

PUBLIC SERVICE COMMISSION

Case No. 21-035-53

HEARING

May 25, 2022

ADVANCED REPORTING SOLUTIONS

801-746-5080 | office@advancedrep.com | advancedrep.com

SALT LAKE | 159 West Broadway, Broadway Lofts, Suite 100 | Salt Lake City, Utah 84101

PROVO | 3507 North University Avenue, Suite 350-D | Provo, Utah 84604

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



BEFORE THE PUBLIC SERVICE COMMISSION

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HEARING ON STIPULATION FOR)
EXTENSION OF EXISTING)
AGREEMENTS (US MAGNESIUM'S) Case No. 21-035-53
APPLICATION FOR)
DETERMINATION OF LONG-TERM)
RATES, TERMS, AND) Presiding Officer:
CONDITIONS OF)
INTERRUPTIBLE/DSM ELECTRIC) MICHAEL HAMMER
SERVICE WITH ROCKY MOUNTAIN)
POWER)
)
)

May 25, 2022

9:02 a.m. - 9:14 a.m.

PUBLIC SERVICE COMMISSION OF UTAH
HEBER M. WELLS BUILDING
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Reporter of Hearing: Tamra J. Berry, CSR, RPR

A P P E A R A N C E S

FOR ROCKY MOUNTAIN POWER:

EMILY WEGENER
ASSISTANT GENERAL COUNSEL AT PACIFICORP

FOR US MAGNESIUM:

PHILLIP J. RUSSELL
JAMES DODGE RUSSEL & STEPHENS, PC
Attorney at Law
10 West Broadway, Suite 400
Salt Lake City, Utah 84101
Tel: 801.363.6363
prussell@jdrsllaw.com

FOR THE DIVISION OF PUBLIC UTILITIES:

PATRICIA SCHMID
STATE OF UTAH DEPARTMENT OF COMMERCE

FOR THE OFFICE OF CONSUMER SERVICES

ROBERT MOORE
ASSISTANT ATTORNEY GENERAL

P R O C E E D I N G S

PRESIDING OFFICER HAMMER: Good morning.

We should all be here for the hearing noticed in the matter of the application of U.S. Magnesium, LLC, for a determination of long-term rates and terms of conditions of interruptible DSM electric service between it and Rocky Mountain Power. That's commission docket number 21-035-53.

My name is Michael Hammer, and I am the commission's designated presiding officer.

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

MS. WEGENER: Emily Wegener on behalf of Rocky Mountain Power. I'm sitting in an unusual spot because it's not my application.

MR. RUSSELL: Phillip Russell on behalf of U.S. Magnesium. I have with me at the table Mr. Roger Swenson.

PRESIDING OFFICER HAMMER: Thank you.

MS. SCHMID: Patricia E. Schmid with the Utah Attorney General's Office representing the Division of Public Utilities. With me at counsel table is the Division's witness, Casey J. Coleman, who can -- or who will present a brief statement

1 explaining the stipulation and the Division's support
2 for it. Thank you.

3 MR. MOORE: Robert Moore of the Attorney
4 General's Office representing the Office of Consumer
5 Services. The Office doesn't have a witness today,
6 but I can represent the Office supports the
7 stipulation.

8 PRESIDING OFFICER HAMMER: Thank you.

9 And I apologize to everyone, I'm losing my
10 voice. I'll do my best.

11 My understanding is that we're only here
12 to accept evidence today with respect to the
13 stipulation filed on May 20th, 2022.

14 Is that your understanding, Mr. Russell?

15 MR. RUSSELL: It is, your Honor.

16 PRESIDING OFFICER HAMMER: Any objection?

17 MS. WEGENER: (Shakes head.)

18 PRESIDING OFFICER HAMMER: Understood.

19 Mr Russell, as this is your application,
20 I'll ask you to call your first witness.

21 MR. RUSSELL: U.S. Magnesium calls Roger
22 Swenson.

23 PRESIDING OFFICER HAMMER: Mr. Swenson, do
24 you prefer to stay seated?

25 THE WITNESS: That would be my preference,

1 yes.

2 PRESIDING OFFICER HAMMER: Do you swear to
3 tell the truth?

4 THE WITNESS: Yes, I do.

5

6 ROGER J. SWENSON,
7 called as a witness, having been duly sworn, was
8 examined and testified as follows:

9

10 PRESIDING OFFICER HAMMER: Thank you. Go
11 ahead, Mr. Russell.

12

13 EXAMINATION

14 BY MR. RUSSELL:

15 Q. Sure, thank you. Mr. Swenson, can you
16 state and spell your name for the record, please?

17 A. My name is Roger J. Swenson.
18 S-w-e-n-s-o-n.

19 Q. And can you tell us by whom you are
20 employed?

21 A. I am a consultant with E-Quant Consulting.
22 And in that regard I represent U.S. Magnesium here
23 today as their energy consultant.

24 Q. And have you caused to be filed pre-filed
25 direct and rebuttal testimony in this docket?

1 A. Yes, I have.

2 Q. And are there any corrections to that
3 testimony?

4 A. You know at this time, no.

5 Q. Okay. And just to clarify on that, for
6 purposes of the stipulation about which we're here
7 today to discuss you don't have any corrections. But
8 to the extent that we may admit that testimony for
9 purposes of a contested hearing later, you later you
10 may have some corrections that would be relevant to
11 that. Is that --

12 A. There may be some slight corrections.
13 Nothing major.

14 Q. Okay. All right. And are you also aware
15 of a stipulation that was filed with the Commission
16 and an extension agreement to the current Electric
17 Service Agreement and Operating Reserve Interruption
18 Agreement between U.S. Magnesium and Rocky Mountain
19 Power?

20 A. Yes, I am.

21 Q. Okay. And can you briefly outline what
22 that extension agreement does?

23 A. The extension agreement lets the parties
24 in the case continue to work towards a settlement of
25 some outstanding terms and conditions that we hope

1 will lead us to an uncontested hearing.

2 We've made some progress, and we'd like to
3 continue on that progress. So we thought asking for
4 a little bit more time made sense for all parties in
5 this matter.

6 **Q. And does the extension agreement move the**
7 **term of the ESA and the ORIA from the end of**
8 **June 2022 to the end of July 2022?**

9 A. Yes, it does.

10 **Q. Okay.**

11 MR. RUSSELL: At this point I'll move for
12 the admission of Mr. Swenson's testimony for purposes
13 of this stipulation as well as the stipulation of the
14 extension agreement.

15 PRESIDING OFFICER HAMMER: It's admitted.

16 (MR. SWENSON'S TESTIMONY ADMITTED.)

17 MR. RUSSELL: And I have not asked Mr.
18 Swenson to prepare a summary of his testimony
19 because it isn't directed at the stipulation of
20 course. It's directed at the outstanding issues in
21 the case. I'm happy to have Mr. Swenson answer any
22 questions. But maybe I'll just start with asking Mr.
23 Swenson if he requests that the Commission approve
24 the stipulation.

25 A. Yes, I do.

1 MR. RUSSELL: Okay. Mr. Swenson is
2 available for cross-examination and Commission
3 questions.

4 PRESIDING OFFICER HAMMER: Ms. Wegener?

5 MS. WEGENER: No, questions. Thank you.

6 PRESIDING OFFICER HAMMER: Ms. Schmid?

7 MS. SCHMID: No questions. Thank you.

8 PRESIDING OFFICER HAMMER: Mr. Moore?

9 MR. MOORE: No questions. Thank you.

10 PRESIDING OFFICER HAMMER: I'd like
11 someone to outline the stipulation on the record, but
12 I don't know that Mr. Swenson needs to do that if
13 other witnesses are prepared to. So you can --

14 MR. RUSSELL: Do you need me to be a
15 witness? Because I can do it fairly quickly.

16 PRESIDING OFFICER HAMMER: I'd prefer
17 testimony.

18 MR. RUSSELL: Sure.

19 PRESIDING OFFICER HAMMER: So we'll
20 proceed because I expect that the DPU may do so.

21 MS. SCHMID: The Division will just
22 address two specific provisions of the stipulation
23 and offer its support of approval. We will not be
24 walking through the stipulation as a whole.

25 PRESIDING OFFICER HAMMER: I don't know

1 that we need to go through it paragraph by paragraph.

2 Mr. Russell, why don't you go ahead and
3 make any remarks about the contents of the
4 stipulation that you deem appropriate.

5 MR. RUSSELL: Sure. So there's the
6 stipulation that we're here to talk about today. And
7 as, Your Honor, I'm sure is aware, there was also a
8 stipulated motion to extend some discovery dates.
9 And those two things kind of play together, and I'll
10 try to give a bigger picture.

11 After the filing of rebuttal testimony in
12 this case, the parties started talking in earnest
13 about resolving some outstanding issues. And those
14 discussions have been productive and substantive.
15 And we realize looking at the remainder of the case
16 deadlines that there wasn't really going to be time
17 for the parties to hash out a settlement that could
18 be presented to the Division and to the Office with
19 their -- with time for them to evaluate it and give
20 any sort of recommendation to the Commission before a
21 hearing, which was supposed to start today.

22 So we got together and discussed what
23 might make sense to give the parties some time to
24 address and, you know, attempt to resolve those
25 issues. What we landed on was moving the case

1 deadlines back for a month, which was the subject of
2 the stipulated motion to extend that we filed last
3 week and that the commission has granted.

4 Separate from that, we also needed to move
5 the termination date of the existing agreement back
6 from its existing June 30, 2022 date so that there
7 could be some existing terms and conditions between
8 the parties. While they negotiated, the parties
9 agreed to move that date from June 30th to July 31.
10 And then the stipulation simply captures -- captures
11 those circumstances. And that is that it requests
12 the Commission approve the extension of that, of the
13 termination date of both the Electric Service
14 Agreement and the Operating Reserve Interruption
15 Agreement to July 31st of 2022 to allow the parties
16 to have some time to hopefully reach a stipulated
17 resolution in this matter.

18 PRESIDING OFFICER HAMMER: Thank you,
19 Mr. Russell. That's very helpful.

20 MR. RUSSELL: Sure.

21 PRESIDING OFFICER HAMMER: We'll turn to
22 you -- well, we'll go to Ms. Wegener. No witness,
23 correct?

24 MS. WEGENER: No witness. We do have
25 Estabon Lara [phonetic] here available for questions,

1 if you have any. But no witness.

2 PRESIDING OFFICER HAMMER: Rocky Mountain
3 Power does not oppose the stipulation?

4 MS. WEGENER: No. Rocky Mountain Power
5 supports the stipulation.

6 PRESIDING OFFICER HAMMER: Ms. Schmid.

7 MS. SCHMID: Thank you. The Division
8 would like to call Mr. Casey J. Coleman as its
9 witness. May he please be sworn?

10 PRESIDING OFFICER HAMMER: Mr. Coleman, do
11 you swear to tell the truth?

12 THE WITNESS: Yes.

13

14 CASEY J. COLEMAN,
15 called as a witness, having been duly sworn, was
16 examined and testified as follows:

17

18 PRESIDING OFFICER HAMMER: Go ahead.

19

20 EXAMINATION

21 BY MS. SCHMID:

22 Q. Thank you. Good morning, Mr. Coleman.
23 Could you please state and spell your full name for
24 the record.

25 A. Yeah, my name is Casey Jay Coleman,

1 C-a-s-e-y. J-a-y. C-o-l-e-m-a-n.

2 Q. By whom are you employed and what is your
3 title?

4 A. I work for the Division of Public
5 Utilities as a utility technical consultant.

6 Q. And in conjunction with your employment by
7 the Division, have you participated in this docket on
8 behalf of the division?

9 A. Yes.

10 Q. For this phase 2, did you prepare and
11 cause to be filed your direct testimony on April 7th,
12 2022?

13 A. Yes.

14 Q. For purposes of this hearing only, do you
15 have any corrections to that testimony?

16 A. No.

17 Q. Do you adopt that testimony insofar as is
18 pertinent to today's proceedings as your testimony
19 here today?

20 A. Yes.

21 MS. SCHMID: With that the Division would
22 like to move for the admission of Mr. Coleman's
23 direct testimony filed April 7th, 2022.

24 PRESIDING OFFICER HAMMER: It's admitted.

25 (MR. COLEMAN'S TESTIMONY ADMITTED.)

1 MS. SCHMID: Thank you.

2 Further, Mr. Coleman, have you
3 participated in or been aware of the discussions
4 involving the extension of the ESA and the ORIA which
5 led to the stipulation at hand being filed?

6 A. Yes, I was aware of those discussions.

7 **Q. Do you have a brief summary of the**
8 **Division's support for that stipulation?**

9 A. Yes.

10 **Q. Please proceed.**

11 A. The Division of Public Utilities
12 recommends the Commission approve the stipulation
13 filed by the parties in this docket. There are two
14 particularly important elements to this stipulation.
15 The stipulation extends the current Electric Service
16 Agreement or ESA and Operating Reserve Interruption
17 Agreement or ORIA until the later of July 31st, 2022
18 or until the Commission issues its final order in
19 this docket.

20 This stipulation also provides that if
21 Rocky Mountain Power and U.S. Magnesium reach
22 agreement, that the new terms and conditions will go
23 into effect on July 1st, 2022 and will replace the
24 terms and conditions of the currently existing ESA.
25 Any new ESA agreed upon by the parties would be

1 subject to Commission approval. Either of these
2 provisions allow for rate certainty for Rocky
3 Mountain Power and U.S. Magnesium. The second
4 provision establishes a procedure to be implemented
5 if those parties reach an agreement while also giving
6 certainty to the effective date of a new negotiated
7 agreement on a date picked by Rocky Mountain Power
8 and U.S. Magnesium.

9 By approving the stipulation as the
10 Division recommends both Rocky Mountain Power and
11 U.S. Magnesium can continue to engage in discussions
12 to resolve their disputes. The DPU signed the
13 stipulation after concluding that its terms and
14 conditions were in the public interest and submits
15 that the stipulation remains in the public interest
16 today. Therefore, the Division of Public Utilities
17 recommends that the Commission approve the
18 stipulation as filed.

19 MS. SCHMID: Thank you, Mr. Coleman.

20 Mr. Coleman is available for
21 cross-examination and questions from the hearing
22 officer.

23 PRESIDING OFFICER HAMMER: Mr. Russell?

24 MR. RUSSELL: No questions. Thank you.

25 PRESIDING OFFICER HAMMER: Ms. Wegener?

1 MS. WEGENER: No questions. Thank you.

2 PRESIDING OFFICER HAMMER: Mr. Moore?

3 MR. MOORE: Thank you. No questions.

4 PRESIDING OFFICER HAMMER: Mr. Coleman, in
5 order to approve the stipulation, the Commission is
6 required to find that a stipulation is just and
7 reasonable in result. Is it the Division's position
8 that this stipulation is just and reasonable in
9 result?

10 THE WITNESS: Yes.

11 PRESIDING OFFICER HAMMER: Thank you.
12 That's all I have.

13 MS. SCHMID: The Division has nothing
14 further. Thank you.

15 PRESIDING OFFICER HAMMER: Thank you.

16 And Mr. Moore, you have no witness,
17 correct.

18 MR. MOORE: We have no witness. But I'm
19 authorized to state that we support the stipulation
20 as just and reasonable in result.

21 PRESIDING OFFICER HAMMER: Thank you.

22 All right. Is there anything else before
23 we adjourn?

24 Okay. Thank you everyone. Have a
25 wonderful morning.

1 MR. MOORE: Thank you, your Honor.

2 PRESIDING OFFICER HAMMER: We're

3 adjourned.

4 MS. SCHMID: Thank you.

5 MR. RUSSELL: Thank you.

6 (Concluded at 9:14 a.m.)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, Tamra J. Berry, Registered Professional Reporter in and for the State of Utah, do hereby certify:

That said hearing was taken down by me in stenotype on May 25, 2022, at the place therein named, and was thereafter transcribed and that a true and correct transcription of said hearing is set forth in the preceding pages;

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

WITNESS MY HAND AND OFFICIAL SEAL this 11th day of June, 2022.



Tamra J. Berry, RPR, CSR

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