

# PUBLIC SERVICE COMMISSION OF UTAH

Docket No. 21-035-01

## HEARING

January 21, 2022

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

-o0o-

In the matter of )  
Rocky Mountain Power's )  
Application for Approval of )  
the 2021 Energy Balancing ) Docket No. 21-035-01  
Account ) Hearing Officer:  
 ) Thad LeVar  
\_\_\_\_\_)

PUBLIC SERVICE COMMISSION HEARING

Taken via Google Meet

On Friday, January 21, 2022

At 10:00 a.m. MDT

Reported by: Brooke Simms, RPR, CCR, CSR

A P P E A R A N C E S

The Public Service Commission:

Chair Commissioner Thad LeVar

Commissioner Ron Allen

Commissioner David R. Clark

For Rocky Mountain Power:

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Also Present:

Robert Meredith

Jack Painter

Brad Richards

Gary Smith

\* \* \*

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P R O C E E D I N G S

-oOo-

CHAIR LEVAR: Good morning, everyone. We're here for Public Service Commission Docket 21-35-1, Rocky Mountain Power's application for approval of the 2021 energy balancing account.

Participating from the Public Service Commission are myself, Thad LeVar, and Commissioners David Clark and Ron Allen.

Why don't we go to appearances from Rocky Mountain Power next?

MS. WEGENER: Good morning. This is Emily Wegener for Rocky Mountain Power, and with me on the Google Meet I have available the three witnesses that have filed testimony in this matter -- Robert Meredith, Jack Painter, and Brad Richards.

Mr. Richards will be presenting the stipulation for the company today.

CHAIR LEVAR: Okay. Thank you, Ms. Wegener. For the Division of Public Utilities?

MR. JETTER: And good morning. I'm Justin Jetter with the Utah Attorney General's Office, and I'm representing the Utah Division of Public Utilities.

The division intends to call one witness

1 today, Gary Smith. I don't have a list of all of the  
2 participants, but there's probably a few other folks  
3 from the division on, joining the meeting today.

4 CHAIR LEVAR: Okay. Thank you, Mr. Jetter.

5 Is there anyone else here who wants to make  
6 an appearance for any other party? I'm not seeing or  
7 hearing anything from anyone.

8 So is there any -- is there any other  
9 preliminary matter before we move to Rocky Mountain  
10 Power's first witness?

11 MR. JETTER: Just initially, I'd like to say  
12 we appreciate the flexibility of the commission  
13 allowing us to do this virtually. As it turns out,  
14 we didn't need to have our out-of-state witnesses  
15 travel, but with a little bit of fluidity in the  
16 COVID situation right now, we do really appreciate  
17 the flexibility to convert this hearing to a virtual  
18 one.

19 CHAIR LEVAR: Thank you, Mr. Jetter.

20 Ms. Wegener, then, do you want to go ahead  
21 to your witness?

22 MS. WEGENER: Yes. Before I call him, I  
23 would like to move to admit our testimony. I was  
24 reviewing the stipulation and realized that we did  
25 not agree to that already, and I -- I want to move to

1 admit that the direct response, supplemental, and  
2 surrebuttal testimony of Jack Painter along with his  
3 associated exhibits; the direct testimony of Robert  
4 Meredith; and the response and surrebuttal testimony  
5 of Brad Richards.

6 As I mentioned, Mr. Richards is presenting  
7 our stipulation, but he won't be presenting his  
8 testimony today.

9 CHAIR LEVAR: Okay. And before I address  
10 this motion, it looks like we have one commissioner  
11 who is having -- who can't hear the hearing. So why  
12 don't we pause for a minute and see if we can just  
13 resolve that in a moment or two.

14 MS. HUNT: Okay. Is it Ron that can't hear?

15 CHAIR LEVAR: It's -- it's Commissioner  
16 Clark, and he's -- I think he's texting me, and he  
17 says he's going to call in.

18 MS. HUNT: Okay.

19 CHAIR LEVAR: What is the call-in number? I  
20 may just text that to him.

21 Here it is. I found it.

22 We'll wait for just another moment or two.  
23 Thank you for your patience, everyone.

24 Commissioner Clark, is that you who just  
25 joined on the phone? Commissioner Clark, I just saw

1 a telephone number join the call. Is that you?  
2 You're muted. So if you're trying to respond to  
3 me -- and I cannot unmute you from my screen.

4 COMMISSIONER CLARK: Can you hear me now?

5 CHAIR LEVAR: Yes. I can hear you now,  
6 Commissioner. Can you hear us?

7 COMMISSIONER CLARK: I can hear you now. I  
8 was trying to unmute, and it wouldn't work. I  
9 apologize, everyone, for the delay. I should have a  
10 tested my audio.

11 CHAIR LEVAR: Okay. Thank you,  
12 Commissioner.

13 So we'll go back to Ms. Wegener, who has  
14 made a motion to admit into evidence the testimony of  
15 their three witnesses that were -- the written  
16 testimony that was filed in advance of the hearing.

17 Mr. Jetter, do you have any objection to  
18 that motion?

19 MR. JETTER: No. No objection.

20 CHAIR LEVAR: Okay. The motion is granted.

21 (Exhibits admitted into evidence.)

22 CHAIR LEVAR: Ms. Wegener, if you'll go  
23 ahead.

24 MS. WEGENER: Thank you. The company calls  
25 Brad Richards.



1 CHAIR LEVAR: Good morning, Mr. Richards.  
2 Can you hear us?

3 MR. RICHARDS: Good morning. Yes.

4 BRAD RICHARDS  
5 was sworn and testified as follows:

6 CHAIR LEVAR: Okay. Go ahead, Ms. Wegener.

7 DIRECT EXAMINATION

8 BY MS. WEGENER:

9 Q. Mr. Richards, can you please state and spell  
10 your name for the record.

11 A. Yep. It's Brad Richards, B-r-a-d  
12 R-i-c-h-a-r-d-s.

13 Q. What is your position with the company?

14 A. I am the vice president of thermal  
15 generation.

16 Q. What are your responsibilities in that  
17 position?

18 A. I supervise the operations and maintenance  
19 of the company's thermal generation fleet, which  
20 includes coal, natural gas, and geothermal generating  
21 facilities.

22 Q. How long have you held this position?

23 A. I began in September of 2021.

24 Q. And what were your responsibilities before  
25 this position?

1       A.    Prior to this, I was the managing director  
2 of gas and geothermal generation. In that capacity,  
3 I supervised the operations and maintenance of the  
4 company's geothermal and natural gas fire generating  
5 facilities.

6       **Q.    Did you prepare and submit response and**  
7 **surrebuttal testimony in this proceeding?**

8       A.    Yes.

9       **Q.    And were you involved in reviewing the**  
10 **settlement stipulation that was entered between the**  
11 **company and the Division of Public Utilities?**

12      A.    Yes.

13      **Q.    Can you please provide a summary of the**  
14 **stipulation?**

15      A.    Yes. Good morning Chair LeVar, Commissioner  
16 Allen, and Commissioner Clark. I'll be providing a  
17 summary of the company's 2021 EBA proceedings and its  
18 settlement with the Division of Public Utilities,  
19 which I'll refer to in this summary as "division."

20           On March 15, 2021, the company filed an  
21 application under Tariff Schedule 94 to request  
22 approval to recover deferred costs through its energy  
23 balancing account. Based on a later update, the  
24 company's request was for an adjustment to base cost  
25 of \$6.6 million. The division hired Daymark Energy

1 Advisors to conduct an audit of the company's  
2 filings.

3 On November 5, 2021, Daymark filed this  
4 audit and recommended a disallowance of \$53,873  
5 related to two outages -- one at Gadsby Unit 2 and  
6 one at Hunter Unit Three. Daymark also recommended  
7 an increase to the company's request of \$34,267 based  
8 on a corrected calculation of coal cost for the  
9 company's Wyodak plant. These recommendations  
10 resulted in a net decrease of \$19,606 to the  
11 company's request.

12 The company contested the audit findings to  
13 be out -- that the outages were a result of  
14 imprudence and contested the method of calculating  
15 the replacement power cost for the outage at Gadsby  
16 Unit 2.

17 The company also provided a correction to  
18 Daymark's calculation of replacement power cost for  
19 Hunter Unit 3. As a result, the revised  
20 calculations -- the total costs for the two outages  
21 raised by -- I'm sorry. The total costs for the two  
22 outages raised by DPU rose to approximately \$129,000.

23 In rebuttal testimony, the division revised  
24 its recommended outage adjustment to approximately  
25 \$131,000, bringing its total recommended reduction to

1 the company's requested recovery to \$96,800.

2 In settlement stipulation, the company and  
3 the division agreed to an unspecified adjustment in  
4 the amount of \$15,000, bringing the company total  
5 adjustment to \$6,625,339. As part of the settlement,  
6 the company agreed to document the significant event  
7 report that it creates in response to certain outage  
8 events and that they have been received and reviewed  
9 by management across its geothermal fleet, or  
10 generation fleet, which the division and other  
11 parties can review in future EBA proceedings.

12 The parties also agreed that the current EBA  
13 rates will remain in place through May 1, 2022.  
14 Collections between March 1st and April 30th will be  
15 around \$6 million, which closely matches the  
16 \$6,625,339 agreed to in the stipulation.

17 The purpose of this arrangement is to  
18 provide better rate stability for customers, given  
19 the company anticipates requesting interim rates go  
20 into effect around May 1, 2022, and that the company  
21 also anticipates significant shortfall in its 2022  
22 EBA. With this -- with this provision, customer  
23 rates would decrease on March 1, 2022, and increase  
24 on May 1, 2022, if interim rates go into effect.

25 The company believes the stipulation is just

1 and reasonable in result and requests the commission  
2 approve it.

3 Thank you. And this concludes my summary.

4 **Q. Thank you.**

5 MS. WEGENER: I have no further questions  
6 for this witness, and he's available for  
7 cross-examination and questions from the commission.

8 CHAIR LEVAR: Thank you.

9 Mr. Jetter, do you have any questions for  
10 this witness?

11 MR. JETTER: I have no questions. Thank  
12 you.

13 CHAIR LEVAR: Thank you.

14 Commissioner Allen, do you have any  
15 questions for Mr. Richards?

16 COMMISSIONER ALLEN: No questions. Thank  
17 you.

18 CHAIR LEVAR: Commissioner Clark, do you  
19 have any questions?

20 COMMISSIONER CLARK: I have no questions.  
21 Thank you very much.

22 CHAIR LEVAR: I don't either. So thank you  
23 for your testimony this morning, Mr. Richards.

24 THE WITNESS: Thank you.

25 CHAIR LEVAR: Ms. Wegener, anything else

1 from Rocky Mountain Power?

2 MS. WEGENER: No, nothing further from the  
3 company.

4 CHAIR LEVAR: Thank you.

5 Mr. Jetter?

6 MR. JETTER: Thank you. The division would  
7 like to call and have sworn in Gary Smith.

8 CHAIR LEVAR: Good morning, Mr. Smith. Can  
9 you hear us?

10 MR. SMITH: I can.

11 GARY SMITH

12 was sworn and testified as follows:

13 CHAIR LEVAR: Okay. Thank you.

14 Go ahead, Mr. Jetter.

15 MR. JETTER: I think I'd like to, actually,  
16 before I start with Mr. Smith, just make a motion at  
17 this point to enter the division's prefiled written  
18 testimonies into the record. There was direct  
19 testimony from Gary Smith and direct testimony from  
20 division witnesses DiDomenico and Koehler and  
21 rebuttal testimony from division witnesses DiDomenico  
22 and Koehler.

23 CHAIR LEVAR: Thank you.

24 Ms. Wegener, do you have any objection to  
25 that motion?

1 MS. WEGENER: No objection.

2 CHAIR LEVAR: Okay. Thank you.

3 The motion is granted.

4 (Exhibits admitted into evidence.)

5 MR. JETTER: Thank you.

6 DIRECT EXAMINATION

7 BY MR. JETTER:

8 Q. Mr. Smith, would you please state your name  
9 and occupation for the record?

10 A. Gary Smith. I'm a utility technical  
11 consultant for the Division of Public Utilities.

12 Q. Thank you. And have you had an opportunity  
13 to, I guess, review the settlement stipulation filed  
14 in this docket?

15 A. Yes, I have.

16 Q. And have you prepared a brief statement  
17 summarizing the division's position and support of  
18 that stipulation?

19 A. I have.

20 Q. Please go ahead.

21 A. Good morning. On March 15, 2021, Rocky  
22 Mountain Power filed its annual EBA application for  
23 the calendar year 2020 deferral period with the  
24 commission. On June 14, 2021, the company filed a  
25 request for an increased total recovery of

1 6.6 million to correct a misallocation of loads and  
2 sales due to a partial meter failure at the  
3 Treasureton Substation. This requested amount  
4 includes a correction for the prior EBA deferral  
5 period from July 2019 through December 2019.

6 Based on its audit, Daymark and the DPU  
7 recommended a total revised adjustment to reduce the  
8 company's revised proposal by 96,842 on a  
9 Utah-allocated basis.

10 In addition to the recommended outage and  
11 replacement power cost adjustment, Daymark found that  
12 the company's lack of emphasis on providing  
13 plant-specific evidence of what it is doing to  
14 minimize outage durations to be of concern. The  
15 company should make every effort to ensure that  
16 learnings from the outages are properly shared across  
17 the fleet to help proactively minimize future  
18 outages.

19 The division, the Utah Office of Consumer  
20 Services, the Utah Association of Energy Users, and  
21 Western Resource Advocates engaged in good faith  
22 negotiations with Rocky Mountain Power. Based on  
23 these negotiations, a settlement stipulation signed  
24 by the company and the division was recently filed  
25 with the commission. The OCS, UAE, and WRA are not



1     opposed to the settlement.

2             The company has summarized the stipulation.  
3     So I will address only a few portions or provisions  
4     of particular import to the division.

5             The parties agreed to a unspecified  
6     adjustment of \$15,000 to the company's revised  
7     request for a total recovery of 6,625,339. The  
8     principal of the adjustment is consistent with the  
9     division's position and testimony that the company's  
10    recovery should be reduced.

11            The parties agree that the company will  
12    ensure receipt and review of the significant event  
13    reports it creates in response to certain outage  
14    events. The company will provide the reports and a  
15    record of their dissemination and review available to  
16    parties during review of the annual EBA filings.

17            For prior EBAs, and in this year's EBA, the  
18    division has sought process improvements that would  
19    result in outage-related information being shared by  
20    the company to potentially improve processes in other  
21    plants, not just at the plant that experienced the  
22    outage.

23            The parties agree that the current EBA rates  
24    under Schedule 94 shall remain in place until  
25    April 30th of 2022. The parties expect collections

1 to be approximately \$6 million between March 1, 2022,  
2 and April 30, 2022, which closely matches the  
3 6,625,339 agreed to in this stipulation.

4 Because of the large shortfall in collection  
5 for 2021 expenses, the company intends to seek  
6 interim rate treatment to begin recovering part or  
7 all of the shortfall. It is in the public interest  
8 to collect the comparatively small 2021 EBA shortfall  
9 on an expedited basis before any interim rates for  
10 the 2022 might begin to be collected.

11 The division recommends that the commission  
12 approve the settlement stipulation. As a whole, it  
13 is just and reasonable in result and in the public  
14 interest.

15 This concludes my statement.

16 Q. Thank you, Mr. Smith.

17 MR. JETTER: I have no further questions,  
18 and Mr. Smith is available for cross-examination or  
19 questions from the commission.

20 CHAIR LEVAR: Thank you.

21 Ms. Wegener, do you have any questions for  
22 Mr. Smith?

23 MS. WEGENER: I have no questions. Thank  
24 you.

25 CHAIR LEVAR: Thank you.

1 Commissioner Clark?

2 COMMISSIONER CLARK: I have no questions.

3 Thank you very much.

4 CHAIR LEVAR: Thank you.

5 Commissioner Allen?

6 COMMISSIONER ALLEN: Thank you. No  
7 questions.

8 CHAIR LEVAR: And I don't either. So thank  
9 you for your testimony this morning, Mr. Smith.

10 THE WITNESS: Thank you.

11 CHAIR LEVAR: Mr. Jetter, anything else from  
12 the division?

13 MR. JETTER: Nothing further from the  
14 division. Thank you.

15 CHAIR LEVAR: Okay. I just want to pose a  
16 question to Mr. Jetter and Ms. Wegener. It seems  
17 like if we were to approve the stipulation to -- to  
18 make it -- to be able to effectuate it, we would need  
19 to do so before the March 1st to April 30th period  
20 begins.

21 Are there any other timing sensitivities  
22 around our potential approval of this stipulation?

23 MS. WEGENER: Not that I'm aware of.

24 MR. JETTER: I don't think there are for the  
25 division. I would expect that the biggest timing

1 sensitivity might be the billing system for -- for  
2 the company. And if we're retaining the same  
3 surcharge for the extra two months, that seems like  
4 it's probably a pretty perfunctory thing to leave it  
5 in place, I guess, but I'm just speculating on that.

6 Other than that, I don't have another reason  
7 to -- to have a time constraint on an order.

8 CHAIR LEVAR: Okay. Thank you.

9 Anything else from either of you or from  
10 Commissioner Clark or Commissioner Allen?

11 Okay. Well, thank you for your  
12 participation in the hearing today and for all of the  
13 work that always goes into settlement agreements.

14 We're adjourned.

15  
16 (End of Proceedings at 10:20 a.m. MDT)

17 \* \* \* \* \*

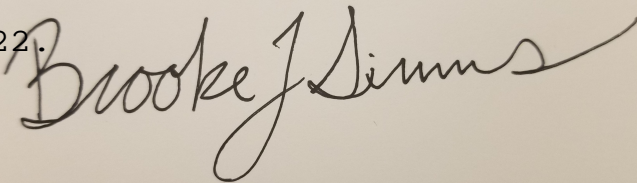
REPORTER'S CERTIFICATE

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COUNTY OF UTAH        )

I, BROOKE SIMMS, a State Certified Court  
Reporter and Registered Professional Reporter, hereby  
certify:

THAT the foregoing proceedings were taken  
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of the whole thereof.

I have subscribed my name on this 1st  
day of February, 2022.

A handwritten signature in black ink, reading "Brooke J. Simms", is written over a light beige rectangular background.

Brooke Simms, RPR, CCR, CSR

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