

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting
Tuesday, August 8, 2017
1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom
Commissioner Robin Sessions Cooley

Marlon Holmquist, Chief Operator, Vista West Water Company (by telephone)

Paul Lowham, President, Vista West Water Company (by telephone)

Kathy Bertrand, Member Services Manager, Yampa Valley Electric Association (by telephone)

Steve Johnson, Operations/Engineering Manager, Yampa Valley Electric Association (by telephone)

Dale W. Cottam, Bailey Stock Harmon Cottam, LLP, Counsel for Nordic Ranches Water, LLC (by telephone)

Elizabeth Missel, Nordic Ranches Utilities (by telephone)

Brian Jobe, General Manager, Kaiser-Frontier Midstream, LLC

Drake Hill, Hill Law Firm, Counsel, Kaiser-Frontier Midstream, LLC

Commission Staff: Steve Mink, Morgan Fish, Marci Norby, Luy Luong, Lori Brand, Jess Bottom, Tom Wilson, Katie Koski, John Burbridge and Chris Petrie

CONSENT AGENDA

1. **Undocketed: Minutes for review from Open Meetings of May 30, June 1, 6, and 13, 2017, as prepared by Sylvia Sanchez and Barbara Tomlinson.**
2. **Docket No. 20000-518-EA-17 (Record No. 14736). Application of Rocky Mountain Power for approval of Schedule 37, Standard Rates for Purchases of Power from Qualifying Facilities. Commission to consider issuance of a *Special Order Authorizing One Commissioner and/or Presiding Officer to Conduct Public Hearing*.**
3. **Docket Nos. 70000-1647-TK-17 & 70223-10-TK-17 (Record No. 14757). Contract filing of Qwest Corporation d/b/a CenturyLink QC for approval of Amendment to Interconnection Agreement with Airus, Inc. Commission to consider and act on Amendment. Luy Luong, CS, provided a technical *Memo* dated July 17, 2017.**
4. **Docket No. 50050-17-PT-17 (Record No. 14639). Application of Rocky Mountain Pipeline System, LLC to cancel its WPSC Tariff No. 3 and Tariff No. 8 (Rates Used in Transport). Commission to consider and act on *Merit Energy Company's Petition for Confidential Treatment and For Protective Order (Petition)*.**
5. **Docket No. 70013-40-TA-17 (Record No. 14767) All West Communications, Inc.'s State Commission Filing regarding Federal Communications Commission Docket No. WC 10-90: Administration of Connect America Fund Intercarrier Compensation Replacement (47 CFR §54.304(d)(1)), Annual Reporting Requirements (47 CFR**

§54.313(h)(i)), Transition of Carrier Access Charges (47 CFR §51.909), and Eligible Revenue Recovery (47 CFR § 57.917(d)(vii)). Commission to consider and act on All West Communications, Inc.'s *Petition for Confidential Treatment (Petition)*.

6. **Docket No. 70005-44-TA-17 (Record No. 14768). Chugwater Telephone Company's State Commission Filing regarding Federal Communications Commission Docket No. WC 10-90: Administration of Connect America Fund Inter-carrier Compensation Replacement (47 CFR §54.304). Commission to consider and act on Chugwater Telephone Company's *Petition for Confidential Treatment of Documents (Petition)*.**
7. **Docket No. 70009-479-TT-17 (Record No. 14791). Tariff Filing of United Telephone Co. of the West d/b/a CenturyLink of the West to revise General Exchange Price Schedule Section 6. Commission to consider and act on Application.** Luy Luong, CS, provided a technical *Memo* dated July 28, 2017.
8. **Docket No. 70088-8-TA-17 (Record No. 14806). Notification of the Indirect Transfer of Control of West Safety Communications and West Telecom Services, LLC to Olympus Holdings II, LLC. Commission to consider acceptance of the Notification for filing.**
9. **Docket No. 74521-9-TA-17 (Record No. 14807). Notification of the Indirect Transfer of Control of West Safety Communications and West Telecom Services, LLC to Olympus Holdings II, LLC. Commission to consider acceptance of the Notification for filing.**

Chairman Russell introduced the consent items. For Item #1, Deputy Chair Fornstrom moved to approve the minutes as prepared. Commissioner Cooley seconded the motion and Chairman Russell concurred. For Item #2, Lori Brand, Commission Counsel, recommended issuance of a *Special Order*; for Item #3, approval of the Amendment; for Items #4, 5 and 6, granting the *Petitions*; for Item #7, approval of the Application; and for Items #8 and 9, acceptance of the Notifications for filing; all by *Letter Order or Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

REGULAR AGENDA

1. **Docket No. 80007-40-WT-16 (Record No. 14580). Tariff filing of Vista West Water Company pursuant to revised Commission Rules and Regulations effective March 21, 2016. Commission to consider and act on application.** Luy Luong, CS, provided a technical *Memo* dated July 28, 2017. Marlon Holmquist, Chief Operator of Vista West, presented the revised tariff filing and requested approval. There were no questions. Steve Mink, Commission Counsel, recommended approval of the Application by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.
2. **Docket No. 10001-14-CT-16 (Record No. 14554). Tariff filing of Yampa Valley Electric Association, Inc. pursuant to revised Commission Rules and Regulations effective March 21, 2016. Commission to consider and act on application.** Kara Seveland, Morgan Fish, Marci Norby and Michelle Bohanan, CS, provided a technical *Memo* dated August 2, 2017. Kathy Bertrand, Yampa Valley's Member Services Manager,

presented the revised tariffs. John Burbridge, Commission Counsel, recommended approval of the revised tariff with the following recommendations:

- Points #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and all housekeeping items have been adopted;
- Compliance tariffs to be filed within 10 days.

He recommended all of the above by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

3. **Docket No: 80024-5-WA-16 (Record No. 14597). Application of Nordic Ranches Water, LLC for a Certificate of Public Convenience and Necessity to operate as a public utility rendering domestic water service to the Nordic Ranches Subdivision in Lincoln County, Wyoming. Commission to consider and act on Intervenor, Nordic Ranches Utilities' Motion to Revise Hearing Location on behalf of Nordic Ranches Utilities (Motion).** Elizabeth Missel, Nordic Ranches Utilities, argued many people are committed to attending the hearing if it is held in the local area. There was a discussion about witnesses testifying in person and by telephone. Deputy Chair Fornstrom noted it is not easy for the Commission to go out in the community with electronics and live streaming requirements, as well as other logistical challenges. Chairman Russell agreed. Dale Cottam, Counsel for Nordic Ranches Water, said Nordic Ranches Water will attend regardless of location and has no objection to anyone testifying by telephone, but thought it was more practical to hold the hearing in Cheyenne. There were no further questions or comments. Commissioner Cooley moved to maintain the current scheduling order to hold the hearing in Cheyenne, but allow individuals identified by the parties to appear by telephone, by *Order* only, effective immediately. Deputy Chair Fornstrom seconded the motion, noting any witness must be approved to participate by telephone prior to the hearing. Chairman Russell concurred.
4. **Undocketed: Commission to receive presentation regarding the operation of natural gas processing plants from representatives of Kaiser-Frontier Midstream, LLC.** Brian Jobe, Kaiser Frontier, explained that since it has not been able to schedule a plant tour, it instead brought a slide presentation to the Commission to provide a general company overview about Kaiser Francis Oil and Kaiser Frontier Midstream, and speak to economic issues and the challenges of residue gas from oil production maintenance flaring, and integrity testing. The presentation was for informational purposes only. No action was required by the Commission.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Thursday, August 10, 2017

ACCEPTED and APPROVED by the Commission on October 12, 2017.

Chairman William F. Russell

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting
Thursday, August 10, 2017
1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom

Craig Evert, Owner, Lake Water Company, LLC (by telephone)

Commission Staff (CS): Lori Brand, John Burbridge, Marci Norby,
Michelle Bohanan, Kara Seveland, Luy Luong, Perry McCollom,
Morgan Fish, Katie Koski and Melisa Mizel

CONSENT AGENDA

1. **Docket No. 20000-519-EA-17 (Record No. 14780). Application of Rocky Mountain Power for an order approving Nontraditional Ratemaking Related to Wind Repowering. Commission to consider and act on:**
 - a. **Wyoming Industrial Energy Consumers' *Motion for Application for Admission of Pro Hac Vice of Robert M. Pomeroy, Jr. and Thorvald A. Nelson (Motion)*;**
 - b. **Wyoming Industrial Energy Consumers' *Petition to Intervene (Petition.)*;**
 - c. **Northern Laramie Range Alliance *Petition to Intervene (Petition)*; and,**
 - d. **Issuance of a *Special Order Authorizing One Commissioner and/or Presiding Officer to Conduct Public Hearing.***

2. **Docket No. 20000-520-EA-17 (Record No. 14781). Application of Rocky Mountain Power for Certificates of Public Convenience and Necessity and nontraditional ratemaking for wind and transmission facilities. Commission to consider:**
 - a. **Wyoming Industrial Energy Consumers' *Motion for Application for Admission of Pro Hac Vice of Robert M. Pomeroy, Jr. and Thorvald A. Nelson (Motion)*;**
 - b. **Wyoming Industrial Energy Consumers' *Petition to Intervene (Petition)*;**
 - c. **Northern Laramie Range Alliance *Petition to Intervene (Petition)*; and,**
 - d. **Issuance of a *Special Order Authorizing One Commissioner and/or Presiding Officer to Conduct Public Hearing.***

Chairman Russell introduced the consent items. For Items #1a, b, and c and 2a, b, and c, Lori Brand, Commission Counsel, recommended granting the *Motions* in 1a and 2a. She also recommended granting the *Petitions* in 1b and c and 2b and c. Finally, she recommended, issuing the *Special Orders* in 1d and 2d, all by *Order* only, effective

immediately. Deputy Chair Fornstrom moved to act as recommended and Chairman Russell seconded the motion.

REGULAR AGENDA

- 1. Docket No. 80012-10-WT-17 (Record No. 14687). Tariff filing of Lake Water Company, LLC pursuant to revised Commission Rules and Regulations effective March 21, 2016. Commission to consider and act on tariff filing.** Melisa Mizel, CS, provided a technical *Memo* dated August 4, 2017. Chairman Russell asked Craig Evert, Lake Water's Owner, if the Company would change the language in Tariff Sheet #4 to reference Commission Rules more specifically; i.e., Commission Rules, Chapter 3, Section 9(j). Evert agreed. Chairman Russell asked about a subsequent phrase in the same sheet, Sub Paragraph (b), "however that which where..." Deputy Chair Fornstrom suggested striking the phrase as it is duplicative. Evert agreed. There were no further questions or comments. Katie Koski, Commission Counsel, recommended approval of the tariff filing with the following exceptions 1) changing all Commission Rule references to specifically cite "Commission Rule, Chapter xx, Section xx; and 2) striking Sub Paragraph (b) on Tariff Sheet #4, all by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended and Chairman Russell seconded the motion.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Thursday, August 17, 2017

ACCEPTED and APPROVED by the Commission on October 12, 2017.

Chairman William F. Russell

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting
Thursday, August 22, 2017
1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom
Commissioner Robin Sessions Cooley

Stacy Splittstoesser, Wyoming Regulatory Affairs Manager, Rocky Mountain Power

Russell Waldner, General Manager, Carbon Power and Light, Inc. (by telephone)

J.T. Hill, General Manager, Fall River Enterprises, Inc. (by telephone)

Linden Barney, Chief Financial Officer, Fall River Enterprises, Inc. (by telephone)

Aaron Neilson, Vice President and General Counsel, Blackfoot Communications d/b/a Blackfoot (by telephone)

Michelle Owens, Regulatory Specialist, Blackfoot Communications d/b/a Blackfoot (by telephone)

Dale W. Cottam, Counsel, Nordic Ranches Water, LLC (by telephone)

Elizabeth Missel, Nordic Ranches Utility (by telephone)

Commission Staff (CS): Lori Brand, John Burbridge, Marci Norby, Michelle Bohanan, Kara Seveland, Luy Luong, Perry McCollom, Morgan Fish, Katie Koski and Melisa Mizel

CONSENT AGENDA

- 1. Undocketed: Minutes for review from Open Meetings of June 8 and July 11, 2017, as prepared by Barbara Tomlinson.**
Deputy Chair Fornstrom introduced consent item 1 and moved to approve as written. Commissioner Cooley seconded the motion and Chairman Russell concurred.
- 2. Docket No. 20000-520-EA-17 (Record No. 14781). Application of Rocky Mountain Power (RMP) for Certificates of Public Convenience and Necessity and nontraditional ratemaking for wind and transmission facilities. Commission to consider and act on:**
 - a. Petition for Permissive Intervention of the Interwest Energy Alliance (Petition);*
 - b. RMP's Motion for Admission Pro Hac Vice of Adam C. Lowney (Motion); and*
 - c. RMP's Motion for Admission Pro Hac Vice of Katherine A. McDowell (Motion).*

3. **Docket No. 20000-519-EA-17 (Record No. 14780). Application of Rocky Mountain Power (RMP) for an order approving nontraditional ratemaking related to wind repowering. Commission to consider and act on:**
 - a. *Petition for Permissive Intervention of the Interwest Energy Alliance (Petition);*
 - b. *RMP's Motion for Admission Pro Hac Vice of Adam C. Lowney (Motion); and*
 - c. *RMP's Motion for Admission Pro Hac Vice of Katherine A. McDowell (Motion).*

4. **Docket No. 10014-182-CA-17 (Record No. 14776). Application of Powder River Energy Corporation for expedited review of security deposit request. Commission to consider and act on Intervenor's Motion for Application for Admission of Pro Hac Vice of Thorvald A. Nelson (Motion).**

Chairman Russell introduced consent items 2-4. Lori Brand, Commission Counsel, recommended for items 2a and 3a granting the *Petitions* and for items 2b, 2c, 3b, 3c and 4 granting the *Motions*, all by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

REGULAR AGENDA

1. **Docket No. 20000-506-EA-16 (Record No. 14610). Amended Application of Rocky Mountain Power (RMP) for authority to adjust rates for Electric Service Schedule 92, Bonus Tax Depreciation. Commission to consider and act on request to adjust effective date from August 1, 2017 to September 1, 2017, as presented in the company's compliance filing of August 16, 2017.**

Stacy Splittstoesser stated that this is a rate increase with the possibility of a decrease within a few months. Ms. Splittstoesser stated that after discussions with Wyoming Industrial Energy Consumers (WIEC) and Commission staff the Company decided to continue with the filing for a rate increase with a requested effective date of September 1, 2017. Lori Brand, Commission Counsel, recommended granting the request to adjust the effective date to September 1, 2017, and that it be reflected in the Commission's larger *Memo* in the underlying docket by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

2. **Docket No. 10002-85-CT-16 (Record No. 14564). Tariff filing of Carbon Power and Light, Inc. (Carbon) pursuant to revised Commission Rules and Regulations effective March 21, 2016. Commission to consider and act on Commission Staff's recommendation that it amend its decision regarding Carbon's avoided cost filing requirements. Russell Waldner, General Manager, to appear in person for Carbon.**

Kara Seveland, Morgan Fish, Jess Bottom, Marci Norby and Michelle Bohanan, Commission Staff, provided a Technical *Memo* dated August 15, 2017. Marci Norby, Commission Staff, stated that Carbon Power and Light, Inc. was one of the first tariffs considered by the Commission. Ms. Norby stated that subsequently the Commission

approved the Cooperatives having an avoided cost rate being the same it pays the wholesale supplier if the Cooperative files, within 10 days, a letter of avoided cost rate change with supporting documentation. Ms. Norby stated that Commission Staff will compile the rate changes and present them to the Commission in lieu of the Cooperative filing an application for the change. Ms. Norby recommends that Carbon be granted the same opportunity as the other Cooperatives. John Burbridge, Commission Staff, recommended approval of the amendment to the avoided cost recommendation from the June 13, 2017, Open Meeting, which will be added to the larger *Order* from the June 13, 2017, action, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

3. **Docket No. 30024-2-GT-16 (Record No. 14536). Tariff filing of Fall River Enterprises, Inc. pursuant to revised Commission Rules and Regulations effective March 21, 2016. Commission to consider and act on tariff filing.**

Morgan Fish, Kara Seveland, Marci Norby, and Michelle Bohanan, Commission Staff, provided a Technical *Memo* dated August 15, 2017. J.T. Hill stated that the Company agrees with all of the housekeeping items. Mr. Hill stated that there are no contracts at this time to file with the Commission. Morgan Fish, Commission Staff, stated that there are no current contracts to file but that the Company is aware that they must file any future contracts with the Commission. Mr. Hill stated that the Company would file future contracts with the Commission. Linden Barney, Chief Financial Officer, for Fall River Enterprises, Inc. stated that they are in agreement with items 1-3 on the recommendation sheet. Mr. Barney stated that the Company does not have experience with after hour disconnections and are not inclined to include it in the tariff as well as item number 6. Mr. Barney stated that they have not yet had the opportunity to collect a nonresidential deposit and they do agree to change item 5 sheet 18's heading to "Discontinuation of Service". Steve Mink, Commission Counsel, recommended approval of the tariff filing by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

4. **Docket No. 70251-1-TA-17 (Record No. 14698). Application of Blackfoot Communications d/b/a Blackfoot for a Certificate of Public Convenience and Necessity to provide service in Wyoming. Commission to consider and act on Application and Petition for Confidential Treatment of Trade Secrets and Confidential Data (Petition).**

Tom Wilson, Commission Staff, provided a Technical *Memo* dated June 27, 2017. Aaron Neilson, Vice President and General Counsel, for Blackfoot Communications stated that only Exhibit D is addressed in the *Memo* regarding confidential treatment but that Exhibits B and C are also included in the *Petition*. Steve Mink, Commission Counsel, recommended approving the Application and grating the *Petition* by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

5. **Docket No: 80024-5-WA-16 (Record No. 14597). Application of Nordic Ranches Water, LLC for a Certificate of Public Convenience and Necessity to operate as a public utility rendering domestic water service to the Nordic Ranches Subdivision in Lincoln County, Wyoming. Commission to consider and act on:**

- a. **Intervenor Nordic Ranches Utilities' Motion on Behalf of Nordic Ranches Utilities to allow Witnesses to appear via telephone (Intervenor's Motion);**
- b. **Nordic Ranches Water, LLC's Objection to Witnesses Woodward and Hirschi Testifying Either in Person or by Telephone (Applicants' Objection);**
- c. **Nordic Ranches Water, LLC's Motion for a Date and Time Certain for Jason Linford, P.E. to Testify and for NRW Witnesses Ron Hale and Dorothy Reinhart to appear by Phone (Applicants' Motion);**
- d. **Nordic Ranches Water, LLC's General Objection to Nordic Ranches Utilities' Exhibits and Specific Objection to Certain Testimonies as Exhibits (Applicants' General Objection); and**
- e. **Nordic Ranches Water, LLC's Petition for Designation of its Responses to CIR Set 5 as "Highly Sensitive" and Subject to Receipt only by the Commission and Staff (Applicants' Petition).**

Chairman Russell introduced the items and noted that there are 2 additional filings that the Commission received late this morning that are not noticed and are relating to items 5a, 5b, and 5d. Chairman Russell moved to table items 5a, 5b, and 5d due to insufficient time to review and recommended the items be considered at the exhibit conference. Deputy Chair Fornstrom seconded the motion and Commissioner Cooley concurred. Dale Cottam, Counsel for Nordic Ranches Water, LLC stated that for item 5c the Company is not aware of any objections from Nordic Ranches Utility. Mr. Cottam stated that the Company requests the testimony of Jason Linford be scheduled for August 30th in the morning and in person. Mr. Cottam requested that the testimony of Ron Hale be taken on August 30th and by phone as his testimony is brief with no extensive exhibits or technical testimony and also due to his advanced age. Mr. Cottam also requested that Dorothy Reinhart's testimony be by telephone due to her age and brief testimony. Elizabeth Missel intervenor had no objections to the testimonies of Jason Linford, Ron Hale and Dorothy Reinhart being by telephone. Katie Koski, Commission Counsel, recommended granting the *Motion* for the witnesses to appear by telephone on August 30th all by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

Mr. Cottam asked that for item 5e, in respect to the personal financial information of individuals, that the information be considered confidential and be treated as such. Ms. Missel stated that the concern is being able to verify the capability of those managing the business. Luy Luong, Commission Staff, asked how the Company will address the concerns of the intervenor if the information is to remain confidential. Mr. Cottam stated that the Company has a full time bookkeeper and accountant that have been managing the finances for several years. The Company also has a CPA that prepares taxes, financial statements, and annual reports. Mr. Cottam stated that the Company believes that it is the duty of the Commission to ensure the utility is healthy and has the ability to meet its financial responsibilities. Katie Koski, Commission Counsel, recommended granting the

Motion by Order only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Chairman Russell seconded the motion and Commissioner Cooley dissented.

Prepared by: Sylvia Sanchez

Date of Next Open Meeting: Monday, August 28, 2017

ACCEPTED and APPROVED by the Commission on October 17, 2017.

Chairman William F. Russell