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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Joint Application of Questar Gas Company, The Division of Public Utilities, and Utah Clean Energy, for the Approval of the Conservation Enabling Tariff Option and Accounting Orders

Docket No. 05-057-TO1

**MOTION OF THE UTAH DIVISION OF PUBLIC UTILITIES TO STRIKE PORTIONS OF THE SURREBUTTAL TESTIMONY AND EXHIBITS OF DAVID E. DISMUKES, PH.D. ON BEHALF OF THE UTAH COMMITTEE OF CONSUMER SERVICES**

Pursuant to R746-11-3H, the Division of Public Utilities (“Division”) respectfully requests that the Utah Public Service Commission (“Commission”) strike certain portions of Dr. David E. Dismukes’ surrebuttal testimony and related exhibits filed August 31, 2007 on behalf of the Committee of Consumer Services (“Committee”). Certain portions of that filing are inconsistent with the procedural schedule issued by the Commission in this case in that they should have been filed as rebuttal testimony, not filed as surrebuttal testimony. Striking these certain portions of Dr. Dismukes’ testimony would prevent manipulation of

the prefiled testimony process and the procedural schedule ordered by the Commission; failure to strike these identified portions would result in prejudicing the Division. The precise portions of the surrebuttal testimony and the related exhibits requested to be stricken are identified below.

The Commission's orders in this instant case established the following filing deadlines:

June 1, 2007 – Direct Testimony or Position Statements

August 8, 2007 – Rebuttal Testimony

August 31, 2007 Surrebuttal Testimony

September 18, 2007 Hearing Commences

On June 1, 2007, Daniel G. Hansen, Ph.D., retained by the Division, filed his direct testimony including a complete copy of the report he prepared entitled, "A Review of Natural Gas Decoupling Mechanisms and Alternative Methods for Addressing Utility Disincentives to Promote Conservation," dated May 2007 ("Report"). In this Report, Dr. Hansen discussed a statistical model that he used to support his conclusion that the Conservation Enabling Tariff ("CET") is unlikely to shift risk from Questar Gas to its ratepayers.

In his rebuttal testimony filed on August 8, 2007, Dr. Dismukes questioned the results of this study, citing the results of a number of published studies and arguing that Dr. Hansen's statistical model is "more than likely fraught with a variety of data, measurement, and estimation problems." (Dismukes rebuttal testimony, p. 12.) Dr. Hansen did not provide additional statistical analyses in his rebuttal testimony filed on August 8, 2007.

Apparently disregarding the procedural schedule, not until surrebuttal testimony, filed on August 31, 2007, did Dr. Dismukes present testimony alleging specific “problems” in Dr. Hansen’s statistical model, presenting the results of an alternative statistical model that he used to counter Dr. Hansen’s conclusions, and presenting the findings of an additional published study by the American Gas Association (“the AGA study”). The testimony related to these issues should have been included in Dr. Dismukes’ rebuttal testimony, due August 8, not his surrebuttal testimony, filed August 31. By delaying discussion of his model until his surrebuttal testimony, Dr. Dismukes deprived Dr. Hansen of critical time to review, analyze, question, and respond to Dr. Dismukes’ model, analyses, and conclusions. Rounds of prefiled testimony are designed to produce meaningful, relevant, and timely filed information. Dr. Dismukes is abusing the process by revealing and discussing his model, criticisms of Dr. Hansen’s model, and the AGA study until this late date, prejudicing the Division.

The Division asked Dr. Disumkes for certain data related to these identified portions of his surrebuttal testimony, but the data provided was not fully responsive or was otherwise insufficient to allow proper evaluation of Dr. Dismukes testimony. For example, insufficient information was provided about the model used by Dr. Dismukes and the inputs thereto.

Thus, the Division requests that portions of Dr. Dismukes’ surrebuttal testimony be stricken. Because of the untimeliness of Dr. Dismukes’ testimony

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and for the other reasons set forth above, the Division respectfully requests that lines 111-118, 198-372, and exhibits SSR 1.2 and 1.3 be stricken.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of September 2007.

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of Public Utilities

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **MOTION OF THE UTAH DIVISION OF PUBLIC UTILITIES TO STRIKE PORTIONS OF THE SURREBUTTAL TESTIMONY OF DAVID E. DISMUKES, PH.D. ON BEHALF OF THE UTAH COMMITTEE OF CONSUMER SERVICES** was served upon the following by electronic mail, on September \_\_\_\_ 2007:

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