

Case Name: United States v. RaPower-3, LLC, et al. Case Number: 15-cv-828
Deposition of PacifiCorp taken November 15, 2016

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
PLAINTIFF DESIGNATIONS	DEFENDANT -DESIGNATIONS			
<p>6: 1 TUESDAY, NOVEMBER 15, 2016; PORTLAND, OREGON 2 MS. HEALY GALLAGHER: All right. Good 3 morning, Mr. Griswold. 4 MR. GRISWOLD: Good morning. 5 MS. HEALY GALLAGHER: We are on the record 6 in the case of the United States versus Rapower-3 et 7 al., on November 15, 2016, at about 9:35 Pacific 8 time. 9 We met a moment ago, but my name is Erin 10 Healy Gallagher and I'm from the United States 11 Department of Justice, in the tax division, 12 appearing on behalf of the United States. 13 Counsel, would you please make your 14 appearances. 15 MR. REICH: Sure. Bret Reich and Patrick 16 Cannon on behalf of PacifiCorp. 17 MR. AUSTIN: And Christian</p>			193	

Plaintiff Exhibit
713

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<p>Austin on 18 behalf of Rapower-3. 19 MS. HEALY GALLAGHER: And we also have 20 Christopher Moran here, also for the United States. 21 All right. This deposition will be 22 governed by the federal rules of civil procedure. 23 All exhibits that we mark today will be kept here 24 today, as we may use them in other depositions this 25 week, and then they will go with the court reporter 7: 1 here at the end of the week. Any other stipulations 2 will be addressed as the need arises. 3 BRUCE GRISWOLD, 4 called as a witness, being duly sworn on oath, was 5 examined and did testify as follows: 6 EXAMINATION 7 BY MS. HEALY GALLAGHER: 8 Q. Okay. Mr. Griswold, you've been sworn in. 9 Yes? 10 A. Yes.</p>				

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<p>11 Q. Would you please state your name and spell 12 it for the record. 13 A. Yes. My name is Bruce Griswold. 14 B-R-U-C-E, G-R-I-S-W-O-L-D. 15 Q. And would you provide the city and state 16 of your residence. 17 A. The city where I live is Lake Oswego, 18 Oregon. 19 Q. And the city and state of your business 20 address? 21 A. Portland, Oregon. 22 Q. All right. And so -- And, Mr. Griswold, 23 are you here today to -- Well, actually, let me take 24 that back. 25 What I will do first is mark the next 8: 1 exhibit, which is 193, plaintiff's Exhibit 193. 2 (Exhibit 193 m a r k e d .) 3 Q. BY MS. HEALY GALLAGHER: Mr. Griswold, I'm 4 handing you what's been marked plaintiff's</p>				

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<p>5 Exhibit 193. 6 Plaintiff's 193 is a deposition -- 7 subpoena to testify at a deposition, that's 8 addressed to PacifiCorp; is that right? 9 A. Yes. 10 Q. And, Mr. Griswold, you're here, you've 11 been designated, correct, to testify on behalf of 12 certain topics for PacifiCorp? 13 A. Correct.</p>				
<p>11: 7 Q. Okay. All right. So we're here to get as 8 accurate a record as we can of the facts as you're 9 aware of them. 10 So I have to ask: Is there anything today 11 that would prevent you from testifying to the full 12 capacity of your intelligence and recollection? 13 A. No. 14 Q. Okay. Are you taking any medications of 15 any kind that might interfere with memory or 16 cognition?</p>				

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<p>17 A. No. 18 MS. HEALY GALLAGHER: Okay. Please mark 19 that as 194. 20 (Exhibit 194 m a r k e d .) 21 Q. BY MS. HEALY GALLAGHER: All right. 22 Mr. Griswold, I'm handing you what's been marked 23 p l a i n t i f f ' s Exhibit 194. 24 Do you recognize plaintiff's Exhibit 194? 25 A. I do. 12: 1 Q. What is it? 2 A. It's a brief résumé for myself. 3 Q. Okay. And I'm most interested, 4 Mr. Griswold -- Actually, first, are you aware of 5 what you've been designated to testify about on 6 behalf of PacifiCorp today? 7 A. Yes, very briefly. 8 Q. Okay. And what's your understanding of 9 those topics? 10 A. My understanding is to provide some 11 discussion and answers relating to processes for 12 qualifying facilities.</p>				

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<p>13 Q. Okay. And I see that you've been – it 12:14 says on here that you've been employed by PacifiCorp 15 for over 30 years in various positions of 16 responsibility in retail energy services, 17 engineering, marketing, and wholesale energy 18 services? 19 A. Correct. 20 Q. Thirty years is a long time, but can you 21 help me understand what -- what you've been doing 22 during that time? 23 A. When I came into the company back in '83, 24 I was working in a part of the business which was 25 conservation, so showing customers how to save 13: 1 energy. From there -- I was working there probably 2 for two years, and then the company transferred -- 3 kind of evolved into trying to sell more energy, so 4 I spent a lot of time out in the</p>				

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<p>field, visiting 5 with large industrial commercial customers on 6 energy, technology, better ways to use electricity. 7 That included, you know, really just the Pacific 8 Power side of the business, which is one of the 9 divisions for providing retail services. 10 In '86 or '87, somewhere in that time 11 frame, Pacific Power and Utah Power merged. And 12 Utah Power covered Washington -- or covered Utah, 13 Wyoming, and Idaho; and so I began to help with some 14 of that transition and also call on some of the 15 large customers over there, related to their 16 contracts for energy usage. That probably continued 17 for about ten years or so, so we're now in the mid 18 '90s. 19 I then moved over into the wholesale side</p>				

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<p>20 of the business -- well, I should say there was 21 about a three-year stint where I left the company, 22 worked for an environmental consulting firm, and 23 then the company hired me back. And the company, at 24 that point -- PacifiCorp, at that point, was looking 25 to expand its footprint outside of its six-state 14: 1 territory: So I worked, really, down into 2 California and other places across the country, 3 where PacifiCorp could possibly sell energy to other 4 large retail customers. 5 In the late '90s, I moved back -- moved 6 over into our wholesale side of our business. And 7 the wholesale side is really the part of the 8 business that delivers -- that generates the power, 9 delivers it to our retail side of the business, 10 which then delivers it on to our</p>				

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<p>ultimate customers. 11 And that's where I began to work in the qualifying 12 facility process, which is, under the federal PURPA 14:13 law, it requires us to buy power from independent 14 generators. 15 So I began to work with those contracts, 16 and that's pretty much what I've done since -- 17 except my responsibilities have expanded to, also, 18 if the company is looking to build its own asset or 19 have someone build a generating resource for us, our 20 -- the group I was in would issue a request for a 21 proposal; we'd evaluate the bids; if there's any 22 contracts, we'd negotiate the contracts for buying 23 the power from those generators. And that's where I 24 am today. 25 Q. Okay. We're going to step through that a 15: 1 little bit to make sure that I</p>				

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<p>understand. 2 A. Okay. Sure. 3 Q. Real quick, how -- how long is it that 4 you've been in the current group that you're with? 5 A. I've been in the wholesale side of our 6 business probably 20 years; and the current group 7 that I've been in, probably ten years. It's -- The 8 organization has changed its names a little bit, but 9 the group is responsible for long- term power 10 contracts, whether we're buying or selling the 11 power. 12 Q. So then I'd like to make sure I 13 understand, Bruce, as we go into the more specific 14 testimony: When I ask you a question today, if the 15 information you're drawing from does not come from 16 your personal knowledge of this, will you let me 17 know? 18 A. Yes.</p>				

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<p>19 Q. Okay. Great. Okay. So let's start with 20 PacifiCorp. 21 A. Okay. 22 Q. What is PacifiCorp? How is PacifiCorp in 23 the business of dealing with wholesale generators of 24 power? 25 A. So PacifiCorp is comprised -- Let me just 16: 1 give you a little bit of organizationally how it 2 sits. 3 Q. Great. 4 A. PacifiCorp has got three what's called 5 business units. They have Rocky Mountain Power, 6 which is the part of the business that delivers 7 power -- delivers and transmits the power to our 8 ultimate retail customers in Wyoming, Utah, and 9 Idaho. Then there is Pacific Power, which does the 10 equivalent delivery to our customers in Oregon, 11 Washington, and California. And</p>				

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<p>then there is 16:12 PacifiCorp Transmission, which manages the 13 transmission side of the business, which is the 14 poles and wires across our system, that's -- that's 15 both wholesale, down to some retail. 16 Q. Okay. 17 A. So now let me -- Now we've kind of shown 18 the organization. You know, I believe you asked me 19 a question relative to generation of power. 20 Q. Let's leave it there for right now. 21 A. Okay. 22 Q. Okay. So then which group -- Within which 23 business unit is your group? 24 A. We are technically within the Pacific 25 Power business unit. I think, about two years ago, 17: 1 there used to be a division called PacifiCorp 2 Energy. PacifiCorp Energy was a separate division</p>				

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<p>3 which managed all of the 4 generating resources that 5 the company owned. That includes 6 coal, hydro, wind, 7 solar -- you name it -- anything we 8 owned or we were 9 buying the output from; and that 10 could be a third 11 party that's generating and we're 12 purchasing the 13 output. 14 That -- A couple years ago, a year 15 or so 16 ago, that organization was 17 disbanded and the folks 18 within it, including the management of it, was -- 12 was split apart and put into either Pacific Power or 13 Rocky Mountain Power. So it was really just -- they 14 still had the same people and they were in the same 15 location, it's just now they reported up through 16 either Pacific Power or Rocky Mountain Power. 17 The group I was in, which is really 18 related to the trading organization</p>				

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<p>to balance our 19 loads and resources, remained within Pacific Power. 20 Q. Okay. And you've used the phrase 21 "resource" a couple of times. 22 By that, do you just mean the way that 23 electricity is generated? 24 A. Correct. The resource, as I said, could 25 be -- we own a number of coal plants, we own a 18: 1 number of hydro, we buy power from large wind farms 2 that somebody else owns but they sell us the power 3 on a long-term basis. 4 So there's a variety of resources that we 5 use. All of those resources are used to supply our 6 ultimate retail customers' load. So it's -- we have 7 a group here in Portland that manages those 8 resources and the output from them, literally down 9 to a 15 and five-minute interval to ensure that</p>				

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<p>10 we're always delivering and matching up to what our 18:11 customers are using. 12 Q. And when you say "customers," do you mean 13 individual households and businesses, or do you mean 14 municipalities or larger entities? 15 A. Our own -- The company's own load, based 16 on our service territory, are the retail customers, 17 whether it's residential, commercial, industrial. 18 The company, PacifiCorp, also sells power 19 to cities, we sell it to other utilities, we buy it 20 from other utilities. So it's -- because if you 21 look at the West, the transmission system in the 22 West, it's interconnected all the way down from the 23 Rockies and north and south across the borders; so 24 we're able to move our power in different locations, 25 and we have contracts for -- for cities and all the</p>				

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<p>19: 1 way down to the individual household. 2 Q. So you mentioned earlier that Rocky 3 Mountain Power delivers and transmits power to 4 retail customers in Wyoming, Utah, and Idaho; right? 5 A. Yes. 6 Q. What do you mean by "it delivers and 7 transmits power"? 8 A. It manages the actual poles and wires 9 through which the power is delivered to a customer. 10 Q. Does Rocky Mountain Power do anything 11 else? 12 A. They -- I mean, they have -- when -- when 13 Pacific -- PacifiCorp Energy was realigned, some of 14 the management of various facilities are -- was 15 retained within Rocky Mountain Power. 16 Q. And by "management of facilities," do you 17 mean management of those</p>				

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<p>resources you mentioned, 18 like coal plants, hydro? 19 A. Yes. But they also, I guess, for -- They 20 don't manage -- The control of the output of them is 21 managed within the PacifiCorp -- Pacific Power part 22 of the organization that I am in. What they do is 23 they -- they have folks who manage the physical 24 asset, in other words, take care of the asset and 25 make sure that, you know, O&M's being done. That's 20: 1 the kind of folks that are overseeing that. 2 Q. And when you say "manage the asset," do 3 you mean -- what do you mean by that? 4 A. Well, they -- they are ensuring that any 5 maintenance is -- you know, they're -- they're 6 looking, watching the asset to make sure -- the 7 resource, to make sure that physically it is</p>				

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<p>8 operating the way it should be. If there's any 9 repairs that have to be done to it, they're 20:10 scheduling for that. There may be some -- Let's say 11 there's some compliance that -- to deal with changes 12 in law, et cetera, and it requires some -- some sort 13 of new cleanup device on it. They ensure that that 14 happens. That's what I mean by managing it. 15 The Pacific Power folks in the trading 16 organization that I'm associated with, they control 17 the output of it. So they're telling it what to 18 generate. The other folks are taking care of it to 19 make sure it will generate when we ask it to 20 generate, or to back it down when we don't need its 21 generation.</p>				
<p>20:22 Q. Again, I want to make sure I understand 23 and that the record's clear.</p>				

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<p>24 So Pacific Power is -- lets Rocky Mountain 25 Power know how much power is needed at any given 21: 1 time? 2 A. That's partially correct, because they -- 3 I mean, they always are talking back and forth, and 4 each location has meters on it that -- all of that 5 information is fed into a system that -- that we can 6 access, that Pacific Power -- and the technical name 7 for that part of the business is energy supply 8 management, and they have a location here with the 9 traders. They know what the load looks like on a 10 five-minute interval from the meters and such that 11 Rocky Mountain Power is actually taking care of, and 12 so we can access that and see: Well, here's how 13 much energy is needed. What are the resources we 14 have at hand that we can supply</p>				

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that need?				
21:15 Q. Okay. And Rocky Mountain Power is the 16 sort of unit of PacifiCorp that answers that need, 17 that supplies the demand? 18 A. Correct. 19 Q. Does Rocky Mountain Power have any role in 20 buying power? 21 A. Yes. They -- They have folks in their 22 business unit that will work with a developer who 23 may be looking to sell their power, and work with 24 them to help them get a power -- power purchase 25 agreement with the company. They do work very 22: 1 closely with -- with Pacific Power folks. 2 Q. So if an entity wanted to connect -- I'm 3 sorry. Let me withdraw that. 4 If an entity wanted to connect a facility 5 that generates electricity into Rocky Mountain 6 Power, however that works, what				

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<p>would they have to 7 do? 8 A. There's -- There's two or three mechanisms 9 or processes for that. There's a process called net 10 metering, which is really for small residential 11 customers, some commercial. It's kind of got a size 12 limit for that. And what that does is allow them to 13 put -- we'll use solar panels as an example -- put 14 solar on their roof, offset their own usage, and if 15 there's any that's excess at the -- any of the 16 excess would flow into our system, into Rocky 17 Mountain's system. Same with Pacific Power; it's no 18 different. 19 There's a process under the federal PURPA 20 act, where the party who wants to build a resource 21 can utilize some rate schedules in order to develop 22 a power purchase contract with</p>				

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<p>the -- with Rocky 23 Mountain Power. Under that federal obligation, 24 federal rule, Rocky Mountain Power is obligated to 25 buy the output. You know, there are some very 23: 1 specific rules relative to that. So there is that. 2 We also have developers who come to us, 3 outside of any requirements, and want to sell the 4 power to us. Under those, we really don't have any 5 obligation. It's really about is it a good -- is it 6 good for our customers. 7 So those are kind of the three -- three 8 main ones. 9 Q. We'll walk through those. 10 So when you talk about net metering, you 11 said this was for small customers. What does 12 "small" mean in that context? 13 A. I don't -- I think the limit -- I think 14 the limit in Utah, for example,</p>				

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<p>each one is -- since 15 we have six states, every state's a little bit 16 different. I believe, in Utah, it's 2000 kilowatts 17 is the maximum amount. Other states, it's 25 18 kilowatts. And I think that's what Utah is, but I 19 wouldn't be sure until I actually looked at the net 20 metering tariff. 21 So that would -- to finish that: That 22 would allow -- when I say "small," that would allow 23 probably a commercial customer to do that if they 24 wanted to do that, if it made economic sense for 23:25 them. 24: 1 Q. So I'd actually like to step back real 2 quick because -- and I understand from the 3 information I've gotten from PacifiCorp so far, 4 there are a few different agreements that might need 5 to be in place before any</p>				

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<p>electricity is generated 6 and connected to any PacifiCorp infrastructure: A 7 power purchase agreement, a transmission agreement, 8 and an interconnection agreement. 9 So I guess what I'm asking is: How does a 10 power purchase agreement fit in with those other 11 agreements? 12 A. Okay. Yes, I can explain that. 13 Q. Okay. Great. 14 A. They're done -- They're done with kind of 15 three different parts of the business. 16 The power purchase agreement is done 17 through what I'll call the merchant side of the 18 business. That's a new word, but that reflects the 19 part of the business that's responsible for the 20 generation of power. It's an industry term and it 21 would include the organization that I'm within and 22 it would also include any --</p>				

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<p>anybody in Rocky 23 Mountain Power that was doing a power purchase 24 agreement for -- for the acquisition of power. 25 That contract is then managed and 25: 1 controlled by the merchant side of the business. So 2 the merchant side would -- would take the request 3 and work with the customer to do a power -- whether 4 it's a power purchase agreement -- Net metering is a 5 much simpler arrangement, just because of the size 6 and it's not as complex. 7 So I'm just going to talk about power 8 purchase agreements. So merchant would negotiate 9 the power purchase agreement, depending on how big 10 the project is, where it's located, et cetera. Each 11 state's a little bit different. As part of our 12 requirements under the power purchase agreement,</p>				

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<p>13 they have to demonstrate that they have a physical 14 interconnection with our system. 15 Now, I need to clarify that -- and I don't 16 mean to make it more confusing - - but some 17 generators can not be connected to our system, they 18 can interconnect at another utility system, and then 19 that other utility will wheel the power or deliver 20 the power to us for PacifiCorp to purchase. So 21 that's -- that's that piece that's called the 22 transmission service in between. 23 But that's -- that kind of steps it. Most 25:24 of our projects are ones that directly interconnect 25 with us. 26: 1 So they demonstrate they have an 2 interconnection agreement, which is what they would 3 do but they do it through PacifiCorp Transmission. 4 The merchant and the transmission</p>				

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<p>business units do 5 not get to talk to each other, because of standard 6 conduct, et cetera. We can't have any sort of 7 preferential knowledge of what our transmission 8 system is -- is going on -- is doing on there. So 9 the customer -- or the generator who's -- who's 10 trying to get a power purchase agreement with us has 11 to separately go through an interconnection process 12 to physically connect to our system. 13 They still have to demonstrate to us that 14 they have gotten that, and it's a separate contract 15 and we -- we require evidence that they've done 16 that. That may be the actual signed agreement with 17 PacifiCorp Transmission, it may mean that they have 18 demonstrated they're in the process to get the 19 interconnection done, but they</p>				

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<p>have to demonstrate 20 it. So that's the second piece. 21 Now, the third piece is, once they've 22 interconnected and once they have a power purchase 23 agreement, then the merchant side of the business 24 has to use transmission to move that power to the 25 customer. So merchant would then go to our 27: 1 transmission business unit and request transmission 2 service from them. Once that's done, then -- and 3 the project is built and complete, then delivery 4 starts and we know that every -- every energy unit 5 that's generated can be delivered to our customers' 6 load without violation of not having transmission. 7 So those are kind of the three legs. 8 Q. Okay. We're going to unpack that a little 9 bit. 10 A. I know. I -- 11 Q. No, that's --</p>				

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<p>12 A. I apologize. 13 Q. No. No. What you -- What you said is 14 very helpful. Just going to walk it through, just 15 to make sure I understand. 16 So an entity may have an interconnection 17 agreement with PacifiCorp or they may have an 18 interconnection agreement with another utility; 19 correct? 20 A. Correct. 21 Q. But in order to get a power purchase 22 agreement, an entity has to demonstrate to 27:23 PacifiCorp that there is an interconnection 24 agreement or there will be one soon? 25 A. Correct. 28: 1 Q. Then once there's a power purchase 2 agreement in place and the entity has 3 interconnected, then the merchant side of PacifiCorp 4 needs a transmission agreement</p>				

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<p>with PacifiCorp 5 Transmission? 6 A. Yes. 7 Q. Only after all of that is complete -- 8 A. Correct. 9 Q. -- will a retail customer actually 10 potentially receive power from the generating 11 entity? 12 A. Yes, that is correct. 13 Q. At what point would a generating entity 14 actually receive money from PacifiCorp for 15 electricity generated? 16 A. So within a power purchase agreement there 17 is a definition for commercial operation, and under 18 that definition are a series of documents or 19 evidence that they've met all of these requirements 20 to be deemed commercial. There are specific 21 milestones within the power purchase agreement that 22 they have to meet at the same time. But under that</p>				

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<p>23 definition, if they have provided all -- met all of 24 those requirements and they've sent it in to us, 25 they generally will ask to be declared commercial 29: 1 and here's all their evidence of it. 2 The merchant business will review those, 3 both -- both from a commercial basis and also from a 4 legal basis, to make sure that everything is -- you 5 know the I's are dotted and the T's are crossed, and 6 then we will tell them that they are deemed 7 commercial. At that point, the contract is in 8 effect to pay them the prices outlined within the 9 agreement, and in fact that's when they've met 10 everything to be deemed commercial and can start 11 receiving payment for their energy stream. 12 Q. Can you give me an example, or a few</p>				

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<p>13 examples, of milestones, for example, that an entity 14 would have to hit before they could be deemed 15 commercial? 16 A. Sure. There are milestones in there for 17 them to provide a copy of their interconnection 18 agreement. There are generally milestones in the 19 power purchase agreement for security requirements. 20 In other words, we're -- we will generally hold -- 21 unless they're a creditworthy entity, and our credit 29:22 folks will review them, they've got to provide some 23 amount of security, and generally it's a letter of 24 credit or some method, that we would hold over the 25 lifetime of the PPA. They have to provide that. 30: 1 For them to be deemed commercial, there 2 are -- they have to provide a series of documents 3 that we call required facility</p>				

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<p>documents, and that's 4 a list of -- we'll list them out in the power 5 purchase agreement. They'll include things like 6 permits, insurance, licenses, land leases, anything 7 that's necessary for that project to be able to 8 operate as a generating entity. 9 They have to have those signed off as part 10 of COD. They have to have them signed off by either 11 a licensed professional engineer in the state, 12 that's not financially connected to the project, or 13 from a legal -- an attorney, not connected to the 14 project, and they have to basically attest to that. 15 We also require an attestation from the project 16 itself that they have everything that they need to 17 be able to own and operate -- construct, own, and 18 operate that project. 19 I'm trying to think if there's</p>				

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<p>anything 20 else. 21 The merchant side has to demonstrate that 22 we've gotten them certified as what we call a 23 network resource. And so a network resource is 24 where we've gone and requested transmission service 25 from PacifiCorp Transmission and they'll deem it to 31: 1 be a network resource, which allows us to be able to 2 use that resource to serve our retail load. So 3 that's a condition within the commercial operation, 4 that's the responsibility of the utility, and we 5 just include that in as part of that. 6 So that's, I think, a fairly good picture 7 of what a project goes through. 8 Q. It sounds like these are fairly 9 substantial requirements of any entity who's seeking 10 a power purchase agreement? 11 A. Well, I think -- I think, yes, they are</p>				

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<p>12 substantial; but if you're building a project that's 13 -- most of these projects, if they're small, are 14 still multi-million dollar projects that -- that 15 involve all of those components irregardless of 16 whether it's, you know, 50 kW or 80,000 kW. 17 So it generally covers a very wide range 18 of sizes of projects, but all the requirements are 19 pretty standard that we -- we look to have produced. 20 Q. I understand it may be different for 31:21 different projects, but can you give me an idea of 22 the timeline from when someone might contact 23 PacifiCorp to say, "I would like to have a power 24 purchase agreement with you," to the time that a 25 company is deemed commercial? 32: 1 A. So I'll break that up into kind of two -- 2 kind of two phases.</p>				

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<p>3 So from the point they -- and I'll also 4 maybe split that into big projects and small 5 projects, and I'll speak specifically to qualifying 6 facilities for an example. 7 So in the -- in the PURPA world, they have 8 what they call standard agreements and non-standard. 9 Standard agreements are ones that have the prices; 10 and, generally, the agreements are standard template 11 agreements that prices are posted, so you don't even 12 need to -- you can just go grab the prices, you can 13 fill in the contract, and get those to an execution 14 form in a very short period of time, four to six 15 months. 16 The larger projects -- and it depends on 17 the size -- The size depends on -- Standard and 18 non-standard depends the stage you're in; but if</p>				

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<p>19 you're a non-standard, then they request -- they're 20 going to request pricing first. They're going to 21 contact the company, then they'll request pricing, 22 and we'll actually model their prices for them, to 23 tell them what we would pay them. 24 At that point, then, they would request a 25 power purchase agreement. We would negotiate that. 33: 1 They would have to be producing all of the exhibits 2 and some of the documents that go into it. And 3 that's generally more like a nine to 12-month period 4 to be ready for execution. 5 Once it is executed, then, until it's 6 commercial, it could be two years -- up to two, 7 three years, because they're using the power 8 purchase agreement as the foundation to secure 9 financing to then go build the project.</p>				

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<p>10 So the total could be -- you know, the</p> <p>11 longest I've seen them, without any delays, has been</p> <p>12 about three, three and a half years, from first</p> <p>13 contact to commercial operation.</p> <p>14 Q. I'm sorry. Did you say the longest one?</p> <p>15 A. The longest one has been three and a half,</p> <p>16 four years, something like that, without any delays.</p> <p>17 Sometimes they get into construction and there's a</p> <p>18 delay; but if everything went according to plan, per</p> <p>19 the milestones they've established in their power</p> <p>33:20 purchase agreement, it can be up to about three and</p> <p>21 a half years.</p> <p>22 Q. So, then, does an entity generally reach</p> <p>23 out to PacifiCorp for a power purchase agreement</p> <p>24 before construction is started on the facility that</p> <p>25 will generate the power?</p> <p>34: 1 A. Yes. Generally, yes. The --</p>				

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<p>As I said, 2 they're using that revenue source from a power 3 purchase agreement to get -- get financing to 4 construct the project. That's the general mode. 5 There are some that are just building it and 6 hopefully finding an offtaker, but that's a very 7 small percentage. 8 Q. Can you give me an idea of the percentage? 9 A. Oh, it's less than five percent, maybe -- 10 not even -- maybe one percent. There's very few 11 projects that use their own funds to build without 12 having somebody to buy the power from them. 13 Q. I want to back up just a little bit. 14 We've used the phrase "qualifying 15 facility" in this deposition. 16 A. Yes. 17 Q. What does that mean? 18 A. Qualifying facility relates to a</p>				

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<p>federal 19 act that was passed in, I think, '78, PURPA -- and 20 don't ask me to tell you what the acronym stands for 21 completely -- but it was a federal act to encourage 22 the development of independent, small generators, 23 primarily focused on renewable generators. That was 24 back in '78. It's still in place, but the 25 requirements under PURPA was -- there was three 35: 1 things; and what the federal government did was they 2 put in place and then they passed the implementation 3 to the state, so that's why each state has different 4 implementation rules. The utility is obligated to 5 buy the power from them. 6 Q. And "the utility," meaning PacifiCorp? 7 A. Or any utility who's -- any utility who's 8 got is a PURPA obligation. 9 The -- So the first one is that</p>				

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<p>PacifiCorp 10 has to buy the power from them. The second one is 11 they have to interconnect with that generator; so 12 PacifiCorp Transmission has a legal obligation to 13 interconnect with them. And the third one is: The 14 utility, PacifiCorp, would have to provide station 15 service for that generator. 16 Most generators, whether they're solar or 17 wind or hydro, have other things that need 18 electricity when the generator's not operating. 35:19 When they're operating, they supply their own. When 20 they're not operating, they need power from the host 21 utility. That's a -- That's a PURPA obligation. 22 That's kind of the three legs on the stool. 23 Q. So is that the PURPA obligation of 24 PacifiCorp? 25 A. In total, yes.</p>				

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<p>36: 1 Q. Right. 2 A. The three -- three pieces, yes. We would 3 -- We would buy the power from them; we would 4 interconnect with them through PacifiCorp 5 Transmission; and then, through either Rocky 6 Mountain Power or Pacific Power, supply them station 7 service when the generator's not operating. 8 Q. And those are PacifiCorp's obligations to 9 a qualifying facility? 10 A. Yes. So back to your question about PURPA 11 and QFs, qualifying facilities: Under PURPA, the 12 federal government defined what a qualifying 13 facility was, QFs. And they're generally any what 14 they call renewable resource -- hydro, wind, solar, 15 biomass, biogas -- there's a list of them. And you 16 can self-certify with FERC, the Federal Energy</p>				

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<p>17 Regulatory Commission, and you can -- you can 18 certify with them and be deemed a QF. And that's 19 one of our requirements in our PPAs: They have to 20 provide that certification, and they just get 21 assigned a number by -- by FERC. So that -- that's 22 kind of one of the requirements. 23 There is a -- There is a process for a 24 project that is not renewable to be deemed a QF. 25 That relates more to how much energy -- Most of 37: 1 those are ones that are generating steam and 2 generating -- using that steam to supply, you know, 3 a process heat and generating power. And you can be 4 deemed a QF but you're not really -- you're not a 5 renewable project. Ninety-five percent of the 6 projects that we are involved with are renewable 7 QFs.</p>				

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<p>8 Q. So you talked about a couple of different 9 things there. 10 So if a facility has gone through the 11 process with FERC to be deemed a qualifying 12 facility, PacifiCorp requires evidence of that 13 before PacifiCorp will enter a power purchase 14 agreement? 15 A. Correct. It is one of the -- one of the 16 documents or evidence that we require to enter into 17 the power purchase agreement. 37:18 Q. And then a generating entity may not be 19 generating electricity from a renewable source, but 20 it could be deemed a qualifying facility and enter a 21 power purchase agreement with PacifiCorp? 22 A. Yes. It has -- Under -- Under FERC's 23 rules, it has to show -- It's kind of what -- It 24 determines how much thermal</p>				

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<p>and electrical energy 25 are being produced, and it has a ratio that you have 38: 1 to meet in order for it to be viewed as a QF. 2 That's -- That's not the normal ones that we see. 3 It was back in the early '80s, but it's not 4 something that's typically -- that we typically see 5 as QFs nowadays. 6 Q. And when you're talking about QFs, those 7 are the only entities to which PacifiCorp has PURPA 8 obligation? 9 A. Correct. 10 Q. So, then, can you tell me a little bit 11 about what you would require of an entity to which 12 PacifiCorp had no PURPA obligation, to enter a power 13 purchase agreement with a non- QF? 14 A. Sure. Those would be what we would view 15 as bilateral negotiated agreements, and it simply</p>				

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<p>16 means that we have negotiated an agreement to buy 17 the power based on it being favorable to our 18 customers; otherwise, we wouldn't enter into any 19 sort of transaction. 20 We generally -- Because of the additional 21 scrutiny that we would get by doing a bilateral 22 deal, we generally do those through a request for 23 proposal process. So we would -- if we're looking 24 to acquire power on a non-QF basis, we generally 25 issue a request for proposal and -- with all of the 39: 1 specs that we're looking for from those resources. 2 We take them through due diligence, we take them 3 through an economic evaluation, we look at them from 4 a regulatory perspective; and then if there's one 5 that looks like it is superior value, can reduce the 6 cost of the rates of our customers,</p>				

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<p>then we would 7 proceed with -- with doing that. 8 Q. Then I want to go back a little bit to you 9 talked about a QF may have a power purchase 10 agreement with standard pricing or with non-standard 11 pricing. 12 Why would -- Why would there be -- Why 13 would you go with one option rather than the other? 14 Or why would the entity go with one option rather 15 than with the other? 16 A. So the reason that PURPA put in place 39:17 standard and non-standard was they looked at the 18 standard as being really focused on the mom-and-pop 19 type developers, the ones who don't have the 20 engineering, the financial resources, the legal 21 resources, to put a project in. And back in the 22 beginning -- beginnings in the '80s and like that,</p>				

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<p>23 it was the folks who put in little hydro projects on 24 a creek that was running through their property. 25 That's just an example. And we -- PacifiCorp has a 40: 1 lot of those, and they were done way back in the 2 '80s and '90s and they're really small projects. 3 And standard just allowed them to get the power 4 purchase agreement in place without having to spend 5 a lot of money on legal, engineering, those kinds of 6 -- and viewing that those folks were not as 7 sophisticated or had those kind of resources 8 available, they said, "Well, just have standard 9 prices for those projects and provide a simplified 10 contract." They're not very big; they don't have 11 the expertise to negotiate with the big utilities. 12 So that was done. Over time, that -- depending on</p>			

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<p>13 the state, that side -- and then they put on cap on 14 how big the project could be. 15 Q. That's the very beginning? 16 A. Yeah, at the very beginning. And it was 17 back -- it was like 100 kW. That was the federal 18 kind of look-see what it should be. Over time, that 19 evolved to nowadays some states -- Oregon, for 20 example, it can be 10,000 kW. 21 So those are -- those kind of projects are 22 multi-million dollar projects, those people who are 23 developing those projects are much more 24 sophisticated; but they know they can get a price 25 that's posted there, they know they don't have to go 41: 1 through negotiations. So they - - it's an easier 2 route for them to undertake. 3 (Sotto voce remarks.) 4 Q. BY MS. HEALY GALLAGHER: So you said that 5 Utah -- what was the upper limit</p>				

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<p>for standard 6 pricing? 7 A. The upper limit is 3000 kW for a -- for 8 renewable projects. That would include wind, solar. 9 If it's like a baseload type project, like hydro and 10 some of those, it's like 1000 kilowatts. So for 11 solar, wind, those are at 3000. 12 Q. Anything -- Anything above that in Utah 13 would be non-standard pricing? 14 A. Correct. 15 Q. And just for the sake of the record: 3000 41:16 kilowatts is how many megawatts? 17 A. Three. 18 Q. Is there any way for a project that is 19 above 3000 kilowatts to opt for standard pricing? 20 A. No. There's no option for them to get 21 standard pricing if that single project is greater 22 than 3000 kilowatts. We have had situations where</p>				

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<p>23 somebody will take a really large project and break 24 it up into multiple 3000 kW projects as an example. 25 They have to meet certain requirements about 42: 1 distance apart and all of that, but we have had that 2 situation. 3 (Sotto voce remarks.) 4 Q. BY MS. HEALY GALLAGHER: Just really 5 quickly, Mr. Griswold: Do you happen to know what 6 the acronym is for PURPA? 7 A. Public -- Public utility reform. 8 Q. Or, actually, how about can you just spell 9 out the acronym that you're using? 10 A. Oh, it's P-U-R-P-A. I always - - I always 11 have to go look it up. I'm sorry. 12 Q. No problem. Oh, and you mentioned that 13 the longest -- the longest time that you've seen to 14 go from interest in a PPA to an entity being deemed 15 commercial was about three, three and a half years?</p>				

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<p>16 A. Yes. That's -- That's about the range 17 that -- yeah, for longest, yeah. 18 Q. What's the shortest that you've ever seen? 19 A. Two years, somewhere in that range. I 20 think a lot of it is -- relates -- getting the power 21 purchase agreement negotiated is usually a small 22 slice of the overall time required. I mean, the 23 interconnection takes longer because there's a lot 24 more studies that go on to look at the physical 25 electrical system there. Things have to be 43: 1 constructed. So the power purchase agreement in 2 itself is a shorter time frame. 3 Q. And with that -- forgive me for reviewing 4 ground, but... 5 So you mentioned that often facilities use 6 a PPA as a way to get financing for construction; 7 but, also, in order to enter a PPA,</p>				

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<p>an entity has to 8 show that there is an interconnection agreement in 9 place or that there is one being negotiated. 10 So how does that work? Like would an 11 entity reach out for an interconnection first and 12 then seek a PPA? 13 A. We encourage them to do that, only because 14 the interconnection process is generally longer in 43:15 duration than the negotiation of the power purchase 16 agreement. So if a project approaches us about 17 being a qualifying facility, we encourage them at 18 that first contact to contact PacifiCorp 19 Transmission about the interconnection -- just 20 because, the way our system is set up, you don't 21 know if you're interconnecting into an area that may 22 need a lot of work done. You know, it may have, you</p>				

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<p>23 know, a whole sort of litany of things that may be 24 going on physically and electrically that would make 25 the PPA unfeasible for them. So we do encourage 44: 1 them to go -- Likewise, a lot of them will contact 2 PacifiCorp Transmission for an interconnection, and 3 they're bounced also over to us to have discussions 4 with them about the power purchase agreement. 5 Q. And the interconnection agreement, just to 6 your knowledge, has to do with the actual physical 7 connection between a facility and the utility that 8 will receive the power that's generated? 9 A. Correct. 10 Q. So Rocky Mountain Power has a facility in 11 Millard County, Utah; correct? 12 A. Without looking at a list, I couldn't tell 13 you; but I'll accept that they do. 14 Q. Sure.</p>				

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<p>15 A. We have -- Just so you know: We have 16 almost 200 qualifying facilities, and we've had a 17 whole bunch of ones recently built in Utah; so I'll 18 -- I would accept it.</p>				
<p>46:22 Q. So do you know, does PacifiCorp have a 23 power purchase agreement with an entity named 24 Rapower-3 LLC? 25 A. Not to my knowledge, no. 47: 1 Q. So PacifiCorp does not have a PPA? 2 A. No. 3 Q. Does PacifiCorp have a PPA with 4 International Automated Systems Inc.? 5 A. No. 6 Q. Does PacifiCorp have a PPA with an entity 7 called LTB1 LLC? 8 A. No. 9 Q. Does PacifiCorp have a PPA with an entity 10 -- bear with me -- called DCL16BLT Inc.? 11 A. No.</p>			193	

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<p>12 Q. Does PacifiCorp have a PPA with -- Well,</p> <p>47:13 let me ask this: Does PacifiCorp enter PPAs with 14 individuals or with business entities?</p> <p>15 A. We enter them with both. Generally, the</p> <p>16 bulk of them are business entities -- project LLCs,</p> <p>17 for example, project entities. That's the -- 85, 90</p> <p>18 percent are that, yes.</p> <p>19 Q. So then does PacifiCorp have a power</p> <p>20 purchase agreement with R. Gregory Shepard?</p> <p>21 A. No.</p> <p>22 Q. Does PacifiCorp have a power purchase</p> <p>23 agreement with Neldon Johnson?</p> <p>24 A. No.</p> <p>25 Q. Does PacifiCorp have a power purchase</p> <p>48: 1 agreement with Roger Freeborn?</p> <p>2 A. No.</p> <p>3 Q. Does PacifiCorp have a power purchase</p> <p>4 agreement with an entity named</p>				

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Cobblestone Center 5 LLC? 6 A. No. 7 Q. Does PacifiCorp have a power purchase 8 agreement with any of the remaining entities in 9 paragraph 7 of plaintiff's Exhibit 193? 10 A. No. 11 Q. To your knowledge, have any of these 12 people or entities reached out to PacifiCorp for 13 interest in entering a power purchase agreement? 14 A. No, not to my knowledge.				
48:20 Mr. Griswold, we used the acronym FERC 21 earlier in the deposition. 22 A. Um-hum. 23 Q. What is -- Can you give me the actual 24 words for the acronym? 25 A. It's Federal Energy Regulatory Commission.				
49:25 Q. BY MR. AUSTIN: But what I'm most 50: 1 interested in discerning is: In terms of your				

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<p>2 answers regarding any -- well, your response in 3 paragraph 7, interconnection agreement or power 4 purchase agreement or transmission service 5 agreement, can you tell me how you determined 6 whether or not any of those documents or related 7 documents exist within the company? 50: 8 A. Yes. We -- For any of the ones that 9 merchant would have available to them, we searched 10 our records of documents, hard copies, electronic. 11 Q. Do you have a system that enables you to 12 easily do that? 13 A. I wouldn't say "easily"; but we have a 14 system, yes. 15 Q. Okay. And in this case -- and I don't 16 want -- you know, it doesn't have to be detailed, 17 unless it turns out it's material; but can you tell</p>				

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<p>18 me just what that entailed on your end? Were you 19 the one who personally reviewed records? 20 A. I searched my own personal -- not my 21 personal, but the company, where we had files on any 22 of the QFs' projects that we dealt with. We also 23 went through our contracts file or system, which 24 would detail any contracts that had been executed 25 between any counterparties with PacifiCorp. We -- I 51: I mean, I looked back through my log of phone calls 2 and stuff that I have available. That was probably 3 the -- it kind of covered the universe of what we 4 did. 5 Q. Okay. Is it your testimony that 6 PacifiCorp or its related entities have never had 7 any contact with any of the entities or individuals 8 identified in paragraph 7 of the subpoena?</p>				

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<p>9 A. Not to my knowledge; none that I could 10 find within any of my records. 11 Now, does that mean that they didn't have 12 a call in to our company at someplace, a touch 13 point? I don't know the answer to that. I do know 14 that they never talked to me.</p>				
<p>52:15 Q. Okay. So if there's no PPA, then there's 16 no need for a transmission agreement; or, as a 17 matter of protocol, the transmission agreement would 18 come after the PPA. Is that fair? 19 A. The transmission service agreement, you're 20 correct on that, yes, it would -- if there's no PPA, 21 then there would be no transmission service 22 agreement.</p>				
<p>53: 1 What information would PacifiCorp need to 53: 2 have from an entity seeking to enter into a PPA in 3 order to negotiate that PPA? Does that make sense?</p>				

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<p>4 A. It makes sense. If it's a qualifying 5 facility, there is posted on PacifiCorp's website 6 Rocky -- I'll use Rocky Mountain Power Utah as an 7 example. There is a rate schedule 37 for standard 8 and a rate schedule 38 for non- standard. Within 9 that is a whole process with a list of items -- 10 there's about a dozen, eleven to a dozen items in 11 there -- that the developer or the QF would need to 12 provide to the company in order to begin the process 13 of preparing a standard agreement or negotiating a 14 non-standard agreement. 15 Q. I mean, wouldn't part of the information 16 that would be necessary in terms of finalizing a PPA 17 be some quantification of the amount of power to be 18 generated? 19 A. Yes. 20 Q. And if that's an unknown, is</p>				

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<p>there really 21 any way to negotiate a PPA prior to having at least 22 some quantification of what's expected? 23 A. If I understand your question right, it's 24 how can they ask for a PPA if they don't know the 25 amount of energy they're going to generate. Is that 54: 1 what you're asking? 2 Q. Yeah. 3 A. Most -- So I think the answer is: No, 4 that the QF generally has at their disposal methods 5 to determine -- to estimate the amount of power that 6 would be produced by their technology. For example, 7 wind farms will put up met towers, meteorological 8 towers, which captures the wind speed at different 9 heights. They can then plug into the curve of what 10 the turbine is expected to produce at different wind 11 speeds and tell us how much --</p>				

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<p>and if they have the 12 number of turbines, they can tell us about what 13 they're going to generate. It's going to vary. 14 Solar. There are modeling systems which 15 are based on the solar radiation in an area, that 16 has been collected over the years, that will turn 17 out the expected output based on the panels that 18 they're expecting and inverters they're expecting to 19 use. So they can provide us an estimate.</p>				
<p>56: 2 Q. Yeah. I mean, if I came to you and said, 3 "Hey, I've got a really great idea for a renewable 56: 4 source of energy. I'd really like to get a PPA from 5 you, to get ahead of the game and in order to get 6 investor money. I don't really know what I think it 7 actually will do, but it could be a lot," would you 8 negotiate a PPA with me?</p>				

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9 A. No. I would suggest they find somebody to 10 help them determine what their idea was.				
67: 6 MR. AUSTIN: Okay. That's all that I 7 have. Thank you. 8 MR. REICH: No questions. 9 MS. HEALY GALLAGHER: No questions.				
68: 1 KRISTOPHER BREMER, 2 called as a witness, being duly sworn on oath, was 3 examined and did testify as follows: 4 EXAMINATION 5 BY MS. HEALY GALLAGHER: 6 Q. Hello, Mr. Bremer. I introduced myself a 7 moment ago; but, again, my name is Erin Healy 8 Gallagher and I am representing the United States in 9 the captioned matter. 10 If you would please take a look -- 11 Actually, first why don't you go ahead and please 12 say and spell your name for the record. 13 A. Yeah. Kris Bremer. It's K-R-I-			193	

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<p>S, 14 B-R-E-M-E-R. 15 Q. And would you please give the city and 16 state of your home address. 17 A. Portland, Oregon. 18 Q. And the city and state of your work 19 address? 20 A. Also Portland, Oregon. 21 Q. Would you please take a look at what's 22 been marked plaintiff's Exhibit 193 that's right 23 next to you there. 24 Do you recognize plaintiff's Exhibit 193? 25 A. I do. 69: 1 Q. All right. And you've been designated by 2 PacifiCorp to provide testimony on its behalf; 3 correct? 4 A. Yes. 5 Q. And what's your understanding of what 69: 6 you're here to testify about? 7 A. Discuss the generation interconnection 8 related questions in this document.</p>				

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<p>71: 2 Q. Okay. Is there anything today that would 3 prevent you from understanding and answering my 4 questions to the full capacity of your recollection 5 and cognition? 6 A. No. 7 Q. Are you taking any medications or drugs 8 that might interfere with your memory? 9 A. No. 10 MS. HEALY GALLAGHER: Would you please 11 mark plaintiff's Exhibit 195. 12 (Exhibit 195 m a r k e d .) 13 MS. HEALY GALLAGHER: All right. Thank 14 you. 15 Q. BY MS. HEALY GALLAGHER: All right. 16 Mr. Bremer, I'm handing you what's been marked 17 p l a i n t i f f ' s Exhibit 195. 18 Do you recognize this exhibit? 19 A. Yes, I do. 20 Q. What is it? 21 A. It's the résumé that I provided as part of</p>			196	

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<p>22 this deposition.</p> <p>23 Q. And there's a lot of information on here.</p> <p>24 Looks like you've done quite a bit for PacifiCorp in</p> <p>25 particular.</p> <p>72: 1 Can you give me a general overview of the</p> <p>2 time that you've been working for PacifiCorp and</p> <p>3 what you've done?</p> <p>4 A. Sure. Yes. So I started with PacifiCorp</p> <p>5 in around 2001 on the T&D operations organization.</p> <p>6 I was there for a number of years. Moved on to its</p> <p>7 asset management organization, worked there for a</p> <p>8 few years.</p> <p>9 What is probably more relevant to today's</p> <p>10 discussion is my time at PacifiCorp Transmission,</p> <p>11 which I believe started in 2013. And, specifically,</p> <p>12 my current role is generation interconnection</p> <p>13 manager, which started in 2014.</p> <p>14 Q. And tell me about your role as</p>				

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<p>generation 15 interconnection manager. What does that mean? 16 A. Ultimately, it means I'm responsible for 17 the employees in my group, two project managers. We 18 administer the applications that we receive for – 72:19 from energy developers to interconnect generation 20 projects to PacifiCorp's grid. We're mainly in 21 charge of the administration -- administrative side 22 of that, so we're in charge of the process. 23 Q. We heard testimony earlier from 24 Mr. Griswold about just kind of the interplay of 25 agreements that an entity would have to enter with 73: 1 PacifiCorp to both connect and sell power. 2 Can you tell me what your understanding is 3 of that relationship from the interconnection 4 generation perspective?</p>				

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<p>5 A. Well, from my perspective, all that's 6 required is a generation interconnection agreement. 7 My -- My business is not concerned with whether -- 8 who the power is sold to and, frankly, how the power 9 is transmission -- transmitted through a 10 transmission service agreement. So, really, a 11 generation interconnection agreement is what is 12 required to complete my process. 13 Q. And what -- Can you tell me in lay terms, 14 what does a generation interconnection agreement do? 15 What does it allow an entity to do? 16 A. It allows them to physically connect their 17 generating facility to PacifiCorp's electric system. 18 Q. If a person or an entity wants to 19 physically connect their facility to PacifiCorp's 20 system, what do they have to do?</p>				

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<p>21 A. The first step is to submit an application 22 along with all of the additional technical 23 information and deposits that go along with the type 24 of interconnection being requested. 25 Q. After the application and all of that 74: 1 material is submitted, what's the next step? 2 A. We will schedule what is referred to as an 3 initial scoping meeting between the interconnection 4 customer and PacifiCorp's engineering staff, along 5 with my -- with my group, to discuss the specifics 6 of what the customer is proposing. 7 Q. And what's the next step? 8 A. We will -- The interconnection customer 9 has the option to choose which type of study they 10 would like us to perform, to do an analysis of what 11 it would take to allow interconnection of the</p>				

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<p>12 facility. 13 They can choose a feasibility study, which 14 is optional, that provides high-level information; 15 or they can move directly to a system impact study, 16 which provides the specific technical details of 17 what would be required to allow interconnection. 74:18 Following that is a facility study in which 19 PacifiCorp's project management organization comes 20 in and lays out the scope of work and the timing for 21 the requirements that were identified in the 22 previous study to be performed. And following that 23 is the actual execution of an interconnection 24 agreement. 25 Q. Is the facility study optional? 75: 1 A. No, under most circumstances. 2 MS. HEALY GALLAGHER: Okay. This is the 3 next exhibit, please.</p>				

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<p>4 (Exhibit 196 m a r k e d .) 5 Q. BY MS. HEALY GALLAGHER: Mr. Bremer, I'm 6 handing you what's been marked plaintiff's 7 Exhibit 196. 8 Would you take a look at that, please, and 9 look at me when you're done. 10 A. Okay. 11 Q. All right. So plaintiff's Exhibit 196 12 appears to be a brochure called "Connecting 13 PacifiCorp's Transmission and Distribution System, 14 Getting Started." Is that right? 15 A. Yes. 16 Q. Are you familiar with this brochure? 17 A. I am. 18 Q. How are you familiar with it? 19 A. It's a brochure that we have distributed 20 in the past to potential customers. 21 Q. And the generation and interconnection 22 section, does your group provide input for this 23 brochure?</p>				

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<p>24 A. You know, this brochure precedes my time</p> <p>25 in this, in this -- in this role, but I would assume</p> <p>76: 1 yes.</p> <p>2 Q. Okay. To your knowledge, does this</p> <p>3 brochure accurately reflect the steps?</p> <p>4 A. It does. I'm familiar with it, and it</p> <p>5 does, yes. Sorry.</p> <p>6 Q. Okay. Sorry. Let me just go ahead and</p> <p>7 finish the question. That's all right. We'll just</p> <p>8 get it clear for the record.</p> <p>9 To your knowledge, does plaintiff's</p> <p>10 Exhibit 196 accurately reflect, in simplified terms,</p> <p>11 the procedure for generation interconnection</p> <p>12 agreement?</p> <p>13 A. Yes.</p> <p>14 Q. And, actually, Mr. Bremer, you've been</p> <p>15 designated by PacifiCorp to provide testimony on its</p> <p>16 behalf; correct?</p>				

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76:17 A. Yes. 18 Q. If I ask you a question today and you are 19 answering from something other than your own 20 personal knowledge of the facts of your job, of your 21 experience, will you let me know? 22 A. Yes.				
78: 6 If we look back at plaintiff's 7 Exhibit 196 - - 8 A. Yes. 9 Q. -- do you see on the first page there's a 10 gray box to the far right? It starts with: "To 11 protect the electric reliability and safety of all 12 of our customers, we look at the big picture." 13 Do you see that? 14 A. I don't. Where are you? 15 Q. It's to the right on plaintiff's 16 Exhibit 196, this gray box. 17 A. To the left. 18 Q. That is to the left, isn't it? 19 A. Thank you. I'm with you now. 20 Q. When I'm driving, I point so I don't --			196	

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<p>21 A. Okay. Yes, I see the box you're referring 22 to. 23 Q. Okay. Is that -- Is that gray box, is 24 that -- does that describe the concerns of the 25 generation interconnection group, or is that 79: 1 information perhaps from a different group? 2 A. Well, I mean, yes. I mean, just strictly 3 speaking from generation interconnection, the number 4 one priority is reliability and safety. 5 Q. So, for example, if you were evaluating a 6 request for a generation interconnection agreement 7 with a facility, these considerations in this gray 8 box are considerations that would impact your 9 decision on whether to enter that agreement? 10 A. These would just be requirements. I mean, 11 there's really no decision. We</p>				

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<p>would -- We would 12 provide the requirements necessary for the customer 13 to interconnect. 14 Q. And the customer would then have to meet 15 those requirements in order for PacifiCorp to enter 16 the agreement? 17 A. Correct. 18 Q. And, in fact, in the larger box on the, in 19 fact, right-hand side of the first page of 79:20 Exhibit 196, there's a subheader there that says: 21 "PacifiCorp's general interconnection requirements." 22 Do you see that? 23 A. I do. 24 Q. And then there are a couple of specifics 25 there. It says: "A few of the technical and 80: 1 contractual requirements for interconnection of 2 generation to the electrical grid are...."</p>				
<p>80: 5 Q. BY MS. HEALY GALLAGHER: And the first</p>				

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<p>6 bullet point says: "You will be required to provide 7 protection and control equipment." 8 What does that mean? 9 A. Well, I am not a protection and control 10 engineer; but, generally, it is the type of 11 equipment that monitors the generation facility to 12 make sure that it is not impacting the reliability 13 of the system. 14 Q. If an entity proposing an interconnection 15 -- a generation interconnection agreement could not 16 demonstrate that it had protection and control 17 equipment, would PacifiCorp enter a generation 18 interconnection agreement?</p>				
<p>80:20 THE WITNESS: Well, we would identify what 21 it would have to be in order to enter the 22 interconnection agreement. We would not allow them 23 to generate if they didn't meet the requirements</p>				

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<p>24 identified in the agreement. 25 Q. BY MS. HEALY GALLAGHER: So are there two 81: 1 different things? Is there an interconnection 2 agreement and then a separate generation agreement? 3 A. No. What I'm saying is: Before anything 4 is built, we would say in the agreement, "This is 5 what's required." But until that equipment is 6 actually installed and functioning, we would not 7 allow the generating facility to actually turn on. 8 Q. Okay. So, then, backing up: Typically, 9 when an entity comes to PacifiCorp seeking a 10 generation interconnection agreement, have they 11 already built the facility? 81:13 THE WITNESS: No. 14 Q. BY MS. HEALY GALLAGHER: Never? 15 A. Not in my experience.</p>				
<p>82: 1 Q. Sure. So then can you explain, please,</p>				

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2 the types of things that PacifiCorp requires to 3 enter a generation interconnection agreement?				
82: 5 THE WITNESS: Really, the basics of what 6 we require are that they've gone through the study 7 process and have -- can produce site control 8 documentation that they have some sort of authority 9 to build their generating facility at the site in 10 which they say they're going to build it. 11 Q. BY MS. HEALY GALLAGHER: Can you tell me a 12 little bit more about the site control documents? 13 What do you mean by that? What are the types of 14 document that PacifiCorp requires?				
82:16 THE WITNESS: There are a variety. I am 17 certainly no expert on property documents, but 18 things such as leases.				
83: 2 Q. BY MS. HEALY				

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<p>GALLAGHER: So if we could 3 take a look, please -- Okay. So we were talking 4 about site control documents. 5 A. Yes. 6 Q. And I understand you're not an expert in 7 whether an entity may actually in fact have leases, 8 permits, things like that; but, in your role, do you 9 need to see documentation?</p>				
<p>83:11 THE WITNESS: Yes. It's required under 12 our rules; and when we -- when we receive it, we 83:13 forward it to our legal team to review and to tell 14 us if it's sufficient. 15 Q. BY MS. HEALY GALLAGHER: So if an entity 16 seeking a generation interconnection agreement did 17 not provide you with the kind of site control 18 documents that PacifiCorp requires, would PacifiCorp 19 then enter a generation interconnection agreement? 20 A. No. The rules do not allow us</p>			196	

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<p>to do so, 21 although -- one caveat -- I believe our open access 22 transmission tariff does allow, under a small 23 subset, a large cash down payment in lieu of site 24 control, as a temporary way. 25 Q. And "a temporary way," what is a temporary 84: 1 way? 2 A. A temporary -- In order for us to execute 3 an interconnection agreement, I believe it's 4 \$250,000; but site control at some point, I believe, 5 still has to be established prior to energization of 6 the facility. 7 Q. Okay. So the \$250,000 deposit, is that 8 basically to like hold the place until they can 9 prove site control? 10 A. Essentially, yes. 11 Q. Okay. If you'd take a look, please, at 12 p l a i n t i f f ' s Exhibit 196, the second page, the gray</p>				

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<p>13 section on the right-hand side of the page, under 14 the header "PacifiCorp's interconnection process." 15 A. I see it. 16 Q. Would you take a look, please, at that 17 description. There's eight steps. 18 A. Okay. 19 Q. To your understanding and experience, are 20 these eight steps the ones that are required before 21 PacifiCorp will enter a generation interconnection 22 agreement? 23 A. Well, only up till step 5 is it covering 24 prior to that; but, generally, yes, up till step 5 25 is the general process. 85: 1 Q. Fair enough. Okay. If an entity is 2 interested in getting a generation interconnection 3 agreement, where can it find information about what 4 materials it needs to submit to PacifiCorp? 5 A. Probably the best resource is</p>				

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<p>our web 6 page. We have a web page that lays out all the 7 different processes for the -- for the different 8 jurisdictional interconnection applications. Also, 9 our open access transmission tariff is posted 10 publicly, that contains information on the process. 11 Q. Just generally, what is the open access 85:12 transmission tariff? 13 A. It's the -- It's the -- I mean, it's the 14 guidelines in which FERC mandates that we conduct 15 business with our transmission system. 16 Q. Is there an open access transmission 17 tariff for PacifiCorp and there might be a different 18 one for another utility and still a different one 19 for a third, or is there one that governs 20 nationwide? 21 A. They can -- They can be</p>				

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<p>different. There 22 are certain things that are the same from FERC; but, 23 yes, the different utilities could have different 24 sections of their tariffs, depending on what they've 25 gotten approved by FERC. 86: 1 Q. The step 1 in plaintiff's Exhibit 196 2 mentions a deposit required with an application. 3 A. Yes. 4 Q. How much is that deposit? 5 A. It depends on the type of application. It 6 can vary: For a small generating project, such as a 7 thousand dollars, to ten thousand dollars for larger 8 projects. But PacifiCorp operates in a number of 9 different states, with different jurisdictional 10 rules; so there are a variety of deposit amounts, 11 depending on the type of project being proposed. 12 Q. In step 2 it talks about, as you 13 mentioned, the initial scoping</p>				

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<p>meeting. 14 What -- What does that involve? 15 A. We will schedule a meeting, whether it's a 16 conference call or an in-person meeting, with the 17 interconnection customer and anyone they would like 18 us to include as part of their team. My team -- A 19 project manager for my team will be assigned, who 20 will run that meeting. And we, PacifiCorp, will 21 invite all of the relevant engineering staff, 22 depending on, again, the type of project and where 23 it's located, to be a part of that meeting. And 24 then we will just simply walk through what's being 25 proposed, and our engineering staff will provide 87: 1 some initial feedback as to what they think the 2 likely requirements would be. 3 Q. Is that just one meeting and then 4 everybody goes and does their</p>				

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<p>thing, or are there a 5 series of meetings? 6 A. It's just a single meeting. At the end of 7 it, we will request that the customer choose which 8 type of study they would like us to proceed on. 9 Q. And that's either a feasibility study or a 10 system impact study? 87:11 A. Yes. 12 Q. Tell me about the feasibility study. 13 What's that? 14 A. So the feasibility study focuses more on 15 the high-level transmission system impacts that 16 would likely occur with this project. It doesn't 17 get into a detailed scope down at the specific 18 substation or metering level. We provide a more 19 high-level estimate. It's not a detailed scope of 20 work at that point. So it's valuable for customers 21 to get an initial feedback -- I</p>				

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<p>mean an initial 22 study of the general requirements that would be -- 23 that would need to be done. 24 Q. So when you say "the general requirements 25 of what would need to be done," what do you mean by 88: 1 that? Like what is the feasibility that's being 2 evaluated? 3 A. Well, so -- I guess, to provide a little 4 more detail on that, so... And, really, it's a 5 discussion of what the difference between what a 6 feasibility study is and a system impact study. 7 So the feasibility study generally only 8 goes to a couple of the primary engineering groups, 9 our planning organization, which looks at the power 10 flow of the proposed facility and what impact it 11 would have to the larger system. And that's 12 normally where the larger issues,</p>				

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<p>the likely more 13 expensive issues, are identified; whereas a system 14 impact study takes that analysis but then also 15 identifies things such as metering requirements or 16 communications requirements, things like that. So 17 it goes to a larger subset of engineering 18 disciplines, where they develop the specific scope 19 required to allow interconnection, and it provides a 20 more detailed estimate. 21 Q. So the feasibility study, is that meant to 22 provide the applicant with -- I guess I'm still not 23 understanding. 24 What information is the feasibility study 25 meant to provide the applicant? 89: 1 A. Again, it's a more high- level look at what 2 the requirements will be. It just doesn't get into 3 the specific details that are identified in the</p>				

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<p>4 system impact study, and the cost estimate is not as</p> <p>5 defined. So it gives a range.</p> <p>6 Q. Okay. I guess the requirements for what?</p> <p>7 The requirements for PacifiCorp to enter the</p> <p>8 agreement?</p> <p>9 A. Of what would be required for the project</p> <p>89:10 to interconnect with PacifiCorp.</p> <p>11 Q. Okay. Can you give me an example of what</p> <p>12 some of those requirements might be?</p> <p>13 A. Sure. Perhaps a new substation would have</p> <p>14 to be constructed to allow interconnection of the</p> <p>15 facility. The difference between the feasibility</p> <p>16 study and the system impact study is a feasibility</p> <p>17 study will say: "A new substation would have to be</p> <p>18 constructed, period." A system impact study would</p> <p>19 have to say: "Exactly what does that mean in terms</p>				

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<p>20 of the equipment that would have to be installed?" 21 Q. I see. So, then, does the feasibility 22 study -- it gives the applicant information about 23 what expenses and effort would be required before 24 PacifiCorp would enter the generation 25 interconnection agreement? 90: 1 A. Yes. I mean -- 2 Q. If that's not correct, please let me know. 3 A. It's correct. Again, the difference being 4 more detail. 5 Q. So let's say a feasibility study found 6 that a new substation would be necessary. 7 A. Okay. 8 Q. Who would pay for that new substation? 9 A. Well, the interconnection customer, in all 10 cases, is required to pay for that up front. 11 Q. So the applicant? 12 A. The applicant, yes.</p>				

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<p>13 Q. Okay. And you said that a customer can 14 choose whether to undertake a feasibility study or 15 what -- I'm sorry. And who is it that does the 16 feasibility study? 17 A. Two questions there. 18 So, yes, it is optional. And, again, not 19 to speculate on what the customers are thinking, but 20 oftentimes it's to determine precisely what it's 21 called, a feasibility study. 22 If the answer is that it's tremendously 23 expensive based on the high-level feedback, then 24 perhaps it's not feasible and they don't want to go 25 on with a more detailed study. 91: 1 So the customer, the applicant, chooses 2 which one they would like to do. PacifiCorp 3 personnel is performing this study and providing the 4 results to the applicant. 5 Q. So would an applicant do just</p>				

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<p>one of the 6 two, or might an applicant do both? 7 A. Well, the system impact study is always 8 required. So they can -- Basically, they can skip 9: 9 the feasibility study and go straight to system 10 impact study. 11 Q. And you said that PacifiCorp personnel 12 does the feasibility impact study. 13 Who pays for that? Who pays for the study 14 to be done? 15 A. Yeah, the applicant, the interconnection 16 customer. 17 Q. And PacifiCorp personnel does the system 18 impact study as well? 19 A. Correct. Yes. 20 Q. And who pays for that study to be 21 completed? 22 A. The interconnection customer. 23 Q. How much, if you can give me a range, does 24 a feasibility study cost?</p>				

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<p>25 A. Generally, I see them in the range of 92: 1 maybe \$8,000 to \$10,000 as a general range. 2 Q. And about how much -- and a general range 3 is fine -- does a system impact study cost? 4 A. Yeah. Again, in my experience, maybe 5 somewhere between \$15,000 and \$20,000. 6 Q. And you also mentioned a facilities study, 7 which looks like it's also mentioned in step 4 on 8 this exhibit. 9 What is a facilities study? 10 A. A facilities study is written by 11 PacifiCorp's project construction project management 12 group. It takes all the requirements that were 13 identified in the system impact study and actually 14 lays out the scope of work: How are things going to 15 get done, who's going to do them, and on what 16 schedule.</p>				

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<p>17 So it takes it from "here are the things 18 that need to get done," to, "here's how we're going 19 to get those things done." 20 Q. And forgive me if you included this in 21 your answer: PacifiCorp's personnel conducts the 22 facilities study? 23 A. Correct. 24 Q. And who pays for the facilities study? 25 A. The interconnection customer. 93: 1 Q. About how much, in a range, does a 2 facilities study cost? 3 A. I'd say generally \$10,000 to \$12,000. 4 Q. Who completes the work that's identified 5 as required in the facilities study? 6 A. That can be negotiated. It depends on the 7 type of work that's required. 93: 8 Q. If there is a requirement in the 9 facilities study but an applicant does not want to 10 complete it or is unable to</p>				

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<p>complete it, would 11 PacifiCorp enter a generation interconnection 12 agreement with that customer? 13 A. No, unless there was an acceptable 14 alternative. 15 Q. And you mentioned that at step 5 here, 16 that's where your involvement with this process 17 ends? 18 A. I would -- I wouldn't say that. After the 19 -- After the interconnection agreement is executed, 20 generally my team and I take a less up-front role on 21 these projects. It's turned over to our 22 construction project management group, and our 23 engineering groups design everything that's 24 necessary and actually get it built. But we're 25 still involved on various things throughout the 94: 1 process. We sometimes get involved in the invoicing</p>				

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<p>2 that goes on, or oftentimes there will be amendments 3 negotiated while things are being constructed. 4 Ultimately, the communications that come to actually 5 request to be allowed to start generating come 6 through my group. So we play more of a back-seat 7 role at that point. 8 Q. So if all -- if there are all kinds of 9 requirements to enter a generation interconnection 10 agreement and then there's construction and work to 11 be done and facilities to be built, who is it that 12 checks and makes sure that the facility that is 13 constructed is consistent with the terms of the 14 agreement? 15 A. Well, ultimately, it would be - - it would 16 be our project manager that's assigned, our 17 construction project manager who's in charge of</p>				

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<p>18 that, but with full support of PacifiCorp 19 engineering staff ensuring that the equipment that 20 we required to be installed is functioning properly. 21 Q. Okay. As manager of generation 22 interconnection, do you have a role in that quality 23 assurance process, or is that just shifted -- is 24 that really shifted over to the construction side? 25 A. Yeah, it's really the project management 95: 1 team. And, ultimately, the agreements ask for, you 2 know, my group to provide approval to the customer 3 to actually start generating; and unless I'm -- you 4 know, unless I'm told that everything is functioning 5 properly, I don't -- I won't provide that. 6 Q. Do you know, Mr. Bremer, is there any way 95: 7 for a person or entity to connect into PacifiCorp's</p>				

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<p>8 infrastructure without going through the generation 9 interconnection agreement process? 10 A. Is there a way to interconnect a generator 11 to PacifiCorp's system without going through the 12 process -- through my process? 13 Q. A generation facility. 14 A. Yes, if it's a -- if it's small enough to 15 be considered net metering. So, generically, the 16 rooftop solar on a residential house, those types of 17 projects are not required to go through the process 18 that I've described to you today. 19 Q. What do you mean by "small enough"? 20 A. Well, the size is dictated by each 21 individual state; but, generally, they're considered 22 very small compared to the projects that I typically 23 will work on.</p>				
<p>97: 1 Q. Okay. Just to revisit a little bit with</p>			<p>196 198</p>	

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<p>2 p l a i n t i f f ' s Exhibit 196 that we were looking at 3 before the break. 4 We got these, you know, steps 1 through 5, 5 starting with an interconnection customer submitting 6 an application and going through an executed 7 interconnection agreement. 8 In your experience, about how long does 9 that take to go from a submitted application to an 10 executed interconnection agreement? 11 A. Generally -- you know, it varies based on 12 size -- but a year. 13 Q. Can you explain to me -- I saw on the 14 PacifiCorp website something called a generation 15 interconnection queue. What is that? 16 A. The queue is the word we use for the list 17 of applications we've received since the current 18 process was put in place to track</p>				

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<p>them. 19 Q. Okay. And when was the current process 20 put in place to track them? 21 A. I don't know the specific date, but 22 approximately the 2000-2001 time frame. 23 MS. HEALY GALLAGHER: Okay. I would like 24 to mark, please, the next exhibit number. 25 (Exhibit 198 m a r k e d .) 98: 1 MS. HEALY GALLAGHER: All right. So 2 what's going to happen is we have marked a disk that 3 is plaintiff's Exhibit 198. What we're going to do 98: 4 is put that in my co-counsel's computer and then I'm 5 actually going to ask you to navigate to some 6 information on that disk. 7 THE WITNESS: Okay.</p>				
<p>98:18 Q. BY MS. HEALY GALLAGHER: Okay. So if you 19 would please take a look at what's open on 20 co-counsel's laptop, do you see a</p>				

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<p>file that is the 21 native Excel version of the generation 22 interconnection queue? 23 A. I would assume it's this one, but I can't 24 see it. 25 Q. Okay. Are you talking about the first 99: 1 file on there? 2 A. Yeah, the PacifiCorp queue. 3 Q. So that's the document named 161107 4 PacifiCorp queue.xlsx? 5 A. I believe that's it, yeah, but I'd want to 6 open it to confirm. 7 Q. Why don't you go ahead and open it. 8 A. Yes, this is PacifiCorp's generation 9 interconnection publicly posted queue. 10 Q. Okay. So let's walk through -- Sorry, I'm 11 going to go around you. Sorry for the -- 12 A. Pull up a chair. 13 Q. That's okay. I'm fine. Thank you.</p>				

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<p>14 Let's walk through the fields, if you 15 don't mind, on the interconnection queue. Can you 16 just take me across and help me understand what 17 information is in here? 18 A. Sure. So the first column, "queue 19 number," this is the order in which they were 20 received. You can see the -- 21 Q. I'm sorry. So the queue number is the 22 order in which the interconnection application was 23 received? 24 A. Yes. And that we -- that we received 25 everything we required in order to give it a queue 100: 1 number -- so deposit and site control, the things 2 that are required with the application. 3 Second on is the date in which we gave it 4 the queue number, in which we received all of that 5 information.</p>				

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<p>6 So you can see the first one was in 2000.</p> <p>7 Excuse me. Request status is whether this is in</p> <p>8 service. I'd have to look here; I can't remember</p> <p>100: 9 exactly what all we have in this one. So you can</p> <p>10 see the options are "deactivated," which means, for</p> <p>11 one reason or another, the project was terminated.</p> <p>12 "In progress" means it's anywhere from we just</p> <p>13 received an application this morning to it's going</p> <p>14 to be completed tomorrow; so anywhere in that range.</p> <p>15 "In service" means it's generating or it's been</p> <p>16 approved to generate. And "suspended" is an</p> <p>17 allowance under certain interconnection agreements</p> <p>18 that it has a signed interconnection agreement but</p> <p>19 it's essentially delayed.</p> <p>20 Q. Okay. And then could we take a look at if</p> <p>21 something is in progress.</p>				

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<p>22 A. Yeah.</p> <p>23 Q. Does that mean that the interconnection</p> <p>24 agreement is in the process of being negotiated?</p> <p>25 A. It can mean -- It can mean -- It's, again,</p> <p>101: 1 either from we just received an application today to</p> <p>2 it has an interconnection agreement and is being</p> <p>3 constructed right now. So anywhere from fully</p> <p>4 generating to just applied.</p> <p>5 Q. Okay. And then how about "company name"?</p> <p>6 What's in that column?</p> <p>7 A. So that's the -- it's either the name of</p> <p>8 the company that's on the interconnection agreement</p> <p>9 or it's a PacifiCorp affiliate. Those are FERC</p> <p>10 rules. If there's a PacifiCorp affiliate that</p> <p>11 applies, we have to put the name up immediately. So</p> <p>12 not necessarily meaning that there's an</p> <p>13 interconnection agreement</p>				

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signed, but if it's 14 affiliate of PacifiCorp, we have to publicly notice 15 that it's -- that there's an application. But if 16 it's not a PacifiCorp affiliate, the name is there, 17 that means there's a signed agreement.				
102:14 Q. And then let's skip over the megawatt 15 output for now, and let's take a look at county and 16 state. 17 A. Okay. 18 Q. Does that mean the location of the 19 proposed facility to interconnect? 20 A. Yes. 21 Q. Okay. So if I wanted to isolate all of 22 the projects either in or proposed for the state of 23 Utah, how would I do that? 24 A. You simply filter through the state of 102:25 Utah. 103: 1 Q. Could you show me how to do that? So what 2 are we doing here?				

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<p>3 A. Under state, I would deselect everything 4 except the abbreviation for Utah, UT. 5 Q. Okay. So how many results come back from 6 filtering on the state of Utah? 7 A. 342. 8 Q. Okay. And then what if I were interested 9 in finding all projects in Millard County, Utah? 10 What would I do? 11 A. Same process. Deselect all other counties 12 and filter just for Millard -- Millard. 13 Q. And how many projects -- Well, let's first 14 -- let me first ask: How many projects come back 15 when you filter for Millard County in Utah? 16 A. It looks like 21. 17 Q. Okay. And how many of those projects are 18 in service? 19 A. One. 20 Q. I see. And who -- what's the company name</p>				

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<p>21 for the project that's in service? 22 A. Pavant Solar LLC. 23 (Reporter request.) 24 THE WITNESS: P-A-V-A-N-T. 25 Q. BY MS. HEALY GALLAGHER: And can you tell, 104: 1 Mr. Bremer, until what date this spreadsheet is 2 current to? 3 A. It says right here in column H, as of 4 11/04/2016. 5 Q. So then, to your understanding, this 6 spreadsheet reflects information available to 7 PacifiCorp through November 4th, 2016? 8 A. Yes. 9 Q. There are two projects that are in 10 progress; is that right? 11 A. Yes. 12 Q. What are those? 13 A. The first one is known as Pavant Solar II, 14 and the third -- and the second one is known as 15 Pavant Solar III. 16 Q. Okay. So, according to the</p>				

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<p>spreadsheet, 17 the information here is that those two entities do 18 not yet have an executed interconnection agreement? 19 A. No, they do, based on two things here: 20 One, as I stated earlier, the company name is 21 listed; and, second, if I scroll over to the right, 22 T here shows "IA signed," "IA signed," "IA signed." 23 So that means interconnection agreement executed, 104:24 essentially, and here's the date in which it was 25 executed. 105: 1 Q. Oh, okay. So just to take that piece by 2 piece for the record here: Column T on the 3 spreadsheet is entitled "request status 4 explanation." Correct? 5 A. Yes. 6 Q. And, for example, Pavant substation says: 7 "IA signed February 11, 2014." 8 Did I read that correctly?</p>				

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<p>9 A. Yes. That is for queue 450. 10 Q. Queue number. Sure. Great. 11 And so that means that the interconnection 12 agreement with Pavant substation was signed on that 13 date, February 11, 2014? 14 A. Well, Pavant substation is -- you're 15 looking at the point of interconnection. 16 Q. Oh, I'm sorry. 17 A. Pavant Solar LLC. 18 Q. Pavant Solar LLC. Okay. 19 A. Yes. 20 Q. Okay. All right. There's another company 21 name in this filtered view, and that is Long Ridge 22 Wind LLP. 23 A. Yep. 24 Q. Is that right? 25 A. That's right. 106: 1 Q. What can you tell me -- What does this 2 spreadsheet tell me about Long Ridge Wind LLP?</p>				
<p>106: 4 THE WITNESS: Well, in the request status 5 explanation, you can see that the</p>			<p>199</p>	

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<p>interconnection 6 agreement was executed on March 31st of 2014 and the 7 interconnection customer terminated the agreement on 8 August 9th of 2016, so the project is in the 9 deactivated status. Excuse me. 10 Q. BY MS. HEALY GALLAGHER: Could we take a 11 look, please, again at the column headings -- 12 A. Yeah. 13 Q. -- that we have here. 14 In column M, the column heading is 15 "customer requested commercial operations date." 16 What does that mean? 17 A. When an initial application is submitted 18 by the customer, on it is a field for the date in 19 which they're hopeful to have their project 106:20 commercial; so that's the date that we put on here. 21 Q. And what does it mean to have the project 22 commercial?</p>				

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<p>23 A. It's in service. They're approved for 24 generation. It's fully approved. 25 Q. And so that's after the interconnection 107: 1 agreement is signed; correct? 2 A. Yes. 3 Q. Okay. And then column N says "agreed to 4 commercial operations date." What does that mean? 5 A. That's the date that is in the actual 6 interconnection agreement. 7 Q. How about column O? What does "type" 8 mean? 9 A. That's the type of -- the primary type of 10 generation that you can see -- for example, wind, 11 solar, those types of things. That's the type of 12 generator they're using. 13 Q. So the way electricity is being generated? 14 A. Yes. Correct. 15 Q. Okay. Thank you. Would you please -- 16 Let's see. We'll navigate back to</p>				

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<p>the information 17 on the disk. 18 All right. Would you please open the PDF 19 file on this disk. 20 A. Done. 21 Q. Okay. Now, this -- Adobe is telling us 22 that this file is 751 pages, so I understand -- I'm 23 not going to ask you to read the whole thing and let 24 me know when you're finished. 25 A. I appreciate that. 108: 1 Q. But, generally, can you tell me, please, 2 what -- what this document is. 3 A. This is the open access transmission 4 tariff that I mentioned earlier. 5 Q. Okay. And what, generally, does this 6 document set forth for PacifiCorp? 7 A. It's the governing rules from FERC as to 8 how PacifiCorp should operate its transmission 9 system. 10 Q. And what, if any, impact does this tariff</p>				

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<p>11 have on your role as interconnection generation 12 manager? 13 A. Inside the tariff are procedures for 14 processing both large and small projects that fall 15 under the jurisdiction of FERC, as well as all of 16 the agreements, the agreement templates that have 17 been approved by FERC, that are signed during the 18 process, including the interconnection agreements 108:19 themselves. 20 Q. Are those templates things that you could 21 find easily in this large document? 22 A. That I can find easily? Yes. 23 Q. Is it readily apparent to you? 24 A. Yes. 25 Q. Can you guide us through and find the -- 109: 1 A. Well, what specifically would you like to 2 find? 3 Q. Is there a section on the kinds of</p>				

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<p>4 agreements that we're talking about here, 5 interconnection, generation interconnection? 6 A. Yes. 7 Q. What section is that? 8 A. That, I don't know off the top of my head; 9 but I can find them if you give me a minute -- 10 Q. Sure. 11 A. -- if you would like me to. 12 Q. Please. 13 A. Let's see. So attachment O, page 601, 14 covers the small generator side; and attachment N, 15 page 463, covers the large generator side. So I can 16 navigate to either if you want me to, but here are 17 all the different agreements, including the large 18 generator interconnection agreement and the 19 different study agreements that they would sign. 20 Q. Okay. So you just pointed to - - and let 21 the record reflect we're on page</p>				

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<p>15 of the PDF, in 22 the table of contents. Correct? 23 A. Yes. 24 Q. And you identified attachment N, 25 appendices to LGIP? 110: 1 A. Yes. 2 Q. And then there's a series of appendices 3 all listed out there? 4 A. Yes. 5 Q. So if attachment N is the appendices to 6 the LGIP, where is the LGIP itself? 7 A. Section 5 is the small generator, SGIP; 8 and section 4, I believe it is -- yeah, section 4 is 9 the large generator interconnection procedures. 10 Q. Okay. So, again, we're on page 11 of the 11 PDF; correct? 12 A. Yes. 13 Q. And you're identifying Roman numeral four, 14 "large generation interconnection service"? 15 A. Correct.</p>				

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<p>16 Q. All right. And then on page 13 of the 17 PDF, you pointed out that Roman numeral five 110:18 identifies small generation interconnection service; 19 correct? 20 A. That's correct, yeah. 21 Q. Okay. And this open access transmission 22 tariff, this is for all FERC jurisdiction projects; 23 correct? 24 A. That's right. 25 Q. So where could I find information about 111: 1 non-FERC jurisdiction projects and how to 2 interconnect? 3 A. Again, our generation interconnection 4 procedures website is an excellent resource. We 5 have been provided procedures from the states of 6 Oregon, Utah, and Washington as to how certain 7 projects should be handled. 8 MS. HEALY GALLAGHER: All right. Thank</p>				

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<p>9 you very much. 10 (Exhibit 199 m a r k e d .) 11 Q. BY MS. HEALY GALLAGHER: Okay. 12 Mr. Bremer, you've been handed what's been marked 13 p l a i n t i f f ' s Exhibit 199. 14 Would you please take a look at that and 15 just familiarize yourself with it. 16 A. Okay. 17 Q. Mr. Bremer, what is plaintiff's 18 Exhibit 199? 19 A. This is a -- This is an interconnection 20 agreement which appears to have been amended. As 21 the cover page indicates, there was an amendment on 22 this agreement at some point. This is for a large 23 generator qualifying facility for Pavant Solar LLC. 24 Q. For the record, plaintiff's Exhibit 199 25 has been Bates numbered PAC 14 through 96. 112: 1 Okay. So, Mr. Bremer, you identified that 2 this is an agreement between</p>				

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<p>PacifiCorp and Pavant 3 Solar LLC. 4 The item in parentheses after Pavant Solar 5 LLC, that queue 450, do you see that? 6 A. Yeah, I do. 7 Q. Is that the number that this entity has in 8 the queue -- 9 A. That's correct, yeah. 10 Q. -- that we just looked at? 11 Okay. Would you please turn to the page 12 that's marked PAC 29. 13 A. Okay. 14 Q. There's a definition towards the bottom of 15 the page, "point of interconnection"? 16 A. Yes. 112:17 Q. And there's -- there's a definition 18 written out in this contract. I get that. 19 Can you describe to me in kind of 20 real-world terms, what would that actually look 21 like? What would the point of</p>				

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<p>interconnection 22 actually look like physically? 23 A. Well, that's the physical point on 24 PacifiCorp's system where the customer's generating 25 facility is actually physically connecting to 113: 1 PacifiCorp's system. 2 Q. And how do they actually physically 3 connect? 4 A. Well, I guess, typically, wires are run 5 from the customer's facility to the point at which 6 it interconnects through some sort of disconnecting 7 device on PacifiCorp's system. 8 Q. And you say typically it's wires, like 9 wires connect the two? 10 A. Yes. 11 Q. Okay. Any other way that they connect? 12 A. It's possible that a customer's substation 13 -- a customer built and owned substation could be 14 built right next to a PacifiCorp</p>				

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<p>owned substation 15 and they're tied together like that through -- 16 through a bus bar. 17 Q. What's a bus bar? 18 A. It's essentially a metal rod that connects 19 the two, rather than a wire. 20 Q. Would you take a look, please, at the page 21 that's marked PAC 90 -- leading zeroes, but 90 is 22 the last two. 23 A. Okay. 24 Q. The header on the page is "attachment B to 25 QF LGIA scope of work." 114: 1 A. Yes. 2 Q. Where in the course of the project -- Like 3 where does this scope of work come from? Who 4 generates this scope of work? 5 A. The specifics of the way it's laid out 6 here come during the facility study. This is where 7 our project management team identifies who needs to 8 do what and on what schedule.</p>				

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<p>115: 4 Q. BY MS. HEALY GALLAGHER: Mr. Bremer, would 5 you take a look, please, back at plaintiff's 6 Exhibit 193. 115: 7 A. Okay. 8 Q. It's the second to the last page of the 9 exhibit. Paragraph 7, do you see that? 10 A. I do. 11 Q. And so -- Well, first I'll ask: To your 12 knowledge and experience at PacifiCorp, do 13 individuals or do entities typically apply for 14 interconnection agreements? 15 A. I mean, typically it's an entity name. 16 Q. Have there been individuals? 17 A. I can't recall. 18 Q. Then we'll start off with this: Does 19 PacifiCorp have an interconnection agreement with an 20 entity called RaPower-3 LLC? 21 A. No, not that I was able to find. 22 Q. Does PacifiCorp have an interconnection</p>			193	

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<p>23 agreement with an entity named International</p> <p>24 Automated Systems Inc.?</p> <p>25 A. No, not that I was able to find.</p> <p>116: 1 Q. Does PacifiCorp have an interconnection</p> <p>2 agreement with a company called LTB1 LLC?</p> <p>3 A. No, not that I was able to find.</p> <p>4 Q. Does PacifiCorp have an interconnection</p> <p>5 agreement with an entity called DCL16BLT Inc.?</p> <p>6 A. No, not that I was able to find.</p> <p>7 Q. Does PacifiCorp have an interconnection</p> <p>8 agreement with someone named R. Gregory Shepard?</p> <p>9 A. No, not that I was able to find.</p> <p>10 Q. Does PacifiCorp have an interconnection</p> <p>11 agreement with anyone named Neldon Johnson?</p> <p>12 A. No, not that I was able to find.</p> <p>13 Q. Does PacifiCorp have an interconnection</p> <p>14 agreement with any entity -- with any person named</p> <p>15 Roger Freeborn?</p> <p>16 A. No, not that I was able to find.</p>				

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<p>17 Q. If you take a look at the list of 18 remaining entities in paragraph 7, does PacifiCorp 19 have an interconnection agreement with any of those 20 remaining entities? 21 A. No, not -- again, not that I was able to 22 find. 23 Q. And what -- what kind of search did you 24 undertake to determine that? 25 A. Yeah. So I looked at the information that 117: 1 we keep that feeds into the queue list that we 2 looked at, the Excel version there. So every 3 interconnection application has to identify the 4 entity name and the primary contact person for that 5 entity. I was -- you know, just through searching 117: 6 the spreadsheet, I was unable to find any of these 7 names in either of those locations. 8 Q. Do you know, is there any way that 9 PacifiCorp tracks requests for</p>				

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information about how 10 to get an interconnection agreement, like 11 pre-application? 12 A. No. We receive frequent requests for 13 information, whether it be through e-mail or 14 frequently phone calls; but, no, we don't track 15 that. 16 MS. HEALY GALLAGHER: I will pass the 17 witness at this time.				
117:19 EXAMINATION 20 BY MR. AUSTIN:				
120: 1 Q. Could I send power to your grid if I 2 didn't have an interconnection agreement? 3 A. Well, it -- Could you send power -- I 4 mean, I guess are you saying could you -- could you 5 interconnect to it, could you put a generator on our 6 facility -- on our system -- 7 Q. Yeah. 8 A. -- without an agreement? No.				
123:13 Would it be possible for you				

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<p>-- for a 14 power plant owner to successfully work through the 15 interconnection agreement process if they did not 16 know how much energy output they would expect to 17 transmit? 18 A. No. That's a requirement of the 19 application. 20 Q. I mean, if they told you, "Well, maybe it 21 could be between 2 and 200 kilowatts" -- or, pardon 22 me -- "megawatt output," would that be an acceptable 23 range for you to go through the interconnection 24 process? 25 A. No. The requested output amount is 124: 1 required as part of the study process. 2 Q. What if I got all the way through the 124: 3 process for interconnection and everything was built 4 and I decided to double the size of my power plant?</p>				

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<p>5 Could I just rely on the original interconnection 6 agreement? 7 A. No. You would have to either withdraw 8 your original and put in a new application for the 9 amount total, or a second application with the delta 10 between the original and the increased output.</p>				
<p>127: 9 But, in any event, it's mandatory -- it's 10 essential to know whether or not entity is producing 11 below 20 megawatts or over 20 megawatts; is that 12 fair? 13 A. Yes. 14 Q. Okay. Have you ever seen an entity apply 15 for an interconnection agreement for experimental or 16 developmental solar energy production? 17 A. You'd have to define what you mean by 18 "experimental." 19 Q. I mean, has anybody ever come to you and</p>				

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20 said, "We don't really know if it's going to work or 21 not, but here's what we hope to achieve. Can we 22 negotiate an interconnection agreement in advance of 23 building anything?" 24 A. To my knowledge, no, we have not had a 25 formal application for something that you're 128: 1 describing.				
131: 4 Q. Can you do a feasibility study if it's not 5 known how much power output there will be from an 6 applicant's power generation facility? 7 A. No. It's required. 8 Q. Can you do engineering and other studies 9 to determine what will be required, if you don't 10 have the information with regard to output? 11 A. No.				
136:15 FURTHER EXAMINATION 16 BY MS. HEALY GALLAGHER:				

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<p>17 Q. Why is it important to know the expected 136:18 output of any facility that's proposing to 19 interconnect with PacifiCorp? 20 A. Because that's -- that's the only way to 21 model the facility to understand what impact it will 22 have on PacifiCorp's existing infrastructure, to 23 know if the wires or the equipment will be 24 overloaded with the increased generation. If we 25 don't know specifically how big it is, it's -- we 137: 1 don't know. Every -- you know, every piece of 2 infrastructure on the electrical network has 3 capability, and if you don't know the increased 4 generation that will be flowing through it, you 5 can't make a determination if upgrades are 6 necessary.</p>				
<p>137:12 MS. HEALY GALLAGHER: Mr. Bremer, thank</p>				

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13 you so much for your time.				
138: 1 VERONICA WHITESMITH, 2 called as a witness, being duly sworn on oath, was 3 examined and did testify as follows: 4 EXAMINATION 5 BY MS. HEALY GALLAGHER: 6 Q. Hello, Ms. Whitesmith. 7 A. Hello. 8 Q. We met a moment ago; but, again, my name 9 is Erin Healy Gallagher and I'm here representing 10 the United States in this case. 11 A. Okay. 12 Q. If you would take a look, please -- We've 13 marked a number of exhibits already here today. 14 A. Oh, here. Okay. 15 Q. If you could find plaintiff's Exhibit 193 16 all the way at the bottom there. 17 A. Okay. 18 Q. Okay. Plaintiff's Exhibit 193 is the 19 subpoena to PacifiCorp; right? 20 A. Um-hum. 21 Q. Yes?			193	

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22 A. Yes. Sorry. 23 Q. That's okay. And you're here to testify 24 on behalf of PacifiCorp; correct? 25 A. Yes. 139: 1 Q. And do you have a sense of what topics you 2 are here to testify about? 3 A. Yes. 4 Q. What are those? 5 A. Transmission service requests and whether 6 we've received requests from certain customers that 7 are identified in the subpoena.				
141:13 Q. Ms. Whitesmith, is there anything that 14 would prevent you from testifying to the full 15 capacity of your recollection and knowledge of the 16 facts today? 17 A. Not that I can think of. 18 Q. Okay. Are you on any medications or drugs 19 that might interfere with memory or cognition? 20 A. No. No. 21 MS. HEALY GALLAGHER: Okay.			197 201	

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<p>22 (Exhibit 200 m a r k e d .) 23 Q. BY MS. HEALY GALLAGHER: Ms. Whitesmith, 24 I'm handing you what's been marked as plaintiff's 25 Exhibit 200. 142: 1 Would you take a look at that, please. 2 A. Yes. 3 Q. Oh, first, would you please tell me the 4 city and state of your home residence. 5 A. Vancouver, Washington. 6 Q. Okay. And the city and state of your 7 place of work? 8 A. Portland, Oregon. 9 Q. Okay. Back to plaintiff's Exhibit 200. 10 A. Okay. 11 Q. Would you -- It looks like you have a long 12 time of service with PacifiCorp detailed in your 13 résumé, but would you just sort of walk me through 14 and tell me about your time there? 15 A. So I started with PacifiCorp in</p>				

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<p>1997. I 16 was an office clerk responsible for all the 17 documentation managed by our hydro -- PacifiCorp's 18 hydro resources group and the environmental services 19 group. Within that position, I worked closely with 20 hydro resources and then was then hired on to work 21 as a project coordinator in hydro relicensing. I 22 stayed there for seven years as coordinator, worked 23 on Klamath relicensing, Lewis River relicensing, and 24 then was looking for additional responsibilities and 25 at that point took a job as an analyst within the 143: 1 transmission department and that was starting in 2 2007. 3 I started as an analyst working on the 4 transmission service request queue. Over time, I 5 progressed in that position, moved to the senior</p>				

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<p>6 position, started managing the contracts as well as 7 some aspects of the transmission service requests, 8 and then in 2013 I assumed the position of the TSR 9 manager. 10 Q. And that's transmission service -- 11 A. Trans -- Yes, transmission service. And 12 then with that position, in addition to transmission 13 service requests, we managed certain WECC and FERC 14 reporting requirements. 15 Q. Okay. A couple -- couple questions in 16 there. 17 "TSR requests," that means -- 18 A. Hum-um. 19 Q. No, no. TSR means transmission service 20 request; correct? 21 A. Correct. 22 Q. Okay. And then you also said WECC? 23 A. WECC, yeah, Western Electricity 24 Coordinating Council. It's a</p>				

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<p>regional entity that 25 includes PacifiCorp. We report various information, 144: 1 loads and resources, related to our network 2 customers. 3 Q. Okay. So with respect to being part of 4 the -- Well, actually, we'll start with this: Can 5 you help me understand where transmission service 6 fits into what PacifiCorp does? 7 A. Well, so transmission -- we manage the 8 wholesale transmission on the energy grid, on our 9 portions of the grid within the balancing authority. 10 In order to move -- for our customers to move their 11 energy, they need acquire transmission rights, 12 either in a wheeling capacity, like point-to-point 13 service, or as a network integration transmission 14 service, if they're actually serving load. 15 Q. Okay. You said two things</p>				

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<p>there that I'm 16 going to follow up on: The wheeling capacity and 17 network integration? 18 A. Network integration trans -- Network 19 integration transmission capacity. 20 Q. What's the difference between those two 21 things? 22 A. So the wheeling is what we also refer to 23 as, and if you look at our tariff, it's referred to 24 as point-to-point service; and that's to move energy 144:25 from point A to point B. You're not dropping it off 145: 1 anywhere. You might be moving it to a different 2 customer, a different BA, someone somewhere like 3 that; but you're not syncing it to a specific load. 4 So if you're selling it to another market, you will 5 use point-to-point service. 6 Q. And how about -- What was the other one, 7 network?</p>				

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<p>8 A. Network service. That's -- We have 9 certain load-serving entities within our balancing 10 authority; they acquire network service to serve 11 their network customers. So -- 12 Q. Go ahead. 13 A. Yeah. So, through our process, they 14 designate resources, various generators, to serve 15 various loads that they have, that they also 16 designate. 17 Q. And what -- what is it that you mean by 18 "load"? 19 A. "Load," that's another customer that will 20 use that -- that load for their own purposes, for 21 their own either running of their business or 22 whatever it may be. 23 Q. So correct me if I'm wrong, but is load 24 like used energy, like that is where the energy is 25 going to power the lights in this</p>				

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<p>office building? 146: 1 A. Yeah. Yeah. Yes. 2 Q. So, really quickly, how long have you been 3 specifically involved in transmission services at 4 PacifiCorp? 5 A. Since 2007. Almost ten years. 6 Q. So when I -- when I ask you a question 7 today, if you are answering from any resource other 8 than your personal knowledge, would you let me know? 9 A. Yes, I will. 10 Q. Okay. Great. Would you take a look, 11 please, at what's been marked plaintiff's 12 Exhibit 197. 13 The title at the top of plaintiff's 197 is 14 "transmission service request process." Do you see 15 that? 16 A. Yes. 17 Q. Are you familiar with this document at 18 all? 19 A. Yes.</p>				

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<p>20 Q. There's a lot of information on here 21 that's not intuitive to me. 22 A. Okay. 23 Q. So could you walk me through. What – 146:24 What is the transmission service request process? 25 A. So a transmission service request process 147: 1 is outlined in our open access transmission tariff. 2 We put this together to explain that process in more 3 easier terms to understand. 4 So it consists of an initial part, which 5 is the application itself. When a customer wants to 6 request transmission service, the tariff identifies 7 three different things they need to do. One is 8 submit a request on the open access same-time 9 information system; so it's an electronic system 10 that they put a request in on. And then they need 11 to send us a written application,</p>				

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<p>and that written 12 application needs to contain certain pieces of 13 information. And then, depending on the situation, 14 a deposit equal to one month's service may be 15 required. And once we receive that application -- 16 Q. Actually, can I stop you there real quick? 17 A. Oh, yes. 18 Q. So, first off, what are the kinds of 19 things that the OASIS electronic application 20 requires? What kind of information? What kind of 21 documents? 22 A. So, on OASIS, it requires, well, 23 obviously, the customer name, the point of receipt 24 and point of delivery, the megawatts that they're 25 requesting, the start date and the end date, and the 148: 1 path that it will be generated on -- or that it will 2 be transmitted on. Sorry.</p>				

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<p>3 Q. And how about for the written application?</p> <p>4 A. The written application is the same</p> <p>5 information as on OASIS, except there is additional</p> <p>6 information. I don't have the tariff, our tariff,</p> <p>7 with me that explains it in detail; but it gets more</p> <p>8 into what type of generator, what type of load, that</p> <p>9 sort of information.</p> <p>10 Q. And under what circumstances would</p> <p>11 PacifiCorp require a deposit?</p> <p>12 A. We require deposits of all new</p> <p>13 point-to-point transmission service requests and all</p> <p>14 new network customers. Existing network customers</p> <p>15 are not -- We -- The tariff allows us to waive the</p> <p>16 deposit requirement, and we do that with our</p> <p>17 existing network customers.</p> <p>18 Q. And I think you said the deposit is one</p> <p>19 month's --</p> <p>20 A. One month's service.</p>				

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<p>21 Q. -- service. And so what does -- what does 22 "service" mean there? 148:23 A. So if you have -- if your request is for 24 20 megawatts, you would -- the current monthly rate, 25 I think, is around \$2600 per megawatt, so you'd 149: 1 multiply 20 times 2600 and then gross it up for 2 losses. So whatever -- I don't have a calculator, 3 but whatever that is, is the deposit amount. 4 Q. And, in that example, do you mean 20 5 megawatts would be transmitted at one time or over 6 the course of a whole month, or what do you mean? 7 A. That's what they're reserving on the line. 8 Whether they actually transmit or not, that is the 9 amount that will be available to the customer. 10 Q. In the course of one month? 11 A. In the course of one month -- or one year.</p>				

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<p>12 This -- This process is really to long-term requests 13 that are 12 months or longer, so... 14 Q. Oh, okay. 15 A. Yeah. 16 Q. So the deposit is about one month's 17 service? 18 A. Yeah. 19 Q. But any transmission service request would 20 be a request to transmit electricity for -- Sorry. 21 Is it a request to reserve space on 22 PacifiCorp's equipment for one year? 23 A. One year or longer. Usually they're 24 longer, but at least one year. 25 Q. At least one year. Okay. 150: 1 If an entity does not have an 2 interconnection agreement with PacifiCorp, is there 3 any reason that there would be a transmission 4 service request related to the entity? 5 A. Yes, occasionally. 6 Q. Okay. Can you explain that circumstance?</p>				

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<p>7 A. Yes. Sometimes customers, interconnection 8 customers, before they move -- get really far into 9 the interconnection process, want to make sure they 10 have the ability to reserve transmission. If 11 there's no transmission, they can build their 12 project but they can't get it anywhere, get the 13 energy anywhere; so they will occasionally put in a 14 transmission service request to see if it's even 15 feasible to get the -- get the energy or get the 16 transmission. 17 Q. If an entity -- Well, I'll withdraw that. 18 If an entity does not have a power 19 purchase agreement with PacifiCorp, is there any 20 reason for there to be a transmission service 21 request with respect to that entity? 150:22 A. No, but I -- Can I clarify</p>				

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<p>that? 23 Q. Sure. 24 A. When a customer submits an application for 25 a resource, they have -- they -- part of that 151: 1 process is that they attest that they either own or 2 have the right to purchase the output of that 3 resource. So if they don't attest to that, then we 4 would not process their application. So I think 5 that the answer is no. 6 Q. Let's see. Let me make sure I understand. 7 A. Okay. 8 Q. We'll probably cover it later. 9 A. Okay. 10 Q. Okay. You mentioned that an entity would 11 have to submit information on the expected number of 12 megawatts -- 13 A. Yes. 14 Q. -- that it would -- it wants to transmit? 15 A. (Nods head.) 16 Q. Why is that?</p>				

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<p>17 A. Because when we look at it, we need to</p> <p>18 know how much they're requesting, whether we've got</p> <p>19 the available transmission capacity for it, whether</p> <p>20 the local area can handle that as well. So we need</p> <p>21 to know how much they're proposing to put on.</p> <p>22 Q. And correct me if I'm wrong, but it</p> <p>23 sounded like, as part of the application, PacifiCorp</p> <p>24 would also need to know where the energy was going?</p> <p>25 A. Yes.</p> <p>152: 1 Q. The endpoint, I think you said?</p> <p>2 A. Point of delivery.</p> <p>3 Q. Point of delivery.</p> <p>4 A. That's the term.</p> <p>5 Q. Point of delivery. Why does PacifiCorp</p> <p>6 need to know the point of delivery?</p> <p>7 A. Well, we need to know where it's going,</p> <p>8 where -- it's entering the system, but where are you</p>				

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<p>9 moving it to? It goes into also -- and I think it's</p> <p>10 the same answer as earlier -- do we have the</p> <p>11 transmission capability? Do we have the local area</p> <p>12 capability to handle it?</p> <p>13 Q. I may be skipping ahead a couple of boxes</p> <p>14 here. But if an application was submitted that did</p> <p>15 not provide a specific number of megawatts that is</p> <p>16 requested for transmission, what would happen to the</p> <p>17 application?</p> <p>18 A. We would not be able to consider that</p> <p>19 complete.</p> <p>20 Q. And if an application is not complete and</p> <p>152:21 is not corrected, is not made complete, what happens</p> <p>22 then?</p> <p>23 A. Then the customer has 30 days to correct</p> <p>24 it from the time we notify them. If they don't,</p> <p>25 then we deem them withdrawn; we no longer work on</p>				

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<p>153: 1 the application. 2 Q. And if a TSR application was made and 3 there was no point of delivery identified, what 4 would happen? 5 A. The same thing. We would attempt to 6 remedy it. If they didn't respond in the time we 7 gave them, then the request would be considered 8 withdrawn. 9 Q. Okay. So let's take a couple of boxes 10 over. 11 A. Okay. 12 Q. There's a gold diamond that says 13 "application complete" on the first line. Do you 14 see that? 15 A. Yes. 16 Q. And if the answer is yes, what happens? 17 A. If the answer is yes, then we review the 18 application within our transmission services group 19 to make sure that we've got the</p>				

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<p>available 20 transmission capability. Regardless of whether we 21 have it or not, we also send it to our planners for 22 that particular area, have them take a look at it. 23 And, at that point, we -- they or us recommend 24 whether or not we need to proceed with a study. 25 Q. And is that a system impact study? 154: 1 A. That would be a system impact study, yes. 2 Q. What -- What can you tell me about a 3 system impact study? 4 A. Transmission system impact studies, the 5 content is governed by the open access transmission 6 tariff. They're a very high-level look at the 7 request: One, are there any constraints in the 8 area? Would we need to build infrastructure in 9 order to complete -- you know, provide service for</p>				

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<p>10 this request? And if the customer requests, we 11 could look at redispach options and certain other 12 options, but it doesn't get into cost or anything 13 like that. 14 Q. And there's a question here: "Is a system 15 impact study needed?" 16 A. Um-hum. 17 Q. Why might it be needed, or why might not 18 it be needed? 19 A. It might not be needed. Occasionally, we 154:20 get requests that are very small. You have a tiny 21 -- you know, a one-megawatt project that needs to -- 22 that's coming on in an area that's not constrained. 23 We have the available transmission capacity, our 24 planners have looked at it and they say, "Yeah, the 25 system can handle it. Go ahead." So we would 155: 1 approve it at that point. 2 If any of those things are missing,</p>				

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<p>if we 3 don't have the available transmission capacity 4 and/or the planners have concerns about the system 5 in that area, then we would need to do a study. 6 Q. And, actually, going along with that: Is 7 there any lower or upper limit on megawatts to be 8 transmitted? 9 A. No. 10 Q. Any number? 11 A. Any number. We see numbers all over. 12 Q. Okay. So if a system impact study is 13 indicated, what happens next? 14 A. Then we send to the customer a system 15 impact study agreement. They are required to sign 16 that within 15 calendar days and provide a deposit 17 of \$15,000. Once we receive that, then we set up a 18 scoping meeting with the customer and our planners 19 and talk about whatever the</p>				

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<p>issues might be. 20 Q. And who is it that completes the system 21 impact study? 22 A. The planners do the bulk of the work, the 23 actual work. And then when it comes back to our 24 group, we review it and route it for other review if 25 necessary. We're kind of a project manager of it. 156: 1 Q. And planners, that's -- those are 2 PacifiCorp employees? 3 A. PacifiCorp planners, yeah, main grid and 4 area planning. 5 Q. And what is the \$15,000 deposit for? 6 A. That is what we use to charge our time to. 7 Q. So does that pay for the study? 8 A. Yes. It pays for it, and then if there's 9 anything left over at the end, we refund it to the 10 customer. 11 Q. Let's see. I think we left off at the</p>				

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<p>12 scoping meeting. 13 A. Yes, scoping meeting. 14 Q. Okay. Tell me about that. 15 A. So we hold a scoping meeting. It's open 16 to the customer and to anyone in PacifiCorp that may 17 have an interest in the request. We usually -- They 18 usually go in a certain format where we introduce 156:19 everybody and do a brief introduction to the request 20 and then, at that point, let PacifiCorp planners ask 21 whatever questions, clarifying questions, they have; 22 and the customer also can give additional input. 23 Q. So then does the study take place? 24 A. Yes. 25 Q. Okay. And so what -- what does a typical 157: 1 system impact study end up looking like? What is it 2 telling the customer? 3 A. It's telling the customer -- It depends on 4 the situation, you know, the nature</p>				

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<p>of the request; 5 but, generally, it addresses two things: If there's 6 no available transmission capacity, it will identify 7 what is available, and it will identify the upgrades 8 required to provide the service they are looking 9 for. 10 Q. And what do you mean by "upgrades"? 11 A. Let's say they need to -- it's a vague 12 example, but we need -- in order to provide the 13 service, we have to build a new line from point A to 14 point B, a new transmission line. It would identify 15 that. Or we need to replace, you know, a ring bus 16 or something; some physical on-the-ground facilities 17 need to be in place. 18 Q. Who is it that takes on responsibility for 19 the costs and construction of any upgrades? 20 A. That is -- It depends on the</p>				

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<p>nature of the 21 upgrades, whether they're what we call network 22 upgrades or direct assigned facilities. PacifiCorp 23 would take responsibility for the network upgrades 24 on the customer for the direct assigned facilities. 25 Q. Okay. Once a system impact study is 158: 1 delivered to a customer, what happens next? 2 A. Well, it depends on the results of the 3 system impact study. Occasionally, we have a 4 situation where we've done the study, the planners 5 weren't sure at the outset if we could grant it, 6 they do the study and the results come in, "Yeah, we 7 don't need to do any upgrades," so at that point we 8 would approve the request. If upgrades, genuine 9 upgrades, are required, then we would move on to the 10 facilities study phase.</p>				

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<p>11 Q. Okay. Tell me about the facilities study 12 phase. 13 A. So, process-wise, it's very similar to the 14 system impact study phase. We send an agreement to 15 the customer. They have 15 days to sign. The 16 deposit is \$50,000. Again, it's refundable, minus 17 the actual costs. More people will be involved in a 158:18 facilities study within PacifiCorp. We'll hold a 19 scoping meeting. We usually don't include the 20 customer in that, although they are welcome to 21 attend if they want; but it will include many more 22 engineering disciplines within PacifiCorp, rather 23 than just planning -- you know, metering and 24 protection and controls and substation engineering. 25 And from there we'll develop a scope of work and a 159: 1 cost estimate and schedule</p>				

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<p>for construction. 2 Q. Actually, I want to make sure I got that 3 right. 4 Out of the facilities study comes cost 5 estimate, scope of work, and schedule? 6 A. Yes. 7 Q. Was there anything else? 8 A. No. Those are the primary. 9 Q. And, again, it's PacifiCorp employees who 10 are doing the facilities study? 11 A. Yes. 12 Q. What happens once PacifiCorp submits the 13 facilities study to the customer? 14 A. We usually set up a review meeting with 15 the customer to go over the results of the study; 16 and if it's favorable to the study -- to the 17 customer, if they decide they -- They can decide to 18 withdraw at any point in this process; but if, after 19 that, they decide, "Yeah, we want to move forward,"</p>				

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<p>20 we'll put together a transmission service agreement 21 and a construction agreement for the customer. 22 Q. And talk about the construction agreement. 23 A. The construction agreement is -- we have a 24 template for it. It's pretty straightforward. It's 25 between PacifiCorp and the customer. It outlines 160: 1 what the request is, the work that needs to be 2 completed, what the schedule is, what the costs are, 3 what's direct assigned, what's network upgrades, and 4 what the payment provisions will be. And then, as 5 an appendix, it usually has the schedule and the 6 actual scope of work. 7 Q. So correct me if I'm wrong, but it sounds 8 like some of the costs might be borne by PacifiCorp 9 and some of the costs might be borne by the 10 customer?</p>				

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<p>11 A. Possibly, yes. 12 Q. And how -- how about the transmission 13 services agreement? 14 A. Yeah. There's two types of transmission 15 service agreements; so, depending on whether it was 16 point-to-point or network, we would develop an 160:17 agreement. For our point-to-point agreement, we 18 have a pro forma version in our tariff, and it would 19 be a matter of filling it in and sending it to the 20 customer. The network is a little - - a little more 21 free-form. We'd fill it in with the customer's 22 information, their point of delivery, what their 23 resources are, and what their loads are. 24 Q. So do you have -- Does the tariff include 25 anything for the network customer? 161: 1 A. There's a space for it but it is blank, so</p>				

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<p>2 they're conforming. 3 Q. What do you mean? I'm sorry, I'm just 4 trying -- 5 A. I mean we don't have a pro forma network 6 agreement. 7 Q. Okay. So once the customer signs the 8 transmission service agreement and the 9 construction -- 10 A. The construction agreement will assign -- 11 So taking just the transmission service agreement: 12 They'll sign the transmission service agreement, 13 assuming they want to move forward with it, and 14 we'll look at the filing requirements. If it's a 15 network agreement, we will need to file it with 16 Federal Energy Regulatory Commission. And the 17 point-to-point agreement, so long as it doesn't you 18 know -- if it's in accordance with the tariff</p>				

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<p>19 agreement, we can report it on a spreadsheet report 20 that we do. 21 So there -- there's that. And then we'll 22 hold on to that until the request goes into service. 23 At the same time, when we have the construction 24 agreement, once that's signed and if there's any 25 payment provisions up front or any of the initial 162: 1 provisions are met, we'll assign it to a project 2 manager within PacifiCorp; and, at that point, I'm 3 mostly out of it. They move forward and start doing 4 the work, procuring the materials, and building the 5 facilities. 6 Q. If there is a construction agreement, the 7 work identified in the construction agreement has to 8 be completed before the customer may transmit power; 9 correct? 10 A. Correct. Yes.</p>				

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<p>11 Q. So even if a transmission service 12 agreement and a construction agreement are signed on 13 the same day, the customer might not be permitted to 14 start transmitting -- 15 A. Correct. 162:16 Q. -- immediately? 17 A. Until the facilities are in service, yes. 18 Q. And who is it that decides whether the 19 facility is good to go? 20 A. That is the project manager and his group. 21 I don't know their process. I don't know what -- 22 what the criteria are on that. 23 Q. So correct me if I'm wrong, but this 24 process that we've just walked through, Exhibit -- 25 p l a i n t i f f ' s Exhibit 197, is that for non PacifiCorp 163: 1 related entities? 2 A. It is for PacifiCorp and non PacifiCorp 3 related. 4 Q. Okay. So, to my understanding,</p>				

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<p>there is a 5 component of PacifiCorp itself that may make 6 transmission service requests? 7 A. Yes. 8 Q. Can you tell me about that? 9 A. We -- Yeah, they're -- PacifiCorp Energy 10 Supply Management is their current name. They 11 are -- We treat them like -- even though they are in 12 the same company, there is a wall between us and we 13 treat them like any other customer. They're 14 affiliated with us, so we need to note that; but 15 aside from that, they follow the exact same 16 processes as any other customer, and we respond in 17 the same way. 18 Q. So why does PacifiCorp Energy Supply 19 Management exist? 20 A. Because they serve the majority of the 21 load within PacifiCorp's balancing authority area,</p>				

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<p>22 so they're a separate -- They buy and sell energy; 23 we don't. They need to procure transmission, like 24 anybody else, to move their energy. 25 Q. Do you know who they buy energy from? 164: 1 A. Many -- Not off the top of my head. Many 2 -- Many people. Many people. 3 MS. HEALY GALLAGHER: So this will be 4 next, please. 5 (Exhibit 201 m a r k e d .) 6 Q. BY MS. HEALY GALLAGHER: Handing you 7 what's been marked plaintiff's Exhibit 201. 8 Just take a look at that, please, and let 9 me know when you're done. 10 For the record, plaintiff's Exhibit 201 i s 11 Bates marked PAC 224 through 253. 12 Ms. Whitesmith, plaintiff's Exhibit 201 13 looks like it's entitled "service agreement for</p>				

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<p>14 network integration transmission service under 164:15 PacifiCorp's open access transmission tariff, volume 16 number 11." 17 Did I read that correctly? 18 A. Yes. 19 Q. What is this document? 20 A. This is a network integration transmission 21 service agreement for PacifiCorp Energy Supply 22 Management. 23 Q. So that's -- Let's see. So there are two 24 entities in paragraph 1, both called PacifiCorp as 25 far as I can see? 165: 1 A. Yes. 2 Q. So can you tell me: So which is the 3 Energy Supply Management? 4 A. So the two entities are transmission 5 function and PacifiCorp on behalf of its merchant 6 function. The merchant function is PacifiCorp 7 Energy Supply Management. 8 Q. Okay. Plaintiff's Exhibit 201. Is</p>				

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<p>this 9 the kind of service agreement that another network 10 integration customer, who was not PacifiCorp's ESM, 11 the same agreement that they would enter into? 12 A. Similar. Similar form, yeah. 13 Q. Sure. And there might be different -- a 14 different scope of work -- 15 A. Right. 16 Q. -- or construction required, but -- 17 A. Yes. 18 Q. -- the general provisions are the same? 19 A. Yes.</p>				
<p>169: 2 MS. HEALY GALLAGHER: Okay. Back on the 3 record, please. 4 Q. BY MS. HEALY GALLAGHER: All right. 5 Ms. Whitesmith, what we've done is put plaintiff's 6 Exhibit 198 into a disk drive; so what you're 7 looking at right now are the files on plaintiff's 8 Exhibit 198.</p>			198 193	

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<p>9 Do you see a file that looks like the open 10 access transmission tariff? 11 A. Yes. 12 Q. Would you open that, please. 13 A. (Complies.) 14 Q. Oh, actually, could you read out the file 15 name for me. 16 A. Yeah. 20161005_OATT master.PDF. 169:17 Q. Great. Open that up, please. 18 A. (Complies.) 19 Q. All right. And Adobe is telling us that 20 this document is 751 pages; right? 21 A. Yes. 22 Q. Okay. Would you please find in the table 23 of contents of this document the sections that apply 24 to your work, the transmission services. 25 A. The sections that apply to my work 170: 1 directly are part 2, "point-to-point transmission 2 service."</p>				

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<p>3 Q. Just real quick: So Adobe is telling us 4 -- This is on page 7; correct? 5 A. Yes -- No, six. 6 Q. Oh, sorry. I'm looking -- I'm looking up 7 here in the upper left-hand corner. 8 A. Oh, yes. 9 Q. That's all right. Okay. So you -- 10 A. Yeah, it's page 7. 11 Q. Page 7. Got it. 12 Okay. So, nonetheless, it's Roman numeral 13 two, "point-to-point transmission service," in the 14 table of contents? 15 A. Correct. 16 Q. Okay. How about any others? 17 A. On page 9, Roman numeral three, "network 18 integration transmission service." 19 Q. Okay. Are there any others? 20 A. There are other areas in the appendices 21 and in part 1, that may or may not apply directly, 22 may not always apply. These always apply. 23 Q. Okay. Could you take a look at the list</p>				

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<p>24 of appendices. 25 A. Yes. Schedule 1 -- So on page 13 of the 171: 1 PDF, schedules 1, 2, 3 and 3A; and then on page 14 2 of the PDF, schedule 4, 5, 6, 7, 8, 9, 10, and 11 3 may apply. And -- 4 Q. Go ahead. 5 A. And also attachment A, attachment A1, 6 attachment B, attachment C to a certain extent, 7 attachment D, attachment E, and attachment F; and 8 then also on page 15 of the PDF, attachment H, 9 insomuch as it relates to transmission service; and 10 then attachment -- through attachment M. 11 Q. Okay. Let's see. And are there any -- It 12 looks like the attachment is the main document and 13 then an attachment might have appendices. Is that 14 right? 15 A. Most of them don't. I think attachment N</p>				

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<p>171:16 has appendices. 17 Q. Oh, I see. Okay. 18 A. But that doesn't apply to my work. 19 Q. Okay. So, again, in this open access 20 transmission tariff, these are the general rules 21 that apply? These are pro forma documents -- 22 A. Yes. 23 Q. -- that are used in the course of 24 transmission service requests? 25 A. Yes. 172: 1 Q. Okay. All right. You can close that. 2 A. (Complies.) 3 Q. And do you see a file name that looks like 4 it is a native Excel file for the transmission 5 service queue? 6 A. Yes. 7 Q. Which one? 8 A. The one entitled tsr_queue.xlsx. 9 Q. Okay. Would you open that, please. 10 A. (Complies.) The first -- Okay. 11 Q. Go ahead.</p>				

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<p>12 A. The first one on here, it's not clear what 13 queue it is; it just says "PacifiCorp queue," but -- 14 because this doesn't specify which queue, whether 15 it's generation or transmission. 16 Q. Okay. So now the file that you 17 double-clicked on is open; correct? 18 A. Correct. 19 Q. What's -- What's the title of this file? 20 A. "PacifiCorp Transmission Services, 21 long-term firm request queue," and the tab that I'm 22 on says "inactive requests." 23 Q. Is there another tab? 24 A. Yes. There's another tab, which is 25 "PacifiCorp Transmission Services long-term firm 173: 1 request queue, active requests." 2 Q. And the active requests, the tab name is 3 TSR queue; correct? 4 A. Correct. 5 Q. So, if we could, could you walk</p>				

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<p>me through 6 the columns and explain to me what information is in 7 these columns? 8 A. Column -- Column A is titled "queue," and 9 these are the queue numbers that have been assigned. 10 Q. So, for example, if an entity submitted an 11 application for transmission service request, this 12 queue number would be assigned to that? 13 A. Correct, yes, once the application is 14 complete. 173:15 Q. Aha, once the application is complete. 16 A. Right. "OASIS A rev," this is the number 17 that is generated on OASIS. "Company," this is who 18 submitted the request. The date the request was 19 received. This is what we call the completed 20 application date; it's the actual date assigned to 21 the transmission request.</p>				

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<p>22 Q. And that's in column D? 23 A. Yeah. Oh, I'm sorry. I misread. I 24 apologize. This is the OASIS request received date. 25 Q. Is in column D? 174: 1 A. Yeah, in column D. And that's the date 2 the customer submitted the request on OASIS. 3 Q. Okay. 4 A. Oops. The "written application" is the 5 date that we received the written application from 6 the customer. It may be different from the OASIS 7 request received. 8 "Control area" is column F, and that is 9 what part of the PacifiCorp system is it in: Is in 10 the east or the west? 11 Q. And what's -- I mean, aside from the 12 obvious -- 13 A. Yeah. 14 Q. -- what is east and what is west? 15 A. So we have two balancing</p>				

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<p>authority areas: 16 We have our western balancing authority area, which 17 encompasses PacifiCorp's area in Oregon, Washington, 18 part of northern California, and part of Idaho; the 19 eastern portion or the eastern balancing authority 20 -- authority area is Utah, southern Idaho, Wyoming, 21 and I believe that's it. 22 Q. All right. How about the next column? 23 A. The next column is "product." The product 24 is what is -- the OASIS term for whether it's 25 network or point-to-point transmission service. 175: 1 Q. Okay. So if something says "NT," what 2 does that mean? 3 A. "NT," that means network. 4 Q. And what's the entry for point- to-point? 5 A. "PTP." 6 Q. Okay. 7 A. And then "OASIS status," this is the</p>				

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<p>8 current OASIS status as of right now. And most of 9 these say "confirmed," and that means that it's been 10 approved and is in service. 11 Q. So the transmission service request has 12 been approved? 13 A. Correct. 175:14 Q. Okay. 15 A. The next column, column I, is "POR." That 16 stands for point of receipt, and that identifies the 17 OASIS -- what the customer entered for the point of 18 receipt on OASIS. 19 Q. And what are the options in the "point of 20 receipt" column? 21 A. Yeah, there are a lot of options. They're 22 pre-identified. They're -- The customer has to 23 select from a drop-down on OASIS. So usually it's 24 kind of indicative a little bit of the area of the 25 system. PACE is generally the Utah area. PACW is</p>				

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<p>176: 1 the western area. 2 Q. Could you click on the "filter" button -- 3 A. Yes. 4 Q. -- in that column. Oh, I do see there are 5 many there. 6 A. There are many. There's many all across 7 the system. 8 Q. Oh, you can -- 9 A. Yeah, sorry. 10 Q. No, that's fine. 11 Is there a way that you could identify 12 which ones are in Utah? 13 A. Yeah -- Yes. Generally -- if you'll give 14 me a minute. 15 PACE is our primary Utah point of receipt 16 or point of delivery, but there are others that may 17 have interconnections, Glen Canyon, Four Corners, 18 Donder Pavant. 19 (Reporter request.) 20 THE WITNESS: D-O-N-D-E-R. MDGT, 21 MWMDWP --</p>				

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<p>22 Q. BY MS. HEALY GALLAGHER: Hang on. If you 23 could just go slowly for the court reporter. 24 A. Yeah, I'm sorry. -- and MPAC are in Utah. 25 Nutt is in Utah. Pavant, Pinto, Red Butte, and Red 177: 1 Butte load. 2 Q. And are those abbreviated in the -- 3 A. Yeah, they're abbreviated. That's how 4 they're shown in OASIS. 5 Q. So that's REDB? 6 A. REDB and REDBL. 7 Q. Okay. 8 A. I believe that's it. 9 Q. So, for all of these entries on this list, 10 what are these the names of? 11 A. They're the names of points on the system, 12 scheduling points that may cover a certain area of 177:13 the system. 14 Q. And are these points PacifiCorp 15 facilities? 16 A. Not always. Yes, they are, but</p>				

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<p>they -- 17 especially if it's a point that we share with 18 another balancing authority area, like the Four 19 Corners point that I mentioned, it may also be a 20 point on someone else's system. 21 Q. So how does electricity get to one of 22 these points? 23 A. A customer will have to deliver it to that 24 point or find a way to get it delivered to that 25 point. 178: 1 Q. So might there be another utility that 2 might get it there, or could it be the customer's 3 own equipment that gets it there? 4 A. There -- There could be -- 5 Q. Either? 6 A. -- either. 7 Q. Okay. So that's point of receipt in 8 column 1; correct? 9 A. Correct. 10 Q. And then in J, "point of delivery"?</p>				

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<p>11 A. That's -- That's similar, only it's where 12 the energy is going. 13 Q. And the entries, correct -- The same names 14 will be in point of delivery that are in point of 15 entry; correct? 16 A. Correct. The same options are available 17 to the customer for point of delivery as for point 18 of receipt. 19 Q. That's a better way to say it. 20 A. I just want to make sure. 21 Q. And so, similarly, once electricity is 22 delivered to one of these points of delivery, it 23 would be up to someone else -- it would be up to 24 another entity besides PacifiCorp -- to get it to 25 its final destination, if that's not its final 179: 1 destination? 2 A. It may be PacifiCorp as well. It could be 3 another entity. It depends on what they're doing</p>				

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<p>4 with the energy. 5 Q. Okay. All right. And then how about about 6 column K? 7 A. Column K is megawatts. This is where the where the 8 customer identifies how many megawatts they intend megawatts they intend 9 to -- they want to transmit. 10 Q. Okay. And how about "start" and "end" and "end" 11 there? 179:12 A. "Start" is the date they're requesting requesting 13 service to start, and "end" is the date they want it date they want it 14 to end. 15 Q. And if there is an entry on this first first 16 sheet for active requests, those are currently are currently 17 operative? 18 A. They -- Correct. 19 Q. Okay. Could you click on the archive archive 20 sheet. 21 A. Yes. 22 Q. Do we have the same column headers? headers? 23 A. Yes.</p>				

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Deposition of PacifiCorp taken November 15, 2016

Plaintiff Designations – BLUE Defendant Completeness— PURPLE Defendant Counter-Designations – RED (at end)	Defendant Designations – RED Plaintiff Completeness— PURPLE Plaintiff Counter Designations – BLUE (at end)	Defense Objections/Responses – RED Plaintiff Objections/Responses – BLUE	Exhibits	Ruling
<p>24 Q. Okay. Could you go back, please, to the 25 TSR queue sheet. 180: 1 A. (Complies.) 2 Q. If I wanted to find out which company had 3 an active transmission service request, how would I 4 do that? 5 A. Which company? Well, we have the 6 companies listed here, so you'd be able to see it; 7 and you could use the filter to choose whichever 8 company you're looking for. 9 Q. Okay. And by choosing the filter, do you 10 mean the tiny gray box with the down arrow at the 11 bottom right-hand corner of the company header? 12 A. Yes. Oops. 13 Q. And if I wanted to find out -- Withdrawn. 14 Okay. We're done with that. We'll take a 15 second. 16 MR. MORAN: Yeah. Thanks, Erin.</p>				

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<p>17 Q. BY MS. HEALY GALLAGHER: Okay. Would you 18 take a look, please, back at plaintiff's 19 Exhibit 193. 20 A. Yes. 21 Q. And I'm looking at the second to last 22 page, paragraph 7. 23 There's a list of persons and entities in 24 there. Do you see that? 25 A. Yes. 181: 1 Q. Okay. I'll start off by asking: To your 2 knowledge, is there any transmission -- transmission 3 service agreement involving an entity named 4 RaPower-3 LLC? 5 A. Not to my knowledge. 6 Q. Has RaPower-3 LLC made any transmission 7 service request application? 8 A. No, not to my knowledge. 9 Q. Is there any transmission service 10 agreement in place with respect to International 181:11 Automated Systems Inc.?</p>				

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<p>12 A. Not to my knowledge. 13 Q. Has International Automated Systems Inc. 14 made any transmission service request application? 15 A. Not to my knowledge. 16 Q. Has LTB1 LLC made any transmission service 17 request application? 18 A. Not to my knowledge. 19 Q. Is there any transmission service 20 agreement in place with respect to LTB1 LLC? 21 A. Not to my knowledge. 22 Q. Is there any transmission service 23 agreement in place with respect to DCL16BLT Inc.? 24 A. Not to my knowledge. 25 Q. Has an entity named DCL16BLT made a 182: 1 transmission service request application? 2 A. Not to my knowledge, no. 3 Q. Has -- Is there a transmission service 4 agreement in place with respect to R. Gregory 5 Shepard?</p>				

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<p>6 A. No, not that I'm aware of. 7 Q. Has R. Gregory Shepard made any 8 transmission service request application? 9 A. Not that I'm aware of. 10 Q. Is there any transmission service 11 agreement in place with respect to Neldon Johnson? 12 A. Not to my knowledge. 13 Q. Has Neldon Johnson made any transmission 14 service request application? 15 A. Not to my knowledge. 16 Q. Has Roger Freeborn made any transmission 17 service request application? 18 A. No. I'm not aware of any. 19 Q. Is there any transmission service 20 agreement in place with respect to Roger Freeborn? 21 A. No. 22 Q. Would you take a look, please, at the 23 other entities identified in that paragraph 7. 24 Is there any transmission service 25 agreement in place with respect</p>				

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<p>to any of those 183: 1 entities? 2 A. Not to my knowledge. I'm not aware of 3 any. 4 Q. Have any of those entities made a 5 transmission service request application? 6 A. No. 7 Q. How did you determine whether there was a 8 transmission service agreement in place with respect 9 to any of the people or entities in paragraph 7? 183:10 A. The transmission service agreement. I 11 reviewed what we call our electronic quarterly 12 report, and that's the report where we identify all 13 of our agreements, our transmission agreements. It 14 wasn't there. And I also reviewed our electronic 15 document management system to see if there was 16 anything under these names there, and there wasn't.</p>				

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<p>17 Q. How did you determine that none of these 18 people or entities had submitted TSR application? 19 A. I reviewed the TSR queue that we looked at 20 to see if we'd had anything. I also reviewed the 21 electronic document management system to see if 22 there was anything that had somehow been missed. 23 Q. Outside of the TSR process, is there any 24 way that a person or entity could transmit 25 electricity on PacifiCorp equipment? 184: 1 A. It can happen, but there will be penalties 2 assessed. To do it legally without any penalties, 3 they'd have to go through the transmission service 4 request process. 5 Q. What kinds of penalties? 6 A. There's unauthorized use, and I would need 7 to look at the -- it's getting a little out of my</p>				

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8 area as well, but I'd need to look at the tariff. 9 Q. But you think the information's in the 10 tariff? 11 A. Right. Unauthorized use and unreserved 12 capacity, yeah, they would be charged for that.				
188:17 MS. HEALY GALLAGHER: Then that's it. 18 Thank you very much. 19 THE WITNESS: Thank you. 20 (DEPOSITION ADJOURNED AT 3:38 P.M.)				
DEFENDANT COUNTER-DESIGNATIONS	PLAINTIFF COUNTER-DESIGNATIONS			

Instructions: One form should contain all designations for a witness. Plaintiff Designations (column 1) and Defendant Designations (column 2) will show the full deposition text that the party proposes to read in its case-in-chief. Completeness designations are proposed by the other party, under Fed. R. Civ. P. 32(a)(6), to be read with the designations. Counter-designations are read following the designations and completeness designations, similar to cross examination. This form should be provided in word processing format to the other party, who then will continue to fill in the form.

The form is then returned to the proposing party for review, resolution of disputes, and further editing. The parties should confer and file a final version in PDF format using the event “Notice of Filing” and also submit a final word processing copy to the court at dj.nuffer@utd.uscourts.gov, for ruling.

All objections which the objecting party intends to pursue should be listed, whether made at the deposition, as with objections as to form, or made newly in this form, if the objection is of a type that was reserved.