

# KENNECOTT EXHIBIT 2.10

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

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In the Matter of the Application of Rocky Mountain Power for Approval of an Energy Service Contract between Rocky Mountain Power and Kennecott Utah Copper, LLC	<u>DOCKET NO. 16-035-33</u>  <u>ORDER</u>
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ISSUED: September 26, 2018

On November 28, 2016, the PSC approved a Settlement Stipulation (Stipulation) executed by PacifiCorp, the Division of Public Utilities (DPU), and the Office of Consumer Services (Parties) and an Electric Service Agreement (ESA) between PacifiCorp and Kennecott Utah Copper, LLC (KUC) in this docket (Order).<sup>1</sup> Section 4.06, Operation of Customer Generation, of the ESA allows PacifiCorp and KUC to explore additional exchanges of value related to the operation of certain KUC generation facilities during the term of the ESA.

On August 7, 2018, PacifiCorp filed an addendum (Addendum) to the Stipulation executed by the Parties. PacifiCorp states the purpose of the Addendum is to clarify the type of exchange of value that can occur and has occurred under Section 4.06 of the ESA. On August 8, 2018, the PSC issued a Notice of Filing and Comment Period allowing interested parties to submit comments on the Addendum.

According to PacifiCorp, the Addendum represents a formal agreement among the Parties to clarify the language in Section 4.06 of the ESA with the intent that any exchange in value under this section should not be detrimental to PacifiCorp's Utah customers. The Parties agree that the Addendum only affects transactions under Section 4.06 of the ESA, and that all other terms and conditions of the Stipulation remain valid and in place.

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<sup>1</sup> See *In the Matter of the Application of Rocky Mountain Power for Approval of an Energy Service Contract between Rocky Mountain Power and Kennecott Utah Copper, LLC*, Order, issued November 28, 2016, Docket No. 16-035-33.

DOCKET NO. 16-035-33

- 2 -

On September 6, 2018, the DPU filed comments stating that the Addendum complies with the Order and is consistent with the terms of the Stipulation. The DPU recommends that the PSC acknowledge the Addendum.

DISCUSSION, FINDINGS, AND CONCLUSIONS

The Addendum is the product of mutual negotiation involving Parties with substantial and varying interests and no party has presented testimony or evidence in opposition to the Addendum. Based on our Order, PacifiCorp's and the DPU's comments, and there being no opposition, we find the Addendum is in the public interest and conclude the results are just and reasonable. Pursuant to Utah Code Ann. §§ 54-7-1 and 54-4a-1(3), we approve and adopt the Addendum.

ORDER

In accordance with our discussion, findings and conclusions, we approve and adopt the Addendum to the Settlement Stipulation.

DATED at Salt Lake City, Utah, September 26, 2018.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg

PSC Secretary

DW#304614

DOCKET NO. 16-035-33

- 3 -

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on September 26, 2018, a true and correct copy of the foregoing was served upon the following as indicated below:

Data Request Response Center ([datarequest@pacificorp.com](mailto:datarequest@pacificorp.com)), ([utahdockets@pacificorp.com](mailto:utahdockets@pacificorp.com))  
PacifiCorp

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By Hand Delivery:

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Administrative Assistant