

# **PUBLIC SERVICE COMMISSION OF UTAH**

Docket No. 20-035-42

## **PUBLIC HEARING**

December 03, 2020

### **ADVANCED REPORTING SOLUTIONS**

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Public Hearing  
December 03, 2020

1           BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

2                           -o0o-

3           Application of Rocky Mountain     )  
4           Power for Approval of an         )  
5           Amendment to the Power Purchase   )  
6           Agreement between PacifiCorp     )     Docket No. 20-035-42  
7           and Tesoro Refining & Marketing   )  
8           Company LLC,                     )  
9           \_\_\_\_\_ )

10  
11                           VIDEO CONFERENCED PUBLIC HEARING

12           TAKEN THROUGH ADVANCED REPORTING SOLUTIONS VIA ZOOM

13                           Held on December 3, 2020

14                           9:01 a.m. to 9:11 a.m.

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20           Reported by: Michelle Mallonee, RPR, CCR

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APPEARANCES

MICHAEL HAMMER, PRESIDING OFFICER  
UTAH PUBLIC SERVICE COMMISSION

FOR PACIFICORP:

EMILY WEGENER, ESQ.  
PACIFICORP  
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FOR DIVISION OF PUBLIC UTILITIES:

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I N D E X

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

2 -o0o-

3 PRESIDING OFFICER HAMMER: Let's go ahead and go  
4 on the record. Everyone should be here for the hearing  
5 in the matter of the application of Rocky Mountain for  
6 approval of an amendment of a power purchase agreement  
7 between PacifiCorp and Tesoro Refining & Marketing  
8 Company, LLC. This is Commission Docket No. 20-035-42.

9 My name is Michael Hammer. I am the  
10 Commission's designated presiding officer.

11 Let's go ahead and take appearances, please,  
12 beginning with Rocky Mountain Power.

13 MS. WEGENER: This is Emily Wegener. I'm  
14 appearing on behalf of Rocky Mountain Power.

15 PRESIDING OFFICER HAMMER: Anyone for the  
16 Division of Public Utilities?

17 MS. SCHMID: Yes. Good morning. This is  
18 Patricia Schmid from the attorney general's office  
19 representing the Division of Public Utilities.

20 With me today as the Division's witness is Jeff  
21 Einfeldt. He is our only witness.

22 PRESIDING OFFICER HAMMER: Is the Office of  
23 Consumer Services appearing?

24 Do we have any other parties that would like to  
25 enter an appearance today? All right.

1           We'll go to you, Ms. Wegener. Please call your  
2 first witness.

3           MS. WEGENER: The Company calls Kyle Moore.

4           PRESIDING OFFICER HAMMER: Mr. Moore, do you  
5 swear to tell the truth?

6           THE WITNESS: Yes.

7           PRESIDING OFFICER HAMMER: Go ahead.

8  
9                                   KYLE MOORE,  
10 was called as a witness, and having been first duly  
11 sworn to tell the truth, the whole truth, and nothing  
12 but the truth, testified as follows:

13  
14                                   DIRECT EXAMINATION

15 BY MS. WEGENER:

16           **Q. Good morning. Can you please state and spell**  
17 **your name for the record.**

18           A. Yes. My name is Kyle Moore, spelled K-Y-L-E,  
19 M-O-O-R-E.

20           **Q. And where are you employed?**

21           A. I'm employed with Rocky Mountain Power at 1407  
22 West North Temple, Salt Lake City, Utah.

23           **Q. And what's your position with the company?**

24           A. I am a power marketer/originator.

25           **Q. Did you prepare and cause to be filed testimony**

1 **in this matter?**

2 A. I did, yes.

3 **Q. Do you have any corrections to that testimony?**

4 A. No.

5 **Q. If I asked you the same questions in your**  
6 **prefiled testimony today, would your answers be the same?**

7 A. Yes, they would.

8 MS. WEGENER: I move to admit the testimony of  
9 Kyle Moore.

10 PRESIDING OFFICER HAMMER: It's admitted.

11 **Q. (BY MS. WEGENER:) Could you please provide a**  
12 **summary of your testimony.**

13 A. Yes.

14 I present today for Commission approval an  
15 amendment to the current qualifying facility power  
16 purchase agreement between Tesoro Refining & Marketing  
17 Company and PacifiCorp. The amendment provides for a  
18 one-year extension of the agreement as approved by the  
19 Commission in Docket 19-035-38 on December 18th, 2019,  
20 for the sale to PacifiCorp of energy generated by Tesoro,  
21 up to 25 megawatts from a gas-fired cogeneration facility  
22 owned by Tesoro and located in Salt Lake City, Utah.

23 The original agreement had a term of 12 months,  
24 from January 1, 2020, to December 31, 2020. The purchase  
25 prices for the extension period, which is the calendar

1 year 2021, set forth in the amendment were calculated  
2 using the methodology approved by the Commission orders  
3 in Docket No. 03-035-14.

4           According to the terms of the 2020 protocol  
5 approved by the Commission on April 15th, 2020, in Docket  
6 No. 19-035-42, costs of the qualifying facility power  
7 purchase agreement will be allocated in accordance with  
8 Section 4.2.2 of the 2020 protocol.

9           The Company filed the amendment for approval on  
10 October 14th, 2020.

11           In comments filed on November 23rd, 2020, the  
12 Division of Public Utilities stated their belief that the  
13 amendment complied with the Commission's guidelines and  
14 recommended approval.

15           In their comments, the Division also listed two  
16 items pertaining to future PPA filings. First, they  
17 requested that the Company continue to provide at least  
18 quarterly hourly power purchase reports. Second, they  
19 requested the Commission order the Company at the time of  
20 future PPA filings to provide to the Division and Office  
21 of Consumer Services the GRID outputs and Excel  
22 spreadsheets supporting the price calculations along with  
23 a spreadsheet showing avoided line loss calculations.  
24 The Company agrees to these two recommendations.

25           The amendment is compliant with relevant



1 Commission orders and with Utah Schedule 38 and should be  
2 found to be in the public interest; therefore, the  
3 Company requests that the Commission approve the  
4 agreement.

5 **Q. Thank you.**

6 MS. WEGENER: I have no further questions, and  
7 this witness is now available for questions.

8 PRESIDING OFFICER HAMMER: Ms. Schmid?

9 MS. SCHMID: The Division has no questions.  
10 Thank you.

11 PRESIDING OFFICER HAMMER: Nor do I.  
12 Do you have any other witnesses, Ms. Wegener?

13 MS. WEGENER: I don't. Thank you.

14 PRESIDING OFFICER HAMMER: Thanks.  
15 Ms. Schmid.

16 MS. SCHMID: The Division would like to call  
17 Mr. Jeff Einfeldt as its witness. May he please be  
18 sworn.

19 PRESIDING OFFICER HAMMER: Mr. Einfeldt, do you  
20 swear to tell the truth?

21 THE WITNESS: Yes, I do.

22 PRESIDING OFFICER HAMMER: Thank you.

23  
24 JEFF EINFELDT,  
25 was called as a witness, and having been first duly

1 sworn to tell the truth, the whole truth, and nothing  
2 but the truth, testified as follows:

3

4

DIRECT EXAMINATION

5

BY MS. SCHMID:

6

**Q. Good morning. Please state and spell your name.**

7

A. My name the Jeff Einfeldt, and it's J-E-F-F,

8

E-I-N-F-E-L-D-T.

9

**Q. By whom are you employed and in what capacity?**

10

A. I am employed by the Division of Public

11

Utilities as a technical consultant.

12

**Q. In conjunction with your employment at the**

13

**Division, have you participated in this docket on behalf**

14

**of the Division?**

15

A. Yes, I have.

16

**Q. Did you prepare and cause to be filed the DPU's**

17

**comments dated November 23rd in this docket?**

18

A. Yes, I did.

19

**Q. Do you have any changes or corrections to those**

20

**comments?**

21

A. No.

22

**Q. Do you adopt the contents of those comments as**

23

**your testimony today?**

24

A. Yes.

25

MS. SCHMID: The Division would like to move the

1 admission of its November 23rd memo filed in this docket.

2 PRESIDING OFFICER HAMMER: Let me ask a  
3 clarifying question before we admit that.

4 Do you have a copy of your comments in front of  
5 you, Mr. Einfeldt?

6 THE WITNESS: Yes, I do.

7 PRESIDING OFFICER HAMMER: Do you have a copy of  
8 the application?

9 THE WITNESS: A copy from the Company?

10 PRESIDING OFFICER HAMMER: Right, the Company's  
11 application.

12 THE WITNESS: I do not have a full copy of that  
13 in front of me.

14 PRESIDING OFFICER HAMMER: Well, let me ask you  
15 my question with respect to your comments.

16 So on page 4, the first full sentence contains a  
17 quote, beginning, "According to the terms of the 2017  
18 protocol approved by the Commission," et cetera, "in  
19 Docket 15-035-86," and there's a footnote quoting the  
20 application at paragraph 7. The application, the actual  
21 quote here, refers to the terms of the 2020 protocol  
22 approved in Docket 19-035-042.

23 Was it your intention to refer to the 2020  
24 protocol there in your comments?

25 THE WITNESS: Probably when it was written, not

1 so. But currently, I would refer to -- my intention  
2 would be to refer to the 2020 protocol.

3 Having reviewed the 2020 protocol also, I am  
4 aware that in the 2020 protocol there is a transition  
5 period. And this contract appears to be in conformity  
6 with the 2020 protocol as well, especially as the 2020  
7 protocol, I believe, references the 2017 protocol during  
8 the transition period.

9 PRESIDING OFFICER HAMMER: Okay. I understand.  
10 And as -- I understand the substantive justification with  
11 respect to your response. But in the comments, it's in  
12 actually a quote. You're quoting the application at  
13 paragraph 7, and the language is just different.

14 So would you adopt that change to refer to the  
15 application's accurate language in paragraph 7?

16 THE WITNESS: Yes, I would.

17 PRESIDING OFFICER HAMMER: Ms. Wegener, any  
18 objection to moving the motion to admit Mr. Einfeldt's  
19 comments?

20 MS. WEGENER: No objection.

21 PRESIDING OFFICER HAMMER: Thank you.

22 Then they're admitted.

23 MS. SCHMID: Thank you.

24 **Q. (BY MS. SCHMID:) Mr. Einfeldt, do you have a**  
25 **summary of your testimony to give today?**

1 A. Yes. Briefly.

2 **Q. Please proceed.**

3 A. The Division recommends the Commission approve  
4 this first amendment to the nonfirm power purchase  
5 agreement between PacifiCorp and Tesoro Refining &  
6 Marketing Company in regards to its natural gas  
7 cogeneration facility associated with its Salt Lake City  
8 refinery, the subject of this docket, Docket  
9 No. 20-035-42.

10 The Division finds the agreement is similar to  
11 contracts of prior years and complies with the Commission  
12 guidelines established in prior orders. The Division  
13 finds the contract to be just, reasonable, and in the  
14 public interest.

15 And that concludes my comments.

16 **Q. Just to be clear: Is it your testimony today**  
17 **that the agreement amendment is consistent with the 2020**  
18 **protocol?**

19 A. Yes.

20 MS. SCHMID: With that, Mr. Einfeldt is  
21 available for questions from the Company and questions  
22 from the Hearing Officer.

23 PRESIDING OFFICER HAMMER: Ms. Wegener?

24 MS. WEGENER: I have no questions, thank you.

25 PRESIDING OFFICER HAMMER: And I have nothing

1 further. Thank you, Mr. Einfeldt.

2 Any other witnesses, Ms. Schmid?

3 MS. SCHMID: The Division has nothing further.

4 Thank you.

5 PRESIDING OFFICER HAMMER: Is there anything  
6 else from any other party? All right.

7 Well, thank you for making this easy this  
8 morning. Hope everyone has a nice day. We're adjourned.

9 (The matter concluded at 9:11 a.m.)

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CERTIFICATE

1  
2  
3 State of Utah                    )  
  ss.  
4 County of Salt Lake        )

5                    I, Michelle Mallonee, a Registered  
6 Professional Reporter in and for the State of Utah, do  
hereby certify:

7                    That the proceedings of said matter was  
8 reported by me in stenotype and thereafter transcribed  
into typewritten form;

9                    That the same constitutes a true and correct  
10 transcription of said proceedings so taken and  
transcribed;

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

14                    WITNESS MY HAND at Salt Lake City, Utah,  
this 8th day of December, 2020.

15  
16 

17 \_\_\_\_\_  
18 Michelle Mallonee, RPR, CCR  
19 Utah CCR #267114-7801  
20 Expires May 31, 2022  
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