

LOL-HECO-IR-55

Ref: Expert Qualifications of HECO Witness Pollock, HECO-300

Question(s):

- a. In which subject matter fields does HECO plan to have the witness be qualified as an expert witness?
- b. In which subject matter fields does HECO plan to have the witness testify as a lay witness?
- c. For the expert witness, in their area of expertise, please provide the following (and where the answer or document is available on the web, please provide the web address):
 1. All articles, books, chapters, or other documents written in whole or in part by the witness. Please provide the date of publication or release, the agency it was submitted to, the docket and/or file number that contains the document. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 2. All courses taken, degrees given, courses/classes taught by the witness. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 3. All presentations, testimonies, talks made and exhibits submitted by the witness to regulatory agencies. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 4. All projects overseen by the witness. Please include the dates of participation and any identifying characteristics of the project necessary to track down information about it. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 5. All correspondence between the witness and HECO with regard to their testimony. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).
 6. All reports, draft or otherwise, submitted by the witness to the utility. Please provide electronic copies of all documents if they exist. Please provide the location of hard copies (source, cost, docket number, file number, or other identification).

HECO Response:

- a. In general, Mr. Pollock will testify on HECO's behalf regarding the transmission system planning process, the development and application of transmission system planning criteria, and a review of HECO's planning criteria. The Hawaii Public Utilities Commission generally does not require that a witness be recognized as an "expert witness" in a particular area or subject. The Commission will give the appropriate consideration to a testimony based on its merit.
- b. See the response to subpart a.
- c.
 1. HECO objects to the request, as unduly burdensome, onerous and overly broad to the extent that it requests "[a]ll articles, books, chapters, or other documents written in whole or in part by the witness." The request for "[a]ll articles, books, chapters, or other documents written in whole or in part by the witness" could be construed to request documents written in whole or in part by the witness even if such documents were not related to the subject matter addressed by the witness or even if the document is not related in any way to the electric utility industry. Without waiving any objections, HECO provides the following response.

Mr. Pollock has prepared engineering reports and studies regarding transmission planning. It would be unduly burdensome to identify all of the reports and studies that Mr. Pollock has assisted in or written. As Mr. Pollock's experience spans the last 32 years, many of the reports and studies he has assisted in or written no longer exist in either hard copy or electronic form. Other studies that have been completed are subject to specific client contractual confidentiality provisions and are not available for

distribution. Recent reports and studies that Mr. Pollock has written, or assisted in preparation, and are currently in the public domain include:

- Southern Intertie Project Environmental Analysis, Volume 1. Prepared by Dames & Moore and Power Engineers, July 1999. (An electronic copy is included in the CD transmitted with the IR responses.) For this document, Mr. Pollock prepared Chapter 1 – Purpose and Need, and in Chapter 2 prepared Sections 2.1, 2.6, 2.7.1 2.7.2, portions of 2.2, and assisted in the preparation of the balance of Chapter 2. Outage rates were calculated for various facilities as described in Section 2.6. Detailed transmission system studies were completed to support the analysis that is summarized in this document. Copies of the transmission system studies are on file at Chugach Electric in Anchorage, Alaska.
- Southern Intertie Draft Environmental Impact Statement, Rural Utilities Service, US Department of Agriculture, September 2001. (An electronic copy is included in the CD transmitted with the IR responses. The DEIS and FEIS are on the same CD.) For this document, Mr. Pollock prepared Chapter 1 – Purpose and Need, Chapter 2 – Alternatives Including the Applicants Proposal (except section 2.6), and Appendix B – Construction Activities and Drawings. Additionally, Mr. Pollock was a contributing author to various other sections of the document. Detailed transmission system studies were completed to support the analysis summarized in this document. Copies of those documents are on file at Chugach Electric in Anchorage, Alaska.
- Southern Intertie Final Environmental Impact Statement, Rural Utilities Service, US Department of Agriculture, July 2002. (An electronic copy is included in the CD transmitted with the IR responses. The DEIS and FEIS are on the same CD.) For

this document, Mr. Pollock prepared sections 2.2.1, 2.2.2, 2.2.3, and 2.2.4 of Volume

1. Mr. Pollock was also a contributor to the Mitigation Plan in Volume 2.
2. HECO objects to the request, as unduly burdensome, onerous and overly broad to the extent that it requests “[a]ll courses taken”. The request is unduly burdensome, onerous and overly broad, because the request for “[a]ll courses taken” could be construed to include “courses” going all the way back to college. It would be unduly burdensome and onerous, as well as counterproductive for the witness to have to identify the “courses” taken going back to college. Without waiving any objections, please see the following response.

As noted in his testimony (HECO T-3), Mr. Pollock earned a Bachelor of Science degree in Electrical and Electronics Engineering, with an emphasis in electrical power systems, from California State Polytechnic University, Pomona. The curriculum included a wide array of engineering and mathematical courses, including specific courses in power system analysis. In addition, Mr. Pollock has taken courses in the last five years as follows: Gas Insulated Transmission Lines and Substations Tutorial, IEEE Power Engineering Society, April 2003; Transmission & Substation Design & Operation Symposium, University of Texas at Arlington – Presented annually in September. Mr. Pollock attended in 1999, 2000, 2002 & 2004. Further, since receiving the BSEE degree in 1972, and as described in his resume, Mr. Pollock has been continuously employed for the past 32 years as an electrical engineer in the electric utility industry, for Pacific Power and Light Company from 1972 to 1981, and for Power Engineers, Inc. from 1981 to the present. Mr. Pollock has not taught any classes or courses on the subject of system planning.

3. HECO objects to the request, as unduly burdensome, onerous and overly broad to the extent that it requests “[a]ll presentations, testimonies, talks made and exhibits submitted by the witness to regulatory agencies.” The request is unduly burdensome, onerous and overly broad, because it could be construed to encompass numerous materials. Without waiving any objections, please see the following response.

With regard to the transmission planning issues, Mr. Pollock submitted written surrebuttal testimony, and also testified on HECO’s behalf in the Board of Land and Natural Resource’s contested case hearing for HECO’s Conservation District Use Application (DLNR File No. OA-2801) for Waahila Ridge for the Kamoku-Pukele 138kV Transmission Line project, in which Life of the Land was a party. Written testimony has also been prepared and submitted in this proceeding (HECO T-3). As part of the Southern Intertie Project, Mr. Pollock has made presentations to the Rural Utilities Administration, and to several Anchorage Community Councils. (A copy of one of the presentations is voluminous and is available at HECO’s Regulatory Affairs Office. Please contact George Hirose at 543-4787 to make arrangements for a review.)

4. It would be unduly burdensome to identify all of the projects that Mr. Pollock has overseen in the last 32 years. A summary of a few of Mr. Pollock’s projects are included in his resume (HECO-300), and a list of recent projects in the subject area is as follows:

Name of Document	Location
Southern Intertie Route Selection Study Phase 1, June 14, 1996. Vol 1 – Studies Section Report; Vol 2 – Load Flow Diagrams; Vol 3 – Stability Analysis	On file at Chugach Electric Association, Anchorage, AK. The results of these studies are summarized in the Southern Intertie documents provided in response to question 1 above.
Southern Intertie Route Selection Study,	On file at Chugach Electric Association,

<p>Phase 1B, September 22, 1997. Vol 1 – Studies Report; Vol 2 – Load Flows; Vol 3 – Dynamic Stability Results</p>	<p>Anchorage, AK. The results of these studies are summarized in the Southern Intertie documents provided in response to question 1 above.</p>
<p>Kingman – Havasu Transmission System Feasibility Study, 1997. Through load flow calculations, this study analyzed the 230kV & 69kV systems to determine the feasibility of adding 69kV and 230kV transmission lines to the system.</p>	<p>There are no extant copies of this report.</p>
<p>Purpose & Need for the 345kV Intertie, July 1999. Study analyzed system loads, compliance with transmission planning criteria and outage rates based on historical data.</p>	<p>Client and study results are confidential.</p>
<p>345kV & 230kV System Study Report, February 2000. Two volumes. This study included load flow and short circuit analysis.</p>	<p>Client and study results are confidential.</p>
<p>345kV & 230kV System Study Report, Additional Analysis, March 2002. This study included load flow studies analyzing the system.</p>	<p>Client and study results are confidential.</p>
<p>East Oahu Transmission Project planning studies review, 2003. Conducted reviews of HECO draft planning documents and provided comments and narrative for inclusion in the final reports.</p>	<p>Copies of the final studies, East Oahu Transmission Project Alternatives Study Update and the East Oahu Transmission Project: Options to the Koolau/Pukele Line Overload Problem have already been provided. See our objections in answer to question 5 regarding providing Mr. Pollock’s comments with regard to the various study drafts.</p>
<p>345kv & 230kV System Load Flow Analysis, 2004. The purpose of this study was to determine the maximum amount of load that could be served by the system under a looped and radial configuration, and during various outage scenarios. Multiple load flow calculations were completed.</p>	<p>Client and study results are confidential.</p>
<p>345kV & 230kV System Load Shed Analysis, 2004. The purpose of this study was to determine the amount of load to be shed under multiple contingency outage scenarios. Multiple load flow calculations</p>	<p>Client and study results are confidential.</p>

were completed.	
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5-6. HECO objects to providing copies of “[a]ll correspondence between the witness and HECO with regard to their testimony” and “[a]ll reports, draft or otherwise, submitted by the witness to the utility”. The request for “[a]ll correspondence between the witness and HECO with regard to their testimony” includes various e-mails and attachments to the e-mails. HECO objects to providing the requested correspondence, as these documents are privileged and confidential and should not be provided on public policy grounds. In the correspondence between HECO and the witness, the discussions are brief since HECO personnel and the witness understand the context of the subject matter and HECO believes that it is not cost effective to spend the time to generate elaborate discussion on the subject matter. If HECO is required to produce such correspondence between HECO and the witness, then the information would have to be generated in a fashion suitable for external publication, rather than in its present form (which is suitable for HECO’s discussions with the witness). This would be unduly burdensome and onerous, as well as counterproductive.

The e-mails between HECO and the witness are solely intended to be a tool to communicate information between HECO and the witness. The e-mails are an integral part of the decision making process in which thoughts are expressed, which may not be reflected in the written testimony. In addition, documents such as drafts of testimony, which are attached to the e-mails, are a necessary step in the decision making process and can result in candid dialogue. Were these documents subject to review by others in a regulatory proceeding, their candid nature and, therefore, their value could diminish

significantly in the future, and HECO's communications with its witnesses and decision-making process would be seriously hampered.

This information request basically requests unlimited access to HECO's correspondence with HECO's witness related to the testimony. This information request fails to balance the need for the information against HECO's need to manage. For example, the Federal Freedom of Information Act ("FFIA"), codified at 5 U.S.C. §552, and the Uniform Information Practices Act (Modified), codified at H.R.S. Ch. 92F, contain broad disclosure requirements based on the public's interest in open government. However, even such broad disclosure acts provide exceptions from the broad disclosure requirements that are intended to permit the efficient and effective functioning of government. It is common in such acts to protect from disclosure pre-decisional agency memoranda and notes, and/or government records that, by their nature, must be confidential in order to avoid the frustration of a legitimate government function. This is similar to the "deliberative process privilege" recognized by the Pennsylvania Public Utility Commission with respect to its own internal staff reports. See Pennsylvania Public Utility Commission v. West Penn Power Company, 73 PA PUC 122 (July 20, 1990), West Law Slip Op.

In addition, the request is overly broad or at least could be construed in that fashion, and HECO objects to the request on such grounds. The request is overly broad, because it applies to correspondence related to drafts of testimony being prepared for this proceeding, and questions or comments from HECO's attorneys related to the testimony. HECO objects to providing correspondence related to drafts of testimony on the grounds stated above, regardless of whether such correspondence relates or reflects

privileged communications with attorneys or attorney-work product. To the extent the request asks for communications that may contain the mental impressions, conclusions, opinions, or legal theories of HECO's attorneys (e.g., some attachments to e-mails include the mental impressions and conclusions of HECO's attorneys on drafts of testimony), HECO further objects to such request on the grounds that it asks for documents that are protected by the attorney-client privilege and the attorney work-product doctrine.

HECO objects to the request for "drafts" of "[a]ll reports . . . submitted by the witness to the utility" on the grounds stated above regarding drafts of testimony.

HECO also objects to disclosure of such requested correspondence and draft reports even under a protective order. The value of the correspondence (including the attachments) with a witness and draft reports will be diminished if HECO is required to provide such documents, even if documents were provided pursuant to a protective order.