

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Stephen McAlpine, Chairman  
Rebecca L. Pauli  
Robert M. Pickett  
Norman Rokeberg  
Janis W. Wilson

In the Matter of the Request Filed by the )  
MUNICIPALITY OF ANCHORAGE d/b/a )  
MUNICIPAL LIGHT & POWER DEPARTMENT for )  
Approval to Establish Depreciation Rates )

U-16-094

In the Matter of the Tariff Revisions, Designated as )  
TA357-121, filed by the MUNICIPALITY OF )  
ANCHORAGE d/b/a MUNICIPAL LIGHT & )  
POWER DEPARTMENT )

U-17-008

**MUNICIPAL LIGHT AND POWER'S SECOND SUPPLEMENTAL RESPONSE TO  
PROVIDENCE HEALTH & SERVICES' EIGHTEENTH REQUEST FOR DISCOVERY  
ON REPLY TESTIMONY (PHS-MLP-18)**

The Municipality of Anchorage d/b/a Municipal Light and Power ("ML&P"), hereby provides its second supplemental response to Providence Health & Services' ("PHS") eighteenth request for discovery on reply testimony. All responses to discovery are prepared by ML&P in consultation with counsel. Witnesses at hearing will be available for cross-examination on their testimony.

**PRELIMINARY STATEMENT**

Discovery in this docket is not complete. As discovery proceeds, facts, information, evidence, documents, and other matters may be discovered which are not set forth in these responses, but which may be responsive to these discovery requests. The following responses are complete based on ML&P's current knowledge, information, and belief.

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Date: 12-5-17 Exh # A-85  
Regulatory Commission of Alaska  
U-16-094 By: APS U-17-008  
Northern Lights Realtime & Reporting, Inc.  
(907) 337-2221

1 Furthermore, these responses were prepared based on ML&P's good faith interpretation of the  
2 discovery requests and are subject to correction for inadvertent errors or omissions, if any.

3 **GENERAL OBJECTIONS**

4 1. ML&P objects to the production or creation of documents, calculations,  
5 and analyses that do not exist. A document is not within a party's "possession, custody, or  
6 control" if it does not exist.

7 2. ML&P objects to each and every discovery request insofar as it is vague,  
8 ambiguous, overly broad, unduly burdensome, or uses terms that are subject to multiple  
9 interpretations but are not properly defined or explained for purposes of these discovery requests.  
10 Any and all answers ML&P provides in response to these discovery requests will be provided  
11 subject to, and without waiving, this objection.  
12

13 4. ML&P objects to each and every discovery request insofar as it is not  
14 reasonably calculated to lead to the discovery of admissible evidence and is not relevant to the  
15 subject matter of this proceeding. Any and all answers ML&P provides in response to these  
16 discovery requests will be provided subject to, and without waiving, this objection.

17 5. ML&P objects to providing information to the extent such information is  
18 already a matter of public record. PHS is not entitled to require other parties to gather  
19 information that is equally available and accessible to it.

20 6. ML&P objects to each and every discovery request insofar as it seeks  
21 documents or information protected by the attorney-client privilege or the work product  
22 privilege. Nothing contained in these responses is intended as, or shall in any way be deemed, a  
23

24  
25 MUNICIPAL LIGHT AND POWER'S SECOND SUPPLEMENTAL RESPONSE TO PHS'  
26 EIGHTEENTH REQUEST FOR DISCOVERY ON REPLY TESTIMONY (PHS-MLP-18)  
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1 waiver of any such privilege or protection, or any other applicable privilege or doctrine.

2 7. ML&P objects to the instructions contained in PHS's Eighteenth Request  
3 for Discovery on Reply Testimony to the extent they conflict with, are inconsistent with, or  
4 exceed the requirements of discovery under the Regulatory Commission of Alaska's ("RCA" or  
5 "Commission") rules.

6 8. ML&P objects to the requests for identification of person supplying  
7 responses to the requests. All responses are provided by ML&P in consultation with counsel. In  
8 accord with Commission regulations, ML&P will identify the individuals who supplied  
9 information for a particular response where appropriate.  
10

11 **SUPPLEMENTAL DISCOVERY RESPONSES ON REPLY TESTIMONY**

12 **Initial Response To Requests PHS-MLP-18-9(a), (b), (c); PHS-MLP-18-11(a),**  
13 **(b), (c), (d); PHS-MLP-18-13(b); PHS-MLP-18-15(a); PHS-MLP-18-18(b), (d), (j), (l), (n),**  
14 **(r), (s), (v); PHS-MLP-18-20(e), (h), (n), (k); PHS-MLP-18-24(a), (d), (j); PHS-MLP-18-**  
15 **26(a), (c), (e), (h):**

16 The initial response to each of the referenced subparts included a sentence that  
17 reads:

18 ML&P admits that if the referenced data, information, or  
19 calculations existed at one time in the form stated or implied and  
20 was used as source data for the 2009 IRP, it has not been located.

21 **First Supplemental Response To The Referenced Subparts (except request**  
22 **PHS-MLP-18-9(c)):**

23  
24  
25 MUNICIPAL LIGHT AND POWER'S SECOND SUPPLEMENTAL RESPONSE TO PHS'  
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ML&P revises and replaces the sentence included in each referenced subpart of the initial response to read:

Denied to the extent that the statement refers to documents or data that never existed. ML&P cannot admit or deny the statement to the extent that it refers to documents or data for which ML&P and its consultants have no present knowledge of, and cannot determine with reasonable diligence, whether such documents or data existed. ML&P cannot admit or deny the statement to the extent that it refers to documents or data for which ML&P and its consultants have no present knowledge of, and cannot determine with reasonable diligence, whether such documents or data were "deleted." Otherwise, admitted that to the best of their knowledge, ML&P or its consultants deleted the referenced documents or data in the ordinary course of business years prior to commencement of this docket.

**Additional Supplemental Response To The Referenced Subparts:**

ML&P revises and replaces the response included in each referenced subpart of the request to read:

Denied to the extent that the statement refers to documents or data that never existed. ML&P cannot admit or deny the statement to the extent that it refers to documents or data for which ML&P and its consultants have no present knowledge of, and cannot determine with reasonable diligence, whether such documents or data existed. ML&P cannot admit or deny the statement to the extent that it refers to documents or data for which ML&P and its consultants have no present knowledge of, and cannot determine with reasonable diligence, whether such documents or data were "deleted." With respect to the specific data addressed in this subpart, ML&P believes the data existed, but ML&P and its consultants are not aware of specific evidence that this data was "deleted" and therefore cannot admit in response to this request.

MUNICIPAL LIGHT AND POWER'S SECOND SUPPLEMENTAL RESPONSE TO PHS' EIGHTEENTH REQUEST FOR DISCOVERY ON REPLY TESTIMONY (PHS-MLP-18)

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1 **Person(s) Supplying Information:** As stated in the initial responses to the  
2 referenced subparts.

3  
4 **Initial Response To Requests PHS-MLP-18-9 (i), (k), (m), (o):**

5 The initial response to each of the referenced subparts included a sentence that  
6 reads:

7  
8 ML&P admits that if the referenced data, information, or  
9 calculations existed at one time in the form stated or implied and  
10 was used as source data for the 2009 IRP, it has not been located.

11 **First Supplemental Response To The Referenced Subparts:**

12 ML&P revises and replaces the sentence included in each referenced subpart of  
13 the initial response to read:

14 Denied to the extent that the statement refers to documents or data  
15 that never existed. ML&P cannot admit or deny the statement to  
16 the extent that it refers to documents or data for which ML&P and  
17 its consultants have no present knowledge of, and cannot  
18 determine with reasonable diligence, whether such documents or  
19 data existed. ML&P cannot admit or deny the statement to the  
20 extent that it refers to documents or data for which ML&P and its  
21 consultants have no present knowledge of, and cannot determine  
22 with reasonable diligence, whether such documents or data were  
23 "deleted." Otherwise, admitted that to the best of their knowledge,  
24 ML&P or its consultants deleted the referenced documents or data  
25 in the ordinary course of business years prior to commencement of  
26 this docket.

27 **Second Supplemental Response To The Referenced Subparts:**

28 ML&P revises and replaces the first supplemental response included in each  
29 referenced subpart of the request to read:

30  
31 MUNICIPAL LIGHT AND POWER'S SECOND SUPPLEMENTAL RESPONSE TO PHS'  
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1 Denied to the extent that the statement refers to documents or data  
2 that never existed. ML&P cannot admit or deny the statement to  
3 the extent that it refers to documents or data for which ML&P and  
4 its consultants have no present knowledge of, and cannot  
5 determine with reasonable diligence, whether such documents or  
6 data existed. ML&P cannot admit or deny the statement to the  
7 extent that it refers to documents or data for which ML&P and its  
8 consultants have no present knowledge of, and cannot determine  
9 with reasonable diligence, whether such documents or data were  
10 "deleted." Assuming that the reference to "resource" in the request  
11 is referring to the resources identified in Appendix D of the 2009,  
12 IRP, 21th respect to the specific data addressed in this subpart,  
13 ML&P believes the data existed, but ML&P and its consultants are  
14 not aware of specific evidence that this data was "deleted" and  
15 therefore cannot admit in response to this request.

16  
17 **Person(s) Supplying Information:** As stated in the initial responses to the  
18 referenced subparts.  
19

20  
21 **Initial Response To Requests PHS-MLP-18-26(g), (j), (l), (n):**

22 The initial response to each of the referenced subparts included a sentence that  
23 reads:  
24

25 ML&P admits that if the referenced data, information, or  
26 calculations existed at one time in the form stated or implied and  
was used as source data for the 2009 IRP, it has not been located.

27 **First Supplemental Response To The Referenced Subparts:**

28 ML&P revises and replaces the sentence included in each referenced subpart of  
29 the initial response to read:  
30

31 Denied to the extent that the statement refers to documents or data  
32 that never existed. ML&P cannot admit or deny the statement to  
33 the extent that it refers to documents or data for which ML&P and  
34 its consultants have no present knowledge of, and cannot

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determine with reasonable diligence, whether such documents or data existed. ML&P cannot admit or deny the statement to the extent that it refers to documents or data for which ML&P and its consultants have no present knowledge of, and cannot determine with reasonable diligence, whether such documents or data were "deleted." Otherwise, admitted that to the best of their knowledge, ML&P or its consultants deleted the referenced documents or data in the ordinary course of business years prior to commencement of this docket.

**Second Supplemental Response To The Referenced Subparts:**

ML&P revises and replaces the first supplemental response included in each referenced subpart of the request to read:

Denied. See appendix G to the 2009 IRP.

**Person(s) Supplying Information:** As stated in the initial responses to the referenced subparts.

DATED this 22nd day of November 2017, at Anchorage, Alaska.

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2017, a copy of the foregoing document was served on the following persons by electronic means authorized by the RCA.

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