

**Exh. JDW-27
Dockets UE-230172 and UE-210852
Witness: John D. Wilson**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**PACIFICORP d/b/a PACIFIC POWER
AND LIGHT COMPANY,**

Respondent.

**DOCKETS UE-230172 and
UE-210852 (Consolidated)**

In the Matter of

**ALLIANCE OF WESTERN ENERGY
CONSUMERS'**

**Petition for Order Approving Deferral of
Increased Fly Ash Revenues**

**EXHIBIT TO
CROSS-ANSWERING TESTIMONY OF**

JOHN D. WILSON

**ON BEHALF OF STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

PacifiCorp Response to UTC Staff Data Request 153, 1st Supplemental

December 27, 2023

UE-230172 / PacifiCorp
October 3, 2023
WUTC Data Request 153 - 1st Supplemental

WUTC Data Request 153

Power Costs - Does PacifiCorp agree that the Jim Bridger plant is not subject to the final Ozone Transport Rule? (Exh. BGM-1CT at 46)?

1st Supplemental Response to WUTC Data Request 153

Further to the Company's response to WUTC Data Request 153 dated October 2, 2023, and without waiving the objections identified in that previous response, the Company provides the following additional response:

On July 27, 2023, the Tenth Circuit Court of Appeals issued an order¹ that stays the enforcement of the Ozone Transport Rule (OTR) in Utah pending the outcome of ongoing litigation. Based on that order and the continuing uncertainty around Wyoming, the Company agrees—based on information known at the time that this response was prepared—that all Company plants (not just the Jim Bridger plant) are not subject to the OTR in the calendar year 2024 test period.

The Company notes that the impact to Washington net power costs (NPC) is different when considering the removal of the OTR from all Company plants, as compared to selectively removing the OTR from only one plant, or only one state.

The Company further notes that the Alliance of Western Energy Consumers' (AWEC) consultant, Bradley G. Mullins, agrees with this position based on AWEC's testimony filed in Oregon on August 16, 2023² and AWEC's testimony filed in Wyoming on August 14, 2023.³

PREPARER: Ramon J. Mitchell

SPONSOR: Ramon J. Mitchell

¹ State of Utah v. U.S. Env't Prot. Agency, Case No. 23-9509, Order (10th Cir. July 27, 2023) (available at https://www.oag.ok.gov/sites/g/files/gmc766/f/documents/2023/stay_order.pdf) (last visited Sept. 18, 2023).

² *In the Matter of PacifiCorp, dba Pacific Power, 2024 Transition Adjustment Mechanism*, OPUC Docket No. UE 420, Rebuttal Testimony of Bradley G. Mullins at 34 (AWEC/200) (Aug 16, 2023).

³ *In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Service Rates by Approximately \$140.2 Million Per Year or 21.6 Percent and to Revise the Energy Cost Adjustment Mechanism*, Docket No. 20000-633-ER-23 (Record No. 17252), Direct Testimony of Bradley G. Mullins at 58-59 (Aug 14, 2023).