

In the Matter Of:

In Re: RMP - PPAs with Kennecott Utah Copper LLC (Refinery and Smelter)

HEARING, DOCKET NO. 18-035-41, 18-035-42

December 13, 2018

Job Number: 509313

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of:)
Application of Rocky Mountain Power for) Docket No.
Approval of Power Purchase Agreement) 18-035-41
between PacifiCorp and Tesoro Refining)
and Marketing Company, LLC)
and)
Application of Rocky Mountain Power for) Docket No.
Approval of the Power Purchase Agreement) 18-035-42
Between PacifiCorp and Kennecott Utah)
Copper, LLC - Smelter.)

December 13, 2018
11:00 a.m.

Location: Public Service Commission
160 East 300 South, 4th Floor
Salt Lake City, Utah

Reporter: Rashell Garcia

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Presiding Officer: MELANIE REIF

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1 December 13, 2018

11:00 a.m.

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

3 PRESIDING OFFICER REIF: We'll be on the record.

4 I'm Melanie Reif. Good morning, everyone. And this is the
5 hearing for two dockets, Docket 18-035-41, which is entitled
6 Application of Rocky Mountain Power for approval of the Power
7 Purchase Agreement between PacifiCorp and Kennecott Utah
8 Copper, LLC -- this is the refinery part of the docket -- and
9 Docket 18-035-42 entitled Application of Rocky Mountain Power
10 for Approval of the Power Purchase Agreement between
11 PacifiCorp and Kennecott Utah Copper, LLC, the smelter
12 portion of the docket.

13 Are there any questions before we begin this
14 morning?

15 MR. MCDERMOTT: No, ma'am.

16 PRESIDING OFFICER REIF: Mr. Jetter?

17 MR. JETTER: No.

18 PRESIDING OFFICER REIF: If the parties don't
19 object, although we have handled these a little bit
20 differently in the past, I was wondering how you would feel
21 about handling them all in one hearing. That way we don't
22 have to bifurcate them and perhaps break up the testimony.
23 If that's acceptable to you, we will do that.

24 MR. MCDERMOTT: That's acceptable.

25 MR. JETTER: Same with the Division.

1 PRESIDING OFFICER REIF: Okay. Very good. Okay.
2 So, let's get started then and -- with the appearances,
3 please.

4 MR. MCDERMOTT: Jacob McDermott on behalf of
5 Rocky Mountain Power. And with me is Kyle Moore who will be
6 a witness today.

7 PRESIDING OFFICER REIF: Great. Thank you.

8 MR. JETTER: I'm Justin Jetter with the Utah
9 Attorney General's Office representing the Utah Division of
10 Public Utilities. With me is Charles Peterson with the Utah
11 Division of Public Utilities. And he will be the Division's
12 only witness today.

13 PRESIDING OFFICER REIF: Thank you. Thank you
14 both. Mr. McDermott, we'll let you --

15 MR. MCDERMOTT: Sure. I would like to call Kyle
16 Moore as the company's witness.

17 PRESIDING OFFICER REIF: Mr. Moore, good morning.
18 Do you intend to tell the truth this morning?

19 MR. MOORE: Yes.

20 PRESIDING OFFICER REIF: Great.

21 EXAMINATION

22 BY MR. MCDERMOTT:

23 Q. Mr. Moore, would you please state your name and
24 give your business address and your position with the
25 company?

1 A. Yes. My name is Kyle Moore. My business address
2 is 1407 West North Temple, Salt Lake City, Utah, 84116. And
3 my position is as an originator with the company.

4 **Q. Thank you. Now, in the scope of your duties with**
5 **Rocky Mountain Power, did you participate in the negotiation**
6 **and oversee the execution of these two power purchase**
7 **agreements with Kennecott that are before the Commission for**
8 **approval?**

9 A. Yes.

10 **Q. Did you prepare summary testimony in support of**
11 **Rocky Mountain Power's application today?**

12 A. Yes.

13 **Q. Please share that with us.**

14 A. Okay. I will begin with the testimony for the
15 refinery portion, which is the 18-035-41 docket. I present
16 today for commission approval a qualifying facility power
17 purchase agreement between Kennecott Utah Copper and
18 PacifiCorp. The agreement provides for the sale to
19 PacifiCorp of energy to be generated by Kennecott up to 7.54
20 megawatts, from a waste heat-fired cogeneration facility
21 constructed by Kennecott and located in Salt Lake City,
22 Utah.

23 The agreement is for a term of twelve months,
24 January 1, 2019 through December 31, 2019. The purchase
25 prices set forth in the agreement are the lower of the

1 confidential contract price under the Electric Service
2 agreement or as calculated using the methodology approved by
3 the commission in Docket No. 03-035-14.

4 The company filed PPA for approval October 26th,
5 2018. In comments filed on December 5th, 2018, the Division
6 of Public Utilities stated their belief that the PPA complied
7 with the Commission's guidelines and recommended approval.

8 In their comments the Division also listed three
9 items pertaining to future PPA filings. First, they
10 requested that the company continue to provide, at least
11 quarterly, hourly power purchase reports. Second, they
12 requested the Commission order the company at the time of
13 future PPA filings to provide to the Division and Office of
14 Consumer Services the GRID outputs and Excel spreadsheets
15 supporting the price calculations along with the spreadsheets
16 showing avoided line loss calculations. The company agreed
17 to these two recommendations in reply comments filed on
18 December 11th, 2018.

19 The Division's third request was a result of
20 their observation that the nameplate capacity rating of the
21 plant is 7.54 megawatts with an expected average monthly
22 output of approximately 5.4 megawatts. However, as
23 configured, the actual capacity of the plant is about 6.2
24 megawatts. To avoid confusion, the Division requested that
25 the company include the capacity distinction preferably, in

1 the contract itself, or at a minimum in the application. The
2 company also agreed to this in the reply comments.

3 The agreement is compliant with relevant
4 Commission orders and with Utah Schedule 38 and should be
5 found to be in the public interest. The company believes the
6 PPA before the Commission for approval has not had any issues
7 raised by parties in this docket and recommends the
8 Commission approve the agreement.

9 Shall I read the testimony for the smelter piece
10 as well, or would you like to go over this one first?

11 PRESIDING OFFICER REIF: We can do both. We can
12 do both.

13 MR. MOORE: Okay.

14 PRESIDING OFFICER REIF: That was my intention by
15 doing --

16 MR. MOORE: That's my -- I was just double
17 checking.

18 PRESIDING OFFICER REIF: Yes.

19 A. I present today for Commission approval a
20 qualifying facility power purchase agreement between
21 Kennecott Utah Copper and PacifiCorp. The agreement provides
22 for the sale to PacifiCorp of energy to be generated by
23 Kennecott up to 34.8 megawatts, from a waste heat-fired
24 cogeneration facility constructed by Kennecott and located in
25 the Salt Lake City, Utah.

1 The agreement is for a term of twelve months,
2 January 1, 2019 through December 31, 2019. The purchase
3 prices set forth in the agreement are the lower of the
4 confidential contract rate price under the Electric Service
5 agreement or as calculated using the methodology approved by
6 the Commission in Docket No. 03-035-14.

7 The company filed the PPA for approval on October
8 26, 2018. In comments filed on December 5th, 2018, the DPU
9 stated their belief that the PPA complied with the
10 commission's guidelines and recommended approval. In their
11 comments the Division also listed two items pertaining to
12 future PPA filings. First, they requested that the company
13 continue to provide, at least quarterly, hourly power
14 purchased reports.

15 Second, they requested the Commission order the
16 Company at the time of future PPA filings to provide to the
17 Division and Office of Consumer Services the GRID outlets and
18 Excel spreadsheets supporting the price calculations along
19 with the spreadsheet showing avoided line loss calculations.
20 The Company agreed to these two recommendations in reply
21 comments filed on December 11th, 2018.

22 The agreement is compliant with relevant
23 Commission orders and with Utah Schedule 38 and should be
24 found to be in the public interest. The company believes the
25 PPA before the Commission for approval has not had any issues

1 raised by parties in this docket and recommends the
2 Commission approve the agreement.

3 **Q. Thank you, Mr. Moore. The company has no further**
4 **questions for Mr. Moore. He's available for**
5 **cross-examination or questions.**

6 PRESIDING OFFICER REIF: Thank you. Mr. Jetter,
7 any questions?

8 MR. JETTER: I have no questions. Thank you.

9 PRESIDING OFFICER REIF: Okay. Mr. Jetter, let's
10 move to you. Same order --

11 MR. JETTER: Thank you. The Division would like
12 to call and have sworn in Charles Peterson.

13 PRESIDING OFFICER REIF: Good morning, Mr.
14 Peterson. Do you intend to tell the truth this morning?

15 MR. PETERSON: Yes.

16 PRESIDING OFFICER REIF: Thank you.

17 EXAMINATION

18 BY MR. JETTER:

19 **Q. Mr. Peterson, would you please state your name**
20 **and occupation for the record?**

21 A. Charles E. Peterson. I'm a utility technical
22 consultant with the Division of Public Utilities.

23 **Q. Thank you. And referring to Docket num -- both**
24 **dockets today, 18-035-41 and 42, did you have an opportunity**
25 **to review the application, workpapers and other attachments**

1 to those filings made by the company in both of those
2 dockets?

3 A. Yes.

4 Q. And in both of those dockets, did you file
5 comments creating -- caused to be filed with the Commission
6 comments on December 5th, 2018?

7 A. Yes.

8 Q. Do you have any corrections or changes you'd like
9 to make to either of those?

10 A. No.

11 Q. Do those documents reflect your opinion on the
12 approval of both of those applications in those two dockets
13 today?

14 A. Yes, they do.

15 Q. I'd like to move to enter into the record of this
16 hearing the comments of the Division of Public Utilities
17 dated December 5th, 2018 in both dockets.

18 PRESIDING OFFICER REIF: Any objection?

19 MR. MCDERMOTT: No objection from the company.

20 PRESIDING OFFICER REIF: They're admitted.

21 Q. Thank you.

22 Do you have a brief summary of the Division's
23 opinion in both dockets?

24 A. Yes. Hopefully, very brief.

25 Q. Please go ahead.

1 A. The Division has reviewed the applications in
2 both of the dockets and believe that the pricing terms in
3 particular are compliant with Schedule 38 and with the
4 Commission's orders in Dockets 03-035-14 and 12-035-100. The
5 Division believes that the contractual arrangements and facts
6 in this matter, in particular, the method for calculating
7 avoided costs, have been previously found to be just and
8 reasonable and in the public interest. And the Division
9 recommends that the Commission approve both contracts as
10 such.

11 MR. JETTER: Thank you. I have no further
12 questions. Mr. Peterson is available for cross or questions
13 from the Commission.

14 PRESIDING OFFICER REIF: Any questions?

15 MR. MCDERMOTT: No questions from the company.
16 Thank you.

17 PRESIDING OFFICER REIF: Mr. Peterson, just a
18 couple of questions, please. You heard the testimony of
19 Mr. Moore this morning --

20 A. Yes.

21 PRESIDING OFFICER REIF: -- with respect to his
22 representation that the company is willing to agree to the
23 recommendations that the Division has made in their December
24 5th memos to the Commission. Does that satisfy your
25 concerns?

1 A. Yes, it does.

2 PRESIDING OFFICER REIF: Okay.

3 A. These are both forward looking concerns so...

4 PRESIDING OFFICER REIF: Okay. Thank you. And
5 then one other question is that, is it your testimony that
6 approving these dockets is in the public interest?

7 A. Yes.

8 PRESIDING OFFICER REIF: Thank you. Is there
9 anything else to come before the Commission today?

10 MR. JETTER: Nothing for the Division.

11 MR. MCDERMOTT: Nothing from the company. Thank
12 you.

13 PRESIDING OFFICER REIF: Okay. Thank you.
14 We'll take the matter under advisement. And this matter is
15 -- both matters are returned. Thank you so much. Have a
16 great day. Bye-bye.

17 MR. MCDERMOTT: You too.

18 (The commission hearing was concluded at 11:11
19 a.m.)

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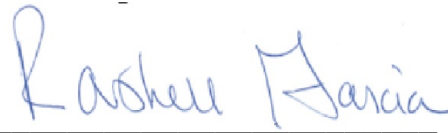
C E R T I F I C A T E

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

THIS IS TO CERTIFY that the foregoing hearing was taken before me, Rashell Garcia, Certified Shorthand Reporter and Notary Public in and for the State of Utah, residing in Salt Lake City.

That the proceedings were reported by me in Stenotype, and thereafter caused to be transcribed by computer, and that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered from 2 to 13, inclusive.

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



Rashell Garcia CSR, RPR
License No. 144

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