

In the Matter Of:

In RE: RMP Renewable Energy Credit Supply Agreement with Kennecott Utah Copper

HEARING, DOCKET NO. 19-035-20

July 29, 2019

Job Number: 549249

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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IN THE MATTER OF:)Docket No. 19-035-20
)
APPLICATION OF ROCKY)Hearing Officer:
MOUNTAIN POWER FOR APPROVAL)Michael Hammer
OF THE NONGENERATION AND)
RENEWABLE ENERGY CREDIT)HEARING
SUPPLY AGREEMENT BETWEEN)
PACIFICORP AND KENNECOTT)JOB NO. 549249
UTAH COPPER, LLC)
)

July 29, 2019
10:00 a.m.

LOCATION:
Public Service Commission
160 East 300 South, Room 403
Salt Lake City, Utah 84111

* * *

Karen Christensen
- Registered Professional Reporter -
- Certified Shorthand Reporter -

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A P P E A R A N C E S

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1 July 29, 2019

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

3 HEARING OFFICER: Let's go on the record,
4 please.

5 Good morning, everyone. This is the time
6 and place noticed for hearing in the Application of
7 Rocky Mountain Power for Approval of the Nongeneration
8 and Renewable Energy Credit Supply Agreement between
9 PacifiCorp and Kennecott Utah Copper, LLC. It's
10 Commission Docket No. 19-035-20. My name is Michael
11 Hammer and I'm the Commission's designated presiding
12 officer.

13 Let's go ahead and take appearances,
14 beginning with the Company, please.

15 MR. MCDERMOTT: Thank you. Jacob McDermott,
16 counsel for the Company. And with me is Mark
17 Tourangeau, witness. And joining us on the phone should
18 be Mary Wieneke, also a witness for the company.

19 HEARING OFFICER: Ma'am, are you on?

20 MS. WIENEKE: Yes, I'm on.

21 MR. JETTER: I'm Justin Jetter with the Utah
22 Attorney General's Office, and I'm here this morning
23 representing the Utah Division of Public Utilities.
24 With me at counsel table is Division witness Jeff
25 Einfeldt.

1 MR. MOORE: Robert Moore, Attorney General's
2 Office, representing the Office of Consumer Services.
3 With me is Cheryl Murray for the Office.

4 HEARING OFFICER: All right. Is there
5 anything before the Company calls its first witness?

6 (No audible response.)

7 HEARING OFFICER: Mr. McDermott?

8 MR. MCDERMOTT: I'd like to call Mark
9 Tourangeau.

10 HEARING OFFICER: Mr. Tourangeau, you can
11 remain seated, I think.

12 MR. TOURANGEAU: Oh.

13 HEARING OFFICER: Thank you. No objection
14 to that, correct?

15 MR. JETTER: No objection.

16 HEARING OFFICER: All right.

17 MR. MCDERMOTT: Mr. Tourangeau --

18 HEARING OFFICER: I'm sorry.
19 Mr. Tourangeau, do you swear to tell the truth?

20 MR. TOURANGEAU: I do.

21 HEARING OFFICER: Thank you.

22 MARK TOURANGEAU,
23 called as a witness by and on behalf of Rocky Mountain
24 Power, having been first duly sworn, was examined and
25 testified as follows:

1 DIRECT EXAMINATION

2 BY MR. MCDERMOTT:

3 Q. Mr. Tourangeau, would you please state and
4 spell your name for the record and let us know your
5 position with the Company and your business address,
6 please?

7 A. Yes. Mark Tourangeau, vice president of
8 customer solutions and business development -- sorry --
9 M-A-R-K T-O-U-R-A-N-G-E-A-U. And business address is --
10 what is it, 1140 North West Temple [sic]?

11 Q. 1407.

12 A. 1407 North West Temple [sic], Salt Lake City
13 84116.

14 Q. Thank you. Mr. Tourangeau, did you prepare a
15 summary of your testimony to share with us today?

16 A. I did, yes.

17 Q. Please proceed.

18 A. Thank you. Good morning. Thank you for
19 taking the time to consider the issue at hand today.

20 Rocky Mountain Power, or the Company,
21 submitted an Application for Approval of the
22 Nongeneration and Renewable Energy Credit, or REC,
23 Supply Agreement between the Company and Kennecott Utah
24 Copper, LLC, or Kennecott, from the Public Service
25 Commission of Utah on April 18th, 2019.

1 This agreement provides for the retirement
2 of \$1.5 million Utah allocated RECs annually by
3 PacifiCorp on behalf of Kennecott or a Kennecott
4 affiliate. In exchange, Kennecott agrees not to
5 generate power from its Unit 4 generation facility
6 during the term of this agreement, which runs from
7 April 1st, 2019, through December 31st, 2025.

8 Under the July 28, 2016, Energy Service
9 Agreement between Kennecott and the Company, Rocky
10 Mountain Power and Kennecott are able to explore
11 alternative market arrangements for Kennecott's Block 2
12 electricity purchases. As a result of discussions in
13 late 2018 and early 2019 with respect to potential
14 alternative arrangements under Block 2, the Company and
15 Kennecott agreed to terms under this subject agreement,
16 which enables Kennecott to retire its Unit 4 generator
17 and support renewable energy through the payment for the
18 company's retirement of RECs on Kennecott's behalf.

19 In addition to the charges for REC
20 retirements on Kennecott's behalf, the Company has
21 agreed to obtain Green-e certification on behalf of
22 Kennecott from the Center of Resource Solutions for
23 these RECs. In exchange, Kennecott has agreed to
24 reimburse the Company for all of the direct costs of
25 such certification, as well as to pay a fee to cover the

1 Company's administrative costs related to internal
2 administration of obtaining and maintaining this
3 certification.

4 The Company will allocate 100 percent of
5 revenue from these REC charges into the Utah REC
6 balancing account for the benefit of the Company's Utah
7 customers. The Company will forgo any REC sale
8 incentives, allowing the Company's customers to realize
9 the entire benefit of the REC revenue through the full
10 term of the agreement.

11 The agreement includes the following
12 protections for other customers of the Company. It
13 establishes the priority of REC retirements annually to
14 ensure that available Utah RECs will first be used to
15 meet Utah's voluntary renewable portfolio standard or
16 any later Utah renewable procurement requirements, then
17 be used to meet any of the Company's REC commitments
18 that predate the agreement, and only then to meet the
19 commitments to Kennecott.

20 If, after the first two commitments, there
21 are not sufficient RECs available to meet the
22 \$1.5 million RECs retirement for Kennecott, the
23 agreement provides Kennecott with several other options
24 to procure additional RECs to make up for any shortfall.

25 In addition to protecting the Company's

1 customers from the risk of fewer RECs being able to
2 satisfy the annual retirement of 1.5 million RECs for
3 Kennecott, the agreement provides the Company a right to
4 terminate the agreement, should changes lead to
5 materially fewer Utah allocated RECs being available
6 than was anticipated at the time the agreement was
7 executed or the costs of supporting the agreement
8 materially change.

9 This right to terminate protects the
10 company's other customers, should unexpected events
11 significantly impact the Company's ability to perform
12 under the agreement.

13 The Division of Public Utilities has
14 reviewed and analyzed the agreement and, on June 10th,
15 2019, issued a letter recommending that the Utah
16 Commission approve the agreement.

17 The Office of Consumer Services has done the
18 same in their letter dated June 17th, 2019, while also
19 recommending that the Company provide reporting on any
20 shortfall in the 1.5 million annual RECs that the
21 Company would otherwise sell to Kennecott under the
22 agreement.

23 The Company recognizes the value of this
24 recommendation and has agreed to provide the requested
25 reporting. The Company requests that the Commission

1 approve the agreement, as we feel it is just and
2 reasonable and is in the public interest. The REC
3 charges paid by Kennecott will provide a long-term
4 direct benefit for Utah customers.

5 Kennecott has agreed to cover the costs of
6 Green-e certification, further ensuring that the
7 Company's other customers will not bear any costs
8 associated with the agreement. And the limitations on
9 the Company's obligation to supply RECs, if its
10 expectations for REC production fall short, sufficiently
11 protects the customers from the risks of unanticipated
12 events. Thank you.

13 MR. MCDERMOTT: Thank you, Mr. Tourangeau.
14 The witness is available for cross-examination.

15 MR. JETTER: I have no questions. Thank
16 you.

17 MR. MOORE: No questions.

18 HEARING OFFICER: Thank you, Mr. Tourangeau.

19 Mr. McDermott, did you have another witness?

20 MR. MCDERMOTT: We do. The Company would
21 like to call Mary Wieneke, and she is appearing by
22 telephone.

23 Ms. Wieneke, can you hear me?

24 MS. WIENEKE: Yes.

25 HEARING OFFICER: I'll swear her in.

1 Ms. Wieneke, do you swear to tell the truth?

2 MS. WIENEKE: Yes.

3 HEARING OFFICER: Thank you.

4 MARY WIENEKE,

5 called as a witness by and on behalf of RMP, having been
6 first duly sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. MCDERMOTT:

9 **Q. Ms. Wieneke, could you please state and spell**
10 **your name for the record? Tell us your position with the**
11 **Company and provide your business address, please.**

12 A. My name is Mary Wieneke, M-A-R-Y
13 W-I-E-N-E-K-E, and I am the vice president of
14 Transmission Regulation and Market Policy for PacifiCorp.
15 My business address is 825 Northeast Multnomah Street,
16 Portland, Oregon 97232.

17 **Q. Thank you. And, Ms. Wieneke, did you prepare**
18 **a summary of your testimony to share with us today?**

19 A. Yes, I did.

20 **Q. Would you please proceed?**

21 A. The portion of the application that I'm
22 supporting is paragraph 9 on page 4 of the original
23 filing.

24 Based on the Company's current forecast and
25 expectation, we anticipate that the retirement of

1 1.5 million Utah allocated RECs per year on behalf of
2 Kennecott will not prevent the Company from meeting its
3 Utah RPS target, nor continuing to market and sell
4 remaining Utah allocated RECs on behalf of Utah
5 customers. Thank you.

6 MR. MCDERMOTT: Thank you. Ms. Wieneke is
7 available for cross-examination.

8 MR. JETTER: I have no questions.

9 MR. MOORE: No questions. Thank you.

10 HEARING OFFICER: I have none. Thank you,
11 Ms. Wieneke.

12 Mr. McDermott, any other witnesses.

13 MR. MCDERMOTT: We have no further
14 witnesses. Thank you.

15 HEARING OFFICER: Mr. Jetter?

16 MR. JETTER: The Division would like to call
17 and have sworn in Jeff Einfeldt.

18 HEARING OFFICER: Mr. Einfeldt, do you swear
19 to tell the truth?

20 MR. EINFELDT: Yes.

21 JEFF EINFELDT,
22 called as a witness by and on behalf of the Division of
23 Public Utilities, having been first duly sworn, was
24 examined and testified as follows:

25 DIRECT EXAMINATION

1 BY MR. JETTER:

2 Q. Would you please state your name and
3 occupation for the record?

4 A. My name is Jeffrey S. Einfeldt. I'm a
5 utility analyst for the Division of Public Utilities.

6 Q. In the course of your employment with the
7 Division, have you had an opportunity to review the
8 application in this docket, seek and receive any data
9 requests that you have made and generally investigate the
10 application?

11 A. Yes.

12 Q. Did you create and cause to be filed with the
13 Commission an Action Request for Response dated June 10,
14 2019?

15 A. Yes.

16 Q. Do you have any corrections or changes you'd
17 like to make to the Division's recommendation in that?

18 A. No.

19 Q. And would you adopt that as part of your
20 testimony today?

21 A. Yes, I do.

22 Q. Have you prepared a brief summary of the
23 Division's position?

24 A. Yes, I have.

25 Q. Please go ahead.

1 A. The Division has reviewed the Company's
2 application and proposed contract between PacifiCorp and
3 Kennecott Utah Copper that is the subject of this
4 hearing.

5 The Division met with Rocky Mountain Power
6 and Kennecott to better understand the terms of the
7 contract, specifically discussing benefits and
8 protections afforded ratepayers and protections, assuring
9 Rocky Mountain Power can meet its other renewable
10 obligations. The Division believes the contract is just,
11 reasonable, and in the public interest.

12 MR. JETTER: Thank you. I'd like to just
13 move to enter the Action Request Response from June 10th
14 from the Division into the record.

15 HEARING OFFICER: It's admitted.

16 MR. JETTER: Thank you. And I have no
17 further questions. Mr. Einfeldt is available for cross
18 or questions from the Commission.

19 HEARING OFFICER: Mr. McDermott?

20 MR. MCDERMOTT: No questions. Thank you.

21 HEARING OFFICER: Mr. Moore?

22 MR. MOORE: No questions.

23 HEARING OFFICER: Thank you, Mr. Einfeldt.

24 Any other witnesses, Mr. Jetter.

25 MR. JETTER: We have no other questions.

1 Thank you.

2 HEARING OFFICER: Mr. Moore?

3 MR. MOORE: The office would call Cheryl
4 Murray and ask that she be sworn.

5 HEARING OFFICER: Ms. Murray, do you swear
6 to tell the truth?

7 MS. MURRAY: Yes.

8 CHERYL MURRAY,
9 called as a witness by and on behalf of the Office of
10 Consumer Services, having been first duly sworn, was
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. MOORE:

14 **Q. Please state your name and how you are**
15 **employed.**

16 A. My name is Cheryl Murray. I'm employed as a
17 utility analyst for the Office of Consumer Services.

18 **Q. In your capacity as a utility analyst, have**
19 **you worked on this Docket 19-035-20, reviewing the**
20 **application data request and record?**

21 A. Yes, I have.

22 **Q. Did you prepare comments filed by the Office**
23 **on June 17th, 2019?**

24 A. Yes.

25 **Q. Do you have any changes to these comments**

1 **you'd like to make?**

2 A. No, I don't.

3 **Q. Are you prepared to submit these comments as**
4 **your testimony?**

5 A. Yes.

6 MR. MOORE: The Office would move for the
7 entry of the comments into the record.

8 HEARING OFFICER: They're admitted.

9 **Q. (BY MR. MOORE) Have you prepared a statement**
10 **regarding this matter?**

11 A. Yes, I have.

12 **Q. Would you please proceed?**

13 A. Yes. The Office's review of the agreement
14 was primarily to determine that the customers we
15 represent receive value for their RECs, and that they are
16 protected from unintended consequences of the agreement.
17 My statement will point out a few terms of the agreement
18 that are of significant importance to the Office.

19 As stated by Mr. Tourangeau this morning,
20 annually, PacifiCorp will retire 1.5 million Utah
21 allocated RECs on behalf of Kennecott. In exchange,
22 Kennecott agrees it will not generate power from its
23 Unit 4 generation facility.

24 Kennecott will pay also costs associated with
25 this transaction. They will pay for the RECs and

1 reimburse the Company for all direct costs of Green-e
2 certification, as well as pay a fee to cover the
3 Company's related administrative costs.

4 The Company is currently allowed to retain 10
5 percent of Utah allocated REC sales. However, under the
6 terms of this agreement, the Company will forgo retaining
7 any of the revenue and 100 percent of the REC revenue
8 will be allocated to the REC balancing account for the
9 benefit of Utah customers.

10 The agreement also includes provisions to
11 ensure other customers are not harmed by these
12 transactions, such as the order in which Utah RECs are to
13 be allocated; first, to meet Utah's renewable portfolio
14 standard, second, to meet any of the Company's
15 commitments that predate the agreement and, finally, to
16 meet the commitment to Kennecott.

17 If sufficient RECs -- insufficient RECs are
18 available to meet the Kennecott commitment, the agreement
19 provides options to fill the shortfall that are designed
20 to protect other customers. Considering the current
21 market for RECs, the amount of current and projected Utah
22 RECs and the expected growth in renewable energy and,
23 therefore, RECs, the Office believes the value Utah
24 customers will receive from Kennecott is reasonable.
25 Additionally, the full value of the REC sales will go to

1 Utah customers.

2 With these considerations, the Office
3 believes the agreement is reasonable and in the public
4 interest and, therefore, we recommend that the Commission
5 approve the agreement between PacifiCorp and Kennecott.
6 As stated in our July 17th comments, the Office also
7 recommends that the Company report on any future
8 shortfall of the 1.5 million annual REC sales to
9 Kennecott and, as stated this morning, the Company has
10 agreed to that provision.

11 That concludes my statement.

12 MR. MOORE: Ms. Murray is available for
13 cross and questions from the hearing officer.

14 HEARING OFFICER: Mr. McDermott?

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

17 MR. JETTER: No questions.

18 HEARING OFFICER: I have none. Thank you,
19 Ms. Murray.

20 Is there anything else before we adjourn.

21 MR. MCDERMOTT: Nothing else from the
22 Company. Thank you.

23 MR. JETTER: Nothing from the Division.
24 Thank you.

25 MR. MOORE: Nothing from the office. Thank

1 you.

2 HEARING OFFICER: Everyone have a nice day.

3 Thank you for your time.

4 (The hearing was concluded at 10:16 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 proceedings were taken before me, KAREN CHRISTENSEN, a Registered Merit Reporter, a Registered Professional Reporter, and Notary Public in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting.

That a full, true and correct transcription of said proceedings so taken and transcribed to the best of my ability is set forth in the foregoing pages, numbered 3 through 18 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.

Witness my hand at Salt Lake City, Utah, this 15th day of August 2019.



Karen Christensen, RMR
My Commission Expires:
February 15, 2020

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