



1407 W North Temple, Suite 320
Salt Lake City, Utah 84114

February 6, 2018

VIA ELECTRONIC FILING

Utah Public Service Commission
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Attention: Gary Widerburg
Commission Secretary

**RE: Docket No. 17-035-54 – Rocky Mountain Power’s Petition for Declaratory Ruling
Re: Kennecott Utah Copper LLC’s 2015 Energy Balancing Account Recovery
Charges – Settlement Stipulation**

Rocky Mountain Power (“Company”) hereby submits for filing a Settlement Stipulation, executed by the Company, Kennecott Utah Copper LLC, and the Division of Public Utilities in the above referenced matter.

Rocky Mountain Power respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): datarequest@pacificorp.com
utahdockets@pacificorp.com
jana.saba@pacificorp.com
yvonne.hogle@pacificorp.com

By regular mail: Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite 2000
Portland, OR 97232

Informal inquiries may be directed to Jana Saba at (801) 220-2823.

Sincerely,

A handwritten signature in blue ink that reads "Yvonne R. Hogle".

Yvonne R. Hogle
Assistant General Counsel

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Rocky Mountain Power’s Petition for Declaratory Ruling re Kennecott Utah Copper LLC’s 2015 EBA Recovery Charges	Docket No. 17-035-54
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SETTLEMENT STIPULATION

This Settlement Agreement and Stipulation (“Stipulation”) is entered into in Docket No. 17-035-54 (“Docket”) by and among PacifiCorp d/b/a Rocky Mountain Power (“RMP” or the “Company”), Kennecott Utah Copper LLC (“Rio Tinto Kennecott”), and the Division of Public Utilities (“DPU”) (the “Parties”). While not a party to this agreement, the Office of Consumer Services (“OCS”) does not oppose this Stipulation. This Stipulation will become final and effective as of the date of Commission approval.

1. The Parties recommend and request that the Public Service Commission of Utah (“Commission”) approve this Stipulation and dismiss, with prejudice, RMP’s Petition for Declaratory Ruling in this Docket.
2. RMP filed a Petition for Declaratory Ruling in this Docket on October 5, 2017.
3. Rio Tinto Kennecott disputes the allegations and claims raised by RMP in its request for declaratory relief in this Docket.
4. On November 9, 2017, the Parties participated in settlement discussions.
5. Following the settlement discussions, the Parties reached a settlement.

6. Within 30 days after the Commission approves this Stipulation and orders the dismissal, with prejudice, of RMP's Petition for Declaratory Ruling in this Docket, Rio Tinto Kennecott shall pay \$114,290.36 to the Company (the "Payment").

7. Upon receipt of the Payment, the Company, on behalf of itself and its parents, affiliates, divisions, officers, directors, employees, shareholders, successors, and assigns, shall release and forever discharge Rio Tinto Kennecott and its parents, affiliates, divisions, officers, directors, employees, shareholders, successors, and assigns from any and all claims, demands, and causes of actions, in law or equity, whether known or unknown that the Company may assert against Rio Tinto Kennecott for any Energy Balancing Account ("EBA") charges, credits, or costs directly or indirectly related to electric service provided to Rio Tinto Kennecott by RMP before December 1, 2016.

8. The Parties further agree that this Stipulation resolves any and all obligations and rights that Rio Tinto Kennecott may have arising from or relating to any EBA for RMP under any contract for electric service between Rio Tinto Kennecott and RMP or any Commission tariff, rule or order for the duration of the currently effective Energy Services Agreement between Rio Tinto Kennecott and RMP, dated July 28, 2016 ("ESA").

9. The Parties also agree that upon execution of this Agreement, Rio Tinto Kennecott for itself and all of its affiliates, divisions, employees, officers, directors, shareholders, successors and assigns forfeits and waives any and all right to receive or claim any rebate, credit, refund or offset from any EBA for RMP, filed or unfiled, or yet to be filed to which Rio Tinto Kennecott otherwise did have, does have, or will have any arguable right or claim arising from or related to service provided or payments made under the ESA.

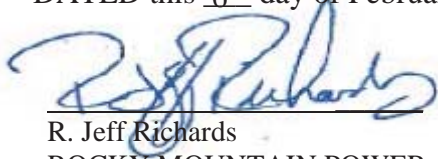
10. The Parties acknowledge that RMP calculates a remaining balance of \$147,929.94 in RMP's energy balancing account which RMP will include as part of its 2018 EBA filing to be collected from RMP's other customers.

11. The Parties agree that this Stipulation as a whole is just and reasonable in result and in the public interest.

12. The Parties request that the Commission consider and approve this Stipulation without a hearing and order the dismissal of the Docket with prejudice.

13. This Stipulation may be executed by individual Parties through two or more separate, conformed copies, the aggregate of which will be considered as an integrated instrument.

DATED this 6th day of February 2018.



R. Jeff Richards
ROCKY MOUNTAIN POWER
1407 West North Temple, Suite 320
Salt Lake City, UT 84116

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DIVISION OF PUBLIC UTILITIES
500 Heber Wells Building
160 East 300 South, 4th Floor
Salt Lake City, UT 84111

Marc Cameron
KENNECOTT UTAH COPPER LLC
4700 Daybreak Parkway
South Jordan, UT 84009

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DATED this 5 day of February 2018.

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ROCKY MOUNTAIN POWER
1407 West North Temple, Suite 320
Salt Lake City, UT 84116



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DATED this ___ day of February 2018.

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Salt Lake City, UT 84111

**APPROVED AS TO FORM
RIO TINTO/KUC LEGAL**
By: 
Jeff Armington
Corporate Counsel
Date: 2-5-18

CERTIFICATE OF SERVICE

Docket No. 17-035-54

I hereby certify that on February 6, 2018, a true and correct copy of the foregoing **SETTLEMENT STIPULATION** was served by electronic mail to the following:

Utah Office of Consumer Services

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Yvonne Hogle yvonne.hogle@pacificorp.com


Jennifer Angell
Supervisor, Regulatory Operations