

Exh. DCG-1CT
Dockets UE-190334/UG-190335,
and UE-190222 (*Consolidated*)
Witness: David C. Gomez
REDACTED VERSION

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**AVISTA CORPORATION, d/b/a
AVISTA UTILITIES,**

Respondent.

**DOCKETS UE-190334, UG-190335
and, UE-190222
(*Consolidated*)**

TESTIMONY OF

David C. Gomez

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Production Plant, Power Cost Workshops & SmartBurn

October 3, 2019

**CONFIDENTIAL PER PROTECTIVE ORDER
REDACTED VERSION**

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- Exh. DCG-7 Idaho PUC Case No. AVU-E-03-06, Testimony of Richard L. Storro
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- Exh. DCG-10 State of Montana Regional Haze 5-Year Progress Report, Montana Department of Environmental Quality (MDEQ) August 2017
- Exh. DCG-11 Avista's Response to Staff Data Request No. 6, Attachment A, Ownership and Operation Agreement, Colstrip Units #3 & #4, Section 17 – Project Committee
- Exh. DCG-12 Colstrip Units 3 & 4 NOx Emissions, United States Environmental Protection Agency, Clean Air Markets Division (CAMD)
- Exh. DCG-13 In the Matter of Avista Corp., Energy Recovery Mechanism (ERM) Annual Filing to Review Deferrals for Calendar Year 2004, Docket No. UE-050492, Storro, Exh. RLS-1T
- Exh. DCG-14 Avista's response to Staff Data Request No. 3
- Exh. DCG-15C Avista's Confidential Revised Response to Staff Data Request No. 68, Sologic Root Cause Analysis Report, Talen Energy – Colstrip MT 2018 Emissions Issue
- Exh. DCG-16 Avista response to Staff Data Request No. 9, Attachment A, Thomas Dempsey CS2 Status January 3, 2019
- Exh. DCG-17 In the Matter of the Application of Avista Corp. d/b/a Avista Utilities for Authority to Increase its Rates and Charges for Electric and Natural Gas Service in Idaho, Case No. AVU-E-17-01, Direct Testimony of Dr. Ezra D. Hausman on Behalf of Sierra Club, November 14, 2017

I. INTRODUCTION

1

2 **Q. Please state your name and business address.**

3 A. My name is David C. Gomez. My business address is 621 Woodland Square Loop
4 SE, Lacey, WA 98503. My business email address is dagomez@utc.wa.gov.

5

6 **Q. By whom are you employed and in what capacity?**

7 A. I am employed by the Washington Utilities and Transportation Commission
8 (“Commission”) as the Assistant Power Supply Manager in the Energy Section of
9 the Regulatory Services Division. I attained this position on July 1, 2012. Prior to
10 my current position, I was the Deputy Assistant Director in the Solid Waste and
11 Water Section of the Regulatory Services Division.

12

13 **Q. How long have you been employed by the Commission?**

14 A. I have been employed by the Commission since May 2007.

15

16 **Q. Please state your educational and professional background.**

17 A. I hold a Bachelor of Arts degree in Business from Hamline University and a Masters
18 of Business Administration from the University of Saint Thomas; both universities
19 are located in Saint Paul, Minnesota.

20

21 Before joining the Commission, my relevant professional experience
22 consisted of 25 years in a variety of fields, including management, contracting,
23 supply chain, procurement, operations, and engineering. I hold professional
24 certifications from: The Institute for Supply Management (ISM); APICS – The

1 Association for Operations Management; Universal Public Procurement Council
2 (UPPC); and QAI Global Institute (Software Testing).

3

4 **Q. What are your duties with the Commission?**

5 A. I perform accounting and financial analysis of regulated utility companies, as well as
6 legislative and policy analysis. I presented testimony on behalf of Commission Staff
7 in Docket UE-121373, regarding the Coal Transition Power Purchase Agreement
8 between Puget Sound Energy (“PSE”) and TransAlta Centralia Generation LLC;
9 Dockets UE-130043 and UE-140762, PacifiCorp’s 2013 and 2014 general rate cases
10 (“GRC”); Docket UE-130617, PSE’s 2013, 2014, and 2016 Power Cost Only Rate
11 Cases; and Dockets UE-140188, UE-150204, and UE-160228, Avista Corporation’s
12 (“Avista” or “Company”) last three GRCs. Most recently, I provided testimony on
13 power supply issues in PSE’s 2017 GRC, Dockets UE-170033 and UG-170034 and
14 Avista’s 2017 GRC, Dockets UE-170485 and UG-170486. I have provided Staff’s
15 recommendations to the Commission at numerous open meetings, and worked on
16 various Commission rulemakings.

17

1 **II. SCOPE AND SUMMARY OF TESTIMONY**

2 **Q. What is the scope of your testimony in this proceeding?**

3 A. My testimony addresses three distinct areas.¹ First, I address both test year and
4 pro forma capital additions to production rate base.² As such, I respond directly to
5 the prefiled direct testimony and exhibits of Avista’s witness Mr. Jason Thackston.

6 Second, I discuss the 2018 annual Energy Recovery Mechanism (“ERM”)
7 review to determine the prudence of the Company’s power costs during the deferral
8 year. This is in response to the direct testimony and exhibits of Mr. Thomas C.
9 Dempsey.

10 Third, I respond to Mr. Clint Kalich’s update on efforts of Staff, the
11 Company and other parties in remedying “...the repeated, unbalanced outcomes”
12 associated with the ERM’s “directionally biased results.”³ The objective of this
13 effort is to improve the power cost baseline forecast in the ERM to ensure a more
14 appropriate sharing of risk between shareholders and ratepayers.

15
16 **Q. Can you summarize your recommendation regarding production related rate
17 base?**

18 A. Yes. For the 2017-2018 test year, I recommend the Commission reject the
19 Company’s test year capital additions and expenses for the 2018 outage and derate of

¹ Because Avista represents that the Company “is not proposing changes in this filing related to the commodity cost of natural gas or upstream pipeline transportation resource costs,” Staff is not contesting this aspect of the filing. Morehouse, Exh. JM-1T at 2:8-9. However, Staff reserves the right to raise issues if different information becomes available.

² My colleague, Ms. Aimee Higby will be addressing both the Company’s test year and pro forma non-production capital additions in her testimony and exhibits.

³ *Wash. Utils. & Transp. Comm’n v. Avista Corp.*, Dockets UE-170485 & UG-170486, Order 07, pp. 53-54, ¶ 156 (Apr. 26, 2018).

1 both Colstrip Units 3 and 4 and Coyote Springs 2 (“CS2”). Additionally, I
 2 recommend that the Commission disallow costs of the installation of SmartBurn in
 3 Colstrip Units 3 and 4. My adjustments to test year capital additions are summarized
 4 in the table below:

5

Staff Adjustment to Test Year Production Ratebase (millions)						
Thackston Exh. JRT-4 (test year capital)				Staff (test year capital)		
ER No.⁴	2017	2018	Total	2017	2018	Total
4116	\$10.4	\$4.5	\$14.9	\$7.8	\$4.3	\$12.1
4133	\$0	\$0.7	\$0.7	\$0	\$0	\$0.0
4149	\$2.7	\$2.2	\$4.9	\$2.7	\$2.2	\$4.9
Total			\$20.5			\$17.0
Difference Staff vs. Company						-\$3.5

6 Besides my adjustments to test year production capital above, I also
 7 recommend the following adjustment to test year Production and Transmission
 8 Operating Expense:

Staff Adjustment to Test Year Production and Transmission O&M	
Remove Colstrip Units 3 & 4 Outage and Derate O&M Expense	-\$0.3 million

9

10 Staff is not contesting Avista’s proposed pro forma additions for both the Nine Mile
 11 redevelopment and the Little Falls Powerhouse redevelopment. In total, my
 12 proposed adjustments reduce test year ratebase by \$3.49 million and expense by
 13 \$311,860.

14

⁴ ER No. 4116 – Colstrip (includes SmartBurn and outage capital), ER No. 4133 – CS2 (Outage & Derate capital only), and ER No. 4149 – Baseload Thermal (Reliability) CS2, Colstrip, Kettle Falls, and Lancaster.

1 **III. COYOTE SPRINGS 2 OUTAGE AND DERATE**

2 **A. Background and Impacts.**

3 **Q. Please describe the CS2 plant.**

4 A. CS2 is a natural-gas fired combined cycle combustion turbine located in Boardman,
5 Oregon. Portland General Electric (“PGE”), who owns Coyote Springs 1 (“CS1”),
6 operates both units. The plant, completed in 2003, has a maximum capacity of 317.5
7 megawatts in the winter, 285 megawatts in the summer, and has a nameplate rating
8 of 287.3 megawatts.⁵

9 CS2 operates with a single, three-phase Generator Step-Up (“GSU”)
10 transformer which increases voltage to 500,000 volts in order to connect the
11 generator to Bonneville Power Administration’s transmission system.⁶ The
12 transformer in service at the time of the outage is identified by Avista as CS2 GSU
13 Transformer #3 (“T#3”). A spare was also located on site and is referred to by the
14 Company as CS2 GSU Transformer #4 (“T#4”).

15
16 **Q. Please describe the outage that occurred in 2018.**

17 A. On September 21, 2018, T#3 tripped and CS2 went into forced outage. The cause of
18 the GSU transformer trip was the presence of volatile gases in the cooling oil of the
19 transformer. If not addressed, the presence of these gases can lead to a catastrophic
20 failure of the transformer; a risk to both public safety and the environment. Given
21 the long lead time to procure, ship and install a replacement GSU transformer, a

⁵ UE-190222, Dempsey, Exh. TCD-1T at 8:1-5.

⁶ CS1, owned and operated by PGE, utilizes single-phase transformers.

1 spare (T#4) is kept on site in the event of failure.⁷ Given the condition of T#3,
2 Avista decided to commission and place into service its spare, T#4, on October 28,
3 2018.

4

5 **Q. Did Mr. Dempsey quantify the impact to ERM power costs as a result of the**
6 **CS2 outage?**

7 A. Yes. Avista estimates the increased power costs associated with the 2018 CS2
8 outage was \$4.6 million.⁸ This includes the results of the subsequent derate at CS2,
9 which I discuss in the next section.

10 **B. CS2's GSU Transformer Failures.**

11 **Q. What happened during and after the installation of the spare GSU, T#4?**

12 A While in the process of installing T#4, Avista discovered damage to the spare
13 transformer. One month after installation and energization, T#4 also exhibited a
14 sharp increase in combustible gases and, in early December, the Company derated
15 CS2 to 200 MW.

16

17 **Q. Has Avista been able to get T#4's combustible gasses under control in order to**
18 **allow CS2 to operate at full capacity?**

19 A. No. According to Mr. Dempsey, analysis of T#4's combustible gases allowed for an
20 increase to the original derate of 200 MW to 280 MW.⁹ However, a February 22,

⁷ In the case of CS2, an exact duplicate of T#3, T#4, was stored and maintained on-site in a ready state.

⁸ UE-190222, Dempsey, Exh. TCD-1T at 15:1-4.

⁹ UE-190222, Dempsey, Exh. TCD-1T at 13:9-14.

1 2019, email update from Mr. Mike Mecham (Thermal Operations Manager at
2 Avista) reports CS2's derate level at 250 MW.¹⁰ While Staff is not challenging the
3 voracity of Mr. Dempsey's claim that CS2 is presently operating at near its capacity,
4 we are not clear whether the plant will require additional derates or experience more
5 forced outages as a result of T#4's degraded condition. This is especially
6 problematic as we enter the winter heating season.

7
8 **Q. Has CS2 experienced forced outages before due to failure of its GSU
9 Transformers?**

10 A. Yes, several. In the prefiled direct testimony of Avista witness Richard L. Storro,
11 Idaho PUC Case No. AVU-E-03-06, the Company states that CS2's original
12 commercial operation date of June 2002 was delayed for over a year due to the
13 failure/damage of both the original GSU Transformer and its replacement spare.¹¹

14 On May 6, 2002, the original GSU Transformer (T#1) catastrophically failed,
15 resulting in an explosion, fire, and the release of more than 100,000 gallons of oil-
16 contaminated water into the environment.¹² A second GSU Transformer (T#2) was
17 then ordered from the same manufacturer and delivered to the CS2 site on December
18 15, 2002. On initial inspection, T#2 was found to be damaged and unusable.

19 On December 20, 2002, Avista decided to have the Original Equipment
20 Manufacturer rebuild T#2 (T#1 was completely destroyed in the explosion and fire).
21 T#2 was remanufactured and shipped to the CS2 site and was energized on May 30,

¹⁰ Gomez, Exh. DCG-3, CS2 Transformer Update 2/22/2019.

¹¹ Gomez, Exh. DCG-7, Idaho PUC Case No. AVU-E-03-06, Testimony of Richard L. Storro at 5:5-13.

¹² Gomez, Exh. DCG-8, Idaho PUC Case No. AVU-E-04-01, Testimony of Robert J. Lafferty at 19:9-21.

1 2003. In less than a year, T#2 failed resulting in a forced outage at CS2 which lasted
2 from January 16, 2004 to September 6, 2004. The impact to power supply expense
3 was just under \$2 million.

4 As a result of the catastrophic failure of T#1 and the damage to its
5 replacement (T#2), Avista ordered T#3 from a different supplier (Siemens Brazil)
6 which was delivered to CS2 in December of 2004.¹³

7 According to Mr. Dempsey, Siemens Brazil T#3 was placed into service in
8 May of 2007.¹⁴ T#4, an exact duplicate of T#3, was purchased from Siemens Brazil
9 and transported to CS2 and placed into service as a spare in 2009.¹⁵

10
11 **C. Plans to Address Continued Failure of CS2's GSU Transformers.**

12 **Q. Does Avista plan to keep CS2 online during the winter heating season?**

13 A. Yes. The Company continues to monitor T#4's gas-in-oil levels and, if these gases
14 increase to a level where it is no longer safe to operate CS2, then the plant would go
15 into outage. Avista would then filter the transformer's oil to a point where it can
16 bring the unit back on line.¹⁶

17

¹³ Gomez, Exh. DCG-13, UE-050492, Storro, Exh. RLS-1T at 5:15-7:12.

¹⁴ UE-190222, Dempsey, Exh. TCD-1T at 8:12-13.

¹⁵ UE-190222, Dempsey, Exh. TCD-1T at 11:14-16.

¹⁶ UE-190222, Dempsey, Exh. TCD-1T at 14:11-22.

1 **Q. What is your understanding of the plans to keep CS2 online?**

2 A. Based on Mr. Dempsey's statements above, CS2 is at considerable risk of further
3 forced outages and derates. This can materially impact Avista's power cost expense
4 in future ERM deferral years.¹⁷

5
6 **Q. Is Avista developing a long-term plan to address the multiple, persistent failures
7 of CS2' GSU transformers?**

8 A. Yes. Avista continues to investigate the root cause of its multiple GSU transformer
9 failures at CS2 and is in the early process of determining next steps. There appears to
10 be two options on the table: 1) Repair of T#3 and T#4; and 2) Redesign the plant,
11 perhaps to a single-phase transformer configuration. Avista outlines some possible
12 scenarios regarding CS2¹⁸:

13 **Scenario 1:** By summer 2019 volatile gasses will have increased to a point in the
14 transformer where CS2 would have to go into an extended outage (at least one
15 year).

16 **Avista Action:** The Company would ship T#3 to Siemens Brazil to
17 determine if it can be repaired to replace T#4 at CS2. If Siemens Brazil
18 finds that T#3 is unrepairable, Avista would embark on a major redesign
19 of the plant at an estimated cost of \$15 million.

¹⁷ In Exh. JRT-1T at 38:18-22, Mr. Thackston quantifies the cost of lost generation in his description of the overhaul of Colstrip Units 3 and 4's GSU transformers as follows: "...transformers are critical for the operation of the units. If they fail, the cost of lost generation is extraordinary and Avista's share can easily exceed \$75,000 or more per day depending on the price of electricity at the time the outage occurs."

¹⁸ Gomez, Exh. DCG-16, Avista Response to Staff DR No. 9, Attachment A, Thomas Dempsey CS2 Status January 3, 2019, at 2.

1 **Scenario 2:** T#4’s volatile gases hold steady and Avista keeps the plant on line
2 in a derated state until its scheduled outage in April of 2020.

3 **Avista Action:** Depending on Siemens Brazil assessment of T#3, the
4 Company either replaces T#4 with a repaired T#3 or moves forward with
5 a major redesign.

6 **Scenario 3:** T#4’s volatile gases level off and CS2 is back to operating at full
7 load.

8 **Avista Action:** T#4 is replaced by a repaired T#3 in the April 2020
9 scheduled outage.

10

11 **D. Capital Costs Associated with the 2018 CS2 Outage and Derate.**

12 **Q. Is Avista seeking recovery of capital costs associated with the 2018 CS2 outage**
13 **and derate in this case?**

14 A. Yes. These costs are included as ER No. 4133; Coyote Springs 2 – Failed Plant:

15 “Aging assets will have replacement need at end of life or early failure. This
16 business case supports replacement of failed plant equipment at Coyote
17 Springs 2. Upon failure, the failed equipment must be replaced immediately
18 or else plant operations will likely be curtailed or suspended indefinitely. The
19 most significant cost of deferring this work upon failure is the market price of
20 energy to replace the lost production at this plant. Past plant failures include
21 faults on the last three generation step-up transformers, and this issue
22 illustrates an ongoing need for this business case.”¹⁹
23

24 Also, ER No. 4149; Base Load Thermal Plant, is described as follows:

25 “The Base Load Thermal Plant program is an ongoing program necessary to
26 sustain or improve the operation of base load thermal generating plants,
27 including Coyote Springs 2, Colstrip, Kettle Falls, and Lancaster. Capital
28 projects include replacement of items identified through asset management

¹⁹ Thackston, Exh. JRT-4 at 1.

1 decisions and programs necessary to maintain reliable operations of these
2 plants. As this asset maintenance program matures, it is expected to decrease
3 forced outage rates and forced de-ratings of these facilities by one standard
4 deviation less than the current average. As these plants continue to age and
5 are called upon to ramp more frequently to meet variations associated with
6 renewable energy integration, their operating performance begins to degrade
7 over time resulting in increased forced outage rates, which increases exposure
8 to the acquisition of replacement energy and capacity from the market.
9 Having a mature asset management program for these thermal facilities helps
10 minimize plant degradation and market exposure. The program also includes
11 initiatives associated with regulatory mandates for air emissions and
12 monitoring, and projects to meet NERC compliance requirements.”²⁰
13

14
15 **Q. Do you agree with these characterizations of capital investments related to CS2?**

16 A. No. First, while Mr. Thackston’s brief description of ER No. 4133 is generally
17 accurate, it does not come close to fully representing the facts surrounding the
18 current and past outages at CS2. The \$668,298 in capital costs contained in Avista’s
19 2018 test year represents only a fraction of the millions the Company will need to
20 expend in the next few years in order to finally address the persistent failures of
21 CS2’s GSU transformers, the second most expensive end item at the plant.

22 Second, ER-4149 appears to contain additional capital amounts for CS2 and
23 other plants, but Mr. Thackston does not itemize these capital costs by plant.

24 Third, Mr. Thackston’s description of ER-4149 implies the existence of an
25 asset management program for CS2 and the Company’s other thermal generation
26 plants. Mr. Thackston describes how this is necessary to maintain reliability and
27 reduce forced outages and derates.

²⁰ Thackston, Exh. JRT-4 at 3 (emphasis added).

1 **Q. Was Staff able to examine any asset management programs?**

2 A. No. Avista did not provide any asset management program as evidentiary support
3 for these expenditures. Instead, Staff had to refer to Avista’s 2015 GRC, in which
4 the Company produced its 2014 Electric Generation Annual Update.²¹ This update
5 described the asset management process that the Company uses to determine the
6 optimal level of capital investment, maintenance and replacement practices for its
7 generation assets. According to the 2014 Electric Generation Annual Update, its
8 stated purpose is to:

9 “
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]”²²

19 The 2014 Electric Generation Annual Update, states that [REDACTED]
20 [REDACTED]”²³

21
22 **Q. Is the Electric Generation Annual Update still being produced?**

23 A. No. According to the Company, the Electric Generation Annual Update was
24 produced for one year only, 2014. Avista goes on to explain that “[t]he foundational
25 concepts of the Electric Generation Reports were migrated into the Company’s

²¹ Gomez, Exh. DCG-4C.

²² Gomez, Exh. DCG-4C at 9.

²³ Gomez, Exh. DCG-4C at 76.

1 Infrastructure Plans, a more broad-based approach focused on each business unit,
2 including budgets and expenditures. The first report of this kind for Generation was
3 produced in 2019.”²⁴

4

5 **Q. Did the Company provide its Asset Management Plans for the Company’s GSU**
6 **Transformers, including T#3 and T#4 at CS2?**

7 A. No. Exh. DCG-4C contains the Company’s response to a discovery request for the
8 asset management plans for CS2’s GSU transformers:

9 “With regard to Coyote Springs 2, Portland General Electric [PGE] performs
10 GSU rounds at least twice in each 24-hour period to identify changes in noise,
11 leaks, excessive heat, or other abnormal conditions. Dissolved gas oil samples
12 are taken manually at least biannually. The results of the dissolved gas oil
13 samples are reviewed by Avista’s Generation Engineering and tracked in a
14 Transformer Oil Analyst program. Additionally there is an on-line Gas
15 Chromatograph (Serveron) that samples and records the dissolved gas in oil
16 every four hours.”²⁵

17 Based on Avista’s response, it appears that PGE may conduct inspections of the
18 facility, including the GSU transformers.

19

20 **Q. Is this response adequate?**

21 A. No. A document specifying twice daily inspections does not equate to an asset
22 management plan which is generally defined as the plan, process, and technology
23 that work together to implement strategies for managing assets. By their nature,
24 asset management plans identify the optimal level of capital investment, maintenance
25 and replacements necessary to maintain the output of the asset. Without that type of

²⁴ Gomez, Exh. DCG-4C at 1.

²⁵ Gomez, Exh. DCG-4C at 2.

1 detail, Staff concludes that no asset management plans exist for CS2’s GSU
2 transformers.

3

4 **Q. Is there any evidence on the progress Avista has made in reducing its thermal
5 plant facility forced outage rates and forced derates?**

6 A. No. In response to Staff DR No. 1 (ERM), Mr. Dempsey provides Avista’s
7 Equivalent Availability Factor (“EAF”) statistics for its thermal plants reported to the
8 North American Electric Reliability Corporation (“NERC”) via the Generating
9 Availability Data System (“GADS”).²⁶ The table below shows EAF values²⁷ for
10 Avista’s thermal resources for the years 2014 through 2018.

Avista Thermal Plant Equivalent Availability Factor (EAF)					
Unit	2014	2015	2016	2017	2018
Colstrip 3	76.84	94.46	90.18	79.26	84.72
Colstrip 4	87.72	92.53	81.41	93.56	79.45
Lancaster	95.02	93.19	84.31	90.88	92.07
Kettle Falls	79.52	85.2	89.04	79.18	81.23
Coyote Springs 2	94.20	95.22	90.65	91.14	79.43

11 This data shows that, in the period between 2014 through 2017, there was not
12 a material increase in availability, with the possible exception of Colstrip 4 (5.84%).
13 Therefore, without considering the impacts of the 2018 outages and derates for
14 Colstrip and CS2, which only serves to decrease availability, Staff concludes that
15 ER-4149 has not had a measurable impact in improving the availability and
16 reliability of Avista’s thermal resources.

²⁶ Avista’s response to Staff DR No. 1 (ERM) is included as: Gomez, Exh. DCG-5.

²⁷ EAF is the fraction of hours in which a generating unit is available without any outages and equipment or seasonal deratings. Forced Outage Rate is the ratio of forced outage hours (due to an unexpected breakdown) to total operating hours.

1

2 **Q. Are there any offsetting factors to be considered before including these costs in**
3 **rates?**

4 A. Yes. Avista's response to Staff DR No. 2 (ERM) adds more support to Staff's
5 recommendation to exclude CS2 GSU related expenses and capital at this time.²⁸

6 For example, Mr. Thackston makes no mention of the Company's \$5.2 million
7 insurance claim on T#3 in his direct testimony, which would directly offset ratepayer
8 costs.²⁹ Mr. Thackston's testimony is also silent as to the disposition (write-off) of
9 the \$2.9 million in net book value remaining on T#3 and T#4 if and when they are
10 found to be no longer used and useful.³⁰

11

12 **E. Staff's Recommendation for CS2 Test Year Capital Additions.**

13 **Q. What is your recommendation regarding Avista's test year capital additions for**
14 **ER-4133 and ER-4149?**

15 A. I recommend that the capital additions in ER-4133 be rejected. It is simply too early
16 to evaluate or include these capital costs in rates. Until Avista produces a detailed
17 plan with cost estimates, including an evaluation of alternatives to the millions
18 required to redesign the plant, no amounts for this ER should be included in the
19 Company's ratebase.

20 As for ER-4149, my testimony highlights gaps in Avista's evidentiary
21 support for these capital additions. These gaps directly challenge Ms. Karen K.

²⁸ Gomez, Exh. DCG-6.

²⁹ Gomez, Exh. DCG-6 at 3.

³⁰ Gomez, Exh. DCG-6 at 4.

1 Schuh's assertion that Avista has provided "'significant auditable data' at the outset
2 for Parties to review during the pendency of this case."³¹

3 4 **IV. COLSTRIP OUTAGE AND DERATE**

5 **A. Background and Impact.**

6 **Q. Please describe the Colstrip generation outage and derate that occurred in 2018.**

7 A. During the second quarter of 2018, Units 1 and 2 were offline. During the same
8 quarter and the next, Units 3 and 4 were forced offline by the operator, Talen. This
9 forced outage was due to violating emissions standards. Unit 3 was removed from
10 service on June 28 and kept offline until July 8. Unit 4 was removed from service on
11 June 29 and kept offline until July 17. When these units came back online during the
12 period of non-compliance, they were derated to run only for the purposes of
13 gathering information, performing diagnostics, evaluating potential remedial actions,
14 and testing.

15
16 **Q. Please Describe the Emissions Standards that forced these units to be shutdown.**

17 A. The Mercury Air Toxics Standard³² ("MATS") requires that particulate matter
18 ("PM") emissions be used as a surrogate for toxic emissions or non-mercury metals.
19 MATS also requires that the Colstrip Units maintain a rolling 30-day average PM
20 emission rate of 0.030 pounds per million British Thermal Units (lb/MMBtu). This

³¹ Schuh, Exh. KKS-1T at 10:21-22.

³² The Colstrip Units are subject to 40 C.F.R. Part 6, Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—commonly referred to as the Mercury Air Toxics Standard.

1 means the average PM emission rate across all four Colstrip Units must be less than
2 or equal to 0.030 lb/MMBtu. Starting in the first quarter of 2018, the PM levels at
3 Colstrip were elevated, and were at or just below the PM limit of 0.030 lb/MMBtu
4 limit.³³

5 During the second quarter of 2018, Units 1 and 2 were offline and therefore
6 not subject to MATS PM emission testing. On June 21, 2018, Unit 3 was tested and
7 the results indicated a PM emission rate of 0.043 lb/MMBtu. On June 26, 2018,
8 Unit 4 was tested and the results indicated a PM emission rate of 0.051 lb/MMBtu.
9 These tests revealed that Colstrip Units 3 and 4 were out of compliance with the PM
10 emission limit. Talen notified MDEQ of the non-compliant test results on June 28,
11 2018. Due to this violation of the PM emission limit, Units 3 and 4 went into a
12 forced outage.

13

14 **Q. When were the units brought back on line?**

15 A. On September 4, 2018, Unit 4 demonstrated compliance with a PM emission rate of
16 0.021 lb/MMBtu. On September 11, 2018, Unit 3 demonstrated compliance with a
17 PM emission rate of 0.024 lb/MMBtu.

18

19 **Q. Did Avista procure power from different sources during these outages?**

20 A. Yes. Avista estimates that it incurred \$3.5 million in replacement power costs as a
21 result of the outage and derate.³⁴ All three Colstrip owners are now seeking recovery

³³ Gomez, Exh. DCG-2, Colstrip Units 3 and 4 PM Levels.

³⁴ UE-190222, Dempsey, Exh. TCD-1T at 7:16-19.

1 of their replacement power costs in their respective power cost adjustment
2 mechanisms.

3

4 **B. Staff's Recommendation for Colstrip Capital and ERM Power Costs.**

5 **Q. Is Staff evaluating the prudence of the outage and derate of Units 3 and 4 in this**
6 **GRC?**

7 A. No. As a result of the consolidation of the 2018 ERM annual power cost review with
8 the GRC, Staff conducted its initial discovery into the prudence of 2018 Colstrip
9 outage and derate under this GRC docket. For the other two Colstrip owners,
10 informal discovery was conducted in each of their annual power cost reviews.
11 Staff's efforts at discovery under this regime were difficult. However, Staff was able
12 to gather enough information to file a motion with the Commission recommending
13 severance of Avista's 2018 ERM annual power cost review from its GRC, so that the
14 2018 ERM review can be consolidated with PSE's and PacifiCorp's 2018 annual
15 power cost reviews under a single docket. Given that all three companies' power
16 cost reviews concern the same underlying facts and principles of law, Staff believes
17 it would promote judicial economy to consolidate all three dockets into one
18 adjudicative proceeding for the purpose of evaluating the prudence of 2018 power
19 cost expenses, including Avista's share of the effects caused by the Colstrip outage
20 and derate summarized in the table below.

2018 ERM Deferral Balance Impacts; Baseload Generation Outage & Derates (Company Estimate)	
CS2 Replacement Power Costs	\$4.6 million
Colstrip Units 3 & 4 Replacement Power Costs	\$3.5 million

21

1 **Q. Is Staff supporting any pro forma adjustment for capital additions related to**
2 **Colstrip Units 3 and 4?**

3 A. No. According to Ms. Schuh’s exhibit, Avista is not seeking to include any pro
4 forma capital for Colstrip Units 3 and 4 in this case. However, Mr. Thackston’s
5 testimony includes pro forma capital additions for 2019 which do not appear in Ms.
6 Schuh’s Exh. KKS-2.³⁵ Staff is not evaluating the amounts and projects for 2019
7 included in Mr. Thackston’s testimony because, according to Ms. Schuh, they are not
8 being included in this case.

9 However, the test year, not pro forma adjustments, includes \$14.9 million in
10 Colstrip capital additions. These costs are addressed by Mr. Thackston.

11
12 **Q. Does Staff address the test year capital additions for Colstrip?**

13 A. Yes. However, Mr. Thackston’s testimony provides support for \$9.2 million in test
14 year capital additions for Colstrip (out of the \$14.9 million total in ER No. 4116).
15 The remaining \$5.7 million is not addressed in Mr. Thackston’s testimony, as this
16 amount is comprised of projects that are individually less than \$400,000 or \$500,000
17 in 2017 and 2018 respectively.³⁶ Imbedded within the \$5.7 million are also capital
18 costs associated with the 2018 Colstrip outage and derate. Avista’s 15 percent share
19 of \$1.3 million (\$196,502) of capital costs incurred directly as a result of the outage
20 are included in the Company’s test year.³⁷ As mentioned previously, this amount,

³⁵ See Mr. Thackston’s amounts for 2019 in Exh. JRT-1T at 35:12-14, Table 6, and his statements in Exh. JRT-1T at 47:16-48:2 (“Projects included for 2019 Colstrip generation capital additions included in this case should be considered building block projects that support the same strategic goal – to meet our regulatory obligations and environmental compliance requirements under the AOC and CCR.”) (emphasis added).

³⁶ Thackston, Exh. JRT-1T at 35:17-19; 36:4-7.

³⁷ Gomez, Exh. DCG-14 at 3.

1 along with Avista's approximately \$3.5 million in replacement power costs, will be
2 addressed in a separate adjudicative proceeding. As such, these amounts should be
3 removed from the test year in the GRC. Therefore, the amount at issue in the present
4 case is the \$196,502 in test year capital associated with the outage and derate.

5
6 **Q. For the relevant test year capital expenditures related to Colstrip, what is your**
7 **recommendation?**

8 A. In total, my proposed level of test year capital for ER-4116, Colstrip, is \$12.1
9 million. This amount reflects the proposed reduction to Avista's test year capital
10 associated with the outage and derate discussed above along with test year capital
11 amounts for SmartBurn. Mr. Thackston's 2017 test year capital additions in ER No.
12 4116 include \$2.0 million for the installation of SmartBurn in Units 3 and 4.³⁸ I
13 recommend that Avista's test year amounts for SmartBurn be disallowed for reasons
14 that I will discuss in the next section of my testimony.

15
16 **V. COLSTRIP UNIT 3 & 4 SMARTBURN**

17 **Q. What is your recommendation related to SmartBurn?**

18 A. I recommend the Commission disallow costs associated with SmartBurn. Avista has
19 failed to meet its evidentiary burden that its share of SmartBurn capital costs were
20 prudently incurred. In my review of Avista's SmartBurn investment, I employ the
21 Commission's prudence standard and the guidance provided by the Commission in

³⁸ Thackston, Exh. JRT-1T at 35:23.

1 its final order in Avista’s last GRC. In its final order, the Commission concluded
2 that Avista had:

3 “...provided insufficient information related to its investments at Colstrip
4 Units 3 and 4. The Company presents an argument for the Smart Burn
5 investment on rebuttal, but it does not dispel Staff’s primary concern: that
6 the investment does not appear to have been required by any state or federal
7 laws. Any future compliance obligations that the Smart Burn investment
8 might have helped mitigate are purely speculative, and it is unclear whether
9 the decision by the Colstrip owners to proactively take on future assumed
10 compliance obligations reflected that retirements of other coal units in the
11 region might reduce any compliance obligations for Colstrip Units 3 and
12 4.”³⁹

13 In addition to the Commission’s final order, I also examined the direct testimony of
14 Sierra Club witness Dr. Ezra D. Hausman in Case No. AVU-E-1701 before the Idaho
15 Public Utilities Commission.⁴⁰

16 **Q. What is your understanding of the prudence standard?**

17 A. The Commission has articulated its prudence standard in a number of decisions. In
18 one such decision, the Commission stated:

19 “It is generally conceded that one cannot use the advantage of hindsight. The
20 test this Commission applies to measure prudence is what a reasonable board
21 of directors and company management [would] have decided given what they
22 knew or reasonably should have known to be true at the time they made a
23 decision. This test applies both to the question of need and the
24 appropriateness of the expenditures.”⁴¹

25
26 The Commission has also explained that, after a company initiates a project, that
27 company must continue to evaluate and ensure its prudence:

28 “Simply because the decision to begin a project is prudent does not mean the
29 continuation or completion of the project is *ipso facto* prudent. The

³⁹ Wash. Utils. & Transp. Comm’n v. Avista Corp., Dockets UE-170485 & UG-170486, Order 07, p. 68, ¶ 204 (Apr. 26, 2018).

⁴⁰ Gomez, Exh. DCG-17.

⁴¹ Wash. Utils. & Transp. Comm’n v. Puget Sound Energy, Inc., Docket UE-031725, Order 14, p. 34, ¶ 65 (May 13, 2004) (citations omitted).

1 Commission believes that a company must continually evaluate a project as it
2 progresses to determine if the project continues to be prudent from both the
3 need for the project and its impact on the company's ratepayers.”⁴²
4

5 In addition, the Commission has made it clear that the company bears the burden of
6 demonstrating prudence.⁴³
7

8 **Q. Did you see any evidence to suggest SmartBurn was a factor in the 2018 Outage
9 and Derate of Units 3 and 4?**

10 A. No. Staff did not find anything specific to SmartBurn in the Root Cause Analysis
11 report (RCA) commissioned by Talen and the other Colstrip owners.⁴⁴ However,
12 among the RCA's recommended solutions to address PM control issues at Colstrip is
13 the following statement:

14 “Change the objectives of furnace optimization: The burners are currently
15 tuned to minimize slagging and NOX emissions, while also maintaining
16 output. Recommend including control of PM as an objective of boiler
17 operation. Status: In process”⁴⁵
18

19 Neither the testimony of Mr. Dempsey nor Mr. Thackston addresses the
20 impact to NOx emissions resulting from the retuning of the Colstrip burners. As a
21 result, Staff cannot validate if Avista's claimed improvements to NOx emissions
22 resulting from the installation of SmartBurn on Units 3 and 4 will be completely

⁴² *Wash. Utils. & Transp. Comm'n v. The Wash. Water Power Co.*, Cause No. U-83-26, Fifth Supplemental Order, p. 13 (Jan. 19, 1984).

⁴³ *Id.* (“As with all issues, the company bears the burden to prove initiation, construction and continuation of the project was prudent.”); *see also* *Petition of Puget Sound Power & Light Co. for an Order Regarding the Accounting Treatment of Residential Exchange Benefits*, Docket No. UE-920433, Eleventh Supplemental Order, p.19 (Sept 21, 1993) (“Puget must make an affirmative showing of the reasonableness and prudence of the expenses under review . . . even in the absence of a challenge by another party”).

⁴⁴ Gomez, Exh. DCG-15C at 5-20.

⁴⁵ Gomez, Exh. DCG-15C at 19.

1 erased or even increase as a result of the actions taken to bring PM emissions back
2 into compliance.

3 It is important to note here that Staff is not basing its recommendation to
4 disallow the capital costs associated with the installation of SmartBurn on Units 3
5 and 4 on whether or not it contributed in any way with the outage and derate.
6 Instead, Staff’s recommendation is that SmartBurn continues to be unnecessary and
7 provides no benefit to Avista’s ratepayers.

8

9 **A. Avista Failed to Demonstrate the Need for SmartBurn.**

10 **Q. Has Avista met its burden to demonstrate the need for SmartBurn?**

11 A. No. Mr. Thackston states that Avista and the other Colstrip owners had a continuing
12 expectation that future additional NOx reductions would be required for Colstrip
13 Units 3 and 4 which would necessitate the installation of Selective Catalytic
14 Reduction (“SCR”) by 2027.⁴⁶ He says that this expectation arose from both the
15 Federal Implementation Plan (“FIP”) to address regional haze in the State of
16 Montana⁴⁷ and the State of Montana’s Regional Haze Progress Report dated August
17 2017.⁴⁸

18

19 **Q. Are there any requirements for the installation of SCR at Colstrip Units 3 and 4?**

20 A. No. Section III - Final Action, of the FIP contains a table identifying the control
21 technologies, associated costs, and emission reductions for a handful facilities

⁴⁶ Thackston, Exh. JRT-1T at 42:14-21.

⁴⁷ Gomez, Exh. DCG-9.

⁴⁸ Gomez, Exh. DCG-10.

1 including Colstrip Units 1 and 2. Units 3 and 4 were also analyzed, but under a
2 different source category than Units 1 and 2. However, the FIP applied no additional
3 emission control requirements or limits on Units 3 and 4 at that time.

4
5 **Q. What happened to the emission limits for Units 1 and 2 imposed by the FIP?**

6 A. On June 9, 2015, the United States Court of Appeals for the Ninth Circuit vacated
7 the emission limits for Colstrip Units 1 and 2.⁴⁹ By then, SmartBurn had already
8 been installed on Unit 2.⁵⁰ In 2016, an agreement was reached between Sierra Club
9 and the owners of the Colstrip facility to shut down Colstrip Units 1 and 2 by 2022,
10 and the owners agreed to comply with certain emission limits for NOx and SO₂.

11
12 **Q. Does the State of Montana's Regional Haze Progress Report of 2017**
13 **recommend the installation of SCR?**

14 A. No. The Regional Haze Progress Report of 2017 (2017 Report) evaluates visibility
15 progress in Montana since the baseline years of 2000-2004 and, more specifically,
16 progress since the Montana FIP was published in 2012. The report provides a five-
17 year update on the current status of visibility at the Class I Areas affected by
18 emissions from Montana sources of air pollution and describes statewide emissions
19 reductions. The report concluded that the Montana FIP was adequate and did not
20 require substantive revision to achieve established visibility goals.⁵¹

21

⁴⁹ *National Parks Conservation Ass'n v. E.P.A.*, 788 F.3d 1134, 1143 (9th Cir. 2015).

⁵⁰ Gomez, Exh. DCG-10, Ch. 2, Page 2-5.

⁵¹ Gomez, Exh. DCG-10, p. i.

1 **Q. Chapter 2 of the 2017 Report mentions the installation of SmartBurn on Units 3**
2 **and 4. Was the installation of SmartBurn mandated by either the FIP or the**
3 **2017 Report?**

4 A. No. The 2017 Report’s mention of the installation of SmartBurn on Units 3 and 4
5 describes a voluntary action on the part of the Colstrip owners.⁵²
6

7 **B. Avista Failed to Maintain Appropriate Documentation.**

8 **Q. Did Mr. Thackston provide any contemporaneous documents which**
9 **memorialized the decisions made by Avista and the other Colstrip owners to**
10 **install SmartBurn on Units 3 and 4?**

11 A. No. Mr. Thackston’s testimony and exhibits provide no such contemporaneous
12 documents. He produces no evidence showing what “future regulatory
13 obligation[s]”⁵³ were contemplated by Avista’s management at that time, including
14 analysis showing the “wide variety of NOx control solutions”⁵⁴ that were considered
15 by the owners of Units 3 and 4 when the decision was made to install SmartBurn. It
16 would seem that providing the required evidence would be rather easy as
17 documentation regarding operating and capital budgets should be maintained as per
18 Section 17(c) of the Colstrip Unit 3 and 4 Ownership and Operation Agreement.
19 Section 17 requires the preparation and distribution, to all owners, of written minutes
20 of the Project Committee, whose responsibilities include the approval of the annual
21 Colstrip Unit 3 and 4 operating and capital budgets.⁵⁵ While it appears that capital

⁵² Gomez, Exh. DCG-10, Ch. 2, pp. 2-8.

⁵³ Thackston, Exh. JRT-1T at 42:5-7.

⁵⁴ Thackston, Exh. JRT-1T at 41:4-6.

⁵⁵ Gomez, Exh. DCG-11.

1 decisions should be documented and then provided to Staff in the conduct of a
2 prudence review, no evidence supporting the decision has been provided.

3

4 **C. Avista Failed to Demonstrate the Benefit of Installing SmartBurn.**

5 **Q. What evidence did Mr. Thackston provide to substantiate claims about the**
6 **benefits of installing SmartBurn in Units 3 and 4?**

7 A. None, other than a reference to a six percent improvement in NOx removal.⁵⁶

8

9 **Q. Did you investigate the source of Mr. Thackston's claim of six percent**
10 **improvement in NOx removal?**

11 A. Yes. It appears that Mr. Thackston's source for this claim is on pages 2-8 of Exh.
12 DCG-10. However, the 2017 Report states that six percent was an expected, not
13 actual, improvement in NOx removal. Additionally, Footnote 22 identifies the
14 source of this information as a conversation with Mr. Gordon Criswell of Talen
15 Energy.

16

17 **Q. How about Mr. Thackston's claims of lower O&M and capital costs as a result**
18 **of installing SmartBurn?**

19 A. Mr. Thackston provides no evidence for such claims.

20

⁵⁶ Thackston, Exh. JRT-1T at 44:5-10.

1 **D. The Decision to Install SmartBurn was Imprudent.**

2 **Q. You examined actual NOx emission data reported to EPA for Colstrip Units 3**
3 **and 4 before and after the installation of SmartBurn. What did you conclude as**
4 **a result?**

5 A. Both Units 3 and 4 improved very little, if at all. The observed decrease in NOx
6 levels after the installation of SmartBurn for both units was 0.01 lbs/MMBtu.⁵⁷

7
8 **Q. How does actual emission data from Colstrip Units 3 and 4, operating with**
9 **SmartBurn, impact the prudence of the decision to invest in SmartBurn?**

10 A. The current operating status of the SmartBurn investment is not relevant to the
11 decision by the Company to invest in SmartBurn. However, it demonstrates that
12 SmartBurn does not, and has not, provided any benefit through reduced emissions.
13 Therefore, based on my testimony above, both the decision to invest in SmartBurn
14 was imprudent.

15
16 **E. The SmartBurn Investment Should Be Disallowed.**

17 **Q. In summary, has Avista met its burden that the installation of SmartBurn on**
18 **Units 3 and 4 was prudent?**

19 A. No. The Company has not provided evidence supporting its investment in
20 SmartBurn. There is no evidence that SmartBurn is required to comply with Federal
21 law regarding NOx. There was no documentation provided that supported the
22 investment. Further, the investment is not currently providing any benefit to

⁵⁷ Gomez, Exh. DCG-12.

1 ratepayers, as NOx levels were decreased by only 0.01lbs per MMBtu. Therefore,
2 absent evidence of need, the Company's decision making process, or a substantial
3 improvement in NOx levels, I recommend that the Commission reject \$2.0 million of
4 Avista's test year capital addition for SmartBurn.

6 VI. POWER COST WORKSHOPS

7 **Q. Having reviewed the testimony of Mr. Kalich regarding the power supply
8 modeling workshops, does Staff offer any comments?**

9 A. Yes. Mr. Kalich has produced a good summary of the accomplishments thus far.
10 Staff would like to acknowledge the hard work of the Avista team and participants in
11 addressing what is a very technically demanding problem. We agree with his
12 assessment that the parties remain committed towards achieving consensus with the
13 goal of an improved power supply modelling methodology.

14
15 **Q. Can you provide an update on next steps from what Mr. Kalich provided in his
16 testimony?**

17 A. Yes. Staff participated in Workshop 5 and completed a site visit to the Company's
18 headquarters in Spokane in March. Workshop 6 is scheduled for November 2019,
19 and the agenda will include scoping for the work of the consultant. Staff concurs
20 with Mr. Kalich's optimism that the parties will achieve the stated goal of the
21 workshops.

1 **Q. Do you have any concerns regarding the current power supply baseline for the**
2 **2019 ERM deferral year?**

3 A. Yes. As we head into the winter heating season, questions remain regarding the
4 status of CS2's degraded GSU transformer and emission problems at Colstrip Units
5 3 and 4. Any outage or simultaneous outage of these two important baseload plants
6 will materially impact the ERM deferral balance.

7
8 **Q. Does Mr. Kalich's or any other Company witness share your concern?**

9 A. No. Mr. Kalich's testimony states that there have been no extraordinary
10 circumstances since the Commission approved the current baseline in Avista's last
11 GRC.⁵⁸ In Avista's August 2019 ERM Deferral Report, the cumulative balance in
12 the current deferral year is -\$221,861, well within the deadband and just slightly
13 below the baseline. However, I disagree with Mr. Kalich that there have been no
14 extraordinary circumstances since the baseline was approved, for the reasons I
15 explain earlier in my testimony regarding CS2 and Colstrip Units 3 and 4.

16

17 **VII. STAFF'S LIST OF CONTESTED ISSUES IN UE-190222**

18

19 **Q. Are you providing a recommendation to the Commission regarding approval of**
20 **Avista's filing in Docket UE-190222?**

21

⁵⁸ Kalich, Exh. CGK-1T at 2:19-22.

1 A. No, not at this time. The Commission suspended the procedural schedule in Docket
2 UE-190222 in Order 04 entered October 2, 2019.

3

4 **Q. Does Order 04 require Staff to make any filings in Docket UE-190222 along**
5 **with the response testimony in the general rate case due October 3, 2019?**

6 A. Yes, paragraph 9 of that order states: “[W]e require Staff, Public Counsel, and the
7 Intervenors to each file a list of contested issues regarding Docket UE-190222 identified
8 in their responsive testimony by 5 p.m. on Thursday, October 3, 2019.”

9 **Q. Can you please list Staff’s contested issues in Docket UE-190222?**

10 A. Yes.

11 1. Staff’s primary concern in the ERM (UE-190222), PCA (UE-190324), PCAM
12 (UE-190458) (collectively “Power Cost Filings”) revolve around the same issue.
13 As detailed in Staff’s motion, this issue is whether the actions of Talen and all
14 three companies *leading up to* the 2018 Colstrip Outage were imprudent.⁵⁹ If the
15 outage was caused by imprudent actions that occurred during this time period,
16 then the costs associated with the replacement power purchases incurred and
17 necessitated as a result of the outage would also be imprudent. Staff does *not*
18 believe the actions by Avista, PSE, Pacific Power (collectively the “Colstrip
19 Owners”), or Talen were imprudent *after the outage occurred*. This includes the
20 actions to get the Colstrip Units back into MATS PM compliance and the actual
21 procurement methods each company employed to obtain replacement power to
22 meet their respective loads after the outage occurred. To reiterate, Staff’s primary

⁵⁹ UE-190222 (*consolidated*) (Staff’s response to power cost filings and motion for severance and consolidation) (filed September 26, 2019).

1 concern in each of the Power Cost Filings is the actions and decision making
2 processes of each company—as joint-owners of Colstrip—and Talen—as the
3 operator of Colstrip—in the time period leading up to 2018 Colstrip Outage. The
4 answer to this common question will inform Staff’s recommendation to the
5 Commission on whether the replacement power costs associated with the 2018
6 Colstrip Outage were prudently incurred—as to each company. Because Staff’s
7 only substantive concern in each Power Cost Filing pertains to the same common
8 factual and legal question, Staff has requested that the Commission consolidate
9 these dockets on September 26, 2019. Staff made this request to promote judicial
10 economy and to avoid the burden on Staff and the Commission’s limited
11 resources in adjudicating these related cost under three separate discovery orders,
12 protective orders,⁶⁰ and procedural schedules. Staff currently *does not* have any
13 other major concerns with Avista’s 2019 ERM Filing.

14 2. Staff may provide a different recommendation as to the pass-back of any
15 deferred amounts if the 2018 deferrals are approved and exceed the trigger. This
16 issue must be resolved in Docket UE-190222. It is a small issue compared to the
17 primary issue of the outage. It should not be a problem to address this issue in a

⁶⁰Staff would like to reiterate its concerns about the confidentiality amongst the three dockets. To illustrate this concern, yesterday Pacific Power provided a supplementary confidential response to UTC Staff Informal Data Request No. 8 (UE-190458) that provided supplementary documents and a narrative statement pertaining to Talen’s actions leading up to the 2018 Colstrip Outage. As it stands now, Staff cannot use this information in its recommendation in Docket UE-190222 because Pacific Power has marked the information in these documents as confidential. Currently, the only way Staff can use this information in Docket UE-190222 is to ask Avista for this information via data request. If Avista fails or refuses to give this information to Staff, Staff cannot use this information in its recommendation to the Commission because it is not within the administrative record. If these confidentiality issues (amongst the three Colstrip Owners) are not resolved within a consolidated adjudication, this could seriously inhibit Staff’s ability to provide informed recommendations to the Commission. It further would likely result in inconsistent recommendations to the Commission as to each Colstrip Owner as to their related power costs resulting from the same outage.

1 case consolidating the three Power Cost Filings. It is Staff's understanding that
2 consolidation is proper when the facts or principles of law in two or more
3 proceedings are related. It is not Staff's understanding that filings must have
4 identical facts and issues in order to be consolidated.

5
6 **Q. Is there anything else you would like to discuss in regard to Order 04's**
7 **direction?**

8 A. Staff's investigation indicates that the replacement power costs associated with the
9 Outage and Derate at Coyote Springs Unit 2 were prudent. Staff is not planning to
10 dispute these. However, Staff reserves the right to pursue other issues in light of new
11 evidence that may come to light after the filing of this testimony.

12 Staff would lastly like to note that, although Staff has major concerns only
13 pertaining to the costs associated with the 2018 Colstrip Outage (described above
14 and in Staff's motion), the Commission will ultimately have to make a ruling on the
15 entire 2018 ERM deferral balance in Docket UE-190222—which includes the
16 replacement power costs associated with the outages at Coyote Springs Unit 2 as
17 well as Colstrip units 3 and 4.⁶¹ This means that it does not make sense to try to sever
18 individual issues and consolidate some of them in a new docket while leaving others
19 in the general rate case. The entire Docket UE-190222 should be severed from the
20 general rate case and consolidated with the other Power Cost Filings to enable the
21 Commission to make a decision that addresses the entirety of each filing.

⁶¹ See Docket UE-011595 (Settlement Stipulation) p.7; see also Docket UE-011595, Fifth Supplemental Order (Approving and adopting Settlement Stipulation). Accordingly, Staff may have to provide responsive testimony in Docket UE-190222 on other issues within the docket—even though Staff would not be contesting them.

1

2

VIII. SUMMARY AND RECOMMENDATIONS

3

4 **Q. Can you summarize your recommendations in this case?**

5 A. Yes. Staff recommends the Commission reject \$3.5 million in production capital
6 included in the Company's test year totals. This \$3.5 million is comprised of capital
7 amounts for both the outage and derates at CS2 and Colstrip Units 3 and 4 plus the
8 Company's share of capital costs associated with the installation of SmartBurn on
9 Colstrip Units 3 and 4. Additionally, I recommend the removal of \$0.3 million in
10 production operation and maintenance expense related to the 2018 Colstrip outage
11 and derate.

12

13 **Q. Does this conclude your testimony?**

14 A. Yes.

15