

**In the Matter Of:**

In Re: RMP - ESA Extension with Nucor Corporation

**HEARING, DOCKET NO. 17-035-55**

*October 31, 2017*

*Job Number: 426685*

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Application of Rocky Mountain Power      Docket No. 17-035-55  
3 for Approval of Electric Service  
4 Agreement Extension Between  
PacifiCorp and Nucor Corporation

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HEARING PROCEEDINGS

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8 TAKEN AT:      Utah Public Service Commission  
                    4th Floor  
9                   160 East 300 South  
                    Salt Lake City, Utah

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11 DATE:           Tuesday, October 31, 2017

12 TIME:           1:00 p.m.

13 REPORTER:      Mary R. Honigman, R.P.R.

14                   Job No. 426685

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APPEARANCES

PRESIDING OFFICER:  
Melanie Reif

FOR THE DIVISION OF PUBLIC UTILITIES:  
Justin C. Jetter  
160 East 300 South, Fifth Floor  
Salt Lake City, Utah 84114

FOR THE OFFICE OF CONSUMER SERVICE:  
Robert Moore  
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Salt Lake City, Utah 84114

FOR ROCKY MOUNTAIN POWER:  
Daniel Solander  
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Salt Lake City, Utah 84116

FOR NUCOR CORPORATION:  
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111 East Broadway, Suite 1100  
Salt Lake City, Utah 84111

1	INDEX OF EXAMINATION	Page 3
2	WITNESS	PAGE
3	KYLE MOORE	
4	EXAMINATION BY:	
4	MR. SOLANDER	6
5		
6	CHARLES E. PETERSON	
6	EXAMINATION BY:	
7	MR. JETTER	9
8		
8	CHERYL MURRAY	
9	EXAMINATION BY:	
9	MR. MOORE	10
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 PROCEEDINGS

2 OFFICER REIF: Welcome, and we are on  
3 the record. I am Melanie Reif, the presiding  
4 officer for the Utah Public Service Commission, and  
5 welcome to our hearing today. We are hearing Docket  
6 No. 17-035-55. This matter is entitled Application  
7 of Rocky Mountain Power for Approval of the Electric  
8 Service Agreement Extension Between PacifiCorp and  
9 Nucor Corporation. Since this matter was noticed  
10 for hearing, we received a stipulation, and I am  
11 assuming that the parties would like this to be the  
12 subject of today's hearing; is that correct,  
13 Mr. Solander?

14 MR. SOLANDER: That is correct, at  
15 least from the Company's perspective.

16 OFFICER REIF: Is that the  
17 understanding of the other parties as well?

18 MR. JETTER: Yes.

19 MR. MOORE: Yes.

20 OFFICER REIF: Very good. Let's  
21 start with appearances, please.

22 MR. SOLANDER: Thank you. Good  
23 afternoon. My name is Daniel Solander. I'm  
24 appearing on behalf of Rocky Mountain Power and I  
25 have with me at counsel table Kyle Moore, marketer

1 originator for Rocky Mountain Power.

2 MR. JETTER: I'm Justin Jetter with  
3 the Utah Attorney General's Office here today  
4 representing the Utah Division of Public Utilities,  
5 and with me is Charles Peterson with the Division.

6 OFFICER REIF: Welcome.

7 MR. MOORE: Robert Moore with the  
8 Utah Attorney General's Office representing the  
9 Office of Consumer Services. With me is  
10 Cheryl Murray.

11 OFFICER REIF: Thank you, and welcome  
12 everyone. Mr. Solander, this is your filing so I'll  
13 let you go ahead and have the floor.

14 MR. SOLANDER: Thank you. We are  
15 here seeking approval of the stipulation and  
16 settlement agreement that resolves the issues in  
17 this docket. As stated in the stipulation, the  
18 parties agree to keep the current terms and  
19 conditions of the electric service agreement that's  
20 currently in effect through March 31, 2018, unless  
21 the electric service agreement is approved prior to  
22 that date. And Rocky Mountain Power has agreed that  
23 it will reach agreement with Nucor and file a new  
24 electric service agreement prior to 2018.

25 I don't know if the Commission has

1 questions, but we have a witness who is available if  
2 you would like to ask questions regarding the new  
3 electric service agreement or this extension, but  
4 otherwise we would request approval of the  
5 stipulation as filed.

6 OFFICER REIF: Okay. Is your witness  
7 Kyle?

8 MR. SOLANDER: Yes, it is.

9 OFFICER REIF: Okay. Let's go ahead  
10 and have Kyle sworn in. And he's welcome to stay  
11 where he is, if you like.

12 KYLE MOORE,  
13 having been first duly sworn to tell the truth, was  
14 examined and testified as follows:

15 OFFICER REIF: So, Mr. Solander, are  
16 you going to question him?

17 MR. SOLANDER: Sure.

18 BY MR. SOLANDER:

19 **Q Could you please state your name and**  
20 **current occupation for the record?**

21 A Yes. My name is Kyle Moore. I work for  
22 PacifiCorp and I am a marketer originator in the  
23 commercial services group of Rocky Mountain Power.

24 **Q And in that position, are you currently**  
25 **engaged in negotiation of the new electric service**

1 agreement with Nucor Corporation?

2 A Yes.

3 Q And do you believe that Rocky Mountain  
4 Power, PacifiCorp, and Nucor will be able to reach  
5 agreement on a new electric service agreement and  
6 have it filed with the Commission prior to  
7 January 1, 2018?

8 A Yes.

9 Q And is it PacifiCorp's position that  
10 keeping the current electric service agreement in  
11 place through March 31st will allow the parties  
12 enough time to get the new agreement negotiated and  
13 filed?

14 A Yes.

15 Q And do you believe that the current terms  
16 are just and reasonable to keep in place through  
17 March 31st, 2018?

18 A Yes.

19 Q Do you have anything else you would like  
20 to state regarding the negotiations?

21 A No, not at this time.

22 MR. SOLANDER: That's all the  
23 questions I have at this time.

24 OFFICER REIF: Thank you. Any  
25 questions from the Division?



1 MR. JETTER: No questions.

2 OFFICER REIF: Any questions from the  
3 Office?

4 MR. MOORE: No questions.

5 OFFICER REIF: Mr. Moore, just a bit  
6 of clarification on the stipulation. I know that  
7 you testified that you believe that it is just and  
8 reasonable, and in the public interest. Just  
9 because we have slightly -- it's slightly phrased a  
10 little differently in this particular statute -- do  
11 you believe that the stipulation is just and  
12 reasonable in result, and in the public interest?

13 THE WITNESS: Yes.

14 OFFICER REIF: Okay, thank you.  
15 That's all I have. One thing before we move on to  
16 the Division. I note that counsel for Nucor is  
17 here, and I don't believe you went on the record,  
18 sir. Do you wish to note your appearance today?

19 MR. COOK: Sure. Jeremy Cook for  
20 Nucor Corporation.

21 OFFICER REIF: If you don't mind me  
22 going a little bit out of order -- I know that  
23 you're not technically an intervener in this docket,  
24 but just for the record, do you believe that there  
25 is anything to be concerned about with the

1 stipulation as it has been presented?

2 MR. COOK: No. I think Nucor  
3 obviously wants certainty as far as their contract,  
4 so we support it.

5 OFFICER REIF: Thank you very much.  
6 Mr. Jetter?

7 MR. JETTER: Thank you. I guess  
8 we'll swear in Mr. Peterson.

9 CHARLES E. PETERSON,  
10 having been first duly sworn to tell the truth, was  
11 examined and testified as follows:

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. I'm a technical  
16 consultant with the Division of Public Utilities.

17 Q And in the course of your employment, have  
18 you had the opportunity to review the settlement  
19 stipulation as well as the contract that would be  
20 extended as a result of this, if it were approved?

21 A Yes.

22 Q Do you believe that approval of the  
23 extension of that contract as set forth in the  
24 settlement stipulation presented today is just,  
25 reasonable in result, and in the public interest?

1           A       Yes.

2                           MR. JETTER: Thank you. No further  
3 questions.

4                           OFFICER REIF: Thank you. Any  
5 questions from the Company?

6                           MR. SOLANDER: No, thank you.

7                           OFFICER REIF: Any questions from the  
8 Office?

9                           MR. MOORE: No questions.

10                          OFFICER REIF: Thank you for your  
11 testimony.

12                          MR. MOORE: The Office would call  
13 Cheryl Murray.

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

17 BY MR. MOORE:

18           **Q       Could you please state your name and whom**  
19 **you represent?**

20           A       My name is Cheryl Murray, and I represent  
21 the Office of Consumer Services.

22           **Q       Did you prepare and file comments on**  
23 **behalf of the Office in this docket?**

24           A       Yes. On October 23, 2017, I filed  
25 comments consisting of two pages regarding Rocky

1 Mountain Power's request to extend the current Nucor  
2 Electric Service Agreement through March 31, 2018.

3 **Q Following the filing of the comments, did**  
4 **the Company, Office, and Division enter into a**  
5 **stipulation?**

6 A Yes.

7 **Q Have you read the stipulation?**

8 A Yes, I have.

9 **Q Are you prepared to offer testimony in**  
10 **support of the stipulation?**

11 A Yes.

12 **Q Please proceed.**

13 A The Office supports the Company's request  
14 for a three-month extension of the current Nucor ESA  
15 as being just and reasonable in result, and in the  
16 public interest, so long as it does not create a  
17 situation where the regulatory process is  
18 compressed. The stipulation requires a new ESA to  
19 be filed prior to January 1, 2018, allowing time for  
20 regulatory review and analysis of that ESA.

21 Therefore, the Office recommends the Commission  
22 accept and approve the stipulation and settlement  
23 agreement. And that concludes my testimony.

24 OFFICER REIF: Thank you, Ms. Murray.

25 Any questions from the Company?

1 MR. SOLANDER: No questions.

2 OFFICER REIF: And the Division?

3 MR. JETTER: No questions. Thank  
4 you.

5 OFFICER REIF: Ms. Murray, just one  
6 question to follow up on the concern that you raised  
7 about the compressed regulatory process. Is it your  
8 understanding that the stipulation as presented will  
9 avoid that?

10 MS. MURRAY: We think that if the  
11 Company files prior to January 1, 2018, we can  
12 accomplish the review and analysis that is  
13 necessary. I would add that we have also -- I have  
14 also -- requested that Mr. Kyle Moore meet with  
15 us -- the Division and the Office -- following the  
16 filing to discuss any pertinent details or explain  
17 anything. So I think that will help us in  
18 understanding the ESA.

19 OFFICER REIF: The filing, meaning  
20 the subsequent filing?

21 MS. MURRAY: The subsequent. Yes,  
22 the new ESA that is to be filed.

23 OFFICER REIF: Okay. So with that,  
24 are your concerns satisfied that should this  
25 stipulation be approved that you should be moving

1 forward with a satisfactory process and schedule, so  
2 to speak?

3 MS. MURRAY: That is our belief, yes.

4 OFFICER REIF: Any follow-up, Mr.  
5 Moore?

6 MR. MOORE: None.

7 OFFICER REIF: Okay. Anything  
8 further, Mr. Solander?

9 MR. SOLANDER: No, thank you.

10 OFFICER REIF: Okay. I thank you all  
11 for your testimony today and unless there's  
12 something further, we'll take the matter under  
13 advisement and issue a ruling. So have a very nice  
14 day.

15 (The hearing was adjourned at 1:15 p.m.)

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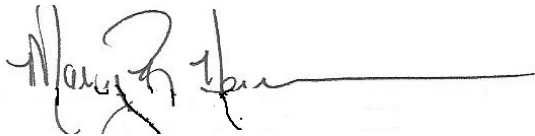
REPORTER'S CERTIFICATE

STATE OF UTAH )  
COUNTY OF SUMMIT )

I, Mary R. Honigman, a Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the witnesses were placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I have subscribed my name on this 5th day of November, 2017.



Mary R. Honigman  
Registered Professional Reporter #972887

<b>1</b>	<b>31</b> 1:11 5:20 11:2	<b>accept</b> 11:22	<b>also</b> 12:13,14	<b>available</b> 6:1
<b>1</b> 7:7 11:19 12:11	<b>31st</b> 7:11,17	<b>accomplish</b> 12:12	<b>analysis</b> 11:20 12:12	<b>avoid</b> 12:9
<b>10</b> 3:9	<b>320</b> 2:9	<b>add</b> 12:13	<b>anything</b> 7:19 8:25 12:17 13:7	<b>B</b>
<b>1100</b> 2:12	<b>4</b>	<b>adjourned</b> 13:15	<b>appearance</b> 8:18	<b>before</b> 1:1 8:15
<b>111</b> 2:12	<b>426685</b> 1:14	<b>advisement</b> 13:13	<b>appearances</b> 2:1 4:21	<b>behalf</b> 4:24 10:23
<b>160</b> 1:9 2:7	<b>6</b>	<b>afternoon</b> 4:23	<b>appearing</b> 4:24	<b>being</b> 11:15
<b>17-035-55</b> 1:2 4:6	<b>6</b> 3:4	<b>agree</b> 5:18	<b>Application</b> 1:2 4:6	<b>believe</b> 7:3,15 8:7,11,17,24 9:22
<b>1:00</b> 1:12	<b>8</b>	<b>agreed</b> 5:22	<b>approval</b> 1:3 4:7 5:15 6:4 9:22	<b>Between</b> 1:3 4:8
<b>1:15</b> 13:15	<b>84111</b> 2:12	<b>agreement</b> 1:3 4:8 5:16, 19,21,23,24 6:3 7:1,5,10, 12 11:2,23	<b>approve</b> 11:22	<b>bit</b> 8:5,22
<b>2</b>	<b>84114</b> 2:5,7	<b>ahead</b> 5:13 6:9	<b>approved</b> 5:21 9:20 12:25	<b>Broadway</b> 2:12
<b>2017</b> 1:11 10:24	<b>84116</b> 2:10	<b>all</b> 7:22 8:15 13:10	<b>assuming</b> 4:11	<b>C</b>
<b>2018</b> 5:20,24 7:7,17 11:2, 19 12:11	<b>9</b>	<b>allow</b> 7:11	<b>Attorney</b> 5:3, 8	<b>call</b> 10:12
<b>23</b> 10:24	<b>A</b>	<b>allowing</b> 11:19		<b>certainty</b> 9:3
<b>3</b>	<b>able</b> 7:4			
<b>300</b> 1:9 2:4,7				



<b>CERTIFICATE</b> 14:1	<b>concerned</b> 8:25	<b>course</b> 9:17	10:23	<b>EXAMINATIO</b> <b>N</b> 3:1,3,6,8
<b>Charles</b> 3:5 5:5 9:9,15	<b>concerns</b> 12:24	<b>create</b> 11:16	<b>duly</b> 6:13 9:10 10:15	<b>examined</b> 6:14 9:11 10:16
<b>Cheryl</b> 3:8 5:10 10:13, 14,20	<b>concludes</b> 11:23	<b>current</b> 5:18 6:20 7:10,15 11:1,14	<hr/> <b>E</b> <hr/>	<b>explain</b> 12:16
<b>City</b> 1:9 2:5,7, 10,12	<b>conditions</b> 5:19	<b>currently</b> 5:20 6:24	<b>East</b> 1:9 2:4, 7,12	<b>extend</b> 11:1
<b>clarification</b> 8:6	<b>consisting</b> 10:25	<hr/> <b>D</b> <hr/>	<b>effect</b> 5:20	<b>extended</b> 9:20
<b>comments</b> 10:22,25 11:3	<b>consultant</b> 9:16	<b>Daniel</b> 2:9 4:23	<b>electric</b> 1:3 4:7 5:19,21, 24 6:3,25 7:5, 10 11:2	<b>extension</b> 1:3 4:8 6:3 9:23 11:14
<b>commercial</b> 6:23	<b>Consumer</b> 2:6 5:9 10:21	<b>date</b> 1:11 5:22	<b>employment</b> 9:17	<hr/> <b>F</b> <hr/>
<b>Commission</b> 1:1,8 4:4 5:25 7:6 11:21	<b>contract</b> 9:3, 19,23	<b>day</b> 13:14	<b>engaged</b> 6:25	<b>far</b> 9:3
<b>Company</b> 10:5 11:4,25 12:11	<b>Cook</b> 2:11 8:19 9:2	<b>details</b> 12:16	<b>enough</b> 7:12	<b>Fifth</b> 2:4
<b>Company's</b> 4:15 11:13	<b>Corporation</b> 1:4 2:11 4:9 7:1 8:20	<b>differently</b> 8:10	<b>enter</b> 11:4	<b>file</b> 5:23 10:22
<b>compressed</b> 11:18 12:7	<b>correct</b> 4:12, 14	<b>discuss</b> 12:16	<b>entitled</b> 4:6	<b>filed</b> 6:5 7:6, 13 10:24 11:19 12:22
<b>concern</b> 12:6	<b>counsel</b> 4:25 8:16	<b>Division</b> 2:3 5:4,5 7:25 8:16 9:16 11:4 12:2,15	<b>ESA</b> 11:14, 18,20 12:18, 22	<b>files</b> 12:11
		<b>docket</b> 1:2 4:5 5:17 8:23	<b>everyone</b> 5:12	<b>filing</b> 5:12 11:3 12:16, 19,20

<b>first</b> 6:13 9:10 10:15	<b>H</b>	<b>J</b>	<b>let</b> 5:13	8:4,5 10:9,12, 17 12:14 13:5,6
<b>floor</b> 1:8 2:4,7 5:13	<b>having</b> 6:13 9:10 10:15	<b>January</b> 7:7 11:19 12:11	<b>like</b> 4:11 6:2, 11 7:19	<b>Mountain</b> 1:2 2:8 4:7,24 5:1,22 6:23 7:3 11:1
<b>follow</b> 12:6	<b>hearing</b> 1:6 4:5,10,12 13:15	<b>Jeremy</b> 2:11 8:19	<b>little</b> 8:10,22	<b>move</b> 8:15
<b>follow-up</b> 13:4	<b>help</b> 12:17	<b>Jetter</b> 2:4 3:6 4:18 5:2 8:1 9:6,7,12 10:2 12:3	<b>long</b> 11:16	<b>moving</b> 12:25
<b>following</b> 11:3 12:15	<b>here</b> 5:3,15 8:17	<b>Job</b> 1:14	<b>M</b>	<b>much</b> 9:5
<b>follows</b> 6:14 9:11 10:16	<b>Honigman</b> 1:13	<b>Justin</b> 2:4 5:2	<b>March</b> 5:20 7:11,17 11:2	<b>Murray</b> 3:8 5:10 10:13, 14,20 11:24 12:5,10,21 13:3
<b>forward</b> 13:1	<b>I</b>	<b>K</b>	<b>marketer</b> 4:25 6:22	<b>N</b>
<b>further</b> 10:2 13:8,12	<b>INDEX</b> 3:1	<b>keep</b> 5:18 7:16	<b>Mary</b> 1:13	<b>matter</b> 4:6,9 13:12
<b>G</b>	<b>interest</b> 8:8, 12 9:25 11:16	<b>keeping</b> 7:10	<b>meaning</b> 12:19	<b>name</b> 4:23 6:19,21 9:14 10:18,20
<b>General's</b> 5:3,8	<b>intervener</b> 8:23	<b>Kyle</b> 3:3 4:25 6:7,10,12,21 12:14	<b>meet</b> 12:14	<b>necessary</b> 12:13
<b>good</b> 4:20,22	<b>into</b> 11:4	<b>L</b>	<b>Melanie</b> 2:2 4:3	<b>negotiated</b> 7:12
<b>group</b> 6:23	<b>issue</b> 13:13	<b>Lake</b> 1:9 2:5, 7,10,12	<b>mind</b> 8:21	<b>negotiation</b> 6:25
<b>guess</b> 9:7	<b>issues</b> 5:16	<b>least</b> 4:15	<b>Moore</b> 2:6 3:3,9 4:19,25 5:7 6:12,21	<b>negotiations</b>

7:20	12,21,23 11:4,13,21 12:15	<b>pages</b> 10:25	9:1,24 12:8	<b>R</b>
<b>new</b> 5:23 6:2, 25 7:5,12 11:18 12:22	<b>officer</b> 2:2 4:2,4,16,20 5:6,11 6:6,9, 15 7:24 8:2,5, 14,21 9:5	<b>particular</b> 8:10	<b>presiding</b> 2:2 4:3	<b>R.P.R.</b> 1:13
<b>nice</b> 13:13	10:4,7,10 11:24 12:2,5, 19,23 13:4,7, 10	<b>parties</b> 4:11, 17 5:18 7:11	<b>prior</b> 5:21,24 7:6 11:19 12:11	<b>raised</b> 12:6
<b>None</b> 13:6	<b>one</b> 8:15 12:5	<b>perspective</b> 4:15	<b>proceed</b> 11:12	<b>reach</b> 5:23 7:4
<b>North</b> 2:9	<b>opportunity</b> 9:18	<b>pertinent</b> 12:16	<b>PROCEEDING</b> <b>S</b> 1:6 4:1	<b>read</b> 11:7
<b>note</b> 8:16,18	<b>order</b> 8:22	<b>Peterson</b> 3:5 5:5 9:8,9,13, 15	<b>process</b> 11:17 12:7 13:1	<b>reasonable</b> 7:16 8:8,12 9:25 11:15
<b>noticed</b> 4:9	<b>originator</b> 5:1 6:22	<b>phrased</b> 8:9	<b>public</b> 1:1,8 2:3 4:4 5:4 8:8,12 9:16, 25 11:16	<b>received</b> 4:10
<b>Nucor</b> 1:4 2:11 4:9 5:23 7:1,4 8:16,20 9:2 11:1,14	<b>otherwise</b> 6:4	<b>place</b> 7:11,16	<b>Q</b>	<b>recommends</b> 11:21
<b>O</b>	<b>P</b>	<b>position</b> 6:24 7:9		<b>record</b> 4:3 6:20 8:17,24 9:14
<b>obviously</b> 9:3		<b>Power</b> 1:2 2:8 4:7,24 5:1,22 6:23 7:4	<b>question</b> 6:16 12:6	<b>regarding</b> 6:2 7:20 10:25
<b>occupation</b> 6:20 9:14	<b>p.m.</b> 1:12 13:15	<b>Power's</b> 11:1	<b>questions</b> 6:1,2 7:23,25 8:1,2,4 10:3, 5,7,9 11:25 12:1,3	<b>regulatory</b> 11:17,20 12:7
<b>October</b> 1:11 10:24	<b>Pacificcorp</b> 1:4 4:8 6:22 7:4	<b>prepare</b> 10:22		<b>Reif</b> 2:2 4:2,3, 16,20 5:6,11 6:6,9,15 7:24 8:2,5,14,21 9:5 10:4,7,10 11:24 12:2,5,
<b>offer</b> 11:9	<b>Pacificcorp's</b> 7:9	<b>prepared</b> 11:9		
<b>Office</b> 2:6 5:3, 8,9 8:3 10:8,		<b>presented</b>		

19,23 13:4,7, 10	4:7,24 5:1,22 6:23 7:3 10:25	5:16 9:18,24 11:22	<b>statute</b> 8:10	<b>technical</b> 9:15
<b>REPORTER</b> 1:13	<b>ruling</b> 13:13	<b>should</b> 12:24, 25	<b>stay</b> 6:10	<b>technically</b> 8:23
<b>REPORTER'S</b> 14:1	<b>S</b>	<b>Since</b> 4:9	<b>stipulation</b> 4:10 5:15,17 6:5 8:6,11 9:1,19,24 11:5,7,10,18, 22 12:8,25	<b>Temple</b> 2:9
<b>represent</b> 10:19,20	<b>Salt</b> 1:9 2:5,7, 10,12	<b>sir</b> 8:18	<b>subject</b> 4:12	<b>terms</b> 5:18 7:15
<b>representing</b> 5:4,8	<b>satisfactory</b> 13:1	<b>situation</b> 11:17	<b>subsequent</b> 12:20,21	<b>testified</b> 6:14 8:7 9:11 10:16
<b>request</b> 6:4 11:1,13	<b>satisfied</b> 12:24	<b>Solander</b> 2:9 3:4 4:13,14, 22,23 5:12,14 6:8,15,17,18 7:22 10:6 12:1 13:8,9	<b>Suite</b> 2:9,12	<b>testimony</b> 10:11 11:9,23 13:11
<b>requested</b> 12:14	<b>schedule</b> 13:1	<b>something</b> 13:12	<b>support</b> 9:4 11:10	<b>their</b> 9:3
<b>requires</b> 11:18	<b>Second</b> 2:7	<b>South</b> 1:9 2:4, 7	<b>supports</b> 11:13	<b>Therefore</b> 11:21
<b>resolves</b> 5:16	<b>seeking</b> 5:15	<b>South</b> 1:9 2:4, 7	<b>swear</b> 9:8	<b>thing</b> 8:15
<b>result</b> 8:12 9:20,25 11:15	<b>service</b> 1:1,3, 8 2:6 4:4,8 5:19,21,24 6:3,25 7:5,10 11:2	<b>speak</b> 13:2	<b>sworn</b> 6:10, 13 9:10 10:15	<b>three-month</b> 11:14
<b>review</b> 9:18 11:20 12:12	<b>services</b> 5:9 6:23 10:21	<b>start</b> 4:21	<b>T</b>	<b>through</b> 5:20 7:11,16 11:2
<b>Robert</b> 2:6 5:7	<b>set</b> 9:23	<b>state</b> 6:19 7:20 9:13 10:18	<b>table</b> 4:25	<b>time</b> 1:12 7:12,21,23 11:19
<b>Rocky</b> 1:2 2:8	<b>settlement</b>	<b>stated</b> 5:17	<b>take</b> 13:12	<b>today</b> 4:5 5:3
			<b>TAKEN</b> 1:8	

<p>8:18 9:24 13:11</p>	<p>5 5:6,11 6:10</p>
<p><b>today's</b> 4:12</p>	<p><b>went</b> 8:17</p>
<p><b>truth</b> 6:13 9:10 10:15</p>	<p><b>West</b> 2:9</p>
<p><b>Tuesday</b> 1:11</p>	<p><b>whom</b> 10:18</p>
<p><b>two</b> 10:25</p>	<p><b>will</b> 5:23 7:4, 11 12:8,17</p>
<hr/> <p><b>U</b></p> <hr/>	<p><b>wish</b> 8:18</p>
<p><b>under</b> 13:12</p>	<p><b>witness</b> 3:2 6:1,6 8:13</p>
<p><b>understandin g</b> 4:17 12:8,18</p>	<p><b>work</b> 6:21</p>
<p><b>unless</b> 5:20 13:11</p>	
<p><b>Utah</b> 1:1,8,9 2:5,7,10,12 4:4 5:3,4,8</p>	
<p><b>Utilities</b> 2:3 5:4 9:16</p>	
<hr/> <p><b>W</b></p> <hr/>	
<p><b>wants</b> 9:3</p>	
<p><b>welcome</b> 4:2,</p>	