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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Application of Rocky Mountain Power for Approval of an Amendment to the Power Purchase Agreement between PacifiCorp and Kennecott Utah Copper LLC - Refinery)	
)	Docket No. 22-035-50
)	
Application of Rocky Mountain Power for Approval of an Amendment to the Power Purchase Agreement between PacifiCorp and Kennecott Utah Copper LLC - Smelter)	
)	Docket No. 22-035-51
)	

VIRTUAL HEARING

Proceedings held via Google Meet
 Wednesday, December 7, 2022
 2:00 p.m. -- 2:19 p.m.

Reported by: Michelle Cerutti, RPR, CSR

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A P P E A R A N C E S
FOR ROCKY MOUNTAIN POWER:
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ALSO PRESENT:

Michael Hammer, Presiding Officer
PUBLIC SERVICE COMMISSION OF UTAH

Melissa Paschal, Lead Paralegal
PUBLIC SERVICE COMMISSION OF UTAH
Ryan Daigle
Tamra Dayley
Esteban Lara
Brenda Salter
Doug Wheelwright

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I N D E X

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* * *

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P R O C E E D I N G S

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PRESIDING OFFICER HAMMER: We should all 14:02:34
be here for the consolidated hearing in the 14:02:35
Application of Rocky Mountain Power for Approval of 14:02:38
an Amendment to the Power Purchase Agreement 14:02:43
between PacifiCorp and Kennecott Utah 14:02:45
Copper, LLC -- Refinery; and also Approval of an 14:02:47
Amendment to the Power Purchase Agreement between 14:02:49
PacifiCorp and Kennecott Utah Copper, LLC -- 14:02:53
Smelter. Those are Commission docket Nos. 14:02:54
22-035-50 and 22-035-51. 14:02:56

My name is Michael Hammer. I am the 14:03:02
Commission's designated presiding officer. Let's 14:03:05
go ahead and take appearances, please, beginning 14:03:10
with Rocky Mountain Power. 14:03:12

MR. ROGALA: Thank you, your Honor. 14:03:14
Zach Rogala, R-O-G-A-L-A, attorney for 14:03:16
Rocky Mountain Power here. Who I have with me 14:03:22
today is Company witness Esteban Lara. 14:03:23

PRESIDING OFFICER HAMMER: Welcome. 14:03:25
And for the Division of Public Utilities? 14:03:28

MS. SCHMID: Good afternoon. I am 14:03:30
Patricia E. Schmid, with the Utah Attorney 14:03:32

1 General's Office, representing the Division of 14:03:32
2 Public Utilities. 14:03:32
3 The Division's witness in 22-035-50 is 14:03:38
4 Ryan Daigle. The Division's witness in docket 14:03:44
5 22-035-51 is Tamra Dayley. Thank you. 14:03:49
6 PRESIDING OFFICER HAMMER: And for the 14:04:01
7 Office of Consumer Services? No one? 14:04:04
8 All right. Are the there any other 14:04:12
9 parties that -- I don't believe we have any 14:04:14
10 intervenors, but anybody else who wants to offer an 14:04:16
11 appearance? 14:04:22
12 Okay. I'm sorry. Did I speak over 14:04:23
13 someone? 14:04:25
14 Mr. Rogala, do you intend to call a single 14:04:27
15 witness? 14:04:36
16 MR. ROGALA: Yes, your Honor. That's 14:04:37
17 correct. 14:04:41
18 PRESIDING OFFICER HAMMER: All right. 14:04:41
19 Then what I suggest we do is to have Mr. Rogala's 14:04:42
20 witness testify as to both dockets, and then we can 14:04:46
21 call Ms. Schmid's witnesses in succession after 14:04:50
22 that. 14:04:54
23 MR. ROGALA: I think that's reasonable, 14:04:55
24 your Honor. And I defer to you for when you would 14:04:56
25 like to move for the introduction of exhibits. 14:04:59

1 PRESIDING OFFICER HAMMER: Typically, 14:05:02
2 Counsel does it once the witness takes the stand. 14:05:03
3 Okay? But I don't have a strong preference. 14:05:06
4 MR. ROGALA: Okay. 14:05:09
5 PRESIDING OFFICER HAMMER: Okay. I think 14:05:12
6 we're in a position to proceed. 14:05:13
7 Mr. Rogala, please call your first 14:05:16
8 witness. 14:05:17
9 MR. ROGALA: Thank you, your Honor. 14:05:18
10 I'd like to call Mr. Lara, but I note that 14:05:20
11 his camera is not working currently. So I would 14:05:24
12 request permission for him to proceed without his 14:05:28
13 camera, unless he can get it fixed in the next 14:05:31
14 couple of minutes. 14:05:34
15 PRESIDING OFFICER HAMMER: Any objection, 14:05:36
16 Ms. Schmid? 14:05:40
17 MS. SCHMID: No objection. 14:05:41
18 PRESIDING OFFICER HAMMER: That's fine. 14:05:42
19 We can go ahead and proceed. 14:05:43
20 Can you hear me, Mr. Lara? 14:05:44
21 MR. LARA: Yes, I can. Can you all hear 14:05:45
22 me? 14:05:50
23 PRESIDING OFFICER HAMMER: Yes. It's a 14:05:51
24 little quiet. Maybe I can turn it up a little. 14:05:51
25 MR. LARA: I'll get closer to the 14:05:53

1 microphone. Thank you. Is that better? 14:05:55

2 PRESIDING OFFICER HAMMER: Yes, thank you. 14:05:58

3 Mr. Lara, do you swear to tell the truth? 14:06:00

4 MR. LARA: Yes. 14:06:04

5 PRESIDING OFFICER HAMMER: Thank you. 14:06:06

6 Go ahead, Mr. Rogala. 14:06:07

7 MR. ROGALA: All right. Thank you, your 14:06:07

8 Honor. 14:06:07

9 14:06:09

10 DIRECT EXAMINATION OF ESTEBAN LARA 14:06:09

11 BY MR. ROGALA: 14:06:09

12 Q. Mr. Lara, can you please state and spell 14:06:10

13 your name for the record? 14:06:11

14 A. Yes. My name is Esteban Lara. That's 14:06:11

15 spelled E-S-T-E-B-A-N L-A-R-A. 14:06:14

16 Q. And who are you employed by, and what's 14:06:21

17 your business address? 14:06:23

18 A. I'm employed by Rocky Mountain Power, 14:06:24

19 located at 1407 West North Temple, Salt Lake City, 14:06:27

20 Utah, 84116. 14:06:31

21 Q. And can you please explain your position 14:06:34

22 for Rocky Mountain Power? 14:06:36

23 A. Yes. I am the business development and 14:06:38

24 renewable program director, and my duties include 14:06:40

25 the negotiation of retail agreements as well as 14:06:43

1 special contracts and qualified utilities' Power 14:06:49
2 Purchase Agreements. 14:06:55
3 Q. And can you please describe your 14:06:55
4 educational and professional experience? 14:06:57
5 A. Yes. I have a Bachelor's Degree in 14:07:00
6 Finance from the University of Utah, and I've been 14:07:02
7 in various commercial positions or roles within the 14:07:05
8 energy industry for over 13 years. 14:07:10
9 Q. And in this position at Rocky Mountain 14:07:13
10 Power, have you had the opportunity to review the 14:07:15
11 applications and relevant exhibits in these 14:07:19
12 consolidated proceedings? 14:07:22
13 A. I have, yes. 14:07:24
14 Q. And have you prepared a statement 14:07:26
15 regarding your review of these materials? 14:07:28
16 A. Yes, I have. 14:07:30
17 Q. Can you please provide a summary of that 14:07:31
18 testimony for the Commission? 14:07:34
19 A. Yes. I present today for Commission 14:07:36
20 approval two Amendments to the current qualifying 14:07:39
21 facility Power Purchase Agreements between 14:07:43
22 Kennecott Utah Copper, LLC, and PacifiCorp. The 14:07:45
23 original agreements, which were approved on 14:07:47
24 December 20, 2019, in docket Nos. 19-035-36 and 14:07:50
25 19-035-37, had a term of 12 months, from 14:07:57

1 January 1, 2020, through December 31, 2020. The 14:08:01
2 original agreements were subsequently extended for 14:08:07
3 two, 12-month periods, as approved in docket Nos. 14:08:10
4 20-035-43, 20-035-44, 21-035-61, and 21-035-62. 14:08:12

5 The Amendments provide for a 12-month 14:08:26
6 extension of the current agreements for the sale of 14:08:29
7 energy up to 39.39 megawatts to PacifiCorp to be 14:08:31
8 supplied by Kennecott. The energy up to 39.3 14:08:36
9 megawatts will be generated by two waste-heat-fired 14:08:40
10 cogeneration facilities, owned and operated by 14:08:44
11 Kennecott, located in Magna, Utah. 14:08:45

12 The purchase price for the 12-month 14:08:48
13 extension period for the year 2023, as set forth in 14:08:51
14 the Amendment, will be the lower of 14:08:55
15 the Block-2 rate under Kennecott's electric service 14:08:57
16 agreement, or as calculated using the methodology 14:09:00
17 approved by the Commission in docket 03-035-14. 14:09:03

18 The Company filed the Amendments for 14:09:08
19 approval October 24, 2022. In comments filed on 14:09:10
20 November 23, 2022, the DPU stated their belief that 14:09:14
21 the Amendments comply with the Commission's 14:09:18
22 guidelines, and recommended approval. In their 14:09:21
23 comments, the Division also reiterated their two 14:09:24
24 recommendations that the Company continue to file 14:09:28
25 the quarterly, hourly-purchased-power reports, and 14:09:30

1 that future filing continues to include the GRID 14:09:34
2 outputs and Excel spreadsheets supporting the price 14:09:37
3 and line loss calculations. 14:09:42
4 In addition, the DPU asked the Company to 14:09:43
5 adjust its request program and submit future 14:09:46
6 amendment applications earlier, to allow sufficient 14:09:48
7 time to process the Company's requests. 14:09:50
8 The Company appreciates DPU's efforts in 14:09:53
9 evaluating the Company's applications, and will 14:09:56
10 make changes to improve timeliness of future 14:09:57
11 amendment applications. 14:10:02
12 The Amendments are compliant with the 14:10:02
13 relevant Commission orders and with Utah 14:10:05
14 Schedule 38, and should be found to be in the 14:10:08
15 public interest. The Company believes the 14:10:10
16 qualified Power Purchase Agreement Amendments 14:10:12
17 before the Commission for approval have not had any 14:10:14
18 issues raised by the parties in this docket, and 14:10:18
19 recommends the Commission approve the agreement. 14:10:20
20 This concludes my statement. 14:10:20
21 Q. Thank you, Mr. Lara. 14:10:30
22 MR. ROGALA: Your Honor, I would now like 14:10:32
23 to move for the admission of the various Rocky 14:10:34
24 Mountain Power exhibits. 14:10:38
25 PRESIDING OFFICER HAMMER: They're 14:10:39

1 admitted. 14:10:40

2 I'm sorry. Were you going to enumerate 14:10:44

3 them for me? 14:10:46

4 MR. ROGALA: I -- I was, your Honor. I'll 14:10:47

5 go ahead. 14:10:50

6 PRESIDING OFFICER HAMMER: Yeah. 14:10:50

7 MR. ROGALA: Thank you, your Honor. 14:10:51

8 We'd like to move in Docket 22-035-50, for 14:10:52

9 the Company's Application with Exhibit A, which is 14:10:59

10 the Third Amendment to the Non-Firm PPA, that's 14:11:01

11 confidential; and RMP Workpapers 1-5, with 14:11:06

12 Workpapers 3-5 marked as confidential. 14:11:13

13 And then, we'd like to move for 14:11:17

14 introduction of similar documents in the other 14:11:19

15 docket, 22-035-51, and that includes the 14:11:23

16 Application, RMP Exhibit A, and RMP Workpapers 1-5, 14:11:25

17 with Workpapers 3-5 as confidential, and then 14:11:30

18 Exhibit A as confidential as well. 14:11:34

19 PRESIDING OFFICER HAMMER: Forgive me. I 14:11:38

20 had a plane flying over and couldn't hear very well 14:11:40

21 for a moment. But I take it the court reporter got 14:11:44

22 all of that, and there's no objection from 14:11:46

23 Ms. Schmid? 14:11:50

24 MS. SCHMID: There is no objection from 14:11:50

25 the Division. 14:11:53

1 PRESIDING OFFICER HAMMER: Then they're 14:11:53
2 admitted. Thank you. 14:11:55
3 (Exhibit No. 1 admitted 14:11:55
4 into evidence.) 14:11:55
5 PRESIDING OFFICER HAMMER: Any other 14:11:56
6 questions for Mr. Lara, Mr. Rogala? 14:11:57
7 MR. ROGALA: No, your Honor. We tender 14:12:00
8 this witness for cross-examination and questions 14:12:03
9 from the hearing officer. 14:12:05
10 PRESIDING OFFICER HAMMER: Ms. Schmid? 14:12:08
11 MS. SCHMID: No questions. 14:12:09
12 PRESIDING OFFICER HAMMER: And I have 14:12:10
13 none. Thank you, Mr. Lara. 14:12:11
14 MR. LARA: Thank you. 14:12:12
15 PRESIDING OFFICER HAMMER: And you have no 14:12:15
16 other witnesses; correct, Mr. Rogala? 14:12:16
17 MR. ROGALA: We do not, no. We rest our 14:12:18
18 case in chief. 14:12:21
19 PRESIDING OFFICER HAMMER: All right. 14:12:22
20 Ms. Schmid, please call your first 14:12:23
21 witness. 14:12:24
22 MS. SCHMID: Thank you. The Division 14:12:25
23 calls Mr. Ryan Daigle as its witness in docket 14:12:28
24 No. 22-035-50. May he please be sworn? 14:12:32
25 PRESIDING OFFICER HAMMER: Mr. Daigle, do 14:12:36

1 A. Yes, I did. 14:13:42

2 Q. Do you have any changes or corrections to 14:13:43

3 that Division Action Request Response? 14:13:45

4 A. No, I do not. 14:13:49

5 Q. Do you adopt the contents of that Division 14:13:50

6 Action Request Response as part of your testimony 14:13:53

7 here today? 14:13:56

8 A. Yes. 14:13:57

9 MS. SCHMID: With that, the Division moves 14:13:59

10 for the admission of its Action Request Response in 14:14:01

11 docket No. 22-035-50. This Action Response -- 14:14:06

12 Request Response was filed with the Commission on 14:14:13

13 November 23rd of this year. 14:14:18

14 PRESIDING OFFICER HAMMER: It's admitted. 14:14:20

15 (Exhibit No. 2 admitted 14:14:20

16 into evidence.) 14:14:22

17 MS. SCHMID: Thank you. 14:14:22

18 BY MS. SCHMID: 14:14:26

19 Q. Mr. Daigle, do you have a summary to share 14:14:27

20 with us today? 14:14:29

21 A. Yes. 14:14:30

22 Q. Please proceed. 14:14:31

23 A. Good afternoon. The Division recommends 14:14:34

24 the Commission approve the Amendments to the 14:14:36

25 Non-Firm Power Purchase Agreement between 14:14:38

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1 PacifiCorp and Kennecott Utah Copper, regarding the 14:14:41
2 Kennecott refinery. The Division finds the 14:14:43
3 agreement is similar to agreements of prior years; 14:14:47
4 and the second amendment of 2021 complies with the 14:14:50
5 Commission guidelines established in prior orders. 14:14:54
6 The Division finds the contracts to be 14:14:55
7 just, reasonable, and in the public interest. 14:14:58
8 This concludes my comments. 14:15:00
9 Q. Thank you. 14:15:05
10 MS. SCHMID: Mr. Daigle is now available 14:15:08
11 for cross-examination from the Company and 14:15:10
12 questions from the hearing officer. 14:15:10
13 PRESIDING OFFICER HAMMER: Mr. Rogala? 14:15:12
14 MR. ROGALA: I have no questions. Thank 14:15:14
15 you, Mr. Daigle. 14:15:17
16 PRESIDING OFFICER HAMMER: I have none 14:15:17
17 either. Thank you, Mr. Daigle. 14:15:19
18 MR. DAIGLE: Thank you. 14:15:20
19 PRESIDING OFFICER HAMMER: Ms. Schmid, 14:15:24
20 would you like to call your other witness? 14:15:25
21 MS. SCHMID: Yes, please. The Division 14:15:25
22 would like to call Ms. Tamra Dayley as its witness 14:15:26
23 in docket No. 22-035-51. May he -- she please be 14:15:31
24 sworn? 14:15:35
25 PRESIDING OFFICER HAMMER: Ms. Dayley, do 14:15:36

1 Q. Please proceed. 14:17:24

2 A. Thank you. The Division recommends that 14:17:25

3 the Commission approve the Amendments to the 14:17:28

4 Non-Firm Power Purchase Agreements between 14:17:30

5 PacifiCorp and Kennecott Utah Copper, LLC, 14:17:34

6 regarding the Kennecott smelter, the subject of 14:17:36

7 this docket No. 22-035-51. The Division finds the 14:17:38

8 agreement is similar to agreements of prior years, 14:17:45

9 and the first amendment of 2020, and the second 14:17:48

10 amendment of 2021. 14:17:51

11 This third amendment complies with the 14:17:53

12 Commission's guidelines established in prior years. 14:17:55

13 The Division finds the contract to be just, 14:17:57

14 reasonable, and in the public interest. 14:18:01

15 And this concludes my comments. Thank 14:18:02

16 you. 14:18:06

17 Q. Thank you. 14:18:06

18 MS. SCHMID: Ms. Dayley is now available 14:18:07

19 for cross-examination, questions from the Company, 14:18:09

20 and also questions from the hearing officer. 14:18:11

21 PRESIDING OFFICER HAMMER: Mr. Rogala? 14:18:14

22 MR. ROGALA: Thank you, your Honor. No 14:18:16

23 questions. 14:18:17

24 Thank you, Ms. Dayley. 14:18:18

25 PRESIDING OFFICER HAMMER: I have none. 14:18:19

1 Thank you, Ms. Dayley. 14:18:21

2 MS. DAYLEY: Thank you. 14:18:22

3 PRESIDING OFFICER HAMMER: Anything else, 14:18:23

4 Ms. Schmid? 14:18:25

5 MS. SCHMID: Nothing further from the 14:18:27

6 Division. Thank you. 14:18:29

7 PRESIDING OFFICER HAMMER: All right. Is 14:18:30

8 there anything from any party before we adjourn? 14:18:32

9 MR. ROGALA: Your Honor, we just want to 14:18:35

10 thank the Commission and Commission staff for 14:18:37

11 prompt resolution of these dockets. We understand 14:18:40

12 we're in a tight time frame to resolve these, and 14:18:43

13 we'll continue to work to get them resolved in a 14:18:46

14 prompt manner in the future. 14:18:51

15 PRESIDING OFFICER HAMMER: I think -- I 14:18:52

16 think we've been able to accommodate it, and we can 14:18:53

17 get an order out within the time frame required by 14:18:56

18 the dockets. 14:18:59

19 Thank you very much. I hope all of you 14:19:01

20 have a wonderful afternoon. 14:19:02

21 We're adjourned. 14:19:04

22 (This hearing was

23 concluded at 2:19 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 21st day of December, 2022.



MICHELLE CERUTTI, RPR, CSR

[03-035-14 - bachelor's]

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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.

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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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