

In the Matter Of:

In RE: RMP - EBA

HEARING, DOCKET NO. 18-035-01

April 26, 2018

Job Number: 461392

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Application of Rocky) Docket No.:
Mountain Power to Increase) 18-035-01
the Deferred EBA Rate)
through the Energy) Hearing
Balancing Account Mechanism)

April 26, 2018 * 1:30 p.m.

Before: Melanie Reif - Presiding Officer

Location: Heber M. Wells Building, Fourth Floor
160 East 300 South
Salt Lake City, Utah 84111

Job No. 461392
Reporter: Kelly Fine-Jensen, RPR
Notary Public in and for the State of Utah

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A P P E A R A N C E S

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ALSO PRESENT:

Michael Wilding
Robert Meredith - (via telephone)
David Thomson
Lane Mecham
Michele Beck
Sheri Bintz

1	I N D E X	
2	ROBERT MEREDITH:	PAGE
3	Direct examination by Ms. Hogle	8
4	MICHAEL WILDING:	PAGE
5	Direct examination by Ms. Hogle	11
6		
7	DAVID THOMSON:	PAGE
8	Direct examination by Mr. Jetter	14
9	Cross-examination by Mr. Baker	17
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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

2 PRESIDING OFFICER REIF: All right. Well,
3 thank you, everyone.

4 We are on the record.

5 And I'm Melanie Reif. I'm the
6 administrative law judge for the Utah Public Service
7 Commission.

8 And today we're having the hearing on
9 interim rates in Docket 18-035-01. This matter is
10 entitled Application of Rocky Mountain Power to
11 Increase the Deferred EBA Rate through the Energy
12 Balancing Account Mechanism.

13 A matter of -- just a procedural issue
14 that I want to address right away before we take
15 appearances is that we have a pending motion -- or a
16 pending petition from IEC to intervene. That has not
17 been ruled on. And I'd like to do that now.

18 So if there's any objection, please make
19 that known?

20 Hearing no objection, the petition to
21 intervene by IEC is granted for the reasons requested
22 in the petition.

23 And we will now start with appearances,
24 please. Starting with you, Ms. Hogle.

25 MS. HOGLE: Good afternoon -- good

1 afternoon.

2 Yvonne Hogle, with Rocky Mountain Power.

3 And with me at counsel table is Mr. Mike

4 Wilding and on the phone is Mr. Robert Meredith.

5 Thank you.

6 PRESIDING OFFICER REIF: Thank you.

7 Mr. Jetter.

8 MR. JETTER: And I'm Justin Jetter, with
9 the Utah Attorney General's Office. And I'm here
10 today representing the Utah Division of Public
11 Utilities.

12 With me at counsel table is division
13 technical consultant, David Thomson.

14 And, also, in the hearing room behind me
15 is Lane Mecham. And I don't intend to present him as
16 a witness today. However, to the extent a question
17 arises over the calculations of allocations in this
18 docket, he would be the Division's most knowledgeable
19 person about that. So he's here available if there
20 are questions from parties or the hearing officer.

21 PRESIDING OFFICER REIF: Thank you,

22 Mr. Jetter.

23 Mr. Moore.

24 MR. MOORE: Robert Moore, the Attorney

25 General's Office, representing the Office of Consumer

1 Services.

2 The Office at the present time doesn't
3 plan to call any witnesses. But Director Beck is in
4 the room today if any questions come up.

5 PRESIDING OFFICER REIF: Very good. Thank
6 you so much.

7 MR. BAKER: Good afternoon.

8 Chad Baker, with Parsons Behle & Latimer,
9 here on behalf of Utah Industrial Energy Consumers,
10 UIEC.

11 UIEC does not intend to call any witnesses
12 today.

13 PRESIDING OFFICER REIF: Welcome,
14 Mr. Baker.

15 And, Mr. Russell, I cannot see you. I --
16 whatever you would like is fine with me. But if you
17 do want to move over, that might make it a bit
18 easier.

19 MR. RUSSELL: I -- I will admit that I'm
20 hiding somewhat in the corner because I'm sick. And
21 I'm trying to stay as far away from everyone else
22 here as I possibly can.

23 PRESIDING OFFICER REIF: Oh, okay.

24 MR. RUSSELL: So -- good call.

25 Mr. Baker's -- let the record reflect Mr. Baker's

1 wise move changing chairs.

2 PRESIDING OFFICER REIF: Okay.

3 MR. RUSSELL: So if -- if it -- if it's
4 fine with you, I'm -- I'll stay here in the corner
5 and try to keep to myself.

6 PRESIDING OFFICER REIF: Okay. And are
7 you planning to call a witness today?

8 MR. RUSSELL: No.

9 I guess I'll -- I'll note my appearance.
10 Phillip Russell, on behalf of the Utah
11 Association of Energy Users.

12 And UAE does not intend to call any
13 witnesses today.

14 PRESIDING OFFICER REIF: Okay. And,
15 Mr. Baker, did you want to call a witness?

16 MR. BAKER: UIEC does not anticipate
17 calling a witness today.

18 PRESIDING OFFICER REIF: Okay. All right.
19 Thank you.

20 Ms. Hogle.

21 MS. HOGLE: Thank you.

22 Rocky Mountain Power calls Mr. Robert
23 Meredith.

24 PRESIDING OFFICER REIF: Mr. Meredith, are
25 you with us?

1 MR. MEREDITH: Yes. I am.

2 PRESIDING OFFICER REIF: Welcome, sir.

3 MR. MEREDITH: Morning -- good afternoon.

4 PRESIDING OFFICER REIF: Thank you for
5 joining us.

6 I am going to swear you in.

7 And so do you swear to tell the truth,
8 sir?

9 MR. MEREDITH: Yes. I do.

10 PRESIDING OFFICER REIF: Thank you very
11 much.

12 DIRECT EXAMINATION

13 BY MS. HOGLE:

14 Q. Can you please state and spell your name
15 and state your position for the record?

16 A. Sure. My name is Robert M. Meredith.

17 Last name is M-E-R-E-D-I-T-H. My title is manager of
18 pricing and cost of service. And my address is 825
19 Northeast Multnomah Street, Suite 2000, Portland,
20 Oregon.

21 Q. And in that capacity, did you prepare and
22 file direct testimony and RMP Exhibits RMM-1 through
23 RMM-6 in support of the Company's application in this
24 case?

25 A. Yes. I did.

1 Q. And do you have any changes that you would
2 like to make to that testimony or exhibits?

3 A. No.

4 Q. So if I were to ask you the questions in
5 that testimony again here today, would your answers
6 be the same?

7 A. Yes.

8 MS. HOGLE: I would like to move
9 Mr. Meredith's direct testimony and RMP Exhibits
10 RMM-1 through RMM-6 into the record.

11 PRESIDING OFFICER REIF: Any objection?
12 Hearing none, they are admitted.

13 MS. HOGLE: And I am done with the
14 witness. And he does not have a prepared summary.
15 Mr. Wilding does. So I don't know if you want me to
16 dismiss Mr. Meredith? Although, I think he's going
17 to be on the phone in the event you have questions to
18 respond -- or to ask him.

19 PRESIDING OFFICER REIF: Let -- let's go
20 through the usual drill and see if the parties have
21 questions. And -- and then if Mr. Meredith wishes to
22 be excused, he may do so.

23 Mr. Jetter, do you have any questions?

24 MR. JETTER: I -- I don't have any
25 questions for him.

1 Thank you.

2 PRESIDING OFFICER REIF: Mr. Moore?

3 MR. MOORE: The Office has no questions.

4 PRESIDING OFFICER REIF: Okay. Mr. Baker?

5 MR. BAKER: No questions.

6 PRESIDING OFFICER REIF: Mr. Russell?

7 MR. RUSSELL: No questions for

8 Mr. Meredith.

9 PRESIDING OFFICER REIF: Okay.

10 Mr. Meredith, thank you for being with us today.

11 There are no questions. And you are welcome to stay
12 on the line if you choose to do so. Otherwise,
13 you're free to be excused.

14 MR. MEREDITH: Sure. I'll stay on the
15 line in case anything comes up.

16 PRESIDING OFFICER REIF: Very good. Thank
17 you.

18 MR. MEREDITH: Thank you.

19 MS. HOGLE: The Company calls Mr. Wilding.

20 PRESIDING OFFICER REIF: Mr. Wilding, good
21 afternoon.

22 MR. WILDING: Good afternoon.

23 PRESIDING OFFICER REIF: Do you swear to
24 tell the truth, sir?

25 MR. WILDING: Yes. I do.

1 PRESIDING OFFICER REIF: Thank you.

2 DIRECT EXAMINATION

3 BY MS. HOGLE:

4 Q. Can you please state your name and your
5 address and state your position for the record,
6 please?

7 A. Yes. My name is Michael G. Wilding.
8 Address is 825 Northeast Multnomah Street, Suite 600,
9 in Portland, Oregon, 97232. And my title is director
10 of net power costs and regulatory strategy.

11 Q. And in that capacity, did you file direct
12 testimony and RMP Exhibits MGW-1 and MGW-2 in support
13 of the Company's application filed on March 15th,
14 2018?

15 A. Yes.

16 Q. And do you have any changes that you would
17 like to make to either of those things?

18 A. No.

19 Q. So if I were to ask you the same questions
20 in your testimony again here today, would your
21 answers be the same?

22 A. Yes.

23 MS. HOGLE: At this time I'd like to move
24 for the admission of Mr. Wilding's direct testimony,
25 along with RMP Exhibits MGW-1 and MGW-2.

1 PRESIDING OFFICER REIF: Any objection?

2 Hearing none, they are admitted.

3 Q. (By Ms. Hogle) Mr. Wilding, do you have a
4 summary that you would like to give today?

5 A. Yes. I do.

6 Q. Please proceed.

7 A. Thank you.

8 On March 15th, 2018, the Company filed its
9 annual Energy Balancing Account to request a .1
10 percent increase to the EBA rates for Utah customers
11 to recover \$2.8 million of EBA-related costs.

12 In that same filing, as an alternative
13 rate proposal, which I believe is a best option for
14 customers, the Company provided the option of
15 removing the Deer Creek regulatory asset amortization
16 from the EBA and, instead, offsetting it against the
17 reg liability that will be formed in the tax reform
18 docket. This alternative proposal would result in a
19 .3 percent EBA rate decrease and return \$6.5 million
20 to Utah customers.

21 This would also alleviate some of the
22 DPU's concerns of too many adjustments as it -- in
23 the EBA as it would remove one of those adjustments.

24 We respectfully request that the
25 alternative rate proposal be approved.

1 And that is it.

2 Q. Thank you -- thank you, Mr. Wilding.

3 MS. HOGLE: Just -- can I just ask him one
4 question?

5 PRESIDING OFFICER REIF: Oh, sure.

6 Q. (By Ms. Hogle) Okay. Mr. Wilding, if the
7 Commission does not approve the alternate approach
8 proposed by the Company, then is it true that you
9 would -- that you would request that the .1 percent
10 increase, or \$2.8 million increase, be approved?

11 A. Yes.

12 MS. HOGLE: And Mr. Wilding is available
13 for questions.

14 PRESIDING OFFICER REIF: Thank you.

15 Mr. Jetter?

16 MR. JETTER: No questions from the
17 Division.

18 PRESIDING OFFICER REIF: Mr. Moore?

19 MR. MOORE: No questions.

20 PRESIDING OFFICER REIF: Mr. Baker?

21 MR. BAKER: No questions.

22 PRESIDING OFFICER REIF: Mr. Russell?

23 MR. RUSSELL: No questions.

24 PRESIDING OFFICER REIF: Thank you for
25 your testimony, Mr. Wilding.

1 Any -- anything further, Ms. Hogle?

2 MS. HOGLE: Not at this time.

3 Thank you.

4 PRESIDING OFFICER REIF: Okay. Thank you.

5 Mr. Jetter.

6 MR. JETTER: Thank you.

7 The Division would like to call and have
8 sworn in Mr. David Thomson.

9 PRESIDING OFFICER REIF: Mr. Thomson, good
10 afternoon.

11 Do you swear to tell the truth?

12 MR. THOMSON: I do.

13 PRESIDING OFFICER REIF: Thank you.

14 DIRECT EXAMINATION

15 BY MR. JETTER:

16 **Q. Mr. Thomson, would you please state your**
17 **name and occupation for the record?**

18 A. My name is David Thomson. I'm a utility
19 technical consultant for the Division of Public
20 Utilities.

21 **Q. Thank you.**

22 **And just to make sure the record's clear**
23 **on the spelling of your last name, would you please**
24 **spell it?**

25 A. It's T-H-O-M-S-O-N.

1 Q. Thank you.

2 In the course of your employment with the
3 Division, have you had an opportunity to review the
4 application and filings by the other parties in this
5 docket?

6 A. I have.

7 Q. And did you create and cause to be filed
8 with the Commission comments labeled Memorandum from
9 the Division of Public Utilities, dated April 5th,
10 2018?

11 A. I did.

12 Q. And along with that, did the Division also
13 file an attachment with a comparison summary table?

14 A. That's true.

15 Q. Are there any corrections or changes you'd
16 like to make to either of those?

17 A. I have no changes.

18 Q. Thank you.

19 And would you adopt the filed comments as
20 your testimony today?

21 A. Yes.

22 Q. Thank you.

23 MR. JETTER: I'd like to move at this time
24 to enter into the record the comments from the
25 Division of Public Utilities, along with the

1 comparison summary table.

2 PRESIDING OFFICER REIF: Any objection?

3 Hearing none, they are admitted.

4 MR. JETTER: Thank you.

5 **Q. (By Mr. Jetter) Have you prepared a brief**
6 **statement summarizing the Division's position?**

7 A. I -- excuse me. Yes. I have.

8 **Q. Please go ahead.**

9 A. I have participated in this docket on
10 behalf of the Division. My business address is 160
11 East South -- 160 East 300 South, Salt Lake City,
12 Utah 84111.

13 The Division of Public Utilities has
14 performed a preliminary review of the Rocky Mountain
15 Power application as filed. Based on that review and
16 the totality of information in the Energy Balancing
17 Account filing, the filing appears to not depart
18 substantially from prior years' filings.

19 The Division recommends that the Public
20 Service Commission acknowledge the Company's filing
21 as being complete and that interim Energy Balancing
22 Account rates be approved effective May 1, 2008 (sic)
23 with a \$2.8 million deferral to be amortized through
24 April of 2019. This recommendation precludes the
25 Company's suggested alternative treatment of the Deer

1 Creek costs and the use of a portion of tax benefits
2 as a direct offset of those costs.

3 And this concludes my summary.

4 **Q. Thank you.**

5 MR. JETTER: I have no further questions.

6 And Mr. Thomson's available for questions
7 from the parties or the Commission.

8 PRESIDING OFFICER REIF: Thank you.

9 Ms. Hogle, do you have any questions?

10 MS. HOGLE: No questions.

11 PRESIDING OFFICER REIF: Mr. Moore?

12 MR. MOORE: The Office has no questions.

13 PRESIDING OFFICER REIF: Mr. Baker?

14 MR. BAKER: Yes. I have just a couple
15 questions for Mr. Thomson.

16 CROSS-EXAMINATION

17 BY MR. BAKER:

18 **Q. If -- if I understand correctly, your --**
19 **your review and conclusion is that the application**
20 **and supporting documents did not -- did not depart**
21 **substantially with prior filings; is that correct?**

22 A. That's correct.

23 **Q. As part of your review, did you perform**
24 **any review or analysis as to the accuracy of the**
25 **information that was provided in the filing?**

1 A. I didn't -- the initial review didn't go
2 into the -- a deep analysis of the accuracy. But I
3 did review that it was consistent with the prior
4 years' filings and that everything that was done in
5 prior years was basically contained in this filing.

6 Q. Did -- did this review look at all at the
7 prudence of the costs or the reasons behind some of
8 the costs that were included?

9 A. Would you repeat that, please?

10 Q. Yes. Did -- did your review and analysis
11 look at all at the prudence of the costs that were --
12 were submitted by the Company?

13 A. No. I did not look at prudence.

14 Q. So is it fair to say that this was a
15 preliminary review?

16 A. Yes. It is.

17 Q. And it's a high -- high level and of
18 limited scope?

19 A. That is correct.

20 MR. BAKER: No further questions.

21 Thank you.

22 PRESIDING OFFICER REIF: Mr. Russell?

23 MR. RUSSELL: I don't have any questions
24 for the witness.

25 PRESIDING OFFICER REIF: Thank you.

1 Mr. Thomson, I have one question, I think,
2 for you. And it relates to your testimony about
3 reviewing the application and the completeness of it.

4 So have you, in the process of reviewing
5 the application, also reviewed the tariff filing?

6 THE WITNESS: Yes. We did.

7 PRESIDING OFFICER REIF: Okay. And do you
8 agree with the changes that have been proposed in the
9 tariff filing?

10 THE WITNESS: We do.

11 PRESIDING OFFICER REIF: Okay. Very good.
12 Any follow up, Mr. Jetter?

13 MR. JETTER: No. Thank you.

14 PRESIDING OFFICER REIF: Okay. Mr. Moore?

15 MR. MOORE: No follow up.

16 Do you want me to go?

17 PRESIDING OFFICER REIF: Yes.

18 MR. MOORE: We don't have a witness.

19 We'll submit our comments as comments.

20 I would like to take this opportunity,
21 however, to reassert the objection we have in our
22 comments. As the Hearing Officer is aware of, the
23 issue of the appropriateness of interim rates in EBA
24 -- in the EBA mechanism is under appeal in Utah
25 Office of Consumer Services versus Utah Public

1 Service Commission, number 20170364-Supreme Court.
2 And we -- in order not to waive any issues in that
3 case, we again object to all portions of the
4 Division's April 5th memorandum which references the
5 imposition of or the procedures for the application
6 of interim rates in the EBA mechanism.

7 Thank you.

8 PRESIDING OFFICER REIF: Thank you,
9 Mr. Moore.

10 Anything further?

11 MR. MOORE: No.

12 PRESIDING OFFICER REIF: Okay. Given that
13 you have no witness, we'll move on to Mr. Baker.

14 MR. BAKER: Thank you, your Honor.

15 Similar to the Office of -- the Office,
16 the UIEC does not have any witness.

17 I would, however, like to note that the
18 UIEC did submit reply comments. And I would like to
19 offer those as comments in this docket. And if I
20 could briefly summarize those comments.

21 Like the Office, the UIEC disagrees with
22 the imposition of interim rates under the EBA and,
23 similarly, objects to an interim rate in -- in this
24 proceeding. And believes that it should be -- any
25 decision on interim rates should wait until the

1 resolution of the appeal that is currently pending.

2 Secondly, UIEC agrees with the Division
3 recommendation to reject the Company's alternative
4 proposal. UIEC wants to note that we believe the
5 disposition of the tax benefit should be decided in
6 Docket 17-035-69, which recently there was a hearing
7 on this issue. So UIEC recommends against using any
8 tax funds as an offset in -- in the EBA at this time.

9 Thank you.

10 PRESIDING OFFICER REIF: Thank you,
11 Mr. Baker.

12 Mr. Russell.

13 MR. RUSSELL: Thank you, your Honor.

14 UAE, like the Office and like UIEC, also
15 renews its objection to the imposition of interim
16 rates within the EBA context. We submitted comments
17 on that issue and I'll submit those comments as
18 comments.

19 The -- and just to kind of echo some of
20 the comments that Mr. Baker made on behalf of UIEC,
21 our -- our written comments also address the
22 alternative proposal. And we agree with the Division
23 that -- for the additional reason -- for the
24 additional reason stated in our comments that the
25 Commission should not adopt the Company's alternative

1 proposal.

2 PRESIDING OFFICER REIF: Thank you,
3 Mr. Russell.

4 Anything further?

5 MR. RUSSELL: No. Thank you.

6 PRESIDING OFFICER REIF: Okay. All right.
7 Ms. Hogle, is there anything further?

8 MS. HOGLE: I just want to make sure that
9 -- the Company also submits its reply comments to the
10 comments of the Division of Public Utilities. Since
11 it's a pleading, I'm not going to move for their
12 admission because I think that they are on the record
13 and just wanted to offer them as reply comments to
14 the Division's comments.

15 PRESIDING OFFICER REIF: Are you referring
16 to the testimony today?

17 MS. HOGLE: Well, I -- I have already
18 moved for that testimony. But I also wanted to call
19 your attention to the Company's reply comments. And
20 that the Company, like the other parties present
21 today, would also submit those reply comments.

22 PRESIDING OFFICER REIF: Very -- very
23 good. I understand now.

24 Thank you.

25 MS. HOGLE: Thank you.

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PRESIDING OFFICER REIF: Thank you.
Unless there's anything else, we will take
the matter under advisement.
And thank you for your time today.
And we will be adjourned.
Thank you. Have a good rest of your day.
MS. HOGLE: Thank you.
(Matter concluded at 1:50 p.m.)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, Kelly Fine-Jensen, Registered Professional Reporter and Notary Public in and for the State of Utah, do hereby certify:

That said proceeding was taken down by me in stenotype on April 26, 2018, at the place therein named, and was thereafter transcribed, and that a true and correct transcription of said testimony is set forth in the preceding pages;

I further certify that I am not kin or otherwise associated with any of the parties to said cause of action and that I am not interested in the outcome thereof.

WITNESS MY HAND this 1st day of May, 2018.



Kelly Fine-Jensen, RPR
Notary Public
Residing in Salt Lake County

\$	2018 11:14 12:8 15:10	A	21:25	also 5:14 12:21 15:12 19:5 21:14,21 22:9,18,21
\$2.8 12:11 13:10 16:23	2019 16:24	Account 4:12 12:9 16:17,22	advisement 23:3	alternate 13:7
\$6.5 12:19	3	accuracy 17:24 18:2	afternoon 4:25 5:1 6:7 8:3 10:21,22 14:10	alternative 12:12,18,25 16:25 21:3, 22,25
1	3 12:19	acknowledge 16:20	again 9:5 11:20 20:3	Although 9:16
1 12:9 13:9 16:22	300 16:11	additional 21:23,24	against 12:16 21:7	amortization 12:15
15th 11:13 12:8	5th 15:9 20:4	address 4:14 8:18 11:5,8 16:10 21:21	agree 19:8 21:22	amortized 16:23
160 16:10,11	6	adjourned 23:5	agrees 21:2	analysis 17:24 18:2,10
17-035-69 21:6	600 11:8	adjustments 12:22,23	ahead 16:8	annual 12:9
18-035-01 4:9	8	administrativ e 4:6	all 4:2 7:18 18:6,11 20:3 22:6	answers 9:5 11:21
1:50 23:8	825 8:18 11:8	admission 11:24 22:12	alleviate 12:21	anticipate 7:16
2	84111 16:12	admit 6:19	allocations 5:17	anything 10:15 14:1 20:10 22:4,7 23:2
2000 8:19	9	admitted 9:12 12:2 16:3	along 11:25 15:12,25	appeal 19:24
2008 16:22	97232 11:9	adopt 15:19	already 22:17	
20170364- supreme 20:1				

21:1	7:11	basically 18:5	business 16:10	11:16 15:15, 17 19:8
appearance 7:9	attachment 15:13	Beck 6:3	<hr/> C <hr/>	changing 7:1
appearances 4:15,23	attention 22:19	before 4:14	calculations 5:17	choose 10:12
appears 16:17	Attorney 5:9, 24	behalf 6:9 7:10 16:10 21:20	call 6:3,11,24 7:7,12,15 14:7 22:18	City 16:11
application 4:10 8:23 11:13 15:4 16:15 17:19 19:3,5 20:5	available 5:19 13:12 17:6	behind 5:14 18:7	calling 7:17	clear 14:22
approach 13:7	aware 19:22	Behle 6:8	calls 7:22 10:19	come 6:4
appropriateness 19:23	away 4:14 6:21	being 10:10 16:21	cannot 6:15	comes 10:15
	<hr/> B <hr/>	believe 12:13 21:4	capacity 8:21 11:11	comments 15:8,19,24 19:19,22 20:18,19,20 21:16,17,18, 20,21,24 22:9,10,13, 14,19,21
approve 13:7	Baker 6:7,8, 14 7:15,16 10:4,5 13:20, 21 17:13,14, 17 18:20 20:13,14 21:11,20	believes 20:24	case 8:24 10:15 20:3	Commission 4:7 13:7 15:8 16:20 17:7 20:1 21:25
approved 12:25 13:10 16:22	Baker's 6:25	benefit 21:5	cause 15:7	
April 15:9 16:24 20:4	Balancing 4:12 12:9 16:16,21	benefits 17:1	CERTIFICATE 24:1	Company 10:19 12:8,14 13:8 18:12 22:9,20
arises 5:17		best 12:13	Chad 6:8	
asset 12:15		bit 6:17	chairs 7:1	Company's 8:23 11:13 16:20,25
Association	Based 16:15	brief 16:5	changes 9:1	
		briefly 20:20		

21:3,25 22:19	18:5	CROSS-EXAMINATION 17:16	depart 16:17 17:20	18:4
comparison 15:13 16:1	context 21:16		direct 8:12,22 9:9 11:2,11, 24 14:14 17:2	DPU'S 12:22
complete 16:21	corner 6:20 7:4	currently 21:1		drill 9:20
completeness 19:3	correct 17:21, 22 18:19	customers 12:10,14,20	director 6:3 11:9	<hr/> E <hr/>
concerns 12:22	corrections 15:15	<hr/> D <hr/>	disagrees 20:21	easier 6:18
concluded 23:8	correctly 17:18	dated 15:9	dismiss 9:16	East 16:11
concludes 17:3	cost 8:18	David 5:13 14:8,18	disposition 21:5	EBA 4:11 12:10,16,19, 23 19:23,24 20:6,22 21:8, 16
conclusion 17:19	costs 11:10 12:11 17:1,2 18:7,8,11	day 23:6	division 5:10, 12 13:17 14:7,19 15:3, 9,12,25 16:10,13,19 21:2,22 22:10	EBA-RELATED 12:11
consistent 18:3	counsel 5:3, 12	decision 20:25	Division's 5:18 16:6 20:4 22:14	echo 21:19
consultant 5:13 14:19	couple 17:14	decrease 12:19	docket 4:9 5:18 12:18 15:5 16:9 20:19 21:6	effective 16:22
Consumer 5:25 19:25	course 15:2	deep 18:2		either 11:17 15:16
Consumers 6:9	Court 20:1	Deer 12:15 16:25		employment 15:2
contained	create 15:7	deferral 16:23	documents 17:20	Energy 4:11 6:9 7:11 12:9 16:16,21
	Creek 12:15 17:1	Deferred 4:11	done 9:13	

enter 15:24	filed 11:13 12:8 15:7,19 16:15	good 4:25 6:5,7,24 8:3 10:16,20,22 14:9 19:11 22:23 23:6	Honor 20:14 21:13	4:16,21
entitled 4:10			however 5:16 19:21 20:17	into 9:10 15:24 18:2
event 9:17	filing 12:12 16:17,20 17:25 18:5 19:5,9	granted 4:21	I	issue 4:13 19:23 21:7,17
everyone 4:3 6:21		guess 7:9	IEC 4:16,21	issues 20:2
everything 18:4	filings 15:4 16:18 17:21 18:4	H	imposition 20:5,22 21:15	J
EXAMINATION 8:12 11:2 14:14	fine 6:16 7:4	having 4:8	included 18:8	Jetter 5:7,8, 22 9:23,24 13:15,16 14:5,6,15 15:23 16:4,5 17:5 19:12,13
excuse 16:7	follow 19:12, 15	hearing 4:8, 20 5:14,20 9:12 12:2 16:3 19:22 21:6	increase 4:11 12:10 13:10	
excused 9:22 10:13	formed 12:17		Industrial 6:9	joining 8:5
exhibits 8:22 9:2,9 11:12, 25	free 10:13	here 5:9,19 6:9,22 7:4 9:5 11:20	information 16:16 17:25	judge 4:6
extent 5:16	funds 21:8	hiding 6:20	initial 18:1	Justin 5:8
F	further 14:1 17:5 18:20 20:10 22:4,7	high 18:17	instead 12:16	K
fair 18:14	G	Hogle 4:24,25 5:2 7:20,21 8:13 9:8,13 10:19 11:3,23 12:3 13:3,6, 12 14:1,2 17:9,10 22:7, 8,17,25 23:7	intend 5:15 6:11 7:12	keep 7:5
far 6:21	General's 5:9,25		interim 4:9 16:21 19:23 20:6,22,23,25 21:15	kind 21:19
file 8:22 11:11 15:13	give 12:4		intervene	knowledgeable 5:18
	Given 20:12			known 4:19

L	M	Meredith	Mountain	O
		5:4 7:23,24 8:1,3, 9,16 9:16,21 10:8,10,14,18	4:10 5:2 7:22 16:14	
labeled 15:8	M-e-r-e-d-i-t-h 8:17		move 6:17	object 20:3
Lake 16:11	made 21:20	Meredith's 9:9	7:1 9:8 11:23 15:23 20:13 22:11	objection 4:18,20 9:11 12:1 16:2 19:21 21:15
Lane 5:15	make 4:18 6:17 9:2 11:17 14:22 15:16 22:8	MGW-1 11:12,25	moved 22:18	objects 20:23
last 8:17 14:23		MGW-2 11:12,25	much 6:6 8:11	occupation 14:17
Latimer 6:8	manager 8:17	Michael 11:7	Multnomah 8:19 11:8	offer 20:19 22:13
law 4:6	many 12:22	might 6:17	N	
let 6:25 9:19	March 11:13 12:8	Mike 5:3		Office 5:9,25 6:2 10:3 17:12 19:25 20:15,21 21:14
level 18:17	matter 4:9,13 23:3,8	million 12:11, 19 13:10 16:23	name 8:14, 16,17 11:4,7 14:17,18,23	
liability 12:17	may 9:22 16:22	Moore 5:23, 24 10:2,3 13:18,19 17:11,12 19:14,15,18 20:9,11	net 11:10	officer 4:2 5:6,20,21 6:5, 13,23 7:2,6, 14,18,24 8:2, 4,10 9:11,19 10:2,4,6,9,16, 20,23 11:1 12:1 13:5,14, 18,20,22,24 14:4,9,13 16:2 17:8,11, 13 18:22,25 19:7,11,14, 17,22 20:8,12 21:10 22:2,6,
like 4:17 6:16 9:2,8 11:17, 23 12:4 14:7 15:16,23 19:20 20:17, 18,21 21:14 22:20	Mecham 5:15		note 9:12 12:2 16:3	
limited 18:18	mechanism 4:12 19:24 20:6	Morning 8:3	Northeast 8:19 11:8	
line 10:12,15	Melanie 4:5	most 5:18	number 20:1	
	memorandum 15:8 20:4	motion 4:15		

15,22 23:1	participated 16:9	portions 20:3	14:4,9,13 16:2 17:8,11, 13 18:22,25 19:7,11,14,17 20:8,12 21:10 22:2,6,15,22 23:1	18:7,11
offset 17:2 21:8	parties 5:20 9:20 15:4 17:7 22:20	Portland 8:19 11:9		prudence 18:13
offsetting 12:16	pending 4:15, 16 21:1	position 8:15 11:5 16:6		Public 4:6 5:10 14:19 15:9,25 16:13,19 19:25 22:10
one 12:23 13:3 19:1	percent 12:10,19 13:9	possibly 6:22	pricing 8:18	
opportunity 15:3 19:20	perform 17:23	power 4:10 5:2 7:22 11:10 16:15	prior 16:18 17:21 18:3,5	<hr/> Q <hr/>
option 12:13, 14	performed 16:14	precludes 16:24	procedural 4:13	question 5:16 13:4 19:1
order 20:2	person 5:19	preliminary 16:14 18:15	procedures 20:5	questions 5:20 6:4 9:4, 17,21,23,25 10:3,5,7,11 11:19 13:13, 16,19,21,23 17:5,6,9,10, 12,15 18:20, 23
Oregon 8:20 11:9	petition 4:16, 20,22	prepare 8:21	proceed 12:6	
Otherwise 10:12	Phillip 7:10	prepared 9:14 16:5	proceeding 20:24	
over 5:17 6:17	phone 5:4 9:17	present 5:15 6:2 22:20	process 19:4	<hr/> R <hr/>
<hr/> P <hr/>	plan 6:3	PRESIDING 4:2 5:6,21 6:5,13,23 7:2, 6,14,18,24 8:2,4,10 9:11, 19 10:2,4,6,9, 16,20,23 11:1 12:1 13:5,14, 18,20,22,24	proposal 12:13,18,25 21:4,22 22:1	rate 4:11 12:13,19,25 20:23
p.m. 23:8	planning 7:7		proposed 13:8 19:8	rates 4:9 12:10 16:22 19:23 20:6, 22,25 21:16
Parsons 6:8	pleading 22:11		provided 12:14 17:25	
part 17:23	portion 17:1		prudence	

reason 21:23, 24	reform 12:17	22:9,13,19,21	reviewing 19:3,4	11:19,21 12:12
reasons 4:21 18:7	reg 12:17	REPORTER'S 24:1	RMM-1 8:22 9:10	say 18:14
reassert 19:21	regulatory 11:10 12:15	representing 5:10,25	RMM-6 8:23 9:10	scope 18:18
recently 21:6	Reif 4:2,5 5:6, 21 6:5,13,23 7:2,6,14,18, 24 8:2,4,10 9:11,19 10:2, 4,6,9,16,20, 23 11:1 12:1 13:5,14,18, 20,22,24 14:4,9,13 16:2 17:8,11, 13 18:22,25 19:7,11,14,17 20:8,12 21:10 22:2,6,15,22 23:1	request 12:9, 24 13:9	RMP 8:22 9:9 11:12,25	Secondly 21:2
recommendat ion 16:24 21:3		requested 4:21	Robert 5:4,24 7:22 8:16	service 4:6 8:18 16:20 20:1
recommends 16:19 21:7		resolution 21:1	Rocky 4:10 5:2 7:22 16:14	Services 6:1 19:25
record 4:4 6:25 8:15 9:10 11:5 14:17 15:24 22:12		respectfully 12:24	room 5:14 6:4	should 20:24, 25 21:5,25
record's 14:22	reject 21:3	respond 9:18	ruled 4:17	sic 16:22
recover 12:11	relates 19:2	rest 23:6	Russell 6:15, 19,24 7:3,8, 10 10:6,7 13:22,23 18:22,23 21:12,13 22:3,5	sick 6:20
references 20:4	remove 12:23	result 12:18		Similar 20:15
referring 22:15	removing 12:15	return 12:19	S	similarly 20:23
reflect 6:25	renews 21:15	review 15:3 16:14,15 17:19,23,24 18:1,3,6,10, 15	Salt 16:11	Since 22:10
	repeat 18:9	reviewed 19:5	same 9:6	sir 8:2,8 10:24
	reply 20:18			somewhat 6:20

South 16:11	18:12 21:16	14:25	time 6:2 11:23 14:2 15:23 21:8 23:4	7:16 20:16, 18,21 21:2,4, 7,14,20
spell 8:14 14:24	substantially 16:18 17:21	table 5:3,12 15:13 16:1		under 19:24 20:22 23:3
spelling 14:23	suggested 16:25	take 4:14 19:20 23:2	title 8:17 11:9	
start 4:23	Suite 8:19 11:8	tariff 19:5,9	today 4:8 5:10,16 6:4, 12 7:7,13,17 9:5 10:10 11:20 12:4 15:20 22:16, 21 23:4	understand 17:18 22:23
Starting 4:24		tax 12:17 17:1 21:5,8		Unless 23:2
state 8:14,15 11:4,5 14:16	summarize 20:20			until 20:25
	summarizing 16:6	technical 5:13 14:19	totality 16:16	use 17:1
stated 21:24		testimony 8:22 9:2,5,9 11:12,20,24 13:25 15:20 19:2 22:16,18	treatment 16:25	Users 7:11
statement 16:6	summary 9:14 12:4 15:13 16:1 17:3		true 13:8 15:14	using 21:7
stay 6:21 7:4 10:11,14	support 8:23 11:12	their 22:11	truth 8:7 10:24 14:11	usual 9:20
strategy 11:10	supporting 17:20	things 11:17	try 7:5	Utah 4:6 5:9, 10 6:9 7:10 12:10,20 16:12 19:24, 25
Street 8:19 11:8	swear 8:6,7 10:23 14:11	Thomson 5:13 14:8,9, 12,16,18 17:15 19:1	trying 6:21	Utilities 5:11 14:20 15:9,25 16:13 22:10
submit 19:19 20:18 21:17 22:21	sworn 14:8	Thomson's 17:6	<hr/> U <hr/>	
	<hr/> T <hr/>	through 4:11 8:22 9:10,20 16:23	UAE 7:12 21:14	utility 14:18
submits 22:9			UIEC 6:10,11	
submitted	T-h-o-m-s-o-n			

V	will 4:23 6:19 12:17 23:2,5
versus 19:25	wise 7:1
W	wishes 9:21
wait 20:25	within 21:16
waive 20:2	witness 5:16 7:7,15,17 9:14 18:24 19:6,10,18 20:13,16
want 4:14 6:17 7:15 9:15 19:16 22:8	witnesses 6:3,11 7:13
wanted 22:13,18	written 21:21
wants 21:4	Y
welcome 6:13 8:2 10:11	years 18:5
whatever 6:16	years' 16:18 18:4
Wilding 5:4 9:15 10:19, 20,22,25 11:7 12:3 13:2,6, 12,25	Yvonne 5:2
Wilding's 11:24	