

**In the Matter Of:**

In RE: RMP - ESA between PacifiCorp and Nucor Corporation

**HEARING- DOCKET NO. 17-035-72**

*March 14, 2018*

*Job Number: 445300*

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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2  
3 In the Matter of the Application of Docket No. 17-035-72  
4 Rocky Mountain Power for Approval of  
5 Electronic Service Agreement Between  
6 PacifiCorp and Nucor-Plymouth Bar  
7 Division, a Division of Nucor  
8 Corporation

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9 HEARING PROCEEDINGS

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10 TAKEN AT: Utah Public Service Commission  
11 4th Floor  
12 160 East 300 South  
13 Salt Lake City, Utah

14 DATE: Wednesday, March 14th, 2018

15 TIME: 10:00 a.m.

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

17 Job No. 445300

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APPEARANCES

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1 PROCEEDINGS

2 OFFICER HAMMER: Good morning. This  
3 is the time and place noticed for hearing in the  
4 Application of Rocky Mountain Power for Approval of  
5 Electronic Service Agreement Between PacifiCorp and  
6 Nucor Corporation. That's Commission Docket No.  
7 17-035-72. My name is Michael Hammer. I am the  
8 Commission's designated presiding officer for this  
9 docket.

10 Let's go ahead and take appearances,  
11 please.

12 MR. SOLANDER: Good morning,  
13 Mr. Hammer. Daniel Solander representing Rocky  
14 Mountain Power, and I have with me at counsel table  
15 Mark Tourangeau, who will be Rocky Mountain Power's  
16 witness in this proceeding.

17 MS. SCHMID: Patricia E. Schmid with  
18 the Attorney General's Office on behalf of the  
19 Division of Public Utilities. With me at counsel  
20 table is Mr. Charles H. Peterson [sic]. He will be  
21 the Division's witness in this matter.

22 MR. SNARR: I am Steven Snarr with  
23 the Attorney General's Office representing the  
24 Office of Consumer Services. With me is  
25 Cheryl Murray, an analyst with the Office, who will

1 be made available for comments today.

2 MR. COOK: Jeremy Cook and Eric Lacey  
3 on behalf of Nucor Corporation.

4 OFFICER HAMMER: Thank you. Are  
5 there any preliminary matters before we begin?

6 MS. SCHMID: Just one. I gave my  
7 witness the wrong middle initial. His middle  
8 initial actually is "e," not "h," so if we could  
9 correct that, please.

10 OFFICER HAMMER: Duly noted.  
11 Mr. Solander.

12 MR. SOLANDER: With that important  
13 piece of business behind us, Rocky Mountain Power is  
14 prepared to call Mark Tourangeau in support of its  
15 application.

16 OFFICER HAMMER: I'm comfortable if  
17 the witnesses stay seated in their seats this  
18 morning if everyone else is.

19 MARK TOURANGEAU,  
20 having been first duly sworn to tell the truth, was  
21 examined and testified as follows:

22 BY MR. SOLANDER:

23 Q Could you please state and spell your name  
24 for the record?

25 A Mark Tourangeau, T-o-u-r-a-n-g-e-a-u,

1 M-a-r-k, first name.

2 Q And what is your current position with  
3 PacifiCorp?

4 A I'm the director of commercial services.

5 Q And since this is your first time  
6 testifying in front of the Utah Commission, could  
7 you please just give a very, very brief background  
8 of your professional experience?

9 A Yes. I've been in the energy industry for  
10 roughly 25 years. I've worked in risk management,  
11 finance, and commercial operations and sales during  
12 the majority of that time.

13 Q And as director of commercial services for  
14 PacifiCorp, were you responsible for negotiating the  
15 agreement with Nucor?

16 A Yes.

17 Q And do you have a summary of the agreement  
18 that you would like present to the Commission?

19 A I do.

20 Q Please proceed.

21 A I present today for Commission approval,  
22 an electric service agreement between Nucor Steel  
23 Utah, a division of Nucor Corporation, or Nucor, and  
24 PacifiCorp, doing business as Rocky Mountain Power,  
25 or Rocky Mountain Power.

1                   On November 15, 2017, the Commission  
2   issued an order approving a stipulation and  
3   settlement agreement filed by Rocky Mountain Power  
4   to extend the previous contract terms through  
5   March 31, 2018. The stipulating parties included  
6   Rocky Mountain Power, the Office of Consumer  
7   Services, or the Office, and the Division of Public  
8   Utilities, or the Division. In an application dated  
9   December 29, 2017, Rocky Mountain Power filed for  
10  approval of a new electric service agreement with  
11  Nucor. The Company now seeks approval of the CSA.  
12  The effective date of this new agreement is  
13  April 1st, 2018, and the Company requests the  
14  Commission approve this new ESA prior to the  
15  expiration of the current ESA on March 31st, 2018.

16                   Nucor has been an interruptible customer  
17  of the Company for many years. The specific  
18  structure and terms of the Electric Service  
19  Agreements between the parties have varied somewhat  
20  over the years, but the interruptible nature of the  
21  contract has been constant. The structure and terms  
22  of the new ESA are similar to those found in the  
23  existing agreement, which was approved by the  
24  Commission on December 17, 2015, in Docket No.  
25  15-035-81.



1           The new ESA has a two-year term covering  
2     the remainder of calendar years 2018 and 2019 with  
3     two automatic one-year extensions through the end of  
4     2020 and 2021, unless either party gives a hundred  
5     and eighty days notice to terminate.

6           The rates in the new ESA are equivalent to  
7     the approved rates as of December 31, 2017, from the  
8     previous contract. Rate changes for Nucor will  
9     occur consistent with the results of any general  
10    rate case or major plan addition case in the state  
11    of Utah and will be tied to the average percent  
12    change for all Utah retail customers. The new  
13    agreement also includes interruptible provisions  
14    similar to the existing agreement in which the  
15    Company is allowed to interrupt Nucor's load up to  
16    135 hours per year, broken up into a hundred total  
17    60-minute interruptions and 140 15-minute  
18    interruptions.

19           On February 26, 2018, the DPU issued its  
20    report in which it recommends approval of the ESA  
21    with three conditions that were also contained in  
22    its previous order in Docket No. 15-035-81. The  
23    Company currently follows these recommendations and  
24    agrees to continue doing so, although with one  
25    clarification. The Division recommends that cost of

1 service studies, including Nucor, will be provided  
2 by PacifiCorp as part of any general rate case or  
3 surcharge proceeding filed during the term of this  
4 agreement. The Company typically does not file cost  
5 of service studies in rate proceedings such as the  
6 energy balancing account. Therefore, the Company  
7 would like to clarify that this provision will apply  
8 to proceedings where a cost of service study is  
9 normally filed, as in a general rate case.

10 On February 26, 2016, the Office of  
11 Consumer Services issued its report in which they  
12 stated they are not advocating for any specific  
13 modifications to the ESA at this time, however, they  
14 will be monitoring how Nucor performs versus its  
15 cost of service under the terms of this ESA.

16 The Company represents the terms and  
17 conditions in the Nucor ESA are just and reasonable  
18 and in the public interest, therefore the Company  
19 recommends and requests the Commission approve the  
20 ESA. Thank you.

21 **Q Does that conclude your testimony?**

22 **A** It does. Thank you.

23 MR. SOLANDER: Mr. Tourangeau is  
24 available for questions from the parties or the  
25 Commission.

1 OFFICER HAMMER: Ms. Schmid?

2 MS. SCHMID: No questions.

3 OFFICER HAMMER: Mr. Snarr?

4 MR. SNARR: No questions.

5 OFFICER HAMMER: Mr. Cook?

6 MR. COOK: No questions.

7 OFFICER HAMMER: Thank you.

8 MR. LACEY: No questions.

9 OFFICER HAMMER: Mr. Solander, any  
10 other witnesses?

11 MR. SOLANDER: No other witnesses for  
12 the Company. Thank you.

13 OFFICER HAMMER: Ms. Schmid.

14 MS. SCHMID: The Division would like  
15 to call Mr. Charles E. Peterson as its witness. May  
16 he please be sworn?

17 CHARLES E. PETERSON,  
18 having been first duly sworn to tell the truth, was  
19 examined and testified as follows:

20 BY MS. SCHMID:

21 Q Mr. Peterson, by whom are you employed,  
22 what's your business address, and what is your  
23 current title?

24 A My name is Charles E. Peterson. My  
25 business address is 160 East 300 South, Heber Wells

1 Building, fourth floor. My title is utility  
2 technical consultant. And was that all of the  
3 questions?

4 Q Yes. In conjunction with your employment  
5 at the Division, did you prepare or cause to be  
6 prepared, the Division's memorandum filed on  
7 February 26, 2018, in this docket?

8 A Yes.

9 Q Do you have any changes or corrections to  
10 that filing?

11 A No.

12 Q Do you adopt this filing as your testimony  
13 here today?

14 A Yes.

15 Q With that, do you have a brief summary to  
16 provide?

17 A A very brief summary. The Division  
18 reviewed the filing that Rocky Mountain Power made  
19 in this docket. We had a meeting with Rocky  
20 Mountain Power's staff to go over the calculations  
21 that were performed, and the Division has reviewed  
22 those calculations and is satisfied that they were  
23 correctly done. And the Division recommends that  
24 the Commission approve, subject to the conditions  
25 that we had mentioned and has been previously agreed

1 to by the parties, the Commission approve the new  
2 ESA for Nucor as being just and reasonable and in  
3 the public interest. That concludes my comments.

4 MS. SCHMID: Thank you. Mr. Peterson  
5 is now available for questions from the parties or  
6 from the Commission.

7 OFFICER HAMMER: Mr. Solander?

8 MR. SOLANDER: No questions. Thank  
9 you.

10 OFFICER HAMMER: Mr. Snarr?

11 MR. SNARR: No questions.

12 OFFICER HAMMER: Mr. Cook?

13 MR. COOK: No questions.

14 OFFICER HAMMER: Mr. Peterson -- and  
15 I'll allow your counsel to answer this question if  
16 she prefers -- I was just wondering if the Division  
17 concurs with Mr. Tourangeau's verification that the  
18 cost of service study condition would only apply in  
19 the context of a general rate case?

20 MR. PETERSON: That is my  
21 understanding. I think we mentioned in the  
22 discussion in our memorandum that there has not been  
23 a cost of service study performed since the last  
24 general rate case that has been accepted. The  
25 Company does routinely perform cost of service

1 studies in conjunction with its annual results of  
2 operations filings with the Commission, but as  
3 mentioned also in our memorandum, those calculations  
4 done by the Company are not generally accepted as  
5 being by all parties in a general rate case and are  
6 generally modified as a result of the general rate  
7 case. So the Division views the issue of cost of  
8 service studies to be one that would be litigated in  
9 a general rate case.

10 OFFICER HAMMER: Thank you.

11 Ms. Schmid, any other witnesses?

12 MS. SCHMID: No other witness for the  
13 Division.

14 OFFICER HAMMER: Thank you.

15 Mr. Snarr.

16 MR. SNARR: Yes. The Office of  
17 Consumer Services did provide a memo to the -- in  
18 the filing that made that to this docket. We'd like  
19 to present Cheryl Murray as a witness in support of  
20 that.

21 CHERYL MURRAY,  
22 having been first duly sworn to tell the truth, was  
23 examined and testified as follows:

24 BY MR. SNARR:

25 Q Ms. Murray, please state your name and

1 **address.**

2 A My name is Cheryl Murray. My business  
3 address is 160 East 300 South, Salt Lake City, Utah.

4 Q Did you prepare and submit to the  
5 Commission a memo dated February 26, 2018, regarding  
6 the Office's position on the Nucor Electric Service  
7 Agreement that is the subject of today's hearing?

8 A Yes.

9 Q Do you have any changes or corrections you  
10 would like to make?

11 A No.

12 Q Do you have a statement that you would  
13 like to offer?

14 A Yes. I also have a very brief statement.

15 Q Please proceed.

16 A The Office believes its February 26 memo  
17 lays out our concerns with the ESA and areas we  
18 believe are reasonable. I have three points I would  
19 like to reiterate prior to providing the Office's  
20 final position. I will avoid addressing any of the  
21 confidential areas of the ESA.

22 The Office believes that if the Commission  
23 approves the special contract, the proposed timing  
24 for implementing rate changes is appropriate. The  
25 Office asserts that it is appropriate that Nucor be

1 subject to the identified surcharges. It is the  
2 Office's view that Rocky Mountain Power's ability to  
3 hold reserves and curtail Nucor can provide system  
4 benefits.

5 Ultimately, the Office is not raising any  
6 concerns significant enough to cause us to oppose  
7 the approval of this contract. That concludes my  
8 comments.

9 MR. SNARR: Ms. Murray is available  
10 for questions.

11 OFFICER HAMMER: Mr. Solander?

12 MR. SOLANDER: No questions. Thank  
13 you.

14 OFFICER HAMMER: Ms. Schmid?

15 MS. SCHMID: No questions.

16 OFFICER HAMMER: Mr. Cook?

17 MR. COOK: No questions.

18 OFFICER HAMMER: Mr. Snarr, any other  
19 witnesses?

20 MR. SNARR: No other witnesses.

21 OFFICER HAMMER: Mr. Cook, do you  
22 have anything?

23 MR. COOK: We don't have any  
24 witnesses.

25 OFFICER HAMMER: Thank you. Is there



1 anything else?

2 MR. SOLANDER: Nothing further from  
3 the Company.

4 OFFICER HAMMER: All right. Well,  
5 the Commission is aware that the parties are  
6 operating under a time constraint, the parameter at  
7 the end of the month, and I'll certainly keep that  
8 in mind.

9 (The hearing concluded at 10:15 a.m.)

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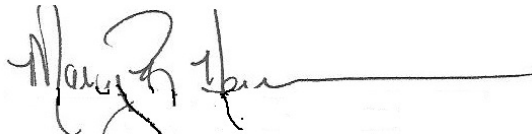
REPORTER'S CERTIFICATE

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 19th day of March, 2018.



Mary R. Honigman  
Registered Professional Reporter #972887

<hr/> <b>1</b> <hr/>	15 8:2,19 11:7 14:5	<b>ability</b> 15:2	<b>all</b> 8:12 11:2 13:5 16:4	9:19 11:24 12:1
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