requested 14:12,14,17 16:23 54:6 63:24 65:13, 23 66:15 70:11	reset 11:4
reliability 74:11 75:6 105:14	Removal 4:13	represent 6:13	requesting 22:21 66:18	RESIDING 94:14
reliable 86:3	remove 78:10,22 79:2,12 80:6	representativ e 55:9,18 56:8,10 57:7	requests 9:14 14:8,22,23 15:1,2 21:1,2, 25 25:25 26:1 70:8,20 72:6 73:22 75:25 77:23,24 79:7 85:15 88:16, 17 89:10,14, 22 90:2,16 98:18 103:6	resource 66:3
reliably 72:10	removed 10:4 72:25 78:10, 14 79:17	represented 40:8 64:6	require 7:1,3 20:12 35:6 59:17 66:2 76:15 80:12 92:24	resources 84:23
reliant 35:23	removes 73:15	representing 6:8,18	required 6:12 20:4 58:9 59:25 64:7 72:9,17	respect 39:11 48:14 55:6 56:6 57:15 64:11 98:1 99:9
relief 16:23 22:15,17 23:6	renewable 41:17 51:3	repriced 10:5		respond 19:15 20:24 29:14 69:11 91:25
rely 35:20 100:11	renewables 50:15	repricing 39:5,7,9		responded 63:20
remained	renewal	request 4:12 9:5,8,10 10:9 12:9,14,16, 18,21 13:3,6, 8 14:20 42:6		responding 51:20 64:13

69:4	restudied 79:16	rise 39:18	20:22 53:19	say 13:14 29:1 41:17,25 42:4 43:5,9, 21,22 44:4,6 61:25 76:19 79:3 82:16 83:16 84:1,2 85:25 87:17, 23 90:13,18 93:1 94:9 101:16
response 4:5, 16 11:19,23 12:1 14:9 22:1 24:8 29:20 46:20 47:1 51:11, 15,18,21 52:6,10,23,25 56:2 61:24 64:11 68:22 69:8,15 70:18 71:9 77:17,22 81:4 96:2,15 98:5 99:22	restudy 73:16 80:12	rising 24:25	run 26:8 89:4	
	result 37:15 90:17 106:25	risk 87:12 107:1	running 29:4 53:16 90:5	
	resulted 26:21 27:14 42:24	RMP 31:20 71:1	runs 53:15	
	results 33:17 64:1 72:14	Robert 1:12	S	
responsibiliti es 8:11 19:1 68:16	retail 105:3	Rocky 1:3,4 2:7,8 3:8 4:3, 4 5:8,13,22 20:12 29:20 31:18 50:10, 17,24,25 51:10 52:15, 16 58:8 59:16 68:21 69:18, 19 70:1,5 71:9 76:14,21 80:21 91:13 102:25 103:4	S-o-n 95:16	saying 32:20 44:15
responsibility 38:7	review 11:18, 22 19:12 24:17,24 26:20,23,25 31:16 95:23		safe 86:3	says 16:1,2 45:6 48:25 54:12 58:25 62:23 86:24 92:10
responsible 8:13 19:2	reviewed 21:5 63:21	Roman 62:22	said 26:20 30:19 32:14 33:4 39:2 42:17 44:3 46:10 72:4 92:4	scale 20:9 27:2 105:21 106:24
responsive 26:16	revise 43:8	Room 1:10	Salt 1:11 2:6, 9	scenarios 107:1
rest 28:4 87:3	revised 11:15	rose 21:20	same 9:22 10:10 40:6 43:22 54:18 70:12 74:16 80:4,17,18 83:12,13 84:5	schedule 1:4 4:12 5:7 31:21 48:15 53:5,9,10 54:12,25 56:15 62:21 66:4,20 72:2 89:3,5,7 90:7 104:4
restarted 65:10 99:4	RFP 91:14,20, 23,25	roughly 27:10		
restate 61:6	RFP'S 101:12	rule 7:7	sample 29:3	scheduled
rests 94:3	Rick 6:1	rules 7:1		

22:12	37:21 56:5	46:10 47:2,17	53:11,24	26:17 83:20
schedules 75:8	sentences 63:15	50:11 53:14, 18 54:16,24	66:15 90:12	similar 13:7
scoping 15:5 82:13,14,24, 25	sentiment 32:9,20 33:2, 5,13	56:11 59:8	99:6,8,20	35:12 42:17
seat 100:5	September 4:11 51:8	61:18 65:20, 22 68:7	100:7,10	46:23 104:20, 21
second 54:8 60:2	separate 53:7,22 57:16	set 26:18 107:9	101:14,24	simplest 7:23
section 48:17,25 62:25 66:21 104:5	97:6 103:19	sets 8:22	103:25	simply 7:3 72:18 75:5 87:14
Sections 4:14	sequential 72:5 73:14	setting 42:21	show 20:17 22:6	since 21:12 73:14 83:6
seek 22:16 103:11	75:22 80:25	seven 8:25 9:18 10:4	showed 43:13,17 47:22	single 74:4
seeking 22:17 23:6 34:13 75:24 104:1	85:5,9 90:6	share 52:25	showing 39:18	sir 49:23 58:7 59:23 64:16 102:22
seen 23:24 24:11 26:2 27:18,20 70:10 73:2 78:14	96:24	Shell 2:12	shown 103:3	sir 49:23 58:7 59:23 64:16 102:22
selects 92:23	serial 26:23 27:13,14 92:19,23	shifter 87:1	shows 43:7 70:7,12	site 9:21 55:15,18
sense 26:12	series 54:10	Shively 3:4 6:9 7:17,25	side 21:9 27:11 41:15, 17	sites 25:4
	serve 57:12	8:1,8 16:5,19	signed 17:21 29:23 31:11	situation 24:22 54:2 56:6 62:6 98:10 104:10, 20
	service 1:1, 10 50:22 59:9 103:20	17:3,7,20	sign 47:22	situations 104:19,21
	services 5:24 30:12 31:18 32:3 45:25	18:8 65:8	significant 22:7 27:5 73:6 78:12 89:12 90:1 104:11	six 23:10
		shortening 102:15	significantly	
		shortly 19:23 60:20		
		should 31:21 37:17,23 40:6		

107:18	86:18,19,23 87:2	southeastern 28:25	spell 50:5 68:1	standard 55:21
six-month 47:4	someone 97:10	Southern 19:21 26:7 78:15 79:14 84:5,18	Spelled 95:15	standing 6:12 7:4 94:11
size 26:6 29:3 33:25 57:19 70:9 72:21 73:3 74:15 75:9,24 79:5 83:23 84:20 85:15 89:21	something 20:21 32:21 35:12 37:18 38:13,23 94:9 100:25 101:9 102:9 105:17, 20 107:13	space 28:19	spelling 49:16	standpoint 46:24 97:9
slightly 39:6 43:9	sometimes 56:22 78:25	speak 38:8 57:8 58:24	spend 41:5	Stanley 1:12 51:4
slowed 84:1	soon 53:12, 25 83:1	speaking 33:11,13 59:10,11	spent 25:11	start 28:10,13 53:11 54:9 81:22 89:18
slowest 27:1	sorry 11:11 18:6 46:20 87:23 95:18 100:4	speaks 38:8	spike 73:22, 24 88:18	starting 65:22
small 21:13, 14,21 72:19 83:25	sort 10:5 13:13 17:13 26:18 38:22 80:23 102:12	special 50:13	spikes 88:17 92:6 101:7	starts 55:13, 14 86:17
Solander 4:4	sought 65:4, 7,15,18	specific 23:5 43:5 61:12 66:1 70:12 90:20 96:25 99:6	split 93:4	state 6:25 7:5 18:19 31:12 34:4 40:8 50:4,19 87:11 93:19 95:13
solar 8:21 20:9 25:23 40:22 57:4	source 77:2	specifically 23:7 56:7 59:10 91:5 93:22	spoke 60:3 65:8	state-by-state 21:19
solution 31:14 87:5	South 1:10 2:5	specifications 54:4	spower 30:25	stated 29:22 31:23 38:23 45:7 55:3 58:15 71:21 76:2 77:16 78:1 100:12
solutions 86:2		speed 85:2,8, 12 87:18,20	staff 31:16 83:7 85:1	statement
solve 85:25			stage 20:5	
			stakeholders 33:17 40:9 55:7,22 57:23	
			stand 7:20,22 17:18 60:20	

43:8 91:6 99:16 100:1 108:5	66:15 104:5	12 70:22 71:15 72:5, 14,17 73:11 74:8,21 75:4 76:16,23 80:23,25 82:7,15 83:3 85:9,23 87:22 90:10 97:7 99:3 102:13	88:17 99:2 106:3,5	46:22 48:5
statements 64:3	structural 19:25		sufficient 59:4 75:3 81:24	suppose 97:22 107:12
states 27:16 28:25 57:12 63:18 72:2	struggle 56:21		suggest 80:15 106:2	surge 45:9 81:7 88:18 89:9,12 104:11
status 16:22 19:17 20:5,13 54:12	struggled 22:10	studying 73:6	suggesting 79:21	surprised 21:4
stay 17:8 104:16	studied 27:7 72:6 83:13 85:6 91:19 105:14,21	sub 62:21	Suite 2:9	surprising 40:13,17 47:23
step 100:13, 16	studies 14:21 55:2,4 59:1 61:15 63:25 71:18,20,24 74:24 76:2 80:25 83:8,15 84:17,25 85:1 93:12,21 101:22 107:9	subject 17:15 30:7 34:8 35:22 40:14 98:23 102:7	summarize 97:24	suspending 98:9
steps 82:12 100:16		subjects 17:1	summary 4:7 52:23 71:9 75:8	swapped 9:23
still 10:10 30:16 61:21 100:15		submit 91:22, 24 105:10	supplied 77:1 98:5	swear 8:1 18:13 49:16, 20,22 67:19 95:8
story 70:20, 21	study 13:17, 20,23 14:5, 15,18 15:6,7, 9,16,18,21 16:3 22:11 23:1 24:1 48:14 49:2,5 54:15,24 58:10,13,20 59:6,10,11, 12,14,18 60:16 61:10, 16 62:4 64:1,	submitted 39:8	support 30:16 32:4, 24,25 54:16 69:14 81:11	switch 97:1
Street 2:13		subsequent 9:13	supported 32:22 34:12	system 21:3, 6,7 26:10 41:4 54:15, 17,23 57:5,6, 21 61:16 72:8,12 73:4, 5,9 74:10,11, 18,25 75:7
strive 38:14 55:23		subsequently 100:23	supporting 30:4,22	
strongly		successful 41:18 46:21	supportive	
		such 73:7,8		

77:5,14 78:25 84:17 85:17 86:4,9,20 87:4 105:15	85:10 100:14	technology 41:14	testimony 16:21 19:10 28:17 38:25 51:18 52:10 58:8 59:15 62:1 87:18 96:11 101:3, 6,9,10 106:8	80:6
systems 21:19	talk 56:22 57:10 91:5	Temple 2:9		theory 80:3
<hr/> T <hr/>	talking 12:8 29:25 30:1 35:18 41:6 78:9	tender 59:18		thereafter 21:21,23
T-o-u-r-a-n-g-e-a-u 49:18 50:7	target 100:15	tendering 58:10 76:16, 23	Texas 2:13 6:11	therefore 24:4 30:14 75:2
table 6:19	tariff 13:24 15:25 16:2 20:12 22:18, 19,23 23:16 24:2 31:22 35:24 36:3 38:8 43:10 48:23,24 53:4,22 54:9 56:16 58:18, 19,23,25 60:15 61:9 71:22 72:3,6 76:2 81:2 93:1,2,12 98:13	term 33:20 34:14 61:12 85:24 96:23 102:15	than 23:22 25:3 30:21 36:3,18 37:16 40:15 43:2 46:25 49:3 73:25 74:12 83:11 94:12 96:9,23 102:4,18	thereupon 108:14
tact 30:21 31:5	take 5:12 7:19,22 29:8 37:6 43:10,11 46:1 54:13 92:3 94:19 99:18 100:5, 13,17	terminated 87:14		things 12:15 41:14 73:12 87:23 96:20 102:17 104:3 106:17
taken 1:10 30:14 55:25 94:25 105:19, 21	tariffs 20:4,8 50:15 60:6 80:22 100:10, 12	terms 22:11 23:16 29:4 31:8 32:8,9 33:22 40:18 47:20 55:8,12 56:2 57:11 84:25	their 15:2 17:14 20:21 21:7,8,9,10, 19 25:4 26:10 29:24 30:6,20 32:3,4,15,16, 19,20,24 43:13 45:19, 23 46:20 54:12 55:3 60:7 79:1,8 80:1 82:6 99:21 101:9, 12,19 102:3,6 108:7	thinks 98:24
takes 25:4 39:20 85:22	team 85:11	territory 50:17		third 55:5
taking 31:5 54:21 56:15	technical 8:13 15:4 95:19 97:9	test 87:5		third-party 71:19 74:20 75:2,13
		testified 50:19 64:22 68:9 92:16 93:18 103:4	themselves 78:22 79:2,12	thought 22:3
		testify 65:3		thoughtful 57:22
				thoughts 96:22
				thousand

73:8 74:4,15	13:11 20:22	timeliness	told 100:22,	Tran 91:7
thousands	21:9 23:20,25	93:22	23	98:8
28:22	25:1,3,4,11	timely 59:3	took 46:4	Trans 81:23
three 53:4	36:19 39:14,	63:19 76:3	55:25	83:8 87:15
79:6,22 80:3	15 41:6,20	times 41:21	tools 40:3	92:17,23,25
102:4	42:11 43:1,	48:12 53:8	top 70:7	93:7,8
through 9:3	12,14,18	84:10 89:17	topic 81:3	Trans's 93:20
13:23 26:9	48:13 50:18	100:22	total 21:17	transformer
28:23 29:4	52:9 53:13	timing 11:2	22:25 55:16	86:25
34:3,9 50:15	54:18 56:1	15:21,22	totally 48:3	transmission
54:15 61:24	62:10 65:4	16:22 25:24	55:11	6:3 31:20
82:12 86:14	68:8 69:20	35:2,19,20,	Tourangeau	45:8 48:23,24
89:4 90:5	71:1,11,17	23,24 36:5,9,	3:9 5:23	49:1,3 53:14,
96:9 102:2	72:16 83:21	23 37:13 38:9	49:14,19	18 54:16,24
106:22	85:10,22	79:9	50:3,6 52:19	57:6,7 59:8
107:10	86:18 87:6	title 8:11	56:20 57:24	60:14 61:9
throughout	99:2,3 101:8	18:24	58:6 60:4,25	65:19,20,22
106:21	102:3,21	TOD 55:3	61:4 63:10	66:17 68:6,7
throwing 85:7	103:14	today 5:23	65:3	69:1 71:22
Thursday	105:17	6:13,18 38:24	Tourangeau's	72:22 73:4,9
1:11	106:11 107:7,	43:18 44:16	52:10	74:18,25
tie 38:2 39:19	8	51:18 52:25	towards 55:5	75:10,20
42:22	timeframe	69:5,15	traditionally	80:19 81:1,6
tied 36:9	83:15 84:7	71:14,21 72:4	100:17	85:16 86:6
38:10	timeline 9:3	74:1 76:21	trajectory	87:1 88:18
ties 22:10	12:12 16:1	80:21 84:3	44:13	89:13,20 90:2
time 1:12 5:5	23:19,23 24:4	87:16 90:21	transmission	103:12,13,14,
	27:10 31:21	92:7,19 96:10	s 61:18	20,21
	36:21 47:8	101:3,6 103:3	treat 83:10	
	63:3 65:21	together 27:7	trend 40:24	
	73:11 82:18	38:11		
	90:21 98:7,9			
	timelines			
	17:3 25:2			
	35:13 37:9			
	61:15 62:20			
	66:18 98:13			

trending 42:2	94:7 100:16	understand 20:16 42:14 47:7 60:4,13 62:1 78:8 106:12	28:25	75:13 85:5,24 93:2,7,12 96:22 105:18
triggering 72:12	type 41:16 86:14 97:1		unless 53:19	
Trudeau 63:8	typical 19:18 20:8 26:7 27:4 28:14	understandin g 12:24 14:7 15:20 20:3,7 36:19 39:3 40:2 58:12,19 61:8 65:17,21 66:16,22 89:1,6 90:4 91:21 92:5,17 104:6	unlike 33:3	used 8:23 28:15 40:3,7 43:22 47:24 75:14 90:6 105:12
true 32:22 34:17 64:3	typically 17:17 27:9 34:21 59:13 66:13 82:10		unprecedented d 45:9 57:2 73:22 81:7 103:5,6	
truth 8:2 18:14 49:20, 23 67:19 95:8			untenable 102:10	uses 42:19 74:9 75:22
try 79:21	U		until 20:1 54:10 55:2 59:6 99:2	using 42:17 54:23 76:1 86:5 105:5,7, 16
trying 16:17 24:19 82:21 85:19	ultimately 34:9 87:10 107:20	understood 89:25 98:15	unusual 28:2	usual 15:20, 22
turn 66:6 83:21	unable 30:17 54:9	underway 59:1 66:14 103:25	upcoming 89:10 103:8	UT 2:9 4:15
turnaround 48:13 81:25	unclear 64:21	unfortunately 56:4,10 103:9	update 47:10, 11 63:24	Utah 1:1,11 2:6 6:11,17, 18,25 8:21 19:21 21:13, 16 26:7 33:21,23 34:4 45:10 50:19 68:9 70:12 72:1 78:15 79:14 84:5,18 87:11
turned 32:2	under 1:4 5:6 10:10 22:18 36:3 43:9 50:17 54:24, 25 55:4,19 62:25 66:19 72:6 88:23 98:11 104:4	unintended 105:22	upgrades 74:10 79:17	
turns 100:24		unique 104:19	ups 25:9	
two 8:22 17:2, 4,14 23:7 31:12 48:2 53:7 61:15 75:18 78:14, 18 79:8,10, 23,24 91:16	underlying 43:6	unit 65:5 81:23 103:11, 12,19,21 104:2,7	uptick 70:13 89:19	utilities 2:4 3:16 6:19 11:24 12:2 20:3 21:14
		United 27:16	use 41:8 49:1 61:9 73:14	

24:8 26:3 27:20 28:24 29:2,5 30:11 31:17 35:13 45:24 46:16 95:20 100:8	versus 24:2 37:7 73:7	way 25:16 35:24 43:15 59:6 66:10 79:1 82:17,22 91:10 100:11 104:24	whereupon 52:16 70:1 94:25 108:11	57:7,20 59:18 60:20 73:10 78:15 88:7 91:18 105:2, 14
utility 15:17 20:9 27:2 35:14 40:11, 12 41:23 91:6 95:19	vice 6:2,25 7:2	ways 87:20	whether 7:19 13:16 24:21 34:23 35:15 38:6 42:23 43:17 45:18 56:24 59:8,25 60:22 62:7 66:24 88:23 89:1,3,24 92:18,23 93:6,19 97:3 98:20	wishes 99:16
utility's 15:25	view 17:14 31:6	weeks 31:12 56:14	Whichever 92:22	withdraw 79:25 80:11
utilizes 40:1	violation 93:8	weigh 97:8	whoever 94:11	withdrew 9:18
<hr/> V <hr/>	volume 21:24 48:24 81:24 90:1	weighted 43:11	whole 78:2	within 11:14 12:25 23:10, 18 27:22 36:20 39:16 60:16 61:11 62:23
	<hr/> W <hr/>	welcome 7:11	wholesale 40:21 41:1 97:1	without 26:18 31:6,7 75:16 90:6,7
vacuum 105:11	wait 17:25 88:5	went 9:17 48:16	whom 8:8 18:22 50:8 68:4	witness 3:3 7:15 8:3 16:9, 11,16,19 17:17 18:6,15 49:17,21,24 52:3 59:24 61:6 63:10,13 64:4,9,17 67:12,20 81:19 88:3 92:21 93:24 95:9 98:3 99:10,14
Valley 9:1,20 10:15 65:16	waiver 53:19	west 2:9 28:24	wide 74:18	
value 44:10, 12,13 71:19 74:20	walk 9:3	western 41:3, 5,6	will 16:1,9,10, 21 17:24 27:6 43:8 55:18	
variable 43:12,13	want 6:10 29:8 53:3 57:14,18,22 60:22 88:5,8, 9 91:5,24 104:17	whatever 47:11 88:8 104:22		
various 28:24 78:22 89:17	wanted 94:9, 10 106:17 107:4	whereas 27:11,23		
Verde 41:8,9, 17	wants 94:15	whereby 37:12 38:9		

<p>witnesses 7:19 17:2,10, 14 101:7 103:4</p> <p>wonder 60:18 63:17 64:19</p> <p>wondering 93:17 106:4</p> <p>word 78:7</p> <p>words 84:17 106:8</p> <p>work 50:14 61:17 77:21 84:20</p> <p>workable 39:15</p> <p>worked 28:23 29:2 51:1,4</p> <p>working 28:20</p> <p>workload 81:11</p> <p>works 87:6</p> <p>world 20:8,10 27:3</p>	<p>worse 102:18</p> <p>wrap 108:4</p> <p>wrong 79:1</p> <p>Wyoming 45:11 84:18</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 12:20,23 14:3 15:11 22:13,25 23:24 42:8,25 44:10,13,17 47:9,10,11 51:1 58:16 63:4 88:20 89:16 98:18 102:14,15</p> <p>years 34:1,14 35:10 36:12 37:21 40:25 41:25 42:3 44:14 47:13 50:23 51:2 55:19 68:13 73:2</p> <p>Yesterday 91:11,12</p> <p>yet 7:8 15:15, 19 30:16</p> <p>yours 88:6</p>	<p>yourself 32:12 33:8</p> <p>Yvonne 2:8 5:15,17,21</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zone 51:3</p>
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