

**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, 1<sup>st</sup> Supplemental*

**December 27, 2023**

UE-230172 / PacifiCorp  
October 3, 2023  
WUTC Data Request 153 - 1<sup>st</sup> 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)?

### **1<sup>st</sup> 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 order<sup>1</sup> 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, 2023<sup>2</sup> and AWEC's testimony filed in Wyoming on August 14, 2023.<sup>3</sup>

PREPARER: Ramon J. Mitchell

SPONSOR: Ramon J. Mitchell

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<sup>1</sup> 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](https://www.oag.ok.gov/sites/g/files/gmc766/f/documents/2023/stay_order.pdf)) (last visited Sept. 18, 2023).

<sup>2</sup> *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).

<sup>3</sup> *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).