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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Application of Rocky)
Mountain Power for Approval)
of Third Amendment to)Docket No. 22-035-30
Renewal Energy Service)
Contract between Rocky)
Mountain Power and Stadion,)
LLC.)
)

VIDEO-CONFERENCED HEARING

Taken on Tuesday, August 30, 2022
at 10:00 A.M.

The Public Service Commission of Utah
160 East 300 South
4th Floor
Salt Lake City, Utah 84111

Reported by: Kellie Peterson, RPR, CSR

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A P P E A R A N C E S

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1 August 30, 2022

10:00 A.M.

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

3 PRESIDING OFFICER LEVAR: Good morning,
4 everyone. We are here for the hearing in Public Service
5 Commission Docket 22-35-30, the application of Rocky
6 Mountain Power for approval of amendment of Renewable
7 Energy Service Contract between Rocky Mountain Power and
8 Stadion, LLC.

9 Why don't we start with appearances; for
10 Rocky Mountain Power?

11 MS. WEGENER: This is Emily Wegener on behalf
12 of Rocky Mountain Power, and with me, I have Craig Eller
13 who will be our witness today. Thank you.

14 PRESIDING OFFICER LEVAR: Okay. Thank you.

15 Ms. Schmid?

16 MS. SCHMID: Good morning. Patricia E.
17 Schmid with the Utah Attorney General's Office for the
18 Division of Public Utilities. Dr. Abdulle
19 Abdinasir -- Abdinasir Abdulle will be our witness today.
20 Thank you.

21 PRESIDING OFFICER LEVAR: Okay. Thank you.

22 Mr. Moore?

23 MR. MOORE: Yes, Robert Moore for the Office
24 of Consumer Services; together, we have Bela Vastag, a
25 utility analyst at the office, as our witness.

1 PRESIDING OFFICER LEVAR: Okay. Thank you,
2 Mr. Moore.

3 Anyone else? It doesn't look -- looks like
4 that covers everyone. My name is Thad LeVar. I'll be
5 acting as the presiding officer this morning.

6 Let me just ask the parties, obviously
7 there's a lot of confidential material in this docket.
8 Is there any feeling that we'll need to discuss that
9 during this morning's hearing?

10 MS. WEGENER: Chair LeVar, the company did
11 its summary with the idea that it would not include
12 confidential information in the summary. It's a very
13 high-level summary.

14 PRESIDING OFFICER LEVAR: Sure.

15 MS. WEGENER: -- where this isn't a contested
16 matter, and so we are happy to proceed
17 non-confidentially. However, if there -- it may be
18 questions from the other parties or from you that are
19 confidential, then given the volume of confidential
20 information, it may make sense to make the proceeding
21 confidential.

22 PRESIDING OFFICER LEVAR: Okay. Ms. Schmid
23 or Mr. Moore, any concerns with moving forward that way?

24 MS. SCHMID: The division, too, has prepared
25 its summary using only non-confidential information, but

1 if the company feels more comfortable doing it the way it
2 proposed, the division is fine with that.

3 PRESIDING OFFICER LEVAR: Okay. Mr. Moore?

4 MR. MOORE: Yes, I would like to echo the
5 division's comments. I don't believe we have any
6 confidential information in our summary, but we will
7 proceed as Rocky Mountain Power requests.

8 PRESIDING OFFICER LEVAR: Okay. Well, I will
9 just ask all the attorneys then to just be mindful, if it
10 looks like a question for someone starts to go in that
11 area, please make sure we stop and deal with it before
12 anything confidential is spoken into the record or into
13 the transcript.

14 Anything else preliminarily before we go to
15 Rocky Mountain Power's witness?

16 Okay. Ms. Wegener, go ahead.

17 MS. WEGENER: The company calls Craig Eller.

18 PRESIDING OFFICER LEVAR: Good morning,
19 Mr. Eller.

20 MR. ELLER: Good morning, Chairman LeVar.

21 PRESIDING OFFICER LEVAR: Do you swear to
22 tell the truth?

23 MR. ELLER: I do.

24 PRESIDING OFFICER LEVAR: Okay. Go ahead.

25 DIRECT EXAMINATION

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CRAIG ELLER,

called as a witness, having been first duly sworn,
was examined and testified as follows:

BY MS. WEGENER:

Q. Good morning, Mr. Eller. Can you please state and spell your name for the record?

A. Yes, Craig Eller, C-R-A-I-G E-L-L-E-R.

Q. And what's your position with Rocky Mountain Power?

A. I'm vice president of business policy and development.

Q. And in that capacity, have you been involved in negotiating the third amendment to the Renewable Energy Resource Contract between Pacific Corp. and Stadion?

A. I have.

Q. Did you submit pre-filed direct testimony on June 6, 2022, in support of approval of the third amendment to that contract?

A. Yes, I did.

Q. Do you have any corrections to that testimony?

A. No.

Q. If I ask you the same questions today as are included in the pre-filed testimony, would your answers

1 be the same?

2 A. Yes.

3 MS. WEGENER: I move to admit the testimony
4 of Craig Eller.

5 PRESIDING OFFICER LEVAR: Thank you. If
6 Ms. Schmid or Mr. Moore have any objection, please state
7 your objection. Otherwise, I'm not seeing or hearing
8 any, so the motion is granted. Thank you.

9 BY MS. WEGENER:

10 Q. Mr. Eller, can you please provide a summary
11 of your testimony?

12 A. Yes. I am here today to recommend the
13 Commission approve the third amendment to the Renewable
14 Energy Service Contract, or RESC, between the company and
15 Stadion, LLC.

16 The original contract was entered into on
17 June 20, 2016, pursuant to Electric Service Schedule 34.
18 The purpose of the RESC is to allow Stadion to meet its
19 goal of having 100 percent of the electrical energy
20 serving its Utah facilities generated by renewable
21 energy.

22 Since entering the RESC, the company has
23 procured resources on behalf of Stadion and its
24 predecessor, which are detailed in the resource
25 appendixes that have been provided to the Commission.

1 The company also received approval from the Commission
2 for two earlier contract amendments.

3 The changes in the third amendment take into
4 account circumstances that have changed since the
5 original RESC was entered in 2016. With respect to both
6 existing and future facilities, the third amendment
7 clarifies the RESC's effective date, modifies the billing
8 process, and makes changes to the early termination
9 payment calculation, as set forth in the confidential
10 portion of my testimony on lines 136 through 179.

11 With respect to future facilities, the third
12 amendment makes modifications to address the increase and
13 intermittent generation resources that have changed the
14 capacity situation of the company's system since 2016.
15 Specifically in the third amendment, the parties agreed
16 to modify the use of system facilities' charges, dividing
17 it into two tiers, depending on Stadion's demand, and
18 adding an administrative fee.

19 The third amendment also adds an additional
20 capacity charge to future resources to ensure that
21 adequate renewable generation capacity exists to meet
22 Stadion's electricity demand in Utah.

23 Finally, the third amendment adjusts the
24 renewable supply from new customer renewable resources to
25 account for transmission line losses. Both the Division

1 of Public Utilities and the Office of Consumer Services
2 have reviewed the company's application and recommend
3 approval of to third amendment.

4 They also sought clarification of the date
5 for required reporting concerning the RESC. The timing
6 of the report is being determined, and the company
7 commits to keeping the DPU and OCS informed as the date
8 becomes more firm.

9 The company asks the Commission to approve
10 the third amendment to the RESC because it is in the best
11 interest of customers and is just and reasonable.

12 Thank you, and that concludes my
13 testimony -- or summary, sorry.

14 MS. WEGENER: Thank you. I have no further
15 questions for this witness, and he is available for
16 cross-examination and questions from the Hearing Officer.

17 PRESIDING OFFICER LEVAR: It helps if I turn
18 off mute before I ask the question.

19 Ms. Schmid, do you have any questions for the
20 witness, Mr. Eller?

21 MS. SCHMID: No questions. Thank you.

22 PRESIDING OFFICER LEVAR: Thank you.

23 Mr. Moore?

24 MR. MOORE: No questions. Thank you.

25 PRESIDING OFFICER LEVAR: And I don't have

1 any, so thank you for your testimony this morning.

2 THE WITNESS: Thank you.

3 PRESIDING OFFICER LEVAR: Why don't we go
4 ahead to -- well, sorry, anything else, Ms. Wegener, from
5 you?

6 MS. WEGENER: No, nothing further from me.
7 Thank you.

8 PRESIDING OFFICER LEVAR: Okay. Thank you.
9 Mr. Moore.

10 MR. MOORE: Yes. The Office of Consumer
11 Services calls Bela Vastag and ask that he be sworn.

12 PRESIDING OFFICER LEVAR: Good morning,
13 Mr. Vastag. Do you swear to tell the truth?

14 THE WITNESS: Yes.

15 PRESIDING OFFICER LEVAR: Thank you.

16 DIRECT EXAMINATION

17 BELA VASTAG,

18 called as a witness, having been first duly sworn,

19 was examined and testified as follows:

20 By MR. MOORE:

21 Q. Could you please state and spell your name,
22 give your occupation and business address for the record?

23 A. Yes. My first name is Bela, B-E-L-A. Last
24 name is Vastag, V-A-S-T-A-G. I am employed as a utility
25 analyst for the Office of Consumer Services, and my

1 business address is 160 East 300 South, Salt Lake City,
2 Utah.

3 Q. In your capacity as a utility analyst, have
4 you reviewed the June 6, 2022, application, the Craig
5 Eller testimony, together with exhibits, and the parties'
6 comments with the -- which all address whether the Public
7 Service Commission of Utah should approve the third
8 amendment to the contract between Rocky Mountain Power
9 and Stadion for renewal energy services?

10 A. Yes.

11 Q. Did you participate in the preparation and
12 filing of the OCS August 3, 2022, confidential and
13 redacted comments?

14 A. Yes, I did.

15 Q. Do you have any changes you would like to
16 make to these comments at this time?

17 A. No, no changes.

18 Q. If I asked you -- if I asked you questions
19 about the content of the comments, would your answers be
20 the same as the information contained in those comments?

21 A. Yes.

22 Q. Do you adopt these comments as your testimony
23 today?

24 A. Yes.

25 MR. MOORE: The OCS would move to admit the

1 August 3, 2022, confidential and redacted comments.

2 PRESIDING OFFICER LEVAR: Thank you.

3 Ms. Wagner or Ms. Schmid, any objection to
4 that motion?

5 I am not seeing or hearing any, so the motion
6 is granted. Thank you.

7 BY MR. MOORE:

8 Q. Have you prepared a statement summarizing the
9 OCS's position in this docket?

10 A. Yes, I have a short statement.

11 Q. Please proceed.

12 A. Okay. Good morning, Commissioner, and
13 everyone else, the Renewable Energy Service Contract at
14 issue in this docket is governed by Rocky Mountain
15 Power's Schedule 34 tariff and was executed between RMP
16 and Stadion, which was Facebook at the time, in June
17 2016, and it was approved by the Utah Public Service
18 Commission in August of 2016, in Docket No. 16-035-27.

19 At that time, and after careful review of the
20 contract's rates, terms, and conditions, the Office of
21 Consumer Services, or OCS, supported the approval of the
22 contract. At that time, the OCS's primary concern was to
23 ensure that adequate protections were in place to prevent
24 Facebook from shifting costs to other ratepayers when
25 receiving electric service under this special contract.

1 In this docket, RMP is seeking approval to a
2 third amendment to that original RMP-Stadion contract.
3 The OCS has reviewed the changes made by this third
4 contract amendment, and it appears that for future
5 renewable resources acquired to serve Stadion, this third
6 amendment provides additional safeguards to prevent
7 Stadion from shifting costs to other ratepayers.

8 Because intermittent renewable resources are
9 now a much larger percentage of Rocky Mountain Power
10 system -- system than in 2016, when this contract was
11 negotiated, was first negotiated, the additional
12 safeguards provided in this third contract amendment are
13 appropriate.

14 The PSC's 2016 order on the original contract
15 also approved a biannual reporting requirement for Rocky
16 Mountain Power. In this docket, the OCS has asked Rocky
17 Mountain Power to provide a date by which it will file
18 the first report in its -- and in its August 19, 2022,
19 reply comments, Rocky Mountain Power committed to filing
20 its first report on the Stadion Schedule 34 contract by
21 the end of the first quarter of 2023.

22 The OCS appreciates RMP committing to a
23 specific date for this report, and we look forward to
24 reviewing the data on how this contract is performing.
25 The OCS notes that in Rocky Mountain Power's rebuttal

1 testimony in Docket No. 16-035-27, Rocky Mountain Power
2 specifically committed to providing seven types of
3 information in this biannual report. You can see that in
4 the August 11, 2016, rebuttal testimony of Mr. Paul H.
5 Clements, specifically lines 95 through 123.

6 Therefore, the OCS recommends that the PSC
7 approve the third amendment to the Renewable Energy
8 Service Contract between Rocky Mountain Power and
9 Stadion, and also requests that the PSC memorialize Rocky
10 Mountain Power's commitment to file its first report on
11 the contract by the end of the first quarter in 2023 in
12 its order. And that concludes my statement.

13 MR. MOORE: Mr. Vastag is available for cross
14 and questions from the Hearing Officer.

15 PRESIDING OFFICER LEVAR: Thank you.

16 Ms. Schmid, do you have any questions for
17 Mr. Vastag?

18 MS. SCHMID: No questions. Thank you.

19 PRESIDING OFFICER LEVAR: Okay. Thank you.

20 Ms. Wegener?

21 MS. WEGENER: No questions. Thank you.

22 PRESIDING OFFICER LEVAR: Okay. I don't have
23 any questions, so thank you for your testimony this
24 morning.

25 THE WITNESS: You're welcome.

1 PRESIDING OFFICER LEVAR: Mr. Moore, anything
2 else from you?

3 MR. MOORE: Nothing else from the OCS.

4 PRESIDING OFFICER LEVAR: Okay. Thank you.

5 So Ms. Schmid, we can take a break to try to
6 get Dr. Abdulle with us, or would Mr. Cazier be prepared
7 to adopt the testimony on the record?

8 MS. SCHMID: If we could take about a
9 ten-minute break to see if we could contact Dr. Abdulle,
10 that would be preferable.

11 PRESIDING OFFICER LEVAR: Okay. Why don't we
12 recess just until 10:30. We will come back in about ten
13 minutes.

14 MS. SCHMID: Thank you.

15 (Whereupon, a break was taken.)

16 PRESIDING OFFICER LEVAR: We are back on the
17 record in the hearing, and I will go to Ms. Schmid for
18 the Division of Public Utilities.

19 MS. SCHMID: Thank you. The division would
20 like to call Dr. Abdinasir Abdulle as its witness this
21 morning. May he please be sworn?

22 PRESIDING OFFICER LEVAR: Thank you. Thank
23 you for your persistent, Mr. Abdulle -- sorry,
24 Dr. Abdulle.

25 Do you swear to tell the truth? You are

1 still muted, if you said yes.

2 MR. ABDULLE: I do.

3 MS. SCHMID: Thank you.

4 PRESIDING OFFICER LEVAR: Okay. Thank you.

5 Ms. Schmid.

6 DIRECT EXAMINATION

7 ABDINASIR ABDULLE,

8 called as a witness, having been first duly sworn,

9 was examined and testified as follows:

10 BY MS. SCHMID:

11 Q. Could you please state and spell your
12 name for the record -- could you please state your name
13 for the record?

14 (YouTube playing.)

15 THE WITNESS: Yes, I do.

16 (YouTube playing.)

17 PRESIDING OFFICER LEVAR: Okay. I think
18 what's happening, Dr. Abdulle, I think the YouTube stream
19 is playing in your background. It's a little delayed.
20 If you have YouTube open, maybe you should close that
21 out.

22 MS. SCHMID: I think we are good now.

23 BY MS. SCHMID:

24 Q. Dr. Abdulle, could you please spell your name
25 for the record?

1 A. My name is Abdinasir Abdulle, and my first
2 name's spelling is A-B-D-I-N-A-S-I-R-.my last name is
3 Abdulle, A-B-D-U-L-L-E.

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

6 A. I am employed with the Division of Public
7 Utilities, and I'm employed as a technical consultant for
8 the division.

9 Q. What is your business address?

10 A. My business address is at 160 East 300 South,
11 Salt Lake City, Utah.

12 Q. In the course of your employment with the
13 division, have you reviewed the application, the
14 testimony filed in this docket, and the various data
15 request responses?

16 A. Yes, I did.

17 Q. Did you participate in the preparation and
18 filing of the division's comments on August 3rd?

19 A. Yes, I did.

20 Q. Do you have any changes or corrections to
21 those comments?

22 A. No, I don't.

23 Q. If I were to ask you questions concerning the
24 contents of those comments, would your answers today be
25 the same as reflected in those pre-filed comments?

1 A. Yes.

2 Q. Do you adopt the division's pre-filed
3 comments on August 3rd as your -- as part of your
4 testimony here today?

5 A. Yes, I do.

6 MS. SCHMID: The division would like to
7 request admission of its August 3rd comments.

8 PRESIDING OFFICER LEVAR: Thank you. If
9 Ms. Wegener or Mr. Moore have any objection, please state
10 it.

11 I am not seeing or hearing any, so the motion
12 is granted. Thank you.

13 BY MS. SCHMID:

14 Q. Dr. Abdulle, do you have a summary to present
15 today?

16 A. Yes, I do.

17 Q. Please proceed.

18 A. Good morning, Commissioner, and thank you for
19 giving me the opportunity to provide you a summary of my
20 comments. And I apologize for any gaps in the
21 communication.

22 On June 6, 2022, Rocky Mountain Power filed
23 an application for approval of a third RESC amendment
24 between the company and Stadion, LLC. The amendment is
25 expected to reflect the changes in circumstances since

1 2016 when RESC was first executed.

2 The proposed amendments to the RESC are
3 categorized as either, A, applicable to both the existing
4 facilities and potentially the future facilities; or B,
5 applicable only to the potential future facilities.

6 The amendments that are applicable to both
7 the existing facility and the future facilities include
8 specifying the effective date of the contract; replacing
9 the references to contract year in the RESC amendment
10 with calendar year, so that it's clear that going
11 forward, the estimates and the true-up to actual
12 renewable resource production and Utah facility load will
13 be performed on a calendar year basis; incorporating
14 damages and costs the company would incur into the
15 formula for calculating early termination payments; and
16 some other changes related to early termination.

17 Regarding the amendments applicable to the
18 future facilities only, the company and Stadion have
19 agreed to modify the use of system facilities charge,
20 modify the administrative cost, specify the capacity
21 contribution in the renewable resource appendix for each
22 future resource, and incorporate transmission line losses
23 to the calculation of estimated renewable supply.

24 The division reviewed the comments -- the
25 company's third amendment filing. It also reviewed the

1 company's work papers and the data request responses from
2 the company. The division determined that these changes
3 were either housekeeping changes or were adjusting the
4 RESC to changing circumstances since when RESC was first
5 executed.

6 The division also determined that these
7 amendments did not result in inter class subsidies. In
8 other words, these amendments will not result in other
9 ratepayers subsidizing Stadion. Furthermore, in an order
10 in Docket No. 16-035-27, the Commission indicated that,
11 quote, "Based on the record before us, we find the
12 contract provided -- provides reasonable protection
13 against shifting costs to other customers while meeting
14 the renewable energy needs of Facebook."

15 Therefore, the division concludes that the
16 proposed third RESC amendment is just and reasonable and
17 in the public interest.

18 The division also reviewed the renewable
19 appendix amendment and determined that it is consistent
20 with the third RESC amendment. Therefore, the division
21 recommend that the Commission approve the company's third
22 RESC amendment and acknowledge the notice of the
23 renewable appendix amendment.

24 And that concludes my summary.

25 Q. Thank you.

1 MS. SCHMID: Dr. Abdulle is available for
2 questions from the parties and from the Presiding
3 Officer.

4 PRESIDING OFFICER LEVAR: Thank you.

5 Mr. Moore, do you have any questions for
6 Dr. Abdulle? You are muted, Mr. Moore.

7 MR. MOORE: I apologize. No questions.

8 PRESIDING OFFICER LEVAR: Okay. Thank you.

9 Ms. Wegener?

10 MS. WEGENER: No questions. Thank you.

11 PRESIDING OFFICER LEVAR: And I don't have
12 any either, so thank you, Dr. Abdulle, for your testimony
13 this morning.

14 THE WITNESS: Thank you.

15 PRESIDING OFFICER LEVAR: Anything else from
16 the Division of Public Utilities, Ms. Schmid?

17 MS. SCHMID: Nothing more from the division.
18 Thank you.

19 PRESIDING OFFICER LEVAR: Okay. Anything
20 else from anyone?

21 Okay. I note that Rocky Mountain Power had
22 requested an order in this matter by September 30th.
23 That shouldn't be any concern.

24 And with that, we are adjourned today.

25 (The hearing was concluded at 10:40 A.M.)

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REPORTER'S CERTIFICATE

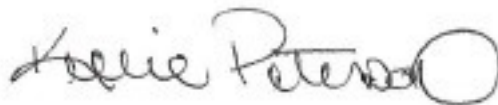
State of Utah)
)
County of Salt Lake)

I hereby certify that hearing was taken at the time and place herein named;

That the testimony of said witnesses were reported by me in stenotype and thereafter transcribed into typewritten form.

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

IN WITNESS WHEREOF, I set my hand this 14th day of September, 2022.



Kellie Peterson, RPR

[100 - attorneys]

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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,
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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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