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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Application of Rocky)
Mountain Power for Waiver of)
the Solicitation Process and)
Waiver of the Requirement)
for Preapproval of)
Significant Energy Resource)
Decision)
) Docket No. 23-035-11
_____)

VIDEOCONFERENCE HEARING TAKEN THROUGH
VERITEXT - ADVANCED REPORTING SOLUTIONS VIA ZOOM
Taken on March 9, 2023
1:00 p.m. to 1:30 p.m.

Reported by: Michelle Mallonee, RPR, CCR

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APPEARANCES

Public Service Commission:

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

2 -o0o-

3 MODERATOR MARTINSON: This is the time noticed
4 for a virtual technical conference under Docket
5 No. 23-035-11, Application of Rocky Mountain Power for
6 Waiver of the Solicitation Process and Waiver of the
7 Requirement for Preapproval of Significant Energy
8 Resource.

9 My name is Eric Martinson, and I am the
10 Commission's designated moderator for the technical
11 conference.

12 Before we turn the time over to Rocky Mountain
13 Power, we want to make sure that the court reporter is
14 ready to go. If you can indicate that.

15 THE COURT REPORTER: Hi. I'm ready. Thank you.

16 MODERATOR MARTINSON: Great. Thank you very
17 much.

18 And with that, we'll turn the time over to Rocky
19 Mountain Power. Thank you.

20 MS. SABA: Thank you. I'm Jana Saba with Rocky
21 Mountain Power. Thanks, everybody, for joining us this
22 afternoon.

23 With me today, who is going to be presenting on
24 behalf of us, is Craig Eller, who is the witness in this
25 docket. We did send over some slides that are posted to

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1 the Commission's website. I'm going to share my screen,
2 and we'll go through those. But just wanted to make
3 people aware that those are on the website as well.

4 So with that, I'm going to share my screen, if
5 that's okay with everybody. Let me know when you can see
6 it.

7 And are you able to see the larger view, or are
8 you still seeing the --

9 MODERATOR MARTINSON: This is Eric. We're
10 seeing the smaller view.

11 MS. SABA: Okay. Let me do it one more time.
12 Sorry about that.

13 MODERATOR MARTINSON: Of course, anyone is
14 welcome to step in and indicate.

15 MS. SABA: All right. Sorry. It's just -- got
16 it on the wrong screen, and then when I hit "present
17 interview," I'm just going to have to -- sorry. That's
18 probably as big as I'm going to be able to make it.

19 All right. Over to you, Craig.

20 MR. ELLER: Thanks, Jana. We've got a few
21 slides that I'll walk through, but do, kind of, welcome
22 any questions or comments as we move along, so feel free
23 to jump in. And then we'll have some time at the end to
24 open it up for discussion.

25 But as Eric noted, this application was for

1 waivers of the solicitation process and significant
2 energy resource decision requirements for the Faraday
3 solar and battery resource. And I'll get into a little
4 more detail on that here in a minute.

5 So first, just wanted to review Schedule 34,
6 which this resource is being procured for. So Utah Code
7 54-17-806 authorized that we could add a new renewable
8 energy tariff for qualifying customers to receive
9 renewable energy from renewable generation facilities.
10 That was implemented through a new renewable tariff,
11 Schedule 34, which was approved in August of 2016 by the
12 Commission.

13 Schedule 34, the tariff Schedule 34 governs the
14 contract guidelines for us to acquire renewable energy on
15 behalf of a Schedule 34 customer. And our first Schedule
16 34 contract was approved in Docket 16-305-27 for, at the
17 time it was Facebook, currently known as Meta Platforms,
18 and that Renewable Energy Service Contract, or RESC, was
19 approved in August of 2016 as well.

20 On January 20th of this year, we executed power
21 purchase agreements for both solar generation and an
22 attached battery storage facility for the Faraday
23 project. The project will be located in Utah County.
24 And it consists of 525 megawatts of solar output, and 150
25 megawatts of battery storage with a four-hour duration.

1 The expected commercial operation dates for the
2 project are September 30th of 2025 for the solar
3 facility, and June 1st of 2026 of the attached battery
4 storage component.

5 The Faraday project is the seventh resource that
6 the company has procured under a Schedule 34 contract for
7 Meta. And I think the next slide kind of has the
8 breakdown of those -- of those resources and when we made
9 our courtesy notice filings on each of those, with this
10 being the most recent one on March 6th.

11 Going here. So due to the size of the Faraday
12 project, it does trigger the need for a significant --
13 qualifies as a significant energy resource. So in
14 general, that's a 100-megawatt -- the threshold for that
15 is a resource size of 100 megawatts or more with a
16 dependable life of ten years or more. That was modified
17 for renewable energy resources, like in this case the
18 solar, which increased the threshold to 300 megawatts or
19 more. However, this one being 525 megawatts, it
20 continues to trigger the significant energy resource
21 designation.

22 All right. The Code does allow waiver of the
23 solicitation process and the significant energy resource
24 decision for one of three items: A clear emergency, a
25 time-limited commercial or technical opportunity, and any

1 other factors that make waiving the requirement in the
2 public interest. And this is the category that the
3 company is looking for approval to waive these
4 requirements here, as it is a Schedule 34 contract
5 obtained for a single customer, Meta, under an approved
6 Schedule 34 contract.

7 So our last slide here. But the terms of that
8 Schedule 34 contract, in effect, obligate the customer to
9 pay all of the costs from this facility, ensuring that
10 there are no cost shifts to other customers.

11 Meta, so the off-take customer, ultimately has
12 the decision on which resources, you know, it would like
13 to, the company to enter into agreements with and pursue.
14 And in this case, you know, this was the resource that
15 best met -- met their needs.

16 And the contract itself between us and Meta,
17 which was previously approved, as I noted, includes a
18 number of protections for the company and its customers,
19 including protections in the event of default and
20 ensuring that, you know, costs are not shared or don't
21 unduly fall on other customers.

22 And I think that is all I had for prepared
23 materials.

24 MODERATOR MARTINSON: Are there any questions
25 among the participants today?

1 MR. DAVIS: This is -- go ahead, Bela.

2 MR. VASTAG: I think, Bob, you were first. Go
3 ahead.

4 MR. DAVIS: Oh, it doesn't matter. I had a
5 question. In there, a new substation has to be built,
6 and they said the cost of the substation would be borne
7 by the seller.

8 Can you clarify that a little bit for me?

9 MR. ELLER: Yeah. So the interconnection costs
10 are handled under the seller. So the Faraday asset
11 developer, in this case Clenera, under the terms of their
12 LGIA with PacifiCorp Transmission, they are responsible
13 for their interconnection costs.

14 And I don't know if that answered your question,
15 or if there was more than that.

16 MR. DAVIS: Yeah. Yeah. That's what I thought,
17 but I just needed to clarify that.

18 And just one other question about the
19 transmission distribution costs. I don't know how close
20 to the customer the solar farm will be.

21 Is that close, a long ways away? How are the
22 transmission distribution costs covered?

23 MR. ELLER: So they are relatively close, and
24 they're both in Utah County.

25 But the transmission costs are handled with, you

1 know, the overall service cost of Meta's under their
2 Schedule 34 contract. That is where they pay for all of
3 the costs associated with their service.

4 MR. DAVIS: Okay. Thanks that's all I had.

5 MR. VASTAG: So this is Bela with the Office of
6 Consumer Services.

7 In the last contract amendment, there were some
8 additional charges or fees to incentivize Facebook to
9 bring on resources that provide capacity, I believe,
10 because there was the issue of, if we keep adding
11 intermittent resources, the value of those, from a
12 capacity perspective, diminishes.

13 So with this battery system that's part of this
14 resource, the -- it's, what, a 150-megawatt battery, do
15 they avoid those increased charges? Do they pay the,
16 like, the charges from the original cost structure or
17 pricing structure? Or how does that work?

18 MR. ELLER: Yeah. Again, I don't know if we
19 want to -- we tried to keep this docket specific to the
20 waiver request on ability to enter into the PPA, so I'm a
21 little -- so we tried to keep everything nonconfidential.
22 And that question, to me, kind of more lands on, you
23 know, what is the Meta, you know, service constructs? I
24 don't know if it's more appropriate as a question in that
25 docket.

1 Jana, what are your -- I can answer it at a high
2 level, but

3 MS. SABA: I mean, I would just say this is a,
4 you know, a public -- so to the extent that you can
5 answer the question without getting into sensitive
6 information, I think that would be good.

7 MR. ELLER: Okay. So I would say at a high
8 level, you know, this resource is the type of thing, you
9 know, especially with the battery storage, that we were,
10 you know, mutually looking to bring on, under that new
11 amendment to be able to provide, you know, capacities, to
12 be able to provide, you know, firm service to Meta.

13 The exact, you know, specifics of, kind of, you
14 know, how much credit, et cetera, I would consider
15 confidential and probably more applicable to the Meta
16 service contract docket.

17 I don't know if that, Bela, is enough to answer
18 your question, but this definitely fits in what we were
19 contemplating in that most recent amendment.

20 MR. VASTAG: Yeah, I apologize. I forgot that
21 most of that information is confidential.

22 But I thought it might have this -- achieves
23 those, you know, those goals of bringing some capacity
24 value. Capacity contribution value, you know, along with
25 these resources, might play into, you know, whether the

1 SERD waiver is, you know, basically not an issue -- not a
2 big issue or maybe a small issue. So thank you for that.

3 Maybe we could have a meeting where you can
4 discuss some confidential information just to confirm the
5 information that, you know, that you just broadly gave
6 us, so -- but it sounds like it's in the right direction,
7 so that's good.

8 That was the only question I had, so.

9 MR. ELLER: Okay.

10 MS. SABA: David Williams has his hand up.

11 MR. WILLIAMS: Hi. This is David Williams with
12 the Division. I had a couple questions. One was kind of
13 a follow-up to Bob's question.

14 So this is in, I guess as far as the
15 transmission topography, this is all within the Utah
16 north bubble?

17 MR. ELLER: I believe so. I don't -- I'm not as
18 familiar on that IRP topography map.

19 MR. WILLIAMS: I mean, I guess it doesn't
20 matter. But the load and the resource are in the same
21 topography bubble. I guess I was just wondering -- I
22 don't even really know how to ask this.

23 But going forward, would this have any effect on
24 projects trying to enter that cluster? Like if, you
25 know, if you compare the two situations, one where this

1 project didn't exist at all, and another situation where
2 this project goes forward, how might that affect a future
3 third party trying to enter the cluster study in this
4 same area? I mean, would their transmission costs be
5 changed at all, or ...?

6 A. Yeah. So this customer does have a signed LGIA,
7 so they have a signed interconnection. So, you know,
8 with that in hand, future cluster study, you know,
9 requests would be looked at on top of this one. And
10 that's something that they've obtained, kind of on their
11 own.

12 So it's not a -- I guess I would just say they
13 have the right to interconnect to the system, and they
14 have, kind of, known costs to do that. Prior to us
15 entering into this contract and continuing now that we
16 have, other future interconnection requests will be
17 looked at incrementally to their interconnection.

18 MR. WILLIAMS: Right. So I guess, yeah, future
19 cluster studies would assume, you know, would be after --
20 after this project.

21 But would their costs be any different, whether
22 this was a, you know, a Schedule 34 project or just some
23 other, quote, regular interconnection?

24 MR. ELLER: No. It -- and if someone else wants
25 to jump in and help me clarify this, feel free.

1 So by them securing those rights with PacifiCorp
2 Transmission -- you know, the form, if we didn't enter
3 this form of contract with Faraday, we entered a
4 different one. We entered -- you know, instead of them
5 having gone down this path with Meta, had it been an all
6 source RFP or, you know, had they pursued a different
7 project as QFs or pursued a different off-taker
8 completely but remained interconnected with our system,
9 each analysis just simply looks at -- like how -- who
10 they contract with, is maybe how I'll answer that,
11 doesn't impact -- who their off-taker is doesn't impact
12 how PacifiCorp Transmission is going to stack future
13 requests in addition to this prior -- prior LGIA.

14 MR. WILLIAMS: And it also wouldn't affect the
15 specific transmission upgrades that are required, you
16 know. If you're building -- I mean, this is my ignorance
17 of how transmission works within a bubble. But if you're
18 building a project that's, quote, designated for
19 something right next door, are the transmission costs the
20 same as if you were building that project and then
21 sending it to another bubble?

22 MR. MACNIEL: So where -- this is Dan MacNiel.
23 So where the electrons are going to go across the
24 transmission system isn't part of the interconnection
25 study. But when they do the interconnection study, the

1 fact that there's more load in an area means that more
2 electrons sink in that area, and they don't have to go
3 further. So there can be a relationship there, but, you
4 know, there's nothing specifically tying individual
5 resources to individual loads in an interconnection
6 study.

7 MR. WILLIAMS: Okay. I think that answered my
8 question.

9 And then the second one was about the IRP. Is
10 this project in the -- I don't know how it's related to
11 the IRP. This may have been discussed at the meeting a
12 couple weeks ago, but I can't remember.

13 Is this project in the preferred portfolio, or,
14 you know, what's the deal there?

15 MR. ELLER: So it was not. And there's a little
16 bit in my testimony around Line 131 on the IRP. But
17 neither this resource or this load from Meta was included
18 in the '21 IRP or the '21 IRP update. So we -- we don't
19 anticipate, you know, material change to that prior
20 preferred portfolio from that because, kind of, both the
21 generation and the load were absent from those plans.

22 MR. WILLIAMS: Okay. The load was not in the
23 2021 IRP, but it is included in the current IRP that's
24 about to be presented?

25 MR. ELLER: The '23 IRP?

1 MR. WILLIAMS: Yeah.

2 MR. ELLER: I believe that to be true.

3 But Dan, can you --

4 MR. MACNIEL: Yeah, I believe that to be true,
5 also. And the resource is also in there so that they are
6 together.

7 MR. WILLIAMS: Okay. If for some reason this
8 request were denied -- you know, I'm not saying there's
9 any reason why it would be. But if the waiver were
10 denied and you had to go through the regular process, and
11 if that were somehow denied, then you would just have to
12 get some other load -- some other generation to meet the
13 expected load?

14 MR. ELLER: Generally, yes. I mean, I think if
15 the waiver request were denied, I think the timing of --
16 of, you know, going through the normal process would
17 become a factor. At some point, you know, in order to
18 hit the in-service dates that I talked about before, you
19 know, we would like to get this waiver so they can get --
20 kind of get on with construction. Depending on the
21 timeline of that process, it could jeopardize that.

22 If it ultimately was a fatal thing or the
23 request itself were denied in that process, you know, we
24 would be forced, effectively, to terminate our agreement
25 on this asset and either -- or amend it, you know, or

1 work with them to amend it. And I think that would
2 likely have impacts in terms of both cost and timing on
3 Meta.

4 Potentially, it would leave us, you know, if
5 there is a timing issue, with trying to find other
6 resources from the system standpoint to fill that gap.

7 MR. WILLIAMS: Okay. Thanks. I think that
8 answered my questions.

9 MR. ELLER: I don't know if I'm calling on --
10 I'll just call --

11 MS. SABA: It looks like --

12 MR. WHEELWRIGHT: How does the size of this
13 project compare to the other ones that have been
14 approved?

15 MR. ELLER: This is the largest -- let me go
16 back to that list. I think for comparison, the two --
17 the Appaloosa A and B, in combination, are about
18 200 megawatts. Rocket, Horseshoe, and Graphite, I think,
19 are each between 75 and 80 megawatts apiece. And then
20 the Cove Mountain 2, I believe, is also 80 -- Cove 2 was
21 also 120, so that is materially larger than all of those
22 prior --

23 MR. MACNIEL: It's roughly the size of the sum
24 of all those prior ones?

25 MR. ELLER: Yeah.

1 MR. WHEELWRIGHT: And is the load that big for
2 that one entity?

3 MR. ELLER: Yes.

4 MR. MACNIEL: Or it will be, assuming they can
5 secure adequate power supply.

6 MR. VASTAG: This is Bela. They must be
7 expanding their operations there, right, and they're
8 looking ahead? I mean --

9 MR. ELLER: They've been in a state of continued
10 development, and I think they've made some announcements
11 as well on additional future expansions there at the
12 site, so

13 MR. WHEELWRIGHT: You also referred to the
14 additional information more detailed in another filing.
15 Where are we with that second filing?

16 MS. SABA: Doug, I think we were referring to
17 there's been two filings where the overarching contracts
18 that govern this resource have been approved -- filed and
19 approved.

20 MR. WHEELWRIGHT: Okay.

21 MS. SABA: So you'd want to look -- the first
22 one would have been 16-035-27, which was the original
23 approval docket for the Schedule 34 contract.

24 MR. WHEELWRIGHT: Right.

25 MS. SABA: And then we came in last year for an

1 amendment, which was 22-035-30, I believe. And so I
2 think that's what we were referring to. There isn't
3 another --

4 MR. WHEELWRIGHT: Okay.

5 MS. SABA: Yeah. The only other, we did on --
6 you know, as we've -- you know, we got the overall
7 contract approved. And then as they've added resources
8 under that contract umbrella, we've filed courtesy
9 notices in the old 16-035-27 docket each time that's
10 happened. So on Monday, when we filed this waiver
11 request, we also filed in that docket. So those are all
12 the, kind of how all the filings fit together.

13 MR. WHEELWRIGHT: Okay. Thank you. That
14 clarifies that. Thanks.

15 MODERATOR MARTINSON: I'd just like to ask
16 attendees if there are any further questions for Rocky
17 Mountain Power? I have a couple, if there aren't.

18 Great. I'm not hearing anything.

19 I put together a list of what I can see as the
20 attendees present today for the sake of the record and
21 the court reporter. But there are two telephone numbers
22 representing attendees here, both from Area Code 360,
23 ending in -35 and -37. If you could identify those
24 attendees for the record.

25 MS. SABA: I believe that might be Joe Dallas,

1 our counsel.

2 Joe, is that you, the 360 number?

3 MR. DALLAS: Yeah, I just unmuted my phone. So
4 the 360 number is Joe Dallas with PacifiCorp.

5 MS. SABA: And there's two, Joe. There's one
6 that ends in -35 and one that ends in -37. Are both of
7 those you?

8 MR. DALLAS: Yes.

9 MS. SABA: Okay.

10 MODERATOR MARTINSON: Great. Thank you.

11 MS. SABA: That's counsel for PacifiCorp.

12 Thanks.

13 MODERATOR MARTINSON: All right. And lastly, if
14 there are no further questions or comments, we just
15 wanted to make sure that we indicated that we're going to
16 post the video of this tech conference just as soon as
17 Rocky Mountain Power files it.

18 And if there's nothing further, that concludes
19 this tech conference. Thank you, everyone, for your
20 participation and attendance.

21 (The matter concluded at 1:30 p.m.)

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CERTIFICATE

State of Utah)

ss.

County of Salt Lake)

I, Michelle Mallonee, a Registered Professional Reporter in and for the State of Utah, do hereby certify:

That the proceedings of said matter was reported by me in stenotype and thereafter transcribed into typewritten form;

That the same constitutes a true and correct transcription of said proceedings so taken and transcribed;

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 event thereof.

WITNESS MY HAND at Salt Lake City, Utah, this 20th day of March 2023.



Michelle Mallonee, RPR, CCR

Utah CCR #267114-7801

Expires May 31, 2024

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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.

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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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