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- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -
Application of Rocky)
Mountain Power for)
Approval of an Amendment to)
the Power Purchase Agreement)
between PacifiCorp and) DOCKET NO. 23-035-45
Kennecott Utah Copper LLC -) DOCKET NO. 23-035-46
Smelter)
)
Application of Rocky)
Mountain Power for)
Approval of an Amendment to)
the Power Purchase Agreement)
between PacifiCorp and)
Kennecott Utah Copper LLC -)
Refinery)
)
-----)

Videoconference hearing presided over by
Michael J. Hammer, on Thursday, November 30, 2023
at 1:00 p.m. MT.

Stenographically Reported by Christina Essi, Registered
Professional Reporter

A P P E A R A N C E S

For Rocky Mountain Power:

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For Assistant Utah Attorneys General:

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Also present:

Melissa Paschal, Public Service Commission

Brenda Salter

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I N D E X

	Page
Opening Remarks.....	4
COMPANY WITNESS: Craig Eller	
Examination by Ms. Smith.....	5
DPU WITNESS: Jeff Einfeldt	
Examination by Mr. Grecu.....	9

E X H I B I T S

(Documents retained by counsel)

		Page
Company	Docket 23-035-45, Company	8
Documents -	Application (confidential) and Work Papers 1 - 5, (Work Papers 3 - 5, confidential)	
	Docket 23-035-46, Company Application, Exhibit A, and Work Papers 1 - 5, (Work Papers 3 - 5, confidential)	
DPU	November 9th Action Request	11
documents -	Responses, Docket Numbers 23-035-45 and 23-035-46	

1 -o0o-

2 THE COURT: Good afternoon. My name is
3 Mike Hammer. I am the Commission's designated
4 presiding officer for these dockets. We are here for
5 the consolidated hearings in the matter of the
6 application of Rocky Mountain Power for approval of
7 an amendment to the Power Purchase Agreement between
8 PacifiCorp and Kennecott Utah Copper, LLC - Smelter,
9 and the application for approval of an amendment to
10 the Power Purchase Agreement between PacifiCorp and
11 Kennecott Utah Copper, LLC - Refinery. Those are
12 Commission Docket Numbers 23-035-45 and 23-035-46.
13 With that, let's go ahead and take appearances,
14 beginning with Rocky Mountain Power, please. You are
15 muted.

16 MS. SMITH: Sorry about that. Thank you,
17 your Honor. Katherine Smith, S-M-I-T-H, counsel for
18 Rocky Mountain Power and with me today is company
19 witness Craig Eller.

20 THE COURT: Welcome. And for the Division of
21 Public Utilities?

22 MR. GRECU: Patrick Grecu, Assistant Attorney
23 General for the Division, and our witness today will
24 be Mr. Jeff Einfeldt.

25 THE COURT: And is the Office represented

Page 4

1 today? I don't believe anything was filed.

2 Okay. Any other parties that would like to
3 enter an appearance?

4 All right, then we'll go to you, Ms. Smith.
5 Please call your first witness.

6 MS. SMITH: Thank you. Rocky Mountain Power
7 would like to call Craig Eller as Company witness,
8 please.

9 CRAIG ELLER,
10 was called as a witness, and having been first duly
11 sworn to tell the truth, testified as follows:

12 THE COURT: Thank you. Please go ahead.

13 EXAMINATION

14 BY MS. SMITH:

15 Q All right. Mr. Eller, can you please state and
16 spell your name for the record?

17 A Yes. My name is Craig Eller, C-R-A-I-G,
18 E-L-L-E-R.

19 Q By whom are you employed and what is your
20 business address?

21 A Employed by Rocky Mountain Power. Our address
22 is 1407 West North Temple, Salt Lake City, Utah 84116.

23 Q Can you please explain your position with Rocky
24 Mountain Power?

25 A My current role is Vice President, Business

1 Policy and Development.

2 Q And can you please briefly describe your
3 education and business experience?

4 A Yes. I have a bachelor of science in
5 mechanical engineering from the University of Nebraska.
6 I have been employed with PacifiCorp since July 2020 in
7 my current role where I'm responsible for strategic
8 planning, stakeholder engagement, regulatory support,
9 business development, and execution of major transmission
10 projects. Prior to my current role, I worked at Northern
11 Natural Gas Company, an affiliate of the company, from
12 2007 through 2020 in various business development,
13 commercial marketing, and engineering roles.

14 Q In your position at Rocky Mountain Power, have
15 you had the opportunity to review the applications and
16 relevant exhibits in this proceeding?

17 A Yes.

18 Q Have you prepared a statement regarding your
19 review of these materials?

20 A Yes.

21 Q Can you please provide a summary for the
22 Commission.

23 A Yes. Good afternoon, Mr. Hammer. I present
24 today for Commission approval of amendments to the
25 qualifying facility Power Purchase Agreements between

1 Kennecott Utah Copper, LLC, and PacifiCorp for operations
2 at its smelter and refinery facilities.

3 The original agreements which were approved on
4 December 20th of 2019 in Docket Numbers 19-035-36 and
5 19-035-37 had a term of 12 months, January 1st of 2020
6 through December 31st, 2020. The agreements for
7 Kennecott's refinery and smelter facilities provides for
8 the sale to PacifiCorp of energy to be generated by
9 Kennecott up to 31.8 megawatts and 7.54 megawatts,
10 respectively. From waste, heat, fire -- sorry. From
11 waste heat-fired cogeneration facilities constructed by
12 Kennecott and located in Magna, Utah. The amendments for
13 which the company seeks approval are the 4th amendments
14 which extend the term of the agreements for the 12 months
15 ended December 31st, 2024. The purchase prices set forth
16 in the amendments are the lower of the Block 2 rate
17 under the Electric Service Agreement or as calculated
18 using the methodology approved by the Commission in
19 Docket Number 03-035-14.

20 In comments, the Division of Public Utilities
21 supported Commission approval of the amendments. The
22 Division also reaffirms its recommendation that the
23 Company provide the grid outputs and Excel spreadsheets
24 supporting the price calculations, along with the
25 spreadsheets showing avoided line loss calculations. The

1 Division also recommends the Company continue to provide,
2 at least quarterly, hourly power purchase reports. The
3 Company agrees to these continued recommendations. The
4 amendments are compliant with relevant Commission orders
5 and approval is in the public interest. With the current
6 terms set to expire on December 31st, 2023, I
7 respectfully request the Commission issue its order in
8 these proceedings by December 31st, 2023, if possible, so
9 that no time lapses between agreements.

10 That concludes my summary today. Thank you.

11 MS. SMITH: Your Honor, I'd now like to move
12 for admission Docket 23-035-45, the Company's
13 Application Exhibit which is marked as confidential,
14 and Work Papers 1 through 5, with Work Papers 3
15 through 5 marked as confidential.

16 Additionally, the Company would like to move
17 for introduction of similar documents in the other
18 docket, 23-035-46, the Company's Application,
19 Exhibit A, and Work Papers 1 through 5, with Work
20 Papers 3 through 5 marked as confidential.

21 THE COURT: They're admitted.

22 (Company Documents admitted into evidence.)

23 MS. SMITH: We tender this witness for
24 cross-examination and questions from the Hearing
25 Officer.

1 THE COURT: Mr. Grecu, any cross?

2 MR. GRECU: No questions from the Division.

3 THE COURT: And I have none. Thank you,
4 Mr. Eller.

5 THE WITNESS: Thank you

6 THE COURT: No other witness, Ms. Smith?

7 MS. SMITH: No.

8 THE COURT: Mr. Grecu, would you like to call
9 your witness?

10 MR. GRECU: We would like to call
11 Mr. Jeff Einfeldt.

12 JEFF EINFELDT,
13 was called as a witness, and having been first duly
14 sworn to tell the truth, testified as follows:

15 THE COURT: Thank you. Please proceed.

16 EXAMINATION

17 BY MR. GRECU:

18 Q Would you please state and spell your name for
19 the record?

20 A My name is Jeff Einfeldt. First name, J-E-F-F,
21 last name, E-I-N-F-E-L-D-T.

22 Q And who is your employer?

23 A I'm employed by the Division of Public
24 Utilities. The Utah Division of Public Utilities.

25 Q And what is your business address?

1 A Business address is, let's see,
2 160 East 300 South, Salt Lake City, Utah.

3 Q And what is your position with the Division?

4 A I'm a utility technical consultant. I've been
5 employed -- I've been with the Division since May of
6 2016. Prior to that, I've worked in the CPA -- as a CPA
7 in the accounting profession for a number of years. As a
8 utility technical consultant, I review documents. I
9 review financial records and various dockets filed by
10 utilities in Utah and help prepare the Division's
11 position on a number of those dockets and help prepare
12 testimony and data requests or data responses.

13 Q Could you provide a brief overview of your
14 educational background?

15 A Yes. I've got a master's in accounting from
16 the University of Utah. I am a CPA. I also have
17 designation as a Certified Internal Auditor and a
18 Certified Fraud Examiner currently.

19 Q And have you participated in these dockets on
20 behalf of the Division?

21 A Yes, I have.

22 Q Did you review Rocky Mountain Power's
23 applications and supporting exhibits and work papers in
24 Docket Numbers 23-035-45 and 23-035-46?

25 A Yes, I have.

1 Q And did you prepare and cause to be filed or
2 participate in the preparation and filing of the
3 Division's Action Request Response filed on November 9th,
4 2023 in Docket Number 23-035-45 and the Division's Action
5 Request Response filed on November 9th, 2023 in
6 Docket Number 23-035-46?

7 A Yes.

8 Q And do you have any changes or corrections to
9 those filings?

10 A No, I don't.

11 Q And do you adopt the contents of those action
12 requests responses as part of your testimony today?

13 A Yes, I do.

14 MR. GRECU: I'd like to move to admit the
15 Division's Action Request Responses that were filed
16 on November 9th in Docket Number 23-035-45 and
17 23-035-46.

18 THE COURT: They're admitted.

19 (DPU Documents admitted into evidence.)

20 BY MR. GRECU:

21 Q Mr. Einfeldt, do you have a summary to share
22 today?

23 A Yes, briefly.

24 Q Please proceed.

25 A The Division recommends the Commission approve

1 the amendments to the non-firm Power Purchase Agreements
2 between PacifiCorp and Kennecott Utah Copper regarding
3 the Kennecott smelter and refinery, the subject of
4 Docket Numbers 23-035-45 and 23-035-46, respectively.

5 The Division finds both agreements are similar
6 to contracts of prior years and the amendments to the
7 prior three years and comply with Commission guidelines
8 established in prior orders. The Division finds the
9 contracts to be just, reasonable, and in the public
10 interest. This concludes my comments.

11 MR. GRECU: The witness is now available for
12 cross-examination or questions from the hearing
13 officer.

14 THE COURT: Any questions, Ms. Smith?

15 MS. SMITH: No questions.

16 THE COURT: I have none. Mr. Einfeldt, thank
17 you very much.

18 THE WITNESS: Thank you.

19 THE COURT: No other witness, Mr. Grecu?

20 MR. GRECU: Nothing further from the
21 Division.

22 THE COURT: Is there anything from any party
23 before we adjourn?

24 All right, I suspect I'll see some of you
25 later this afternoon in another case. Until then,

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we're adjourned.

(Hearing adjourned at 1:11 p.m.)

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STATE OF UTAH)
)
COUNTY OF SALT LAKE)

I, Christina Essi, a Certified Shorthand Reporter and Registered Professional 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; 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.

- () Review and signature was requested.
- () Review and signature was waived.
- (X) review and signature was not requested.

In witness thereof, I have subscribed my name on this 30th day of November, 2023.



Christina Essi, RPR, CSR

[03-035-14 - briefly]

0	3	action 3:23 11:3,4,11,15 14:17	appearance 5:3 appearances 4:13
03-035-14 7:19	3 3:16,21 8:14 8:20	additionally 8:16	application 1:2 1:6 3:14,19 4:6 4:9 8:13,18
1	30 1:14 300 2:8 10:2 30th 14:21 31.8 7:9 31st 7:6,15 8:6 8:8	address 5:20,21 9:25 10:1 adduced 14:13 adjourn 12:23 adjourned 13:1 13:2	applications 6:15 10:23 approval 1:3,7 4:6,9 6:24 7:13 7:21 8:5
1 3:15,20 8:14 8:19 11 3:23 12 7:5,14 1407 5:22 160 2:8 10:2 17408 14:23 19-035-36 7:4 19-035-37 7:5 1:00 1:15 1:11 13:2 1st 7:5	4	admission 8:12 admit 11:14 admitted 8:21 8:22 11:18,19 adopt 11:11 affiliate 6:11 afternoon 4:2 6:23 12:25 agreement 1:3 1:7 4:7,10 7:17 agreements 6:25 7:3,6,14 8:9 12:1,5 agrees 8:3 agutah.gov 2:9 ahead 4:13 5:12 aided 14:11 amendment 1:3 1:7 4:7,9 amendments 6:24 7:12,13 7:16,21 8:4 12:1,6	approve 11:25 approved 7:3 7:18 assistant 2:6,7 4:22 attorney 2:7 4:22 14:16 attorneys 2:6 auditor 10:17 available 12:11 avoided 7:25
2	4 3:3 4th 7:13	5	b
2 7:16 2007 6:12 2016 10:6 2019 7:4 2020 6:6,12 7:5 7:6 2023 1:14 8:6,8 11:4,5 14:21 2024 7:15 20th 7:4 23-035-45 1:4 3:13,24 4:12 8:12 10:24 11:4,16 12:4 23-035-46 1:4 3:18,25 4:12 8:18 10:24 11:6,17 12:4	5 3:5,15,16,20 3:21 8:14,15 8:19,20 5th 2:8	5th 2:8	b 3:10 bachelor 6:4 background 10:14 beginning 4:14 behalf 10:20 believe 5:1 block 7:16 brenda 2:13 brief 10:13 briefly 6:2 11:23
	7		
	7.54 7:9		
	8		
	8 3:13 84114 2:8 84116 5:22		
	9		
	9 3:7 9th 3:23 11:3,5 11:16		
	a		
	accounting 10:7,15 accurate 14:13		

[business - energy]

<p>business 5:20 5:25 6:3,9,12 9:25 10:1</p>	<p>4:18 5:7 6:11 6:11 7:13,23 8:1,3,16,22</p>	<p>court 4:2,20,25 5:12 8:21 9:1,3 9:6,8,15 11:18 12:14,16,19,22</p>	<p>4:12 7:4,19 8:12,18 10:24 11:4,6,16 12:4</p>
<p>c</p>	<p>company's 8:12,18</p>	<p>cpa 10:6,6,16</p>	<p>dockets 4:4 10:9,11,19</p>
<p>c 2:1 5:17 calculated 7:17 calculations 7:24,25 call 5:5,7 9:8,10 called 5:10 9:13 case 12:25 cause 11:1 certified 10:17 10:18 14:3 certify 14:5,15 changes 11:8 christina 1:23 14:3,24 city 2:8 5:22 10:2 cogeneration 7:11 comments 7:20 12:10 commercial 6:13 commission 1:1 2:12 4:12 6:22 6:24 7:18,21 8:4,7 11:25 12:7 commission's 4:3 company 3:4 3:13,13,18</p>	<p>compliant 8:4 comply 12:7 computer 14:11 concludes 8:10 12:10 confidential 3:14,16,21 8:13,15,20 consolidated 4:5 constitutes 14:12 constructed 7:11 consultant 10:4 10:8 contents 11:11 continue 8:1 continued 8:3 contracts 12:6 12:9 copper 1:4,8 4:8,11 7:1 12:2 corrections 11:8 counsel 3:11 4:17 county 14:2</p>	<p>craig 3:4 4:19 5:7,9,17 cross 8:24 9:1 12:12 csr 14:24 current 5:25 6:7,10 8:5 currently 10:18</p>	<p>documents 3:11,14,24 8:17,22 10:8 11:19 dpu 3:6,23 11:19 duly 5:10 9:13</p>
		<p>d</p>	<p>e</p>
		<p>d 3:1 9:21 data 10:12,12 day 14:21 december 7:4,6 7:15 8:6,8 describe 6:2 designated 4:3 designation 10:17 development 6:1,9,12 division 4:20 4:23 7:20,22 8:1 9:2,23,24 10:3,5,20 11:25 12:5,8 12:21 division's 10:10 11:3,4,15 docket 1:4,4 3:13,18,24</p>	<p>e 2:1,1 3:1,10 5:18,18 9:20 9:21,21 east 2:8 10:2 education 6:3 educational 10:14 einfeldt 3:6 4:24 9:11,12 9:20 11:21 12:16 electric 7:17 eller 3:4 4:19 5:7,9,15,17 9:4 employed 5:19 5:21 6:6 9:23 10:5 employee 14:16 employer 9:22 ended 7:15 energy 7:8</p>

[engagement - mountain]

<p>engagement 6:8 engineering 6:5 6:13 enter 5:3 esq 2:4,7 essi 1:23 14:3 14:24 established 12:8 evidence 8:22 11:19 examination 3:5,7 5:13 8:24 9:16 12:12 examiner 10:18 excel 7:23 execution 6:9 exhibit 3:19 8:13,19 exhibits 6:16 10:23 experience 6:3 expire 8:6 explain 5:23 extend 7:14</p>	<p>filings 11:9 financial 10:9 14:17 finds 12:5,8 fire 7:10 fired 7:11 firm 12:1 first 5:5,10 9:13,20 floor 2:8 follows 5:11 9:14 foregoing 14:6 14:12 forth 7:15 14:7 fraud 10:18 full 14:12 further 12:20 14:15</p>	<p>h</p> <p>h 3:10 4:17 hammer 1:14 4:3 6:23 hearing 1:13 8:24 12:12 13:2 hearings 4:5 heat 7:10,11 help 10:10,11 honor 4:17 8:11 hourly 8:2</p>	<p>kennecott's 7:7</p>
			<p>i</p> <p>l 5:18,18 9:21 lake 2:8 5:22 10:2 14:2 lapses 8:9 line 7:25 llc 1:4,8 4:8,11 7:1 located 7:12 loss 7:25 lower 7:16</p>
			<p>m</p> <p>m 4:17 magna 7:12 major 6:9 marked 8:13 8:15,20 marketing 6:13 master's 10:15 materials 6:19 matter 4:5 mechanical 6:5 megawatts 7:9 7:9 melissa 2:12 methodology 7:18 michael 1:14 mike 4:3 months 7:5,14 mountain 1:2,6 2:3 4:6,14,18 5:6,21,24 6:14</p>
	<p>g</p> <p>g 5:17 gas 6:11 general 2:6,7 4:23 generated 7:8 go 4:13 5:4,12 good 4:2 6:23 greco 2:7 3:7 4:22,22 9:1,2,8 9:10,17 11:14 11:20 12:11,19 12:20 grid 7:23 guidelines 12:7</p>	<p>i</p> <p>interest 8:5 12:10 14:17 internal 10:17 introduction 8:17 issue 8:7</p>	
		<p>j</p> <p>j 1:14 9:20 january 7:5 jeff 3:6 4:24 9:11,12,20 july 6:6</p>	
		<p>k</p> <p>katherine 2:4 4:17 katherine.smith 2:4 kennecott 1:4,8 4:8,11 7:1,9,12 12:2,3</p>	
<p>f</p> <p>f 9:20,20,21 facilities 7:2,7 7:11 facility 6:25 filed 5:1 10:9 11:1,3,5,15 filing 11:2</p>			

[mountain - recommends]

<p>10:22 move 8:11,16 11:14 mt 1:15 muted 4:15</p>	<p>operations 7:1 opportunity 6:15 oral 14:14 order 8:7 orders 8:4 12:8 original 7:3 outputs 7:23 overview 10:13</p>	<p>place 14:7 placed 14:8 planning 6:8 please 4:14 5:5 5:8,12,15,23 6:2,21 9:15,18 11:24 policy 6:1 position 5:23 6:14 10:3,11 possible 8:8 power 1:2,3,6,7 2:3 4:6,7,10,14 4:18 5:6,21,24 6:14,25 8:2 12:1 power's 10:22 preparation 11:2 prepare 10:10 10:11 11:1 prepared 6:18 present 2:11 6:23 presided 1:13 president 5:25 presiding 4:4 price 7:24 prices 7:15 prior 6:10 10:6 12:6,7,8 proceed 9:15 11:24 proceeding 6:16</p>	<p>proceedings 8:8 14:6,9,14 profession 10:7 professional 1:24 14:4 projects 6:10 provide 6:21 7:23 8:1 10:13 provides 7:7 public 1:1 2:12 4:21 7:20 8:5 9:23,24 12:9 purchase 1:3,7 4:7,10 6:25 7:15 8:2 12:1</p>
<p>n</p>	<p>p</p>	<p>q</p>	<p>r</p>
<p>n 2:1 3:1 9:21 name 4:2 5:16 5:17 9:18,20 9:20,21 14:20 natural 6:11 nebraska 6:5 non 12:1 north 5:22 northern 6:10 notes 14:10 november 1:14 3:23 11:3,5,16 14:21 number 7:19 10:7,11 11:4,6 11:16 numbers 3:24 4:12 7:4 10:24 12:4</p>	<p>p 2:1,1 p.m. 1:15 13:2 pacificorp 1:4 1:8 4:8,10 6:6 7:1,8 12:2 pacificorp.com 2:4 page 3:2,12 papers 3:15,15 3:20,20 8:14 8:14,19,20 10:23 part 11:12 participate 11:2 participated 10:19 parties 5:2 14:16 party 12:22 paschal 2:12 patrick 2:7 4:22 pgrecu 2:9</p>	<p>qualifying 6:25 quarterly 8:2 questions 8:24 9:2 12:12,14 12:15</p>	<p>r</p>
<p>o</p>	<p>o</p>	<p>r</p>	<p>r</p>
<p>o0o 4:1 oath 14:8 office 4:25 officer 4:4 8:25 12:13 okay 5:2 opening 3:3</p>	<p>r 2:1 5:17,18 rate 7:16 reaffirms 7:22 reasonable 12:9 recommenda... 7:22 recommenda... 8:3 recommends 8:1 11:25</p>		

[record - truth]

<p>record 5:16 9:19 14:13 records 10:9 refinery 1:9 4:11 7:2,7 12:3 regarding 6:18 12:2 registered 1:23 14:4 regulatory 6:8 relative 14:15 relevant 6:16 8:4 remarks 3:3 reported 1:23 reporter 1:24 14:4,4 reports 8:2 represented 4:25 request 3:23 8:7 11:3,5,15 requested 14:18,19 requests 10:12 11:12 respectfully 8:7 respectively 7:10 12:4 response 11:3,5 responses 3:24 10:12 11:12,15 responsible 6:7 retained 3:11</p>	<p>review 6:15,19 10:8,9,22 14:18,18,19 right 5:4,15 12:24 rocky 1:2,6 2:3 4:6,14,18 5:6 5:21,23 6:14 10:22 role 5:25 6:7,10 roles 6:13 rpr 14:24</p> <hr/> <p style="text-align: center;">s</p> <hr/> <p>s 2:1 3:10 4:17 sale 7:8 salt 2:8 5:22 10:2 14:2 salter 2:13 science 6:4 see 10:1 12:24 seeks 7:13 service 1:1 2:12 7:17 set 7:15 8:6 14:7 share 11:21 shorthand 14:3 14:10 showing 7:25 signature 14:18 14:18,19,23 similar 8:17 12:5 smelter 1:5 4:8 7:2,7 12:3</p>	<p>smith 2:4 3:5 4:16,17 5:4,6 5:14 8:11,23 9:6,7 12:14,15 sorry 4:16 7:10 south 2:8 10:2 spell 5:16 9:18 spreadsheets 7:23,25 stakeholder 6:8 state 5:15 9:18 14:1 statement 6:18 stenographic... 1:23 strategic 6:7 subject 12:3 subscribed 14:20 summary 6:21 8:10 11:21 support 6:8 supported 7:21 supporting 7:24 10:23 suspect 12:24 sworn 5:11 9:14</p> <hr/> <p style="text-align: center;">t</p> <hr/> <p>t 3:10 4:17 9:21 take 4:13 taken 14:6,9 technical 10:4 10:8</p>	<p>tell 5:11 9:14 14:9 temple 5:22 tender 8:23 term 7:5,14 terms 8:6 testified 5:11 9:14 testimony 10:12 11:12 14:13 thank 4:16 5:6 5:12 8:10 9:3,5 9:15 12:16,18 thereof 14:14 14:20 three 12:7 thursday 1:14 time 8:9 14:7,8 today 4:18,23 5:1 6:24 8:10 11:12,22 transcribed 14:11 transcript 14:12 transcription 14:11 transmission 6:9 true 14:12 truth 5:11 9:14 14:9</p>
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[under - years]

u	work 3:15,15 3:20,20 8:14 8:14,19,19 10:23 worked 6:10 10:6
under 7:17 14:8 university 6:5 10:16 using 7:18 utah 1:1,4,8 2:6 2:7,8 4:8,11 5:22 7:1,12 9:24 10:2,10 10:16 12:2 14:1 utilities 4:21 7:20 9:24,24 10:10 utility 10:4,8	x
	x 3:1,10 14:19
	y
	years 10:7 12:6 12:7
v	
various 6:12 10:9 vice 5:25 videoconfere... 1:13	
w	
waived 14:18 waste 7:10,11 welcome 4:20 west 5:22 witness 3:4,6 4:19,23 5:5,7 5:10 8:23 9:5,6 9:9,13 12:11 12:18,19 14:20 witnesses 14:8	

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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VERITEXT LEGAL SOLUTIONS

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