

# **WYOMING PUBLIC SERVICE COMMISSION**

Minutes of Regular Open Meeting  
Thursday, December 7, 2017  
1:30 p.m.

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

James B. Martin, Beatty & Wozniak, PC, Counsel for BP America  
Production Company (BP America)  
Nicol Kramer, Beatty & Wozniak, PC, Counsel for BP America  
Yvonne Hogle, Assistant General Counsel, Rocky Mountain Power (RMP)  
(by telephone)  
Stacy Splittstoesser, Wyoming Regulatory Affairs Manager, RMP  
Daniel Solander, Senior Corporate Counsel, RMP (by telephone)  
James Elliott, Manager-Regulatory, Black Hills Energy (BHE)

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

## **CONSENT AGENDA**

1. **Docket No. 74663-2-TA-17 (Record No. 14897). Notification of Pulse Telecom, LLC, to cancel its interexchange registration authority. Commission to consider acceptance of Notification for filing.** Commission Staff: John Burbridge and Thomas Wilson. (See attached Notification Letter dated November 17, 2017.)
2. **Docket No. 74294-18-TA-17 (Record No. 14881). Notification of the Indirect Transfer of Control of Securus Investment Holdings, LLC, to SCRS Acquisition Corporation. Commission to consider acceptance of Notification for filing.** Commission Staff: John Burbridge and Thomas Wilson. (No memo; See attached Notification dated November 15, 2017).
3. **Docket No. 10001-18-CK-17 (Record No. 14857.) Yampa Valley Electric Association, Inc.'s Contract with Upper Yampa Water Conservancy District. Commission to consider acceptance of contract for filing.** Commission Staff: John Burbridge and Jess Bottom. (See attached *Memo* dated November 28, 2017.)
4. **Docket No. 10001-15-CK-17 (Record No. 14837.) Yampa Valley Electric Association, Inc.'s Contract with Clean Energy Collective, Inc. Commission to consider acceptance of contract for filing.** Commission Staff: John Burbridge and Jess Bottom. (See attached *Memo* dated November 28, 2017.)
5. **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. **Anadarko Land Corp.'s Motion for Admission Pro Hac Vice of Constance E. Brooks** filed on November 21, 2017;
  - b. **Anadarko Land Corp.'s Motion for Admission Pro Hac Vice of Danielle R. Bettencourt** filed on December 4, 2017; and
  - c. **BP America Production Company's Amended Motion for Admission Pro Hac Vice of James B. Martin** filed on December 5, 2017.
6. **Docket No. 70050-18-TT-17 (Record No. 14840). Tariff filing of All West Wyoming, Inc. for authority to revise the intrastate switched access service price list. Commission to consider and act on tariff filing.** Thomas Wilson, CS, provided a technical *Memo* dated November 8, 2017.
  7. **Docket No. 70012-32-TA-17 (Record No. 14766). Informational filing of Project Telephone Company's 2017 Rate Floor Certification. Commission to consider accepting Certification for filing and act on Petition for Confidential Treatment of Documents (Petition).**
  8. **Docket No. 70000-1629-TA-16 (Record No. 14422). Petition of Qwest Corporation d/b/a CenturyLink QC, for approval of non-impaired wire center lists pursuant to the FCC'S Triennial Review Remand Order (Petition). Commission to consider and act on Petition.** Thomas Wilson, CS, provided a technical *Memo* dated November 29, 2017.
  9. **Docket No. 10015-66-CA-17 (Record No. 14804). Application of High West Energy, Inc. to approve its Service Interruption Reporting Plan. Commission to consider and act on Application.** Commission Staff: John Burbridge, Morgan Fish and Perry McCollom. (See attached *Memo* dated December 1, 2017.)

Chairman Russell introduced the consent items and moved Item #8 to the Regular Agenda as Regular Item #4 for discussion and consideration. For Item #s 1 through 4, John Burbridge, Commission Counsel, recommended acceptance of the notifications and contracts for filing, by *Letter Order*, effective immediately. For Item # 5a, b and c, he recommended granting the *Motions*, by *Order* only effective immediately. For Item # 6, he recommended acceptance of the tariff filing by *Order* only, effective immediately. For Item # 7, he recommended acceptance of the Certification for filing and granting the *Petition* by *Order* only, effective immediately. For Item # 9, he recommended approval of the Application by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended on all items. Commissioner Cooley seconded the motion and Chairman Russell concurred.

## REGULAR AGENDA

1. **Docket No. 20000-520-EA-17 (Record No. 14781). Application of Rocky Mountain Power (RMP) for Certificates of Public Convenience and Necessity (CPCN) and nontraditional ratemaking for wind and transmission facilities. Commission to consider and act on:**
  - a. **BP America Production Company's *Petition for and Notice of Intervention (Petition)* filed on November 14, 2017;**
  - b. **RMP's *Response in Opposition to BP America Production Company's Petition for and Notice of Intervention (Response)* filed on November 22, 2017; and**
  - c. **BP America Production Company's *Reply in Support of Petition for and Notice of Intervention (Reply)* filed on November 28, 2017.**

James Martin, BP America's Counsel, presented BP America's argument for permission to intervene. He stated the Commission has discretion to permit late intervention and RMP would not be prejudiced by the intervention. He stated BP America pledges to adhere to the Scheduling Order and does not intend to delay proceedings. Finally, Martin stated that the Company is not taking a position on cost recovery and is seeking only to protect its property interests. BP America has 42 leases that would be traversed by RMP's proposed transmission lines. He said there are many stipulations in its leaseholds, such as sensitivity to wildlife, access roads, ability to site well pads, etc. and a transmission line will reduce access to those areas.

Yvonne Hogle, RMP's Corporate Counsel, argued the Commission should deny intervention because BP America failed to meet the intervention standard under the Wyoming Rules of Civil Procedure citing timeliness and interest. She said the Commission does not even need to consider whether RMP would be prejudiced by this intervention. Furthermore, RMP stated it opposes this intervention because mineral rights are not within the Commission's jurisdiction. Ms. Hogle stated all affected landowners were notified by regular mail and BP America is not a landowner. Therefore, RMP was not required to notify BP America. She also argued that BP America has not shown good cause why it should be allowed to intervene, is not a condemnee and it is speculative to assume RMP will initiate a condemnation proceeding as it is not required for a CPCN.

Martin responded to Hogle that BP America discovered the CPCN application very recently as no notice was given to property owners and it worked hard to file the *Petition* timely. He also said BP America submitted pre-filed testimony by the Scheduling Order deadline. He said he believes the public interest would be served and the issues should be resolved in one forum as opposed to multiple forums.

Commissioner Cooley asked if an eminent domain action would be best presented in the proper court as stated by RMP. Martin responded no, as it would prejudice BP America and would be difficult to defend a condemnation action once a CPCN is granted. Furthermore, Martin stated BP America's ability to work with the Applicant would be limited. Martin stated he believes the Commission is the appropriate forum to decide

whether this transmission corridor is the appropriate one. A discussion regarding the difference between landowner and property owner and associated appropriate notice followed. Martin argued the statute requires notice to private property owners along the path of the transmission lines. He responded to Commissioner Cooley that BP America is an Intervenor of right, but is also seeking permissive intervention. Hogle responded to Chairman Russell that BP America's interest in land would potentially be impacted by the transmission line. She said RMP would be happy to listen to the issues and work with them, but that district court is the more appropriate forum. A discussion regarding rights, condemnation action, potential prejudice, and proper notice followed. Lori Brand, Commission Counsel, confirmed that public notice appeared in 16 newspapers and specific notice was provided to all affected landowners. There were no further questions or comments. Deputy Chair Fornstrom moved to grant the *Petition*, stating she does not see any delay by the intervention and believes BP America has shown a substantial interest. Chairman Russell agreed with Deputy Chair Fornstrom and seconded the motion. Commissioner Cooley dissented. The motion was carried.

2. **Docket No. 20000-525-EA-17 (Record No. 14845). Application of Rocky Mountain Power for approval of its Customer Allocation Agreement with Garland Light and Power Company (Garland). Commission to consider and act on Application and Petition for Confidential Treatment (Petition).** Morgan Fish, CS, provided a technical *Memo* dated November 30, 2017. Stacy Splittstoesser, Wyoming Regulatory Affairs Manager, explained this agreement is between RMP, Garland Light and Power and the customer and will allow Garland to provide service to the customer within RMP's certificated territory. Garland's transmission line is closer to the customer and will result in significant cost savings to the customer. The agreement includes a provision in the event of a transfer of property. 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.
3. **Docket No. 30005-230-GA-17 (Record No. 14775). Application of Cheyenne Light, Fuel and Power Company d/b/a Black Hills Energy, for authority to revise the currently established Wobbe Indices for the Carpenter-Burns, Pine Bluffs, and Cheyenne areas. Commission to consider and act on Application.** Kara Seveland, CS, provided a technical *Memo* dated November 30, 2017. James Elliott, BHE's Manager of Regulatory, stated the Company wants to correct the Wobbe index and bring BHE into compliance with the Commission's revised Rules. BHE proposes to set a base index on the weighted average of receipt points and to establish an index for the Carpenter-Burns areas. Elliott further explained that Commission Rules indicate anything above a 4% variation is considered a change in service so BHE wants the index revised to 1370, instead of 1373, because it would not trigger inspection and adjustment requirements pursuant to Commission Rule. Deputy Chair Fornstrom clarified with Elliott the reason for the change is not just to comply with the Commission Rules, but to reflect the change in the source of supply that has occurred since the Wobbe was originally established. She noted the correct number, based on submitted data, is 1373. She also indicated that, since the Commission Rule was in forbearance, the former rule variance of 6% should be used to define a change in service. Elliott said BHE would not oppose this number. There were no further questions or comments. John Burbridge, Commission Counsel, recommended approval to revise index at 1373 for the Cheyenne area, and establish an index of 1372 for the Carpenter-

Burns and the Pine Bluffs area, 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. 70000-1629-TA-16 (Record No. 14422). Petition of Qwest Corporation d/b/a CenturyLink QC, for approval of non-impaired wire center lists pursuant to the FCC'S Triennial Review Remand Order (*Petition*). Commission to consider and act on *Petition*.** Thomas Wilson, CS, provided a technical *Memo* dated November 29, 2017. Chairman Russell asked about the timeliness of this item. Steve Mink, Commission Counsel, responded it was delayed due to discussion about notice and then forgotten. Chairman Russell asked about the purpose for the amended notice. Mink thought it might have been due to an error in the description of the item. There were no further questions or comments. Mink 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.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Tuesday, December 12, 2017

ACCEPTED and APPROVED by the Commission on January 11, 2018.

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Chairman William F. Russell

# **WYOMING PUBLIC SERVICE COMMISSION**

Minutes of Regular Open Meeting  
Tuesday, December 19, 2017  
1:30 p.m.

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

Bruce Asay, Associated Legal Group, LLC, Counsel for Montana-Dakota  
Utilities Co. (MDU)  
Tamie Aberle, Director of Regulatory Affairs, MDU (by telephone)

Commission Staff (CS): Steve Mink, Tom Wilson, John Burbridge, Pam  
Temte, James Branscomb, Kara Seveland, Nathan Brennan and Dave  
Piroutek

## **CONSENT AGENDA**

1. **Docket No. 20000-526-EA-17 (Record No. 14847). Application of Rocky Mountain Power for approval of a 3-year Demand Side Management Plan. Commission to consider and act on:**
  - a. ***Issuance of a Special Order Authorizing One Commissioner and/or Presiding Officer to Conduct Public Hearing; and***
  - b. ***Wyoming Industrial Energy Consumers' Petition to Intervene and Request for Hearing (Petition).***
2. **Docket No. 70244-2-TA-17 (Record No. 14901). Notification of the Transfer of Control of WANRack, LLC to WANRack Holdings, LLC. Commission to consider acceptance of Notification for filing.**
3. **Docket No. 10001-16-CK-17 (Record No. 14838.) Yampa Valley Electric Association, Inc.'s Contract with Public Service Company of Colorado. Commission to consider acceptance of contract for filing.** Jess Bottom, CS, provided a technical *Memo* dated December 13, 2017.
4. **Docket No. 10001-17-CK-17 (Record No. 14839.) Yampa Valley Electric Association, Inc.'s Contract with Western Area Power Association. Commission to consider acceptance of contract for filing.** Jess Bottom, CS, provided a technical *Memo* dated October 18, 2017.

Chairman Russell introduced the consent items. For Item #1a and b, Steve Mink, Commission Counsel, recommended issuance of a *Special Order* and granting the *Petition*. For Item #s 2 through 4, he recommended acceptance of the notification and contracts for filing. He recommended all of this 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. 30013-328-GA-17 (Record No. 14730). Tariff filing of Montana-Dakota Utilities Co. requesting approval to revise its natural gas tariff for partial waiver of 49 CFR Part 192.481(a). Commission to consider and act on tariff filing.** Kara Seveland and Dave Piroutek, CS, provided a technical *Memo* dated December 1, 2017. Steve Mink, Commission Counsel, recommended tabling this item for consideration at the Open Meeting on December 28, 2017. Tamie Aberle, Director of Regulatory Affairs stated the Company did not object to deferring Commission review of the item until the following week. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Thursday, December 21, 2017

ACCEPTED and APPROVED by the Commission on January 11, 2018.

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Chairman William F. Russell