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THE BEFORE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of:)
Rocky Mountain Power's)
Application for Approval) Docket No. 22-035-01
of the 2022 Energy)
Balancing Account.)
)

PUBLIC HEARING

Proceedings held: Thursday, December 8, 2022
9:00 a.m. -- 3:40 p.m.

At: Public Service Commission of Utah
Heber Wells Building
160 East 300 South
Fourth Floor, Room 403
Salt Lake City, Utah 84111

Reported by: Michelle Cerutti, RPR, CSR

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A P P E A R A N C E S

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PUBLIC SERVICE COMMISSION OF UTAH

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P R O C E E D I N G S

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COMMISSIONER LEVAR: Good morning, 09:04:51
everyone. We're here for the Public Service 09:04:51
Commission hearing in docket 22-035-01, Rocky 09:04:54
Mountain Power's Application for Approval of the 09:04:57
2022 Energy Balancing Account. 09:05:00
From the Commission today is myself, 09:05:03
Commissioner David Clark, and Commissioner 09:05:05
Ron Allen. 09:05:05
And why don't we just go to appearances by 09:05:10
all the other parties, starting with Rocky Mountain 09:05:12
Power. 09:05:14
MR. MOSCON: Matt Moscon, Cameron Sabin, 09:05:14
and Ajay Kumar, for Rocky Mountain Power. 09:05:17
COMMISSIONER LEVAR: Okay. Thank you. 09:05:20
For the Division of Public Utilities? 09:05:22
MS. SCHMID: Patricia E. Schmid, with the 09:05:23
Attorney's General's Office, representing the 09:05:26
Division. Also it is likely that the Division's 09:05:31
newest Assistant Attorney General, Patrick Grecu, 09:05:35
will be joining us at Counsel table later today. 09:05:37
Thank you. 09:05:39
COMMISSIONER LEVAR: How is the last name 09:05:39

1	spelled?	09:05:41
2	MS. SCHMID: G-R-E-C-U.	09:05:42
3	COMMISSIONER LEVAR: Okay. Thank you.	09:05:46
4	MS. SCHMID: Thank you.	09:05:46
5	COMMISSIONER LEVAR: For the Office of	09:05:48
6	Consumer Services?	09:05:49
7	MR. MOORE: Robert Moore, of the AG's	09:05:49
8	Office, representing the Office of Consumer	09:05:52
9	Services. Our witness today, testifying	09:05:56
10	telephonically, will be Philip Hayet.	09:05:57
11	COMMISSIONER LEVAR: Okay. Thank you.	09:05:59
12	Association of Energy Users?	09:06:02
13	MR. RUSSELL: Yes. Good morning.	09:06:02
14	Philip Russell on the -- on behalf of the Utah	09:06:04
15	Association of Energy Users.	09:06:07
16	COMMISSIONER LEVAR: Okay. Thank you.	09:06:07
17	Why don't we talk about how we're going to	09:06:08
18	handle confidential information today. You know,	09:06:11
19	we have a statute that allows us to close the	09:06:13
20	hearing whenever we make a finding that it is in	09:06:15
21	the best interest of the public to do so, under	09:06:18
22	54-3-21. As a general rule, we try to keep as much	09:06:22
23	of the hearing open to the public as possible.	09:06:27
24	There's also the practical matter of is	09:06:29
25	there anyone actually prejudiced if we close the	09:06:33

1	entire hearing. And I don't know the answer to	09:06:36
2	that, but I'm posing those two questions for all of	09:06:38
3	you to respond to -- comparing the convenience	09:06:40
4	today of going in and out of open and closed	09:06:43
5	hearing, versus the benefit of having portions of	09:06:47
6	it open to the public and whether there's anyone	09:06:49
7	who -- any parties or members of the public who	09:06:52
8	might benefit from that.	09:06:53
9	So let me just start with Rocky Mountain	09:06:55
10	Power and see if you have a position on that.	09:06:57
11	MR. MOSCON: Thank you, Mr. Chariman. I	09:07:01
12	don't know that the Company opposes if the entire	09:07:03
13	thing is closed. We will note that, as previously	09:07:06
14	indicated, we believe that the entirety of the	09:07:09
15	testimony of Mr. Eller would be confidential. Some	09:07:11
16	of the testimony or responses of Mr. Richards could	09:07:14
17	be; that kind of depends on the scope of cross of	09:07:18
18	other parties. And so, we would at least want	09:07:21
19	those portions of the record to be confidential.	09:07:24
20	As far as Mr. Painter and Mr. Meredith go,	09:07:27
21	they would not. But I'll leave that to the	09:07:33
22	Commission, as far as the disruption to go in and	09:07:34
23	out of closed session. And we're happy to work	09:07:35
24	either way.	09:07:37
25	COMMISSIONER LEVAR: Okay. Thank you.	09:07:39

1	Commissioner Clark or Allen, do you have	09:07:41
2	any questions for --	09:07:41
3	COMMISSIONER CLARK: I don't. Thank you,	09:07:42
4	Chair.	09:07:44
5	COMMISSIONER ALLEN: Me neither. Thank	09:07:46
6	you.	09:07:48
7	COMMISSIONER LEVAR: Ms. Schmid?	09:07:48
8	MS. SCHMID: I don't believe that the	09:07:51
9	Division would object to having the entire hearing	09:07:52
10	closed. But balancing the interests, it seems	09:07:56
11	likely that a compromise between the need for the	09:07:59
12	public to know and our desire to let the public be	09:08:02
13	informed, and the need for commercial	09:08:05
14	confidentiality and other sensitive topics to be	09:08:08
15	protected from public disclosure, weighs in favor	09:08:11
16	of, as PacifiCorp stated, having Mr. Eller's	09:08:17
17	testimony closed.	09:08:20
18	And with regard to the Division, we	09:08:22
19	believe that Gary Smith's testimony does not	09:08:26
20	contain confidential information. And so, his	09:08:32
21	opening statement and his cross, I believe, are	09:08:35
22	suitable to be on the record for public view.	09:08:39
23	However, with regard to our second	09:08:43
24	witness, Philip DiDomenico, much of his testimony	09:08:46
25	contains confidential information. Mr. DiDomenico	09:08:52

1	filed joint testimony with Dan Koehler.	09:08:56
2	Mr. DiDomenico is our witness here on the stand	09:09:00
3	today. Mr. Koehler is -- will be available on the	09:09:03
4	phone in case there are questions for him.	09:09:07
5	Mr. DiDomenico will be adopting the entire joint	09:09:10
6	testimony. As a result, we request that when we	09:09:14
7	call Mr. DiDomenico to the stand, that that portion	09:09:18
8	of the hearing be closed. Thank you.	09:09:21
9	COMMISSIONER LEVAR: Okay. Thank you,	09:09:24
10	Ms. Schmid.	09:09:24
11	Mr. Moore?	09:09:29
12	MR. MOORE: All of our witnesses'	09:09:31
13	testimony and our planned cross still with the --	09:09:33
14	Mr. Eller's testimony -- so all of the	09:09:38
15	presentations from the OCS will be in confidential	09:09:42
16	proceedings.	09:09:48
17	We will leave it up to the Commission, as	09:09:51
18	Rocky Mountain stated, whether the other witnesses	09:09:56
19	for Rocky Mountain Power and the Division should be	09:09:59
20	allowed to testify in open session. I think that	09:10:02
21	depends on how much their testimony will be helpful	09:10:09
22	to the public, absent the confidential testimony.	09:10:15
23	COMMISSIONER LEVAR: Okay. Thank you,	09:10:20
24	Mr. Moore.	09:10:22
25	Mr. Russell?	09:10:23

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1 MR. RUSSELL: Yeah. I think what I have 09:10:24
2 to say about this probably just is repetitive of 09:10:26
3 others. UAE does not object to closing the 09:10:30
4 entirety of the hearing. I think it would make the 09:10:34
5 hearing go more smoothly, but I am not in a 09:10:36
6 position to weigh the interests of what portions of 09:10:40
7 the hearing may be otherwise available to the 09:10:40
8 public and how valuable it will be. 09:10:44
9 For our part, we do have one witness who 09:10:46
10 had some portions of his prefiled testimony that 09:10:49
11 included confidential information, but I don't 09:10:53
12 think anything in the summary of his testimony that 09:10:56
13 will presented today will contain any of that 09:10:59
14 confidential information. But obviously I can't 09:11:01
15 speak to the substance of any cross-examination 09:11:03
16 questions he might face. So I suspect if there are 09:11:06
17 any, that would be -- likely touch on confidential 09:11:09
18 topics. 09:11:12
19 COMMISSIONER LEVAR: Okay. Well, let me 09:11:14
20 propose this to the parties and to my two 09:11:15
21 colleagues: I don't think it's too disruptive if 09:11:18
22 we handle it on a witness-by-witness basis. I 09:11:22
23 think we avoid a lot of disruption by trying to 09:11:25
24 avoid portions of one witness's testimony being 09:11:28
25 open and portions being closed. So if we plan -- 09:11:28

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1 if we -- again, and to allow for flexibility on 09:11:30
2 cross-examination, for example of Mr. Higgins, if 09:11:33
3 we plan for Mr. Meredith's, Mr. Painter's, and 09:11:35
4 Mr. Smith's testimony to be in open hearing and 09:11:40
5 plan to close for the entirety of the testimony and 09:11:42
6 cross-examination for all remaining witnesses, is 09:11:45
7 that agreeable to everyone? 09:11:48
8 MR. SABIN: Sure. 09:11:51
9 MR. MOORE: Sure. 09:11:52
10 COMMISSIONER LEVAR: And under Utah Code 09:11:53
11 54-3-21, that requires a finding that to do so is 09:11:56
12 in the best interest of the public. 09:12:00
13 So let me turn to my two colleagues. 09:12:01
14 Are -- is there any objection to that finding as we 09:12:04
15 move forward today? 09:12:06
16 COMMISSIONER CLARK: Not from me. I think 09:12:08
17 it's the appropriate thing to do and in the public 09:12:10
18 interest to do it. 09:12:10
19 COMMISSIONER LEVAR: Okay. 09:12:14
20 COMMISSIONER ALLEN: I concur. Let's 09:12:14
21 handle it that way. Thank you. 09:12:16
22 COMMISSIONER LEVAR: Okay. Well, we 09:12:18
23 will -- we make that finding as just described, and 09:12:20
24 we will plan to have the witnesses handled that 09:12:22
25 way. 09:12:25

1	Anything else preliminarily before we go	09:12:26
2	to the first witness?	09:12:28
3	MS. SCHMID: Just one thing. The hearing	09:12:30
4	is scheduled for one day. However, in the extent	09:12:32
5	that we do not finish today, the Division requests	09:12:35
6	that its witness Mr. DiDomenico is put on the stand	09:12:40
7	today, as his flight leaves --	09:12:43
8	MR. DIDOMENICO: Early tomorrow.	09:12:47
9	MS. SCHMID: -- early tomorrow morning.	09:12:50
10	Thank you.	09:12:52
11	COMMISSIONER LEVAR: Okay. I think when	09:12:52
12	we get into early afternoon would be the right time	09:12:54
13	to decide if we need to make adjustments like that.	09:12:57
14	MS. SCHMID: Thank you.	09:13:01
15	COMMISSIONER LEVAR: Okay. So I'll go to	09:13:02
16	Mr. Moscon or Mr. Sabin for your first witness. Do	09:13:05
17	we -- well, or if you're calling Mr. Meredith	09:13:08
18	first, do we have the audio situation resolved? Or	09:13:08
19	are we still working on it?	09:13:09
20	MR. MOSCON: We'll be calling Mr. Painter	09:13:09
21	first, if that helps.	09:13:12
22	COMMISSIONER LEVAR: Okay. Well, why	09:13:03
23	don't you go ahead, then.	09:13:14
24	MR. SABIN: Sure. The Company calls	09:13:14
25	Mr. Jack Painter as its first witness.	09:13:17

1	COMMISSIONER LEVAR: Okay. Good morning,	09:13:28
2	Mr. Painter.	09:13:28
3	MR. PAINTER: Hello.	09:13:28
4	COMMISSIONER LEVAR: Do you swear to tell	09:13:28
5	the truth?	09:13:28
6	MR. PAINTER: I do.	09:13:28
7	COMMISSIONER LEVAR: Thank you.	09:13:35
8		09:13:35
9	DIRECT EXAMINATION OF JACK PAINTER	09:13:35
10	BY MR. SABIN:	09:13:35
11	Q. Good morning, Mr. Painter.	09:13:36
12	A. Good morning.	09:13:38
13	Q. Could you please state your full name for	09:13:40
14	the record?	09:13:42
15	A. My full name is Jack Painter,	09:13:42
16	P-A-I-N-T-E-R.	09:13:47
17	COMMISSIONER LEVAR: Okay. I think your	09:13:48
18	microphone is not picking it up.	09:13:49
19	BY MR. SABIN:	09:13:49
20	Q. Push the button until the light goes on.	09:13:52
21	A. My name is Jack Painter.	09:13:54
22	Q. Mr. Painter, could you please identify	09:13:59
23	your title and responsibilities with the Company?	09:14:00
24	A. Yes. My title is net power cost	09:14:03
25	specialist for Rocky Mountain Power, and I'm	09:14:05

1 responsible for the calculation of our net power 09:14:07
2 cost in this EBA filing. 09:14:08
3 Q. You might just want to move that in a 09:14:08
4 little closer to you, just so it picks you up well. 09:14:08
5 Okay. Mr. Painter, I show that you have 09:14:15
6 submitted in this proceeding direct testimony, with 09:14:17
7 one exhibit marked JP-1; that you also submitted 09:14:22
8 response testimony; and that you submitted rebuttal 09:14:27
9 and surrebuttal testimony as well. 09:14:33
10 Is that all correct? 09:14:35
11 A. That is correct. 09:14:37
12 Q. Okay. And do you have any corrections to 09:14:37
13 any of those filed testimonies? 09:14:39
14 A. No, I do not. 09:14:42
15 Q. Okay. And do you adopt the information 09:14:43
16 contained in your testimony, submitted in those 09:14:46
17 documents? 09:14:49
18 A. I do. 09:14:49
19 Q. Okay. And if you were asked the same 09:14:50
20 questions today, would you respond as you did in 09:14:52
21 your written testimony? 09:14:55
22 A. Yes. 09:14:56
23 MR. SABIN: Okay. Mr. Chair, we move to 09:14:57
24 admit Mr. Painter's direct testimony, with exhibit 09:15:01
25 JP-1; as well as his response, rebuttal, and 09:15:04

1	surrebuttal testimonies.	09:15:09
2	COMMISSIONER LEVAR: Thank you.	09:15:10
3	Please indicate if anyone objects to that	09:15:11
4	motion.	09:15:14
5	I'm not seeing any objections, so it's	09:15:14
6	granted.	09:15:17
7	(Exhibit No. 1 admitted into	09:15:17
8	evidence.)	09:15:18
9	BY MR. SABIN:	09:15:18
10	Q. Great. Mr. Painter, have you prepared a	09:15:18
11	summary of your -- the testimony we just reviewed?	09:15:22
12	A. Yes, I have.	09:15:24
13	Q. Okay. Would you please share that now.	09:15:25
14	A. Good morning, Chair LeVar, Commissioner	09:15:30
15	Clark, and Commissioner Allen. My name is	09:15:34
16	Jack Painter. I'm a net power specialist for Rocky	09:15:37
17	Mountain Power.	09:15:40
18	Rocky Mountain Power filed its Energy	09:15:40
19	Balancing Account, or EBA, application on	09:15:43
20	March 15, 2022, for the deferral period of	09:15:47
21	January 2021, through December 2021. The Company	09:15:53
22	requested recovery of \$90.6 million, which	09:15:55
23	consisted of 107.6 million for the deferral of	09:16:00
24	excess EBA-related costs, which are calculated as	09:16:04
25	the difference between actual net power costs,	09:16:07

1	wheeling revenue, and production tax credits; and	09:16:12
2	the base net power costs, wheeling revenue, and	09:16:12
3	production tax credits.	09:16:16
4	Additionally, there was a 22.4 million	09:16:18
5	credit for sales made to a special contract	09:16:20
6	customer; and 5.4 million in costs related to	09:16:25
7	smaller items, including interest and other costs	09:16:26
8	and credits.	09:16:30
9	At the EBA interim rates hearing, the	09:16:30
10	Company updated its requested recovery to	09:16:33
11	90.4 million to correct an error in the interest	09:16:38
12	calculation from its original application.	09:16:42
13	The Division of Public Utilities issued	09:16:44
14	its audit report on the EBA on September 21, 2022,	09:16:46
15	and proposed a reduction to the Company's EBA	09:16:51
16	application of approximately \$1.8 million,	09:16:53
17	consisting of 1.3 million for replacement power	09:16:56
18	costs associated with generating-plant and	09:17:01
19	transmission outages, 229,000 for lost production	09:17:04
20	tax credits tied to the wind-generating outages,	09:17:07
21	190,000 for the Company's interest calculation	09:17:12
22	update, \$754 for an adjustment to the production	09:17:13
23	tax credit calculation for negative generation, and	09:17:18
24	\$29,000 for an interest adjustment.	09:17:21
25	In my testimony responding to the DPU's	09:17:24

1	EBA audit report, the Company revised its EBA	09:17:29
2	filing by accepting the update to the production	09:17:32
3	tax credits calculation for negative generation.	09:17:35
4	The Company disagrees with the proposed	09:17:38
5	adjustments for the generating-plant outages at	09:17:44
6	Blundell, Craig, Dave Johnston, Lake Side, and the	09:17:44
7	transmission outage at Aeolus, which will be	09:17:48
8	further explained by Rocky Mountain Power witnesses	09:17:51
9	Brad Richards and Craig Eller.	09:17:55
10	Additionally, the Company disagrees with	09:17:56
11	replacement power cost calculation for the Aeolus	09:17:58
12	substation outage that the DPU updated from the	09:18:02
13	Company's provided data responses, and which the	09:18:05
14	OCS has also adopted. The update that the DPU made	09:18:10
15	relies on a calculation methodology for a	09:18:14
16	standalone generating-plant outage, and not a	09:18:16
17	transmission outage. The standard replacement	09:18:19
18	power cost calculation that both the Company and	09:18:22
19	the DPU have used in previous EBA filings and this	09:18:24
20	filing for generating-plant outages has always been	09:18:29
21	an estimate, because the impact to the Company's	09:18:32
22	actual system operations cannot be determined.	09:18:35
23	With the Aeolus substation outage, the	09:18:39
24	Company was able to identify the next marginal cost	09:18:42
25	resource along the transmission path to determine	09:18:46

1 the impact to the system in both actual costs and 09:18:49
2 actual megawatt hours. Specifically, the Company 09:18:53
3 was able to determine that this outage would have 09:18:57
4 increased generation at the Jim Bridger plant and 09:19:00
5 the east-side gas-generation facilities. The 09:19:04
6 Division's calculation uses market purchases to 09:19:07
7 replace the lost generation, which does not reflect 09:19:10
8 system operations and substantially inflates the 09:19:12
9 replacement power cost. Because the impact to the 09:19:17
10 Company's system and its operations in a 09:19:19
11 transmission outage are different, it is neither 09:19:21
12 appropriate nor accurate to use a replacement power 09:19:24
13 cost calculation based solely upon market 09:19:28
14 purchases. 09:19:32
15 Lastly, parties disagree on the inclusion 09:19:33
16 of the EIM BOSR and WPP WRAP costs that have been 09:19:36
17 included in this EBA filing. Both the EIM BOSR and 09:19:39
18 WPP WRAP fees are directly tied to net power costs 09:19:45
19 and provide substantial benefits to customers 09:19:48
20 through the energy imbalance market, and provide 09:19:50
21 for future resource adequacy. The Utah Public 09:19:50
22 Service Commission is a participant in the 09:19:54
23 EIM BOSR, and the costs incurred by the Company 09:19:58
24 support the Commission's participation. Through 09:19:59
25 the WPP WRAP, the Company is implementing a 09:20:02

1 structure that addresses resource and reliability 09:20:06
2 needs for its customers through the coordination 09:20:09
3 and sharing of pooled resources that will directly 09:20:12
4 lower net power costs and ensure customers continue 09:20:15
5 to receive reliable and affordable energy. 09:20:15
6 The costs that the Company are requesting 09:20:20
7 to be recovered in the EBA are reasonable and have 09:20:22
8 been prudently incurred. I respectfully request 09:20:25
9 that the Commission approve the EBA recovery 09:20:29
10 request as filed in my rebuttal testimony. 09:20:29
11 Q. Thank you, Mr. Painter. 09:20:34
12 MR. SABIN: Mr. Chair, Mr. Painter is 09:20:38
13 available for cross-examination at this time. 09:20:38
14 COMMISSIONER LEVAR: Thank you. 09:20:40
15 Ms. Schmid? 09:20:42
16 MS. SCHMID: The Division has no questions 09:20:42
17 for Mr. Painter. Thank you. 09:20:44
18 COMMISSIONER LEVAR: Thank you. 09:20:46
19 Mr. Moore? 09:20:47
20 MR. MOORE: No questions. Thank you. 09:20:49
21 COMMISSIONER LEVAR: Mr. Russell? 09:20:51
22 MR. RUSSELL: I do have a couple. 09:20:52
23 09:20:54
24
25

1	CROSS-EXAMINATION OF JACK PAINTER	09:20:54
2	BY MR. RUSSELL:	09:20:54
3	Q. Good morning, Mr. Painter.	09:20:55
4	A. Good morning.	09:20:56
5	Q. And I want to touch very briefly on the	09:20:57
6	BOSR and WRAP fees. You've indicated, or the	09:21:00
7	Company has indicated in response to the data	09:21:02
8	requests -- which I have, and we can use if	09:21:05
9	necessary -- that the cost items that you are	09:21:07
10	seeking recovery of are recorded in FERC	09:21:12
11	account 557; is that right?	09:21:17
12	A. Yes, that is correct.	09:21:19
13	Q. Okay. And that is not a sub-account that	09:21:20
14	is listed in Electric Service Schedule No. 94; is	09:21:22
15	that correct?	09:21:27
16	A. No. That account is not listed.	09:21:27
17	Q. Okay. And it's also the case that there	09:21:29
18	are other EIM-related fees that the Company incurs	09:21:31
19	that are not included in the EBA; is that right?	09:21:35
20	A. That is correct.	09:21:38
21	Q. Okay. And I think, just generally, those	09:21:39
22	include some grid-management charges that are	09:21:43
23	booked to operations, maintenance, administrative,	09:21:51
24	and general accounts; is that right?	09:21:56
25	A. Yes.	09:21:57

1	Q. Okay. That's what I had on that.	09:21:58
2	I do want to talk very briefly about --	09:22:00
3	and I'll be careful here. You -- in your summary	09:22:03
4	you raise a distinction between transmission	09:22:07
5	outages and generation outages. You raise that	09:22:10
6	distinction in regards to some damages	09:22:15
7	methodologies, which I don't want to touch on with	09:22:18
8	you. I'm just -- I'm curious, did the -- did the	09:22:20
9	Company include or identify the substation or	09:22:25
10	transmission outage with its initial application	09:22:29
11	filing in this docket?	09:22:33
12	A. No.	09:22:35
13	Q. Okay. And why was that?	09:22:36
14	A. The Company does not reply -- provide	09:22:40
15	replacement power cost calculations for any outage	09:22:43
16	in its initial application.	09:22:47
17	Q. Well, it -- so I'm not focusing on the	09:22:50
18	replacement power costs, necessarily.	09:22:51
19	I'm just -- the identification of the	09:22:54
20	outage itself.	09:22:56
21	A. The identification of the outage would	09:22:57
22	have been provided in the filing requirements that	09:23:01
23	we provide in the EBA filing.	09:23:03
24	Q. You're saying it would have been?	09:23:05
25	A. That is correct.	09:23:07

1 Q. Okay. And in -- in what filing 09:23:08
2 requirement response would that have been included? 09:23:10
3 A. I do not know the exact, specific filing 09:23:12
4 response number that is included. 09:23:15
5 Q. Okay. 09:23:20
6 MR. RUSSELL: I -- I have with me EBA 09:23:20
7 Filing Requirement 6, if the Commission will allow 09:23:24
8 me to approach? 09:23:28
9 COMMISSIONER LEVAR: Yes. 09:23:30
10 (Exhibit No. 2 marked for 09:23:30
11 identification.) 09:24:06
12 BY MR. RUSSELL: 09:24:06
13 Q. Mr. Painter, if you would, turn in this 09:24:07
14 document -- and just for the record, this is a 09:24:09
15 document that I printed off of the docket on the 09:24:11
16 Commission's website. It is -- I believe, it's 09:24:14
17 Exhibit I, with the initial application, which 09:24:18
18 identified -- provided some of the filing 09:24:22
19 requirements. 09:24:25
20 And I'd like you to focus on 6(c), which 09:24:25
21 calls for the Company to submit outage logs and a 09:24:32
22 list of all outages during the EBA period. 09:24:36
23 Do you see that? 09:24:40
24 A. Yes. 09:24:41
25 Q. Okay. And in the response, the Company -- 09:24:41

1 which is on the third page of the document -- the 09:24:43
2 Company identifies thermal, hydroelectric, and wind 09:24:47
3 resources as outages in response to 6(c); is that 09:24:52
4 right? 09:24:55
5 A. That is correct. 09:24:55
6 Q. Okay. And in connection with that, you 09:24:55
7 submitted some spreadsheets that identified outages 09:24:58
8 at those various generation plants. And in the -- 09:25:01
9 you know, through the lens of those generation 09:25:08
10 outages, there were -- there was some reference to 09:25:10
11 the -- to the event at Aeolus; is that right? 09:25:13
12 A. That is correct. 09:25:17
13 Q. Okay. But in connection with the, kind 09:25:19
14 of, overall response, there isn't a description of 09:25:24
15 this transmission outage in response to 6(c); is 09:25:27
16 that right? 09:25:30
17 A. That is correct. 09:25:30
18 Q. And is there somewhere else in the filing 09:25:30
19 requirements that the transmission outage would 09:25:33
20 have been identified? Or is that what you were 09:25:36
21 referring to earlier? 09:25:38
22 A. This is what I was referring to earlier. 09:25:39
23 To my knowledge, there is not a separate filing 09:25:42
24 requirement for substation outages. 09:25:45
25 Q. Okay. And it was not something that you 09:25:47

1 described in your direct testimony; is that right? 09:25:51

2 A. That is correct. 09:25:55

3 Q. Okay. 09:25:58

4 MR. RUSSELL: That's all I have for 09:25:58

5 Mr. Painter. Thank you. 09:25:59

6 COMMISSIONER LEVAR: Thank you. 09:26:01

7 Commissioner Allen, do you have any 09:26:02

8 questions for Mr. Painter? 09:26:04

9 COMMISSIONER ALLEN: No questions. Thank 09:26:06

10 you. 09:26:08

11 MR. SABIN: Do -- excuse me. I'm sorry. 09:26:08

12 Can I just -- 09:26:10

13 COMMISSIONER LEVAR: Oh, I -- I think -- 09:26:11

14 MR. SABIN: No problem. 09:26:11

15 COMMISSIONER LEVAR: Redirect. 09:26:13

16 MR. SABIN: Yes. Just very briefly. I 09:26:14

17 just wanted -- I apologize. 09:26:15

18 09:26:15

19 REDIRECT EXAMINATION OF MR. PAINTER 09:26:20

20 BY MR. SABIN: 09:26:20

21 Q. Just two quick things. 09:26:20

22 Mr. Painter, as far as you know, did the 09:26:22

23 Company comply in every respect with the filing 09:26:24

24 requirements when it made its EBA filing in this 09:26:28

25 case? 09:26:32

1	A. Absolutely.	09:26:32
2	Q. Did -- would the logs that show -- that	09:26:32
3	you provided, show the generation outages that	09:26:35
4	would have been prompted by the Aeolus fire?	09:26:38
5	A. Yes.	09:26:42
6	Q. And when -- when the Aeolus fire was	09:26:42
7	raised by the parties, did the -- how did the	09:26:53
8	Company respond, as far as you know?	09:26:55
9	A. To my understanding, when we received data	09:26:57
10	responses and questions about that, we responded	09:27:01
11	and answered the questions to the best that we	09:27:04
12	could and immediately, kind of, offered up an	09:27:09
13	informal conference to discuss further, to make	09:27:14
14	sure they understood what had happened.	09:27:17
15	Q. Okay. And then, lastly, could you just	09:27:20
16	please describe why it is that you think the	09:27:22
17	EIM BOSR and WRAP fees, although they're not listed	09:27:26
18	in the schedule that Mr. Russell referenced, why	09:27:29
19	those should, in your mind, be recoverable through	09:27:33
20	the EBA?	09:27:37
21	A. Yeah. Both of those fees and costs are	09:27:38
22	directly tied to net power costs and provide	09:27:41
23	tremendous benefits to customers. And it's	09:27:44
24	important, one, both for the BOSR and the	09:27:47
25	Commission's participation, to understand the EIM	09:27:50

1 and its impact. In this case specifically, there 09:27:52
2 was over \$115 million in benefits for the EIM -- 09:27:56
3 and I think that's important for the Commission to 09:28:00
4 understand -- and as part of the EIM, is a required 09:28:02
5 cost. And second, the WRAP program and its 09:28:05
6 implementation is important for adequacy and is 09:28:09
7 also going to provide direct impacts to net power 09:28:13
8 costs. 09:28:16
9 Q. Thank you, Mr. Painter. 09:28:17
10 MR. SABIN: Mr. Chair, I have no further 09:28:17
11 questions. 09:28:21
12 COMMISSIONER LEVAR: Thank you. I 09:28:22
13 apologize for the oversight. 09:28:23
14 Mr. Russell, any recross? 09:28:25
15 MR. RUSSELL: Yeah, I do. Just very 09:28:27
16 briefly. 09:28:27
17 09:28:27
18 RECROSS EXAMINATION BY MR. RUSSELL 09:28:27
19 BY MR. RUSSELL: 09:28:27
20 Q. In connection with Mr. Sabin's question 09:28:29
21 about whether the logs of generation outages would 09:28:33
22 have made reference to the substation outage, they 09:28:37
23 only would have done so to the extent that the 09:28:40
24 generation units that you were referring to in 09:28:43
25 those logs that we talked about earlier were fully 09:28:48

1	out -- is that right -- experienced the full	09:28:49
2	outage, rather than a curtailment to generation;	09:28:53
3	correct?	09:28:56
4	A. I do not know that specifically. I know	09:28:56
5	the outage logs do contain complete outages. I do	09:28:59
6	not know, when it comes to curtailment and D rates,	09:29:02
7	if those are included in those outages or not.	09:29:06
8	Q. Okay. I think this is something I can	09:29:10
9	explore with Mr. DiDomenico later when we'll be in	09:29:13
10	confidential session, and it might be easier.	09:29:17
11	But in any event, somebody who is	09:29:18
12	reviewing the information that is provided with	09:29:22
13	those logs is viewing it through the lens of how it	09:29:24
14	affected generation units, to the extent that that	09:29:27
15	information is provided in those logs; right?	09:29:31
16	A. That is correct.	09:29:34
17	Q. Okay. It, in any event, does not	09:29:34
18	describe -- or, those logs do not describe the	09:29:38
19	duration or the extent of the transmission outage,	09:29:40
20	per se; right?	09:29:45
21	A. That is correct.	09:29:46
22	Q. Okay. Thank you.	09:29:47
23	COMMISSIONER LEVAR: Thank you. Oh --	09:29:48
24	thank you, Mr. Russell.	09:29:51
25	Commissioner Allen, I'll ask you one more	09:29:53

1	time if you have any questions?	09:29:56
2	COMMISSIONER ALLEN: Still no questions.	09:29:58
3	Thank you.	09:29:58
4	COMMISSIONER LEVAR: Okay. Thank you.	09:29:58
5	Commissioner Clark?	09:30:01
6	COMMISSIONER CLARK: No questions. Thank	09:30:04
7	you.	09:30:05
8	COMMISSIONER LEVAR: I have a couple of	09:30:05
9	issues I just want to ask briefly about.	09:30:07
10	Going forward, is there any reason we --	09:30:08
11	is there -- we should not amend Filing	09:30:11
12	Requirement 6 to include a requirement for	09:30:13
13	substation outages? Is there -- can you articulate	09:30:15
14	a reason why that should be -- shouldn't be a part	09:30:18
15	of it?	09:30:21
16	MR. PAINTER: To my understanding, the	09:30:22
17	Company has intentions to discuss with the parties	09:30:24
18	future options for reporting the information that	09:30:26
19	they are seeking.	09:30:30
20	COMMISSIONER LEVAR: Okay. With respect	09:30:32
21	to the Western Power Pool Resource Adequacy	09:30:36
22	Program, I'd like to better understand that, what	09:30:40
23	you see as the connection between that and net	09:30:43
24	power costs.	09:30:45
25	MR. PAINTER: So the Western Resource	09:30:46

1 Adequacy Program is going to be a program that many 09:30:49
2 western utilities are engaging in, in order to pool 09:30:53
3 their resources. And with those pooled resources, 09:30:57
4 they will be able to lean on each other, rather 09:31:01
5 than being exposed to the market. That should 09:31:05
6 directly result in lower net power costs to 09:31:08
7 customers. There will also be transactions engaged 09:31:12
8 in those that, to my understanding, will be booked 09:31:15
9 to net power cost accounts that ultimately are 09:31:18
10 going to lower costs for customers. 09:31:21
11 COMMISSIONER LEVAR: So what -- when the 09:31:23
12 program is operational, you say "lower net power 09:31:24
13 costs." 09:31:28
14 Is that fewer market transactions? lower 09:31:29
15 fuel costs? Or, how do you exactly -- how do you 09:31:32
16 anticipate that rolling into net power costs? 09:31:34
17 MR. PAINTER: Yeah. I think, all of the 09:31:38
18 above, exactly. Being able to choose a resource 09:31:39
19 that is not exposed to the market, either via the 09:31:43
20 reduction in our own generation or to take somebody 09:31:47
21 else's generation at a cheaper cost than market 09:31:52
22 purchases. 09:31:56
23 COMMISSIONER LEVAR: Okay. And what is 09:31:57
24 the implementation timeline for the program? 09:31:58
25 And then, in connection with that -- so, 09:32:02

1 two questions -- second is: When would you expect 09:32:03
2 to see the impacts on net power costs materialize? 09:32:05
3 MR. PAINTER: To my understanding right 09:32:10
4 now, that would be 2025. 09:32:11
5 COMMISSIONER LEVAR: For both -- for both 09:32:14
6 questions? 09:32:15
7 MR. PAINTER: Sorry. Can you rephrase 09:32:17
8 the -- 09:32:18
9 COMMISSIONER LEVAR: Well, I asked when 09:32:20
10 the binding program begins implementation. 09:32:22
11 And then, the second question is: Would 09:32:25
12 you see the impact immediately at that point? 09:32:27
13 MR. PAINTER: Yeah. To my understanding, 09:32:30
14 the binding implementation has occurred as of, I 09:32:31
15 think, this morning, from my understanding. 09:32:36
16 And as far as the -- being able to engage 09:32:38
17 in the transactions within the WRAP, then that is 09:32:44
18 the 2025. 09:32:45
19 COMMISSIONER LEVAR: Okay. 2025 is when 09:32:47
20 transactions should be enabled? 09:32:49
21 MR. PAINTER: Yeah. That is my -- my 09:32:51
22 understanding. 09:32:52
23 COMMISSIONER LEVAR: Okay. I don't have 09:32:55
24 any other questions. Thank you for your testimony 09:32:56
25 this morning. 09:32:58

1 MR. PAINTER: You're welcome. 09:33:00

2 COMMISSIONER LEVAR: We'll go to your next 09:33:00

3 witness. 09:33:02

4 Do we have the audio issues resolved for 09:33:02

5 Mr. Meredith? 09:33:08

6 MS. PASCHAL: Mr. Meredith is still on the 09:33:10

7 Google Meet, but he's not on the conference call. 09:33:10

8 We've been trying to contact him. 09:33:10

9 COMMISSIONER LEVAR: Okay. So he's on the 09:33:12

10 Google Meet, but we're having trouble getting that 09:33:13

11 linked through our audio system. So we're trying 09:33:16

12 to call him on a conference call, but I guess he 09:33:18

13 has -- we haven't been able to get him on the 09:33:18

14 conference call. We'd have much better audio 09:33:19

15 quality. 09:33:21

16 Should we take a five-minute recess -- 09:33:22

17 MR. SABIN: That would be great. 09:33:26

18 COMMISSIONER LEVAR: -- to try to get him 09:33:26

19 on? 09:33:26

20 MR. SABIN: Yeah. That would be great. 09:33:26

21 Thank you. 09:33:29

22 COMMISSIONER LEVAR: Okay. We'll recess 09:33:29

23 until 9:40 on that clock. 09:33:32

24 (Short recess taken.) 09:33:35

25 COMMISSIONER LEVAR: Okay. We will begin 09:40:41

1	the transcript again.	09:40:43
2	And you can call your next witness.	09:40:44
3	MR. SABIN: Okay. The Company calls	09:40:46
4	Mr. Robert Meredith.	09:40:49
5	Mr. Meredith, can you hear us?	09:40:51
6	MR. MEREDITH: Yeah, I can.	09:40:54
7	MR. SABIN: Okay. Mr. Meredith, could you	09:40:57
8	please state your full name?	09:40:58
9	MR. MEREDITH: Okay. My name is	09:41:01
10	Robert Meredith. Robert is spelled R-O-B-E-R-T.	09:41:03
11	Meredith is spelled M-E-R-E-D-I-T-H.	09:41:08
12	MR. SABIN: Mr. Chair, did you have	09:41:14
13	something else?	09:41:14
14	COMMISSIONER LEVAR: I just need to swear	09:41:16
15	him in.	09:41:17
16	MR. SABIN: Oh, I'm sorry.	09:41:17
17	COMMISSIONER LEVAR: Mr. Meredith, do you	09:41:17
18	swear to tell the truth?	09:41:17
19	MR. MEREDITH: Yes, I do.	09:41:17
20	COMMISSIONER LEVAR: Okay. And I'll -- I	09:41:22
21	won't comment on how much we've spent on this	09:41:23
22	system to have a microphone connected in front of a	09:41:27
23	cell phone, but that's what we're doing.	09:41:30
24	Thank you for making it work.	09:41:32
25		09:41:32

1	DIRECT EXAMINATION OF ROBERT MEREDITH	09:41:34
2	BY MR. SABIN:	09:41:34
3	Q. Mr. Meredith, would you please state your	09:41:35
4	title and your responsibilities with the Company?	09:41:37
5	A. Yes. My present title is director of	09:41:40
6	pricing and policy. My responsibilities include	09:41:44
7	supporting the retail rates, cost of service, and	09:41:47
8	rules across our six-state service territory.	09:41:53
9	Q. Okay. Mr. Meredith, in this case I show	09:41:57
10	that you've submitted direct testimony, with	09:42:00
11	Exhibits RMM-1 through RMM-3; is that correct?	09:42:01
12	A. Yes.	09:42:06
13	Q. Do you have any changes or corrections to	09:42:07
14	your testimony?	09:42:10
15	A. I do not.	09:42:13
16	Q. Do you adopt the testimony you've	09:42:14
17	submitted for today's purposes?	09:42:16
18	A. Yes.	09:42:20
19	Q. And if we were to ask you the same	09:42:20
20	questions in that testimony, would you provide the	09:42:23
21	same information?	09:42:25
22	A. I would.	09:42:28
23	Q. Okay. Mr. Meredith have you prepared --	09:42:29
24	oh, excuse me.	09:42:33
25	MR. SABIN: Mr. Chair, we move to admit	09:42:34

1	the direct testimony of Robert Meredith, with	09:42:36
2	Exhibits RMM-1 through RMM-3.	09:42:39
3	COMMISSIONER LEVAR: Thank you.	09:42:42
4	Please indicate if anyone objects to the	09:42:43
5	motion.	09:42:45
6	I'm not seeing any, so it's granted.	09:42:46
7	(Exhibit No. 3 admitted into	09:42:46
8	evidence.)	09:42:47
9	BY MR. SABIN:	09:42:47
10	Q. All right. Mr. Meredith, have you	09:42:49
11	prepared a summary of your testimony?	09:42:52
12	A. Yes, I have.	09:42:54
13	Q. Would you please share that with everybody	09:42:55
14	now?	09:42:57
15	A. Yes. Good morning, Chair LeVar,	09:42:58
16	Commissioner Clark, and Commissioner Allen.	09:43:04
17	In my direct testimony I presented to the	09:43:05
18	Commission the Company's proposed rate spread and	09:43:05
19	prices for the 2022 Energy Balancing Account, or	09:43:07
20	EBA. The Company's proposed increase to the EBA is	09:43:14
21	\$40.2 million, or about 1.9 percent. This net	09:43:21
22	change is the difference between the current	09:43:24
23	collection level of \$37.5 million and the new	09:43:26
24	proposed collection level of \$77.7 million for the	09:43:31
25	2022 EBA.	09:43:36

1	The proposed rate spread and rate design	09:43:37
2	for the 2022 EBA has been prepared in a manner	09:43:41
3	consistent with prior EBA balances, and they are	09:43:45
4	not contested by any party in this proceeding.	09:43:47
5	That concludes my summary statement.	09:43:51
6	Q. All right. Mr. -- thank you,	09:43:54
7	Mr. Meredith.	09:43:55
8	MR. SABIN: Mr. Chair, Mr. Meredith is	09:43:56
9	available for cross-examination.	09:43:57
10	COMMISSIONER LEVAR: Thank you.	09:43:59
11	Ms. Schmid, any questions?	09:44:01
12	MS. SCHMID: The Division has no	09:44:02
13	questions. Thank you.	09:44:04
14	COMMISSIONER LEVAR: Thank you.	09:44:05
15	Mr. Moore?	09:44:06
16	MR. MOORE: The OCS has no questions.	09:44:07
17	Thank you.	09:44:08
18	COMMISSIONER LEVAR: Okay. Thank you.	09:44:08
19	Mr. Russell?	09:44:09
20	MR. RUSSELL: No questions. Thank you.	09:44:09
21	COMMISSIONER LEVAR: Commissioner Clark?	09:44:11
22	COMMISSIONER CLARK: No questions. Thank	09:44:14
23	you.	09:44:17
24	COMMISSIONER LEVAR: Commissioner Allen?	09:44:17
25	COMMISSIONER ALLEN: No questions.	09:44:19

1 COMMISSIONER LEVAR: And I don't either. 09:44:20
2 So thank you for your testimony, 09:44:22
3 Mr. Meredith; and thank you for your patience with 09:44:23
4 our technology issues this morning. 09:44:25
5 MR. SABIN: I don't know that we're 09:44:27
6 required to do this, but Mr. Meredith has other 09:44:29
7 things he needs to be doing today. Is it okay if 09:44:32
8 we release him from -- let him go? 09:44:36
9 COMMISSIONER LEVAR: Does anybody in the 09:44:37
10 room have any reason to anticipate calling him 09:44:38
11 back? 09:44:43
12 I'm not seeing anything, so thank you for 09:44:44
13 letting us know. 09:44:48
14 MR. SABIN: Okay. Thank you very much. 09:44:48
15 Thanks, Mr. Meredith. 09:44:48
16 MR. MEREDITH: Thank you. Bye. 09:44:49
17 COMMISSIONER LEVAR: And consistent with 09:44:49
18 the finding earlier this morning, why don't we go 09:44:50
19 ahead and close the hearing for the remaining two 09:44:54
20 Rocky Mountain Power witnesses. 09:44:54
21 So if we can discontinue the streaming and 09:44:57
22 mark the transcript as confidential from this point 09:45:00
23 forward.
24 (The following portion has been
25 designated confidential.)

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6 (End of confidential portion.)

7 13:29:52

8	COMMISSIONER LEVAR: Okay. Good	13:29:52
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9 | afternoon. We'll start the hearing again. At this 13:29:54

10	point, we are in a hearing that is open to the	13:29:57
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11 public. So we're streaming, and the transcript is 13:29:59

12 nonconfidential at this point. 13:30:03

13 So we'll go to Ms. Schmid and the Division 13:30:05

14 of Public Utilities. 13:30:09

15 MS. SCHMID: Thank you very much. I would 13:30:09

16 like to relate that Patrick Grecu has joined us for 13:30:11

17 the Division at Counsel table. We welcome him 13:30:16

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18 |         here.                                     13:30:19
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19	The Division would like to call	13:30:19
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20 Mr. Gary Smith as its first witness. 13:30:23

21 COMMISSIONER LEVAR: Thank you. 13:30:27

22	Welcome to our hearing room. How do you	13:30:28
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23	pronounce your last name, again?	13:30:29
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24	MR. GRECU: Grecu.	13:30:32
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25	COMMISSIONER LEVAR: Grecu.	13:30:34
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1	MS. SCHMID: May Mr. Smith be sworn,	13:30:34
2	please?	13:30:34
3	COMMISSIONER LEVAR: Sure.	13:30:34
4	Good afternoon, Mr. Smith.	13:30:35
5	MR. SMITH: Good afternoon.	13:30:39
6	COMMISSIONER LEVAR: Do you swear to tell	
7	the truth?	
8	MR. SMITH: I do.	
9	COMMISSIONER LEVAR: Thank you.	
10		
11	DIRECT EXAMINATION OF GARY SMITH	13:30:42
12	BY MS. SCHMID:	13:30:42
13	Q. Good afternoon. Could you please state	13:30:44
14	and spell your name for the record?	13:30:45
15	A. My name is Gary Smith. G-A-R-Y	13:30:47
16	S-M-I-T-H.	13:30:53
17	Q. By whom are you employed, and what is your	13:30:54
18	title?	13:30:56
19	A. I'm a utility technical consultant for the	13:30:56
20	Division of Public Utilities.	13:31:06
21	COMMISSIONER LEVAR: I don't think the	13:31:06
22	microphone is going.	13:31:06
23	MR. SMITH: I'm a utility technical	13:31:06
24	consultant for the Division of Public Utilities.	13:31:06
25		

1	BY MS. SCHMID:	13:31:07
2	Q. What is your business address?	13:31:07
3	A. It is 160 East 300 South, Salt Lake City,	13:31:11
4	Utah.	13:31:15
5	Q. Could you please briefly describe your	13:31:16
6	education and experience related to this docket?	13:31:19
7	A. I have a Bachelor's in Economics and have	13:31:21
8	testified and reviewed dockets before the	13:31:24
9	Commission on matters of telecom, water, and	13:31:29
10	energy. And I am participating on behalf of the	13:31:34
11	Division in this docket.	13:31:39
12	Q. In conjunction with your participation on	13:31:40
13	behalf of the Division in this docket, have you had	13:31:44
14	the opportunity to review PacifiCorp's and the	13:31:48
15	other parties' filings made in this docket?	13:31:51
16	A. Yes, I have.	13:31:56
17	Q. Did you prepare and cause to be filed or	13:31:57
18	participate in those actions for your testimony	13:32:00
19	that I will list? That is: DPU Exhibit	13:32:04
20	No. 1.0-Direct; with Exhibit 1.1-DR, Public	13:32:11
21	Executive Summary; 1.2-DR, which is the	13:32:18
22	confidential Audit Report; 1.3-DR, the confidential	13:32:22
23	List of Reports; Exhibit No. 1.4-Direct, the NPC	13:32:27
24	Analysis; Exhibit No. 1.5-Direct, also	13:32:32
25	confidential, Adjustments Computation;	13:32:36

1	Exhibit No. 1.6-Direct, confidential, the	13:32:39
2	Definition of Key Terms; Exhibit No. 1.7A-Direct --	13:32:43
3	1.7, the Responses to Data Requests; 1.7B, RMP's	13:32:50
4	Responses to Data Request 7.1 to the DPU; DPU	13:32:55
5	Exhibit No. 1.C-Direct, RMP's Response to the UAE	13:32:59
6	Data Request 4.1.	13:33:04
7	And that's for your direct testimony.	13:33:07
8	Those were filed on September 21, 2022.	13:33:10
9	And did -- the same question: Did you	13:33:15
10	participate in the preparation or in the cause for	13:33:19
11	it to be prepared and filed of your rebuttal,	13:33:22
12	Exhibit No. 1.10-R on 11/18 of 2022?	13:33:26
13	A. Yes.	13:33:33
14	Q. Do you have any changes or corrections?	13:33:35
15	A. I do not.	13:33:39
16	Q. If asked the same questions contained in	13:33:40
17	your prefiled testimony, would your responses be	13:33:44
18	the same?	13:33:48
19	A. Yes, they would.	13:33:49
20	Q. Do you adopt your prefiled testimony as	13:33:50
21	described above as part of your testimony here	13:33:54
22	today?	13:33:57
23	A. Yes.	13:33:58
24	MS. SCHMID: The Division would like to	13:34:00
25	move for the admissions of DPU Exhibit	13:34:03

1	No. 1.1-Direct -- sorry -- 1.0-Direct, Prefiled	13:34:08
2	Direct Testimony; 1.1-Direct, the Public Executive	13:34:15
3	Summary; 1.2-Direct, the confidential Audit Report;	13:34:19
4	1.3-Direct, List of Reports, confidential; 1.4, NPC	13:34:24
5	Analysis, Inception to 2021, confidential;	13:34:29
6	Exhibit No. 1.5-Direct, confidential, Adjustments	13:34:33
7	Computation; Exhibit No. 1.6-Direct, confidential,	13:34:37
8	Definition of Key Terms; DPU Exhibit	13:34:42
9	No. 1.7A-Direct, RMP's Response to DPU Data Request	13:34:47
10	2.4-1; DPU Exhibit No. 1.7B-Direct, RMP's Response	13:34:51
11	to DPU Data Request No. 7.1; DPU	13:34:58
12	Exhibit No. 1.7C-Direct, RMP's Response to UAE Data	13:35:08
13	Request 4.1.	13:35:12
14	All of these were filed on	13:35:14
15	September 21, 2022.	13:35:17
16	And the DPU would also like to move for	13:35:18
17	the admission of DPU Exhibit No. 1.0-R, the	13:35:21
18	Prefiled Rebuttal Testimony of Gary Smith, with	13:35:25
19	Certificate of Service, filed on November 18, 2022.	13:35:31
20	COMMISSIONER LEVAR: Thank you. Please	13:35:33
21	indicate if anyone objects to that motion.	13:35:34
22	Not seeing any objections, so it's	13:35:37
23	granted.	13:35:39
24	(Exhibit No. 9 admitted into	13:35:39
25	evidence.)	13:35:40

1	MS. SCHMID: Thank you.	13:35:40
2	Mr. Smith's testimony contains some	13:35:42
3	confidential exhibits; however, his summary does	13:35:44
4	not contain any confidential information. So I do	13:35:48
5	not believe that I need to ask the Commission to	13:35:52
6	close the hearing at this point. However, if	13:35:56
7	parties ask him cross-questions or the Commission	13:35:58
8	asks him questions about confidential information,	13:36:02
9	I would like that to be noted so I can move for the	13:36:06
10	Commission to consider closing the hearing to	13:36:10
11	protect that information.	13:36:12
12	COMMISSIONER LEVAR: Thank you.	13:36:14
13	And I'll just remind everybody: Please	13:36:14
14	don't hesitate to interrupt me if we get -- if	13:36:17
15	someone starts to ask a question on that point, and	13:36:20
16	if I miss the fact that it's confidential.	13:36:22
17	MS. SCHMID: Thank you.	13:36:25
18	BY MS. SCHMID:	13:36:26
19	Q. Mr. Smith, have you prepared a summary?	13:36:27
20	A. I have.	13:36:29
21	Q. Could you please share that with us today?	13:36:29
22	A. Yes, of course.	13:36:29
23	Good afternoon, Commissioners. Thank you	13:36:33
24	for the opportunity to address the Company's	13:36:36
25	application for cost recovery in the Energy	13:36:38

1	Balancing Account and the recommendations of the	13:36:40
2	Division and its consultant, Daymark Energy	13:36:42
3	Advisors.	13:36:46
4	The Division has reviewed the Company's	13:36:48
5	application seeking 90.6 million in EBA cost	13:36:50
6	recovery and recommends allowing the recovery of	13:36:55
7	74.9 million in the Company's Energy Balancing	13:36:59
8	Account for the calendar year of 2021. This is	13:37:02
9	approximately \$15.8 million less than the recovery	13:37:06
10	amount originally requested by the Company's	13:37:10
11	application filing, based on the following	13:37:13
12	adjustments -- all numbers are Utah-allocated	13:37:15
13	amounts and include accrued interest:	13:37:18
14	189.6 thousand dollar adjustment, reducing	13:37:25
15	the amount requested to correct the 2022 accrual	13:37:27
16	interest rate the Company used in its application	13:37:32
17	filing.	13:37:35
18	\$785 adjustment to remove the TB Flats 2	13:37:36
19	negative generation amount recorded in	13:37:43
20	January 2021.	13:37:46
21	104.5 thousand dollar adjustment to remove	13:37:47
22	the Western Power Pool's Western Resource Adequacy	13:37:51
23	Program and Western Energy Imbalance Market Body of	13:37:56
24	State Regulators fees. These fees have not been	13:38:00
25	approved and are not in base EBA. The Division	13:38:05

1 recommends the Company present these costs for 13:38:05
2 consideration in a separate and appropriate filing. 13:38:13
3 \$14.5 million for replacement power costs 13:38:15
4 from forced outages where sufficient information 13:38:19
5 has not been provided and where due consideration 13:38:22
6 for the circumstance of the outage was determined 13:38:25
7 to be deficient and the Company's actions were 13:38:28
8 considered imprudent. 13:38:32
9 \$928 million in lost production tax 13:38:33
10 credit -- that should be \$928,000 in lost 13:38:40
11 production tax credits from the forced outages, 13:38:45
12 recommended for adjustment. 13:38:49
13 In addition to these adjustments, the 13:38:51
14 Division requested in its direct testimony that the 13:38:54
15 Company provide additional information related to 13:38:57
16 production tax credits in future EBA filings. The 13:39:03
17 Company has agreed to this request in its response 13:39:07
18 testimony. 13:39:11
19 In its report and rebuttal testimony, the 13:39:12
20 Division's consultant, Daymark, recommended 13:39:16
21 disallowing replacement power costs resulting from 13:39:19
22 seven unplanned outages in duration greater than 13:39:23
23 72 hours for thermal, hydro, and wind units. These 13:39:27
24 outages account for a small fraction of all such 13:39:31
25 outages occurring in 2021, and the related 13:39:35

1 adjustments are included in the disallowance of the 13:39:38
2 recommended -- Division's recommended, mentioned 13:39:43
3 above. 13:39:46
4 The Division's witness from Daymark, 13:39:46
5 Mr. Phil DiDomenico, will testify to Daymark's EBA 13:39:51
6 review and specifically address why the replacement 13:39:56
7 power and PTCs from the outages are recommended for 13:40:00
8 disallowance. 13:40:04
9 And this concludes my summary. 13:40:05
10 Q. Thank you. 13:40:07
11 MS. SCHMID: Chair LeVar, Mr. Smith is 13:40:09
12 available for cross-examination questions and 13:40:11
13 questions from the Commission. 13:40:13
14 COMMISSIONER LEVAR: Thank you. 13:40:15
15 Mr. Moore, do you have any questions for 13:40:16
16 Mr. Smith? 13:40:18
17 MR. MOORE: No questions. Thank you. 13:40:18
18 COMMISSIONER LEVAR: Thank you. 13:40:20
19 Mr. Russell? 13:40:21
20 MR. RUSSELL: No questions. Thank you. 13:40:21
21 COMMISSIONER LEVAR: Mr. Moscon? 13:40:23
22 MR. MOSCON: No questions. 13:40:26
23 COMMISSIONER LEVAR: Commissioner Allen? 13:40:28
24 COMMISSIONER ALLEN: No questions. Thank 13:40:30
25 you. 13:40:32

1	COMMISSIONER LEVAR: Commissioner Clark?	13:40:32
2	COMMISSIONER CLARK: No questions. Thank	13:40:33
3	you.	13:40:35
4	COMMISSIONER LEVAR: Okay. Well, I'm	13:40:35
5	going to ask a couple anyway.	13:40:38
6	In your opinion, is PacifiCorp's -- does	13:40:40
7	PacifiCorp's participation in the Western Energy	13:40:42
8	Imbalance Market overall result in net power costs	13:40:45
9	positive impacts to customers?	13:40:50
10	MR. SMITH: Yeah. The Company has	13:40:54
11	reported, and there are independent things that	13:40:56
12	show, that there are benefits to that.	13:40:58
13	COMMISSIONER LEVAR: Okay. With respect	13:41:02
14	to Western Power Pool, did you hear Mr. Painter's	13:41:03
15	comments about that this morning, with respect to	13:41:08
16	his view of the connection between the Western	13:41:11
17	Resource Adequacy Program and net power costs?	13:41:15
18	MR. SMITH: Yes, I did hear that.	13:41:16
19	COMMISSIONER LEVAR: Do you have any	13:41:18
20	thoughts on his explanation, agree or disagree?	13:41:19
21	MR. SMITH: I don't know that we disagree.	13:41:23
22	I don't know that we fully vetted that, just	13:41:25
23	because we haven't really spent the time. But in	13:41:28
24	initial review, I would say we probably agree with	13:41:31
25	that.	13:41:33

1 COMMISSIONER LEVAR: Okay. Well, then my 13:41:34
2 last question -- maybe last: You suggest that the 13:41:36
3 EIM Body of State Regulators costs and the Western 13:41:42
4 Power Pool Resource Adequacy Program costs both 13:41:46
5 should -- should be initially presented in a 13:41:51
6 separate docket. What would you suggest is that 13:41:53
7 separate docket? 13:41:56
8 MR. SMITH: Well, that -- you know, we 13:41:57
9 were kind of surprised that it wasn't done 13:41:58
10 consecutively with this docket. Just to give it -- 13:42:01
11 as the Schedule 94, Energy Schedule 94 says, it 13:42:04
12 kind of outlines how things should be included. 13:42:10
13 And it should be a separate EBA -- or, non-EBA 13:42:14
14 annual review. So the appropriate docket probably 13:42:21
15 is not this one. That was our conclusion, just 13:42:25
16 because, you know, it's got to be clear that we are 13:42:30
17 reviewing what's happened; and it's a base EBA 13:42:33
18 review to actual. So it's a true-up. And the 13:42:40
19 introduction of new base EBA costs are -- you know, 13:42:43
20 it should be done probably in a separate docket. 13:42:49
21 COMMISSIONER LEVAR: Okay. At the risk of 13:42:52
22 asking you a question that I probably could just 13:42:55
23 find the answer to myself after the hearing -- I've 13:42:58
24 got Schedule 94 here. Do you have it in front of 13:43:00
25 you? 13:43:04

1 MR. SMITH: I do. 13:43:04

2 COMMISSIONER LEVAR: You stated that 13:43:05

3 Schedule 94 states that it should -- that new -- 13:43:06

4 MR. SMITH: Well -- 13:43:06

5 COMMISSIONER LEVAR: -- new costs should 13:43:08

6 be in a separate docket. 13:43:09

7 MR. SMITH: If I could read from it -- 13:43:11

8 COMMISSIONER LEVAR: Okay. 13:43:13

9 MR. SMITH: -- and maybe you can just 13:43:13

10 determine. 13:43:15

11 So in the definitions of both actual 13:43:15

12 Energy Balancing Account costs or actual EBAC -- 13:43:18

13 and this is on original sheet 94.2, at the top -- 13:43:23

14 and then, also in the base Energy Balancing Account 13:43:26

15 costs, it says that the actual Utah NPC, PTCs, and 13:43:29

16 wheeling revenues -- that's what's included within 13:43:35

17 it -- adjustments shall be made to actual EBAC that 13:43:39

18 are consistent with applicable Commission-accepted 13:43:42

19 or -ordered adjustments, or adjustments called out 13:43:45

20 in a stipulation or settlement agreement, or as 13:43:49

21 ordered in the most recent general rate case, major 13:43:53

22 plan addition case, or other case where EBAC are 13:43:55

23 approved. And that's base EBAC. 13:43:58

24 So where you've got accounting -- and the 13:44:03

25 Company has already disclosed that the costs that 13:44:06

1 we're referring to were recorded in FERC 13:44:09
2 account 557. And that is not part of the accounts 13:44:15
3 that are specifically outlined here. That's our 13:44:20
4 basis, is that it hasn't been approved in any other 13:44:24
5 docket so far; it's not recorded in any of these 13:44:27
6 listed FERC accounts. And so, it really should be 13:44:31
7 given and vetted probably in its own separate 13:44:37
8 docket, whatever that may be, that's appropriate. 13:44:40
9 COMMISSIONER LEVAR: Okay. That's all the 13:44:44
10 questions I have for you. 13:44:45
11 MR. SMITH: Thank you. 13:44:46
12 COMMISSIONER LEVAR: Thank you for your 13:44:47
13 testimony this afternoon. 13:44:48
14 MR. SMITH: Thank you. 13:44:50
15 MS. SCHMID: Thank you. 13:44:51
16 Mr. Phil DiDomenico and Mr. Dan Koehler 13:44:59
17 presented and filed joint testimony for the 13:45:03
18 Division in this docket. 13:45:06
19 Mr. DiDomenico will adopt that testimony 13:45:10
20 here today and will be on the stand to provide 13:45:13
21 answers to questions about it. 13:45:17
22 Mr. Koehler is on the phone. And if there 13:45:23
23 are any questions that Mr. DiDomenico does not have 13:45:27
24 the detailed knowledge that is required to answer 13:45:32
25 the question, we would like to ask leave to have 13:45:34

1 Mr. Koehler sworn and have him answer that question 13:45:42
2 at some point. 13:45:46
3 With that, the Division would like to call 13:45:47
4 Mr. Phil DiDomenico to the stand. 13:45:53
5 COMMISSIONER LEVAR: And consistent with 13:45:56
6 our finding and decision earlier this morning, I 13:45:57
7 think we're looking at the remainder of the hearing 13:46:00
8 being closed to the public. Does anyone have a 13:46:03
9 different understanding? 13:46:05
10 Okay. So we will discontinue the 13:46:06
11 streaming and mark the rest of the transcript 13:46:09
12 confidential. The hearing loop is still off. 13:46:12
13 (The following portion has been
14 designated confidential.)
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10 (This hearing was concluded at
11 3:40 p.m.)

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REPORTER'S CERTIFICATE

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

I, MICHELLE CERUTTI, a Registered Professional Reporter and Certified Shorthand Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witnesses were placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand, and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I further certify that I am not a relative or employee of any attorney of the parties, nor do I have a financial interest in the action.

I have subscribed my name on this 15th day of December, 2022.



MICHELLE CERUTTI, RPR, CSR

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Utah Rules of Civil Procedure
Part V. Depositions and Discovery
Rule 30

(E) Submission to Witness; Changes; Signing.

Within 28 days after being notified by the officer that the transcript or recording is available, a witness may sign a statement of changes to the form or substance of the transcript or recording and the reasons for the changes. The officer shall append any changes timely made by the witness.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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