

PUBLIC SERVICE COMMISSION OF UTAH

Docket No. 20-035-43 and 20-035-44

PUBLIC HEARING

December 07, 2020

ADVANCED REPORTING SOLUTIONS

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ST. GEORGE | 20 North Main Street, Suite 301 | St. George, Utah 84770



Public Hearing
December 07, 2020

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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4 Application of Rocky Mountain)
5 Power for Approval of an)
6 Amendment to the Power) Docket No. 20-035-43
7 Purchase Agreement between)
8 PacifiCorp and Kennecott Utah)
9 Copper LLC - Smelter)
10 _____)

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12 Application of Rocky Mountain)
13 Power for Approval of an)
14 Amendment to the Power) Docket No. 20-035-44
15 Purchase Agreement between)
16 PacifiCorp and Kennecott Utah)
17 Copper LLC - Refinery)
18 _____)

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21 VIDEO CONFERENCED PUBLIC HEARING

22 TAKEN THROUGH ADVANCED REPORTING SOLUTIONS VIA ZOOM

23 Held on December 7, 2020

24 9:01 a.m. to 9:15 a.m.

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Reported by: Michelle Mallonee, RPR, CCR

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APPEARANCES

MICHAEL HAMMER, PRESIDING OFFICER
UTAH PUBLIC SERVICE COMMISSION

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

2 -o0o-

3 PRESIDING OFFICER HAMMER: This is the time
4 noticed for the electronic hearing in the applications of
5 Rocky Mountain Power for approval of amendments to power
6 purchase agreements between PacifiCorp and Kennecott Utah
7 Copper, LLC, smelter and refinery, Commission Dockets No.
8 20-035-43 and 44.

9 My name is Michael Hammer. I'm the Commission's
10 designated presiding officer. Let's go ahead and take
11 appearances, please, beginning with Rocky Mountain Power.

12 MS. WEGENER: Emily Wegener with Rocky Mountain
13 Power. And, with me, I have our witness, Kyle Moore.

14 PRESIDING OFFICER HAMMER: Thank you.

15 And for the Division of Public Utilities?

16 MS. SCHMID: I can't hear you.

17 PRESIDING OFFICER HAMMER: You can't hear me?

18 (Pause in the proceedings.)

19 PRESIDING OFFICER HAMMER: While we're waiting,
20 is there anyone else on the line that wants to make an
21 appearance?

22 MR. EINFELDT: I'm assuming that Patricia will
23 include me. I'm Jeff for the Division, Jeff Einfeldt.

24 PRESIDING OFFICER HAMMER: Yeah, I expect she
25 will. Thank you.

1 Welcome back, Ms. Schmid. Can you hear me?

2 MS. SCHMID: I can. Thank you very much.

3 PRESIDING OFFICER HAMMER: Great. Would you
4 like to enter your appearance?

5 MS. SCHMID: Yes, I would. Patricia E. Schmid
6 with the Utah Attorney General's Office for the Division
7 of Public Utilities. The Division's witness today will
8 be Jeff Einfeldt, our only witnesses.

9 PRESIDING OFFICER HAMMER: Thank you. And I
10 don't believe we have any other parties on the line.

11 So let's go ahead and begin with you,
12 Ms. Wegener. Would you like to call your first witness?

13 MS. WEGENER: Yes. The Company calls Kyle
14 Moore.

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

17 THE WITNESS: Yes.

18 PRESIDING OFFICER HAMMER: Thanks. Go ahead.

19

20 KYLE MOORE,
21 was called as a witness, and having been first duly
22 sworn to tell the truth, the whole truth, and nothing
23 but the truth, testified as follows:

24

25

DIRECT EXAMINATION

BY MS. WEGENER:

Q. Good morning. Can you please state your name and business address.

A. Yes. My name is Kyle Moore, and my business address is 1407 West North Temple, Salt Lake City, Utah 84116.

Q. Did you prepare and cause to be filed testimony in the two matters noticed for hearing today?

A. I did, yes.

Q. Do you have any corrections to your testimony?

A. No.

Q. If I asked you the same questions today as were in your prefiled testimony, would your answers be the same?

A. Yes, they would.

MS. WEGENER: I move to admit the testimony of Kyle Moore submitted in the two dockets noticed for hearing today.

PRESIDING OFFICER HAMMER: It's admitted.

Q. (BY MS. WEGENER:) Mr. Moore, could you please provide a summary of your testimony.

A. Yes. I have a summary for each QF facility so, I will go through them one at a time. I'll start with 20-035-43.

1 I present today for Commission approval an
2 amendment to the current qualifying facility power
3 purchase agreement between Kennecott Utah Copper and
4 PacifiCorp. The amendment provides for a one-year
5 extension of the agreement as approved in Docket
6 19-035-36 on December 20th, 2019, for the sale to
7 PacifiCorp of energy to be generated by Kennecott, up to
8 31.8 megawatts from a waste heat fired cogeneration
9 facility constructed by Kennecott and located in Magna,
10 Utah.

11 The original agreement had a term of 12 months,
12 January 1, 2020, to December 31, 2020. The purchase
13 prices set forth for the extension period, calendar year
14 2021, set forth in the amendment are the lower of the
15 Block 2 rate under the electric service agreement or as
16 calculated using the methodology approved by the
17 Commission in Docket No. 035 -- I'm sorry, Docket No.
18 03-035-14. The Company filed the amendment for approval
19 on October 20th, 2020.

20 In comments filed on November 24, 2020, the
21 Division of Public Utilities stated their belief that the
22 amendment complied with the Commission's guidelines and
23 recommended approval.

24 The agreement is compliant with relevant
25 Commission orders and with Utah Schedule 38 and should be

1 found to be in the public interest. Therefore, the
2 Company requests the Commission approve the agreement.

3 At this point, shall I read the summary for the
4 second agreement as well, or would you like to stop and
5 take questions at this point?

6 PRESIDING OFFICER HAMMER: I think it's fine to
7 go ahead.

8 THE WITNESS: Okay. I present today for
9 Commission approval an amendment to the current
10 qualifying facility power purchase agreement between
11 Kennecott Utah Copper and PacifiCorp. The amendment
12 provides for a one-year extension of the agreement as
13 approved in Docket No. 19-035-37 on December 20th, 2019,
14 for the sale to PacifiCorp of energy to be generated by
15 Kennecott, up to 7.54 megawatts from a waste heat fired
16 cogeneration facility constructed by Kennecott and
17 located in Magna, Utah.

18 The original agreement had a term of 12 months,
19 from January 1, 2020, to December 31, 2020. The purchase
20 prices set forth for the extension period, calendar year
21 2021, set forth in the amendment are the lower of the
22 Block 2 rate under the electric service agreement or as
23 calculated using the methodology approved by the
24 Commission in Docket No. 03-035-14.

25 The Company filed the amendment for approval on

1 October 20th, 2020.

2 In comments filed on November 24, 2020, the
3 Division of Public Utilities stated their belief that the
4 amendment complied with the Commission's guidelines and
5 recommended approval.

6 The agreement is compliant with relevant
7 Commission orders and with Utah Schedule 38 and should be
8 found to be in the public interest. Therefore, the
9 Company requests the Commission approve the agreement.

10 **Q. (BY MS. WEGENER:) Thank you.**

11 MS. WEGENER: I have no further questions for
12 Mr. Moore, and he is available for cross-examination and
13 questions from the Hearing Officer.

14 PRESIDING OFFICER HAMMER: Ms. Schmid?

15 MS. SCHMID: Yes, I do have a question.

16

17 CROSS-EXAMINATION

18 BY MS. SCHMID:

19 **Q. Good morning, Mr. Moore.**

20 A. Good morning.

21 **Q. My question pertains to both dockets.**

22 In the application for each docket, the Company
23 notes that the application was submitted later than the
24 Company had agreed to submit applications of this type.

25 Is it the Company's intent to endeavor to file

1 **future similar applications consistent with its agreement**
2 **with the Division on filing dates?**

3 A. Yes, it is.

4 **Q. Thank you. That was my only question.**

5 PRESIDING OFFICER HAMMER: And I have none.

6 Thank you, Mr. Moore.

7 Ms. Wegener, do you have any other witnesses?

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

9 PRESIDING OFFICER HAMMER: Ms. Schmid?

10 MS. SCHMID: The Division would like to call
11 Mr. Einfeldt. May he please be sworn?

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

14 THE WITNESS: Yes, I do.

15 PRESIDING OFFICER HAMMER: Thanks. Go ahead.

16
17 JEFFREY EINFELDT,

18 was called as a witness, and having been first duly
19 sworn to tell the truth, the whole truth, and nothing
20 but the truth, testified as follows:

21
22 BY MS. SCHMID:

23 **Q. Could you please state your full name, employer,**
24 **and title for the record.**

25 A. My full name is Jeffrey S. Einfeldt. I am a

1 utility technical consultant. I work for the Division of
2 Public Utilities.

3 Q. In conjunction with your employment by the
4 Division, have you participated in both the 43 and the 44
5 dockets?

6 A. Yes, I have.

7 Q. Did you prepare and cause to be filed the
8 memorandum in the 43 docket on November 24th of this
9 year?

10 A. Yes, I did.

11 Q. And I'll go through these sequentially.

12 Do you have any changes or corrections to the
13 memo in that docket?

14 A. I do have a correction to that docket, or the
15 memo in that docket. On page 3, at the end of page 3,
16 under the subtitle "Other Comments," the first sentence
17 in that -- in that section refers to January 1st, 2020,
18 and ending December 31st, 2020. Those dates should be
19 beginning January 1st, 2021, and ending December 31st,
20 2021. That's the only corrections I have.

21 Q. With those corrections, do you adopt the content
22 of that memorandum as your testimony here today?

23 A. Yes, I do.

24 Q. You have a summary to provide?

25 A. I do. It relates to -- I have a summary for

1 both. Would you like me to give the summary for both
2 dockets at this point, or would you like me to adopt the
3 second one first?

4 MS. SCHMID: May the Division submit them on a
5 combined basis?

6 PRESIDING OFFICER HAMMER: If he adopts them
7 both as his testimony, of course.

8 MS. SCHMID: Perfect.

9 Q. (BY MS. SCHMID:) So, Mr. Einfeldt, do you have
10 any changes or corrections to the memo in the 44 docket?

11 A. No, I don't.

12 Q. And you adopt the contents therein as your
13 testimony today?

14 A. Yes, I do.

15 Q. Please proceed with your summary.

16 A. Okay. The Division recommends the Commission
17 approve this first amendment to the nonfirm power
18 purchase agreement between PacifiCorp and Kennecott Utah
19 Copper in regards to the smelter, the subject of Docket
20 No. 20-035-43, and the nonfirm power purchase agreement
21 in regards to the refinery, the subject of Docket No.
22 20-035-044.

23 The Division finds both agreements are similar
24 to contracts of prior years and comply with Commission
25 guidelines established in prior orders. The Division

1 finds the contrasts -- or the contracts to be just,
2 reasonable, and in the public interest. This concludes
3 my comments.

4 **Q. Mr. Einfeldt, I have a question about these**
5 **amendments and the 2020 protocol.**

6 **Is it the Division's view that these amendments**
7 **are consistent with the 2020 protocol and will be treated**
8 **under Section 4.4.2 thereof?**

9 A. Yes. The Company represents that they will be
10 subject to the 2020 protocol in the application for
11 these. I believe it is paragraph 7 of their application.

12 **Q. Thank you.**

13 MS. SCHMID: I have no more questions.
14 Mr. Einfeldt is now available for cross-examination and
15 questions from the Hearing Officer.

16 Oh, before I leave, may I request the admission
17 of the Division's November 24th memos in the 43 and in
18 the 44 dockets?

19 PRESIDING OFFICER HAMMER: Of course.

20 Hearing no objection, they're admitted.

21 MS. SCHMID: Thank you. Mr. Einfeldt is now
22 available for cross-examination and questions from the
23 Hearing Officer.

24 PRESIDING OFFICER HAMMER: Ms. Wegener?

25 MS. WEGENER: No questions from the Company.

1 Thank you.

2 PRESIDING OFFICER HAMMER: And I have none.

3 Thank you, Mr. Einfeldt.

4 Is there anything else, Ms. Schmid?

5 MS. SCHMID: The Division has nothing else.

6 Thank you.

7 HEARING OFFICER HAMMER: All right.

8 Does anyone have anything else before we
9 adjourn?

10 Hearing nothing. Thank you, everyone, for your
11 participation this morning. Have a wonderful day. We're
12 adjourned.

13 (The matter concluded at 9:15 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.

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