



1407 W. North Temple  
Salt Lake City, UT 84116

September 27, 2023

***VIA ELECTRONIC FILING***

Utah Public Service Commission  
Heber M. Wells Building, 4th Floor  
160 East 300 South  
Salt Lake City, UT 84114

Attention: Gary Widerburg  
Commission Administrator

**RE: Docket No. 23-035-46 – In the Matter of the Application of Rocky Mountain Power for Approval of an Amendment to the Power Purchase Agreement between PacifiCorp and Kennecott Utah Copper LLC – Refinery**

Rocky Mountain Power (the “Company”) hereby submits for filing its application for approval of an Amendment to the Power Purchase Agreement between PacifiCorp and Kennecott Utah Copper LLC (“Kennecott”) for sales from its refinery.

The Company’s filing includes the Company’s Application, Confidential Exhibit A, three confidential workpapers and two non-confidential workpapers.

The Company respectfully requests that all formal correspondence and requests for additional information regarding this filing be addressed to the following:

By E-mail (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)  
[utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com)  
[jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)  
[katherine.smith@pacificorp.com](mailto:katherine.smith@pacificorp.com)

By regular mail: Data Request Response Center  
PacifiCorp  
825 NE Multnomah, Suite 2000  
Portland, OR 97232

Informal inquiries may be directed to Jana Saba at (801) 220-2823.

Sincerely,

Joelle Steward

Senior Vice President, Regulation and Customer & Community Solutions



the Commission's orders. Under the Agreement, Kennecott represents itself to be a qualifying facility, and agrees to provide PacifiCorp, upon request, with evidence to show its qualifying facility status.

2. Communications regarding this Application should be addressed to:

By e-mail (preferred): [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)  
[jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)  
[utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com)  
[katherine.smith@pacificorp.com](mailto:katherine.smith@pacificorp.com)

By mail: Data Request Response Center  
Rocky Mountain Power  
825 NE Multnomah St., Suite 2000  
Portland, OR 97232

Jana Saba  
Rocky Mountain Power  
1407 W. North Temple, Suite 330  
Salt Lake City, UT 84116  
Telephone: (801) 220-2823  
Facsimile: (801) 220-3299

3. In Docket No. 03-035-14, the Commission issued a series of Orders that established avoided capacity and energy cost payments for purchases from QF projects larger than one megawatt, such as Kennecott's, under contracts with PacifiCorp. The Commission re-affirmed this methodology in an August 16, 2013, Order on Phase II Issues in Docket No. 12-035-100.<sup>1</sup>

4. The Agreement provides for the sale to PacifiCorp of energy to be generated by Kennecott up to 7.54 megawatt, from a waste heat-fired cogeneration facility constructed by Kennecott and located in Salt Lake City, Utah (the "Facility"). The Amendment,

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<sup>1</sup> See *In the Matter of the Application of Rocky Mountain Power for Approval of Changes to Renewable Avoided Cost Methodology for Qualifying Facilities Projects Larger than Three Megawatts*, Order on Phase II Issues (Aug. 16, 2013).

attached to this Application as Confidential Exhibit A, extends the term of the Agreement, establishes the pricing for the extension period, and updates the Line Loss Factor for the period that the Amendment extends the Agreement. The Amendment extends the Agreement for 12 months: January 1, 2024 to December 31, 2024. The Commission has previously approved three amendments to the initial Kennecott Agreement approved in Docket No. 19-035-37.<sup>2</sup>

5. The purchase prices set forth in the Agreement include a “lesser of” provision to account for Kennecott’s ability to purchase market blocks of power under the Energy Services Agreement approved by the Commission in Docket No. 16-035-33, where the Company will pay the lesser of the price for market blocks or prices that were calculated using the methodology approved by the Commission orders in Docket No. 03-035-14 and Docket No. 12-035-100.

6. The Facility is located near Magna, Utah, in an area served by Rocky Mountain Power. All interconnection requirements have been met and the Facility is fully integrated with the Rocky Mountain Power system.

7. According to the terms of the 2020 Protocol, approved by the Commission in Docket No. 19-035-42, costs of the qualifying facility power purchase agreement will be allocated in accordance with section 4.4.2 of the 2020 Protocol.

8. The existing Agreement between PacifiCorp and Kennecott expires on December 31, 2023. Therefore, the parties desire that there be no time lapse between the expiration of the Agreement and the approval of the Amendment for which approval is sought in this Application.

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<sup>2</sup> Subsequently amended in Docket No. 20-035-44 (Dec. 18, 2020), Docket No. 21-035-62 (Dec. 28, 2021), and Docket No. 22-035-50 (December 15, 2022).

WHEREFORE, Rocky Mountain Power respectfully requests that the Commission issue an order approving the Agreement and find the terms and conditions of the Agreement as modified by the Amendment to be just, reasonable, and in the public interest.

DATED this 27<sup>th</sup> day of September, 2023.

Respectfully Submitted,

// Katherine Smith

Attorney for Rocky Mountain Power

**CERTIFICATE OF SERVICE**

Docket No. 23-035-46

I hereby certify that on September 27, 2023, a true and correct copy of this Application was served by electronic mail to the following:

**Utah Office of Consumer Services**

Michele Beck [mbeck@utah.gov](mailto:mbeck@utah.gov)  
[ocs@utah.gov](mailto:ocs@utah.gov)

**Division of Public Utilities**

[dpudatarequest@utah.gov](mailto:dpudatarequest@utah.gov)

**Assistant Attorney General**

Patricia Schmid [pschmid@agutah.gov](mailto:pschmid@agutah.gov)  
Patrick Grecu [pgrecu@agutah.gov](mailto:pgrecu@agutah.gov)  
Robert Moore [rmoore@agutah.gov](mailto:rmoore@agutah.gov)

**Rocky Mountain Power**

Data Request ResponseCenter [datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)  
Jana Saba [jana.saba@pacificorp.com](mailto:jana.saba@pacificorp.com)  
[utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com)  
Katherine Smith [katherine.smith@pacificorp.com](mailto:katherine.smith@pacificorp.com)

  
Carrie Meyer  
Adviser, Regulatory Operations

**Redacted Exhibit A**

**FOURTH AMENDMENT TO  
NON-FIRM POWER PURCHASE AGREEMENT**

This Fourth Amendment (this “Amendment”) to the Non-Firm Power Purchase Agreement (Refinery) entered into on October 9, 2019 (as amended by the First Amendment dated October 14, 2020, the Second Amendment dated October 26, 2021, and the Third Amendment dated October 19, 2022, the “Agreement”), is entered into by and between PacifiCorp and Kennecott Utah Copper LLC. This Amendment will become effective on the date associated with the signature of the last Party to sign it. All defined terms used but not defined in this Amendment have the meanings provided to them in the definition for such terms in the Agreement.

WHEREAS, the Parties wish to extend the term of the Agreement and establish the pricing for the extension period;

The Parties agree as follows:

1. Section 2.2 of the Agreement is hereby replaced in its entirety with the following:  

“Unless earlier terminated as provided herein, this Agreement shall terminate at 11:59:59 p.m. MPT December 31, 2024.”
2. The Exhibit E attached hereto as **Attachment 1** shall replace Exhibit E of the Agreement in its entirety effective as of January 1, 2024.
3. Except as expressly modified and amended in accordance with the provisions of this Amendment, all other terms and conditions of the Agreement remain in full force and effect and continue to bind the Parties. The Parties executing this Amendment warrant that they have the requisite authority to do so.

By signing below, the duly authorized representatives of the Parties indicate their agreement to the terms of this Amendment.

**Kennecott Utah Copper LLC**

**PacifiCorp**

By: Nate Foster  
Name: Nate Foster

By: Ronald Scheirer  
Name: Ronald Scheirer

Digitally signed by Ronald Scheirer  
Date: 2023.09.21 10:59:29 -0700

Title: Managing Director - Kennecott Utah Copper  
Date: 12-09-23

Director, Valuation and Commercial Business  
Date: \_\_\_\_\_

  
Approved as to form by RT Legal



