

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of: The Formal) Docket No:
Complaint of McCleary Associates,) 12-057-06
LLC against Questar Gas Company)

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
 160 East 300 South
 Salt Lake City, Utah

DATE: July 10, 2012

TIME: 9:05 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

APPEARANCES

Presiding:

MELANIE A. REIF, Administrative Law Judge

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For McCleary Associates, LLC:

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For Questar Gas:

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For Questar Gas

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1 JULY 10, 2012

9:05 A.M.

2 P R O C E E D I N G S

3 THE COURT: Good morning everyone. I am
4 Melanie Reif, Administrative Law Judge for the Public
5 Service Commission.

6 And this morning we are here to hear
7 Docket 12-057-06. And this case involves: In the
8 Matter of: The Formal Complaint of McCleary
9 Associates, LLC versus Questar Gas Company. And
10 again, this is the date and time for said hearing.
11 Let's go ahead and take appearances, and we'll start
12 with the Complainants.

13 MR. McCLEARY: I am Kraig McCleary. I am
14 with McCleary Associates, LLC. I'm one of the
15 shareholders of the company. With me is my father,
16 Ken McCleary, who is the majority shareholder of
17 McCleary Associates, LLC.

18 We run an office complex located at
19 6364 South Highland Drive. Our main object is to
20 lease the building and supply services to our tenants
21 at that address.

22 THE COURT: Okay. Thank you, Mr. McCleary.

23 MS. JURGENSON: Thank you, your Honor. This
24 is Arminda Jurgenson. I'm an attorney for Questar Gas
25 Company. Today I have with me Linda Kizerian, Terry

1 Brinkman, Joan Beck, and Alan Blain from Questar Gas
2 Company.

3 THE COURT: Okay. Thank you, Ms. Jurgenson,
4 I appreciate that. Ms. Jurgenson, I understand that
5 there's an issue that you would like to address before
6 we get into the hearing itself this morning?

7 MS. JURGENSON: Yes. Thank you, your Honor.
8 I would like to clarify some information about the
9 January 4, 2012, readings. In my answer in
10 paragraph 11 I said:

11 "On January 4, 2012, Questar Gas
12 sent a second technician, Terry
13 Brinkman, operations specialist, to the
14 Salt Lake property. During this visual
15 check Mr. Brinkman again confirmed the
16 accuracy of the AMR reading."

17 This is not quite accurate. We had an AMR
18 reading that day, but it wasn't done by Mr. Brinkman.
19 Mr. Brinkman did not usually -- he usually checks
20 residential meters and did not have an industrial
21 reader tran -- for the transponder.

22 And so the AMR reading was actually done by
23 the monthly reading, which it just happened to fall on
24 the same day. It was not verified while Mr. Brinkman
25 was on the site. Mr. Brinkman only did the visual

1 check. And the numbers were checked when we got back
2 to the office and were able to see both of those
3 readings in the account.

4 THE COURT: Okay. Without getting into too
5 much detail, because I want to allow Mr. McCleary to
6 get into the substance of his complaint before we get
7 into more of the minutia, but just for clarification.
8 So if I understood you correctly, the month -- the --
9 you said that this information was based on the
10 monthly reading --

11 MS. JURGENSON: Yes.

12 THE COURT: -- is that correct?

13 MS. JURGENSON: So the AMR was done by the
14 monthly reading, which is standard protocol for the
15 billing cycles in Questar Gas's territories.

16 THE COURT: Okay. And is, is the monthly
17 reading done by a person, or is that done by the, I
18 think it's the -- and if it was done by a person who,
19 who was that person?

20 MS. JURGENSON: That is done by the vehicle
21 that is driving through the neighborhoods. And so
22 it's a second technician who just drives around the
23 service areas and records the AMR readings.

24 THE COURT: Okay. And that's sent by a
25 signal, correct?

1 MS. JURGENSON: Uh-huh.

2 THE COURT: Okay. All right. All right,
3 thank you. Your clarification is noted.

4 And Mr. McCleary, you certainly have the
5 opportunity to address that issue. For purposes of
6 this point in the hearing it might be helpful if we
7 just jump right into your complaint. And then if you
8 want to get into that specific issue you're welcome to
9 address that.

10 MR. McCLEARY: Okay. Our complaint was
11 basically when the, the meter was read we realized
12 that the, the billing that was given to us was, if I
13 may put it bluntly, out of whack. It was not in
14 accordance with what, what has actually been
15 happening.

16 And in fact for the month of -- as I
17 understand the readings, so that I understand this,
18 October to November is billed in November, November to
19 December is billed -- and so on; is that correct?

20 MS. JURGENSON: That's correct.

21 MR. McCLEARY: Okay. What I would like to --
22 can I -- do you want me to pass out my stuff now so
23 that everybody has everything, or how would, how would
24 you like me to do that?

25 THE COURT: I'm not real sure what you have

1 to pass out --

2 MR. McCLEARY: Okay. I --

3 THE COURT: -- so I'll leave that up to you.

4 MR. McCLEARY: Okay.

5 THE COURT: If you think it would aid in your
6 presentation.

7 MR. McCLEARY: It would.

8 THE COURT: Okay.

9 MR. McCLEARY: Okay.

10 (Pause.)

11 MR. McCLEARY: When I first brought up the
12 complaint I noticed that the, the gas usage or billing
13 for that month of -- that was billed to us in Oct --
14 in November was much higher than it had been in the
15 past two years.

16 So I started to question. And I called in
17 and talked to numerous people at Questar Gas to, I
18 think you need to come out and check the metering
19 system.

20 I do know and, and what I want to do right
21 now is establish a baseline so we're all talking about
22 the same situation. What is considered the
23 transponder, in my understanding, is the unit -- if
24 you'll look at your -- the pictures I gave you, is
25 this unit that shows the dials. Is that correct; that

1 is considered the transponder?

2 MR. BLAIN: Well, the -- this is considered
3 the index. This part here is considered the
4 transponder.

5 MR. McCLEARY: Okay, but it, it's a unit that
6 is placed on the meter?

7 MR. BLAIN: Correct.

8 MR. McCLEARY: Okay. So, so just what you
9 think. This is considered the transponder by, by
10 definition in some of their legal documents.

11 THE COURT: Mr. McCleary, for the record,
12 let's make a note that the photograph that you're
13 referring to is --

14 MR. McCLEARY: We can go like this. The
15 whole unit is No. 1.

16 THE COURT: Okay. Let's --

17 MR. McCLEARY: The second --

18 THE COURT: Let's call that McCleary Photo
19 Exhibit No. 1.

20 MR. McCLEARY: Okay.

21 THE COURT: Okay?

22 MR. McCLEARY: The next, the next photo,
23 which we'll consider McCleary Photo No. 2, shows
24 basically the gas meter, without the piping, and the
25 transponder.

1 THE COURT: Okay, so noted.

2 MR. McCLEARY: Okay? McCleary No. 3 will be
3 basically a photo of the transponder and the metering
4 system.

5 MR. BLAIN: Can I see that, please?

6 MR. McCLEARY: (Complies.)

7 MR. BLAIN: Thank you.

8 MR. McCLEARY: Okay.

9 THE COURT: Okay, so you were talking about
10 Photo No. 3?

11 MR. McCLEARY: I'm talking about Photo No. 3.

12 THE COURT: Okay.

13 MR. McCLEARY: For, for purposes of
14 understanding and -- this unit, my understanding,
15 consists of two separate individual units. One being
16 the metering system, which is a dial that shows the
17 actual metering of the gas. And a transmitter that
18 transmits what those dials say electronically back to
19 a man in a truck.

20 So there is actually two units there. The
21 dials on this, on this photograph actually are the
22 metering system for the gas itself.

23 MR. BLAIN: Correct.

24 MS. JURGENSON: Uh-huh.

25 MR. McCLEARY: Okay.

1 THE COURT: Okay, let's -- at this point in
2 your presentation, Mr. McCleary, I think it would be
3 best if you present your --

4 MR. McCLEARY: Okay.

5 THE COURT: -- your position. If there is a
6 question, or comments, or --

7 MR. McCLEARY: Okay.

8 THE COURT: -- clarification, Questar will be
9 given the opportunity to address that during their
10 presentation.

11 MR. McCLEARY: Okay.

12 THE COURT: And for purposes of your
13 presentation, rather than ask for clarification,
14 please hold that. And you can ask that when they put
15 their witnesses on. That will make it a lot less
16 complicated and confusing.

17 MR. McCLEARY: Okay. Now, do you want me to
18 present my whole, whole list first and -- before we
19 do? So I can present everything all at once?

20 THE COURT: Yeah. Go ahead and make your
21 presentation.

22 MR. McCLEARY: Okay.

23 THE COURT: And then we'll allow Questar to
24 address --

25 MR. McCLEARY: Okay. My understanding of the

1 metering system is that the metering system in and of
2 itself has not changed in over 50 years. There has
3 always been a meter with dials on it.

4 The addition of the transponder has just been
5 with the advancement of electronics enabling Questar
6 Gas to go by -- drive by in a truck or something and
7 with their metering system they can actually -- the
8 transponder will send them back what the dials are
9 registering. That's my understanding.

10 My understanding of the gas metering system
11 is the same as, if I may make it really clear, is the
12 same as an odometer on an old car. As the wheels turn
13 it's going up and clicking dials off. When one dial
14 gets to ten, it clicks the next dial off. When the
15 next dial gets to ten it clicks, and clicks, and
16 clicks. That's my understanding of how these dials
17 work.

18 There's a metering system in there that
19 measures the flow of gas. If there's more flow of
20 gas, the wheels spin faster, the dials click off. So
21 the dials are actually telling you what the actual
22 flow of the gas is.

23 The transponder, or the transmitter, only can
24 transmit what the dials are reading. That is my
25 understanding, and that -- I, I don't think that's

1 changed. The only thing that has changed in the gas
2 metering system is how it's read. And instead of a
3 man generally going up every month and reading those
4 dials and marking them down, it is now done by a
5 truck.

6 AMR is, is my understanding -- and I, I want
7 a correction here -- means automatic meter reading.
8 Is that -- that's what I'm assuming that AMR is.

9 MR. BLAIN: Automated.

10 MS. JURGENSON: Automated.

11 MR. McCLEARY: Automated meter reading? In
12 my packet that I've given you, on page, let's see,
13 page number, I think it is No. 3.

14 THE COURT: Are, are you referring to your
15 Motion to Continue With Complaint?

16 MR. McCLEARY: No, I'm referring with the
17 packet that has the --

18 THE COURT: Okay.

19 MR. McCLEARY: This here that I've got.
20 There's four pages with that.

21 THE COURT: Okay. Let's, let's call this
22 McCleary Exhibit...

23 MR. McCLEARY: Want to do four?

24 THE COURT: Let's actually call it No. 1,
25 because the others are photo exhibits.

1 MR. McCLEARY: Okay.

2 THE COURT: So let's just call it McCleary
3 Exhibit No. 1.

4 MR. McCLEARY: Okay. We can go McCleary
5 Exhibit 1, McCleary Exhibit 2, McCleary Exhibit 3, and
6 McCleary Exhibit 4 on that packet I gave you. Is that
7 okay?

8 THE COURT: Why don't we just refer to the
9 whole thing as McCleary Exhibit 1.

10 MR. McCLEARY: Okay. On page 3 of that
11 packet you will note that, that on October, November,
12 December, they were all AMR readings. Or basically
13 there was no visual inspection of the meter itself.
14 Until the 12 -- or the 13th of December, when it says
15 a technician also read it.

16 And why I'm reading that is because when we
17 got the gas bill, if we will look at Exhibit No. 1,
18 we -- these are Questar's numbers that we got from
19 Questar. November's billing is almost 1, 2, 3, 4, 5,
20 6 times what it was in the previous year.

21 THE COURT: Sir, which, which page of your --

22 MR. McCLEARY: Page 1, McCleary Exhibit 1.

23 THE COURT: Okay.

24 MR. McCLEARY: The graphs.

25 THE COURT: Okay.

1 MR. McCLEARY: We're looking at the graphs.

2 THE COURT: Okay.

3 MR. McCLEARY: Under November. The blue, the
4 blue is 2011, the light blue is 2010, the orange is
5 2009. These are Questar's figures, these are not
6 ours. We got these from Questar.

7 This is what brought to our attention, is
8 that the gas usage was almost six times what it was in
9 the past year to the last two years. Through this
10 period of time we believe, and we can show, that for
11 three months we had a broken meter. It was not
12 functioning correctly.

13 In December we've got, again, 3 to 4 times
14 the amount of gas usage the last two years have been.
15 As well as in January it again shows almost double the
16 gas usage. In the letter dated -- and I think this
17 was by Linda --

18 THE COURT: Mr. McCleary, may I interrupt you
19 for just a moment, please?

20 MR. McCLEARY: Uh-huh.

21 THE COURT: In your opening statement you
22 mentioned that the property that this gas serves is an
23 office complex.

24 MR. McCLEARY: Yes.

25 THE COURT: And how many units are in that

1 office complex?

2 MR. McCLEARY: We have 20 -- about, about
3 two -- over 20,000 square feet. But we only since, we
4 do full-service lease, we have only one gas meter.

5 THE COURT: Okay, and how, how many tenants
6 do you have?

7 MR. McCLEARY: We have seven tenants and
8 eight units that regulate gas.

9 THE COURT: And during the time between
10 October 2011 and January 2012 would those numbers be
11 accurate as far as the number of tenants that you had
12 occupying --

13 MR. McCLEARY: Yes, it was all -- it was the
14 same -- there was no change in tenants --

15 THE COURT: Okay.

16 MR. McCLEARY: -- during that period of time.

17 THE COURT: And how long of a lease do you
18 have with those tenants?

19 MR. McCLEARY: Majority of them are 3 years
20 or greater. Some of our tenants have been there 7 to
21 12 years.

22 THE COURT: How many of those tenants have
23 been there 7 to 12 years?

24 MR. McCLEARY: Let's see. Out of, uh. The
25 majority of the space is taken up by about four

1 tenants, and they've been there -- the shortest one
2 has been there, um, six years?

3 THE COURT: Okay. And can you give me a
4 sense as to what, what's the nature of the business
5 that's occurring there?

6 MR. McCLEARY: Most of the businesses are run
7 from about 7:00 till 5:30 or 6 at night. I have MS,
8 is the Multiple Sclerosis Society of Utah, which is in
9 a section down below. I have a chiropractor. I have
10 a dentist. I have a, an insurance agent. And I have
11 a, um, I'm trying to think of how you call him. He
12 does -- they do hair treatments, or hair replacement,
13 or wigs in a sense.

14 Most of them are there generally during the
15 week, five days a week. There's some that take a day
16 off here and there. But generally it's, it's a normal
17 business-office situation where -- it's not -- it's,
18 you know, about 7 to 9 -- or 7 to 6:00 at night.

19 THE COURT: Are all of your tenants consuming
20 natural gas?

21 MR. McCLEARY: They are. We control all the
22 natural gas. We control all the regulatory. We have
23 set -- we have our thermostats where we can lock them
24 at certain temperatures so that we know what is being
25 controlled.

1 Our biggest problem is not in the wintertime
2 but is in the summertime with air conditioning and
3 women. And they -- our air conditioning costs go up
4 in the wintertime more than our gas does, by any
5 stretch of the imagination.

6 THE COURT: Okay, let's back up just a
7 minute --

8 MR. McCLEARY: Okay.

9 THE COURT: -- so I can make sure I
10 understand this correctly. All of the tenants are
11 using natural gas?

12 MR. McCLEARY: Uh-huh. During the winter
13 months. If you'll notice on the chart, our summer
14 months we use very little, if any, natural gas.

15 THE COURT: Okay.

16 MR. McCLEARY: Because we do not have any gas
17 appliances at all.

18 THE COURT: And for the tenants who are using
19 natural gas during the winter months, is that strictly
20 for heating?

21 MR. McCLEARY: Strictly for heating.

22 THE COURT: Okay. And you mentioned that you
23 control the thermostat?

24 MR. McCLEARY: Uh-huh.

25 THE COURT: You control the thermostat for

1 the entire complex?

2 MR. McCLEARY: Yes.

3 THE COURT: No one other than you has access
4 over that?

5 MR. McCLEARY: My dad and that -- they, they
6 do have access to them. They, they found out how to
7 get to them, but we regulate it. We put notes up that
8 this is a -- this is where we lock it at, at the, at
9 the situations.

10 We have the capability to lock the
11 thermometers -- or the thermostats to regulate between
12 a certain pressure of when heating and air
13 conditioning can, can come on.

14 THE COURT: Okay. So help me understand how
15 a tenant cannot override this system that you have in
16 place.

17 MR. McCLEARY: Because if they don't know how
18 to override it pushing the buttons does not change the
19 temperature.

20 THE COURT: And do they know how to override
21 it?

22 MR. McCLEARY: The managers on each, each of
23 the floors know how to override it. But generally
24 they've been told that they need to come through the
25 management to do, to do any changes.

1 We are, we are very strict on our controlling
2 of the thermostats within our building. It is my
3 abil -- my job to keep the tenants happy of course.
4 And so I try to keep it within a range of, in the
5 summertime between 72 and 76, in the wintertime I keep
6 it between 68 and 74.

7 THE COURT: And has that been consistent over
8 the last, say, five years?

9 MR. McCLEARY: It has.

10 THE COURT: Are you aware of any manipulation
11 to the thermostat during the time period that you're
12 complaining of by any manager or anybody who was
13 overriding the system?

14 MR. McCLEARY: No. In the wintertime the
15 complaint would have had to have been that they're
16 really, really hot. And generally speaking, being in
17 an office building is -- it's a funny phenomenon, but
18 72 in the wintertime feels great and 72 in the
19 summertime is, is too cold. And it's just, it's just
20 a funny phenomenon.

21 But anyway, we try to keep, we try to keep
22 constant the temperatures for our billing cycle and
23 how we have to have -- to be profitable we have to
24 maintain a certain range of cycles and that to make
25 sure the natural gas is used in accordance.

1 They do not have the individuality to, to
2 make each room their own desired temperature. The way
3 the system is set up is to be a building-wide
4 temperature. It is a closed building, so we have to
5 keep the temperature of the building we try to keep
6 all one constant temperature.

7 No one unit is, is that much different from
8 the other units. All the units are, are put and set
9 at the same temperature.

10 THE COURT: Okay. To go back to something
11 that you said just a few moments ago about the
12 wintertime temperatures. And if you were to get a
13 complaint it would be, and your statement was it would
14 be that it's too hot in the wintertime.

15 MR. McCLEARY: Uh-huh.

16 THE COURT: I would think that it would
17 actually be just the opposite. That your complaint
18 would be that it's too cold, therefore they would want
19 to increase the temperature.

20 MR. McCLEARY: The way it's set up with some
21 of these women is that we have individual offices for
22 a lot of them. They're small offices. And when
23 they --

24 THE COURT: Well, could -- you just said
25 something that I'm a little bit -- did you say -- are

1 you saying "women," or?

2 MR. McCLEARY: We have one -- MS Society is,
3 is probably my biggest concern. There's a number
4 of -- there -- well, to be honest with you, for the
5 last three years they have had all women in that
6 office. Up to 15 to 20 women in that suite.

7 THE COURT: Okay. And why is that a problem?

8 MR. McCLEARY: We have a couple older ladies
9 that the temperature seems to vary quite a bit for
10 them. When they close the door the air flow does not
11 come in and so they get -- it gets much more hot for,
12 for them. And so they, they like it to be a little
13 bit cooler.

14 THE COURT: So you perceive that this
15 particular tenant would like it cooler rather than
16 warmer?

17 MR. McCLEARY: Yes.

18 THE COURT: Okay. Okay. I --

19 MR. McCLEARY: If I --

20 THE COURT: I understand.

21 MR. McCLEARY: I'm not sure. My wife is
22 going through menopause. Temperatures are all over
23 the board. And I'm not saying that that's the reason,
24 but, but I have noticed a difference that some of the
25 women have a tendency to be -- want it a little

1 cooler, where some of the younger women want it a
2 little bit warmer.

3 So we try to keep a mean. And that's what
4 we're trying to keep with this, with this range we do
5 with between 72 and 70 -- in the wintertime 74 degrees
6 or 76 degrees, which, which varies a little bit.

7 THE COURT: Are you aware that anybody in
8 that office that you're referring to was manipulating
9 the thermostat either up or down during that time
10 frame?

11 MR. McCLEARY: No, we -- I keep pretty -- I
12 go through the offices generally two or three times a
13 week to make sure that everything's done right. The
14 way the office is done is if somebody, if somebody's
15 manipulating the air, the general central or the
16 common area will detect whether it's been warmer or
17 cooler, whether somebody's manipulating the air.

18 And so if the, if the common area seems a
19 little bit warm I will make a note that I will check
20 around and see if anybody's manipulating it, if it's
21 kept the same. Because the outside, or the common
22 area, is basically my point of reference on how the
23 office building is, is functioning.

24 THE COURT: Huh-uh.

25 MR. McCLEARY: When you go into our office

1 building, we have a central area, and the offices are
2 built around the central area. So the central area is
3 pretty much the focal point of what the temperature of
4 the building is.

5 THE COURT: Okay. So assuming that you had
6 your thermostat set between the range of 68 and 74
7 during the time frame that you're complaining of.

8 MR. McCLEARY: Uh-huh.

9 THE COURT: Do you know if, if there was any
10 adjustment made by anyone other than yourself during
11 that time?

12 MR. McCLEARY: I could not be honest to tell
13 you yes or no. I -- when I've checked it has been, it
14 has been at the locked position that I've set it at.
15 There's been, um. There's been times in the summer
16 where, where I've gone in and they've upped the air
17 conditioning.

18 I haven't noticed in the, in the wintertime
19 where they've, where they messed around with the
20 thermostat.

21 THE COURT: Okay.

22 MR. McCLEARY: The summertime is my bigger
23 problem time.

24 THE COURT: And even assuming if, if that did
25 occur not to your knowl -- you know, without your

1 knowledge -- how much of a variation do the people who
2 have authority to do that have?

3 MR. McCLEARY: Two degrees.

4 THE COURT: Two degrees up or down?

5 MR. McCLEARY: (Moves head up and down.)

6 THE COURT: Okay. All right. Thank you,
7 Mr. McCleary. You may continue.

8 MR. McCLEARY: Okay. So to get back to where
9 we were, my understanding is that the gas meter is, is
10 run by the amount of flow. It's a mechanical
11 situation. And so this -- if, if a dial is
12 malfunctioning on this -- on the system it could give
13 a wrong reading through the trans -- transmitting
14 method.

15 So if a dial was stuck at 9, every month you
16 could get a wrong reading of that dial. If the
17 metering system was broken on this, on this, on this
18 thing which I'm talking here. So like anything, if
19 one dial was broken it could affect the total reading
20 of how much gas was actually used.

21 The transponder or the transmitting back to
22 the AMR would give a correct reading of what the dials
23 were. But the dials themselves, if they were not
24 functioning properly, would not give a correct usage
25 of the gas being run through that metering system.

1 And that is our contention. That the meter
2 was broken. It was broken to the fact that it was
3 registering wrong.

4 If you'll look at page 4 of my documentation
5 that I've given you? As we know, outside temperature
6 greatly affects what the temperature of the inside of
7 the building is. The colder it is outside the more
8 heat you'll use to heat up that building on the
9 inside.

10 What I put together here -- and this was done
11 by a -- on a computer -- was in September, October,
12 November, December, January, and February I went
13 through those months and determined what the mean
14 temperature was. What the average temperature that
15 month was.

16 As you notice, within No -- December,
17 October, November, December, they're all within 5
18 degrees of each other. So they're all pretty close of
19 what the temperature was in that thing.

20 What I would, what I would insist, going back
21 to the graph, is that they were all -- the months of
22 October to November, November to December, and
23 December to January were all, in 2009 and 2010, were
24 all very -- and 2011 were all very similar years
25 according to the temperature.

1 In 2009, 2010, and 2011, if you'll look at
2 the different temperature ratings they're all within a
3 few degrees of each other. So for us to use three to
4 four times the amount of gas to heat the building
5 there would have been a direct response and our
6 building would have been a sauna. Because the outside
7 temperature was pretty much consistent with the --
8 through the years. I'm contending that there was a
9 problem with the meter.

10 Now, so anyway, what I -- what we've
11 contended is in those three months when we were con --
12 discussing with Mountain Fuel and they were sending
13 people out to read the meter, they were reading
14 what -- basically with an -- with the AMR until
15 January.

16 And in January I get -- two people came out
17 in January on January 12th. If that is correct, if I
18 remember correctly. Or January 4th, excuse me. On
19 January 4th two people read the meter. And if you
20 look at the thing, the first meter reading was 45313.
21 And when the technician read it, it was 45314. So
22 they had to be within a very close time frame for that
23 to only use that small amount of gas.

24 So the ARM (sic) was being read, and a
25 technician visually read the meter. And the meter

1 readings were pretty much, were pretty much the same.
2 So the transponder or transmitter was reading
3 correctly what the dials were, were reading.

4 Okay. If we can go -- Mr. -- Mrs. Linda --
5 or Linda --

6 I'm sorry, I don't know how to pronounce your
7 last name. Ker -- Kerzaskian?

8 MS. KIZERIAN: Kizerian.

9 MR. McCLEARY: Kizerian?

10 MS. KIZERIAN: Uh-huh.

11 MR. McCLEARY: Sent me a letter. And in that
12 letter in the third paragraph down she stated that the
13 transponder --

14 THE COURT: Mr. McCleary, I'm sorry to
15 interrupt you. I don't believe I have a copy of that
16 letter.

17 MR. McCLEARY: I would assume that they would
18 have given you one because it was their letter. I'm
19 just --

20 MS. JURGENSON: Your Honor, it was in the
21 informal complaint.

22 THE COURT: Which is not a part of this.
23 This is the formal complaint.

24 MS. JURGENSON: Oh.

25 THE COURT: So I don't, I don't have anything

1 that was part of the informal complaint.

2 MR. McCLEARY: Yeah, I'm, I'm assuming that
3 you have everything that they gave me to you.

4 THE COURT: That would be an, that would be
5 an incorrect assumption.

6 MR. McCLEARY: I'm sorry. They're not my
7 letters, so all I can assume is that, that I've got my
8 letter here and I, I don't have the right to
9 distribute their letter around. It's --

10 THE COURT: Well, this is your case, sir. If
11 you received a letter from a party it's --

12 MR. McCLEARY: Okay, well I'm sorry. I
13 didn't know that it --

14 THE COURT: We can -- let's take a couple of
15 minutes. We'll let you take a couple of copies of
16 that and then you can submit it as part of your
17 presentation.

18 MR. McCLEARY: Okay. No problem at all. I
19 apologize. I was using my --

20 THE COURT: Okay, let's be off the record.

21 (A recess was taken from 9:34 to 9:39 a.m.)

22 THE COURT: And just for clarification, we
23 now have what has been marked as the McCleary Exhibit
24 No. 2. Mr. McCleary, you're welcome to explain this
25 letter and proceed with your presentation.

1 MR. McCLEARY: Thank you. On the letter
2 dated March 30, 2012, paragraph 3 there are some
3 statements on here that we would like to make note of.
4 And we agree with them. Third paragraph down,
5 starting with the second sentence. It says (as read):

6 An order was completed on
7 January 4th and our technician noted
8 that a dial on the transponder -- or on
9 the meter -- metering system for the
10 gas -- was stopped.

11 This -- then the statement is
12 made -- this could not affect how the
13 transponder recorded gas usage; it would
14 not interfere with the operation of the
15 meter or the index recording the gas.

16 We contend that if, if a dial is stopped it
17 does interfere with the index recording of what gas is
18 flowing through that meter.

19 THE COURT: Mr. McCleary, I'm gonna interrupt
20 you for just one second --

21 MR. McCLEARY: Okay.

22 THE COURT: -- just because I think you may
23 have inadvertently added a word and -- when you were
24 reading the letter.

25 MR. McCLEARY: Okay. Excuse me.

1 THE COURT: Would you -- and again, feel free
2 to slow down just a little bit. It'll make it a lot
3 easier for the reporter.

4 Start with the sentence: "This could
5 affect."

6 MR. McCLEARY: Okay. I'll -- let me start --
7 because I did add something in. Let me start at the
8 very beginning again.

9 THE COURT: Okay.

10 MR. McCLEARY: Second, second sentence:

11 An order was completed on
12 January 4th and our technician noted --
13 and I am as -- our technician noted that
14 a dial on the transponder had stopped.

15 THE COURT: Was stopped.

16 MR. McCLEARY: Was stopped.

17 THE COURT: Okay.

18 MR. McCLEARY: Excuse me, was stopped.

19 THE COURT: Okay. And then continue, please.

20 MR. McCLEARY: This could affect how
21 the transponder recorded gas usage; it
22 would not interfere with the operation
23 of the meter or the index recording the,
24 recording the gas usage.

25 We contend that if a dial --

1 THE COURT: Okay. So that's the end of the,
2 the section you're quoting?

3 MR. McCLEARY: That's the end of the -- of
4 what I'm quoting now.

5 THE COURT: Okay.

6 MR. McCLEARY: Okay? It was noted by, I'm
7 as -- from what has been said here, Mr. Brinkman noted
8 that a dial had stopped on our old gas metering
9 system. It was not functioning properly.

10 We contend that from this statement here, and
11 why we've gone to this process, is that a stopped dial
12 on the metering system does affect what is recorded as
13 our gas usage.

14 When this was noted I looked at the charts
15 and realized that something was not right. If we can
16 go to their answer response now at this time. Page 3?
17 Bottom of page 3, paragraph 11.

18 THE COURT: Mr. McCleary, before we do that I
19 just want to get some clarification. So you had
20 already -- okay, so this is...

21 MR. McCLEARY: This is three months later --

22 THE COURT: Okay.

23 MR. McCLEARY: -- after I had first
24 complained about the problem.

25 THE COURT: Okay. This is before you filed

1 the formal complaint?

2 MR. McCLEARY: Yes.

3 THE COURT: Okay. Very good.

4 MR. McCLEARY: Okay? If we will go to their
5 answers on page 3, paragraph 11, second sentence. It
6 reads:

7 During this visual check,
8 Mr. Brinkman, Brinkman again confirmed
9 the accuracy of the AMR.

10 It then goes on to read -- AMR reading. The
11 four, four most -- four sentences later, with the
12 starting of:

13 However, Mr. Brinkman did not see
14 any movement in the test dial.

15 So again, there was a problem that he
16 visually saw. There was a problem with the meter that
17 one of the dials was not moving.

18 MR. KEN McCLEARY: Slow down.

19 MR. McCLEARY: Okay. Excuse me.

20 THE COURT: Mr. McCleary, for clarification.
21 When we began the hearing, Ms. Jurgenson --

22 I'm sorry, I -- Ms. -- I think -- did I get
23 that right? Okay, I'm sorry.

24 Ms. Jurgenson made a clarification that the
25 AMR reading was done by a monthly reading and not by

1 Mr. Brinkman. So --

2 MR. McCLEARY: Correct.

3 THE COURT: -- we, I just want --

4 MR. McCLEARY: I understand that. And I
5 agree.

6 THE COURT: Want to make sure that you are
7 not misunderstanding that that clarification has been
8 made.

9 MR. McCLEARY: I, I agree with that. I agree
10 that -- and as I, as I talked about on page 4, that
11 the AMR reading and the technician's reading on that
12 date were very similar. Within one, one, one number
13 off at the very end of it.

14 I made that statement earlier that the AMR
15 reading was close. So that they were both in sync.
16 The AMR was correctly reading what the dials on the
17 gauges were reading that Mr. Brinkman, Brinkman
18 visually saw.

19 If we can now turn to, let's see here.
20 Page 2 of their responses, paragraph 3. The last
21 sentence of that paragraph starts with "If." And if I
22 may read:

23 If the test dial does not turn when
24 natural gas is flowing, the result is
25 that the transponder would not send a

1 signal.

2 My question is -- at this time is this: We
3 contest that the meter was broken. The con -- the
4 confirmation that something was wrong was that the
5 transponder did send a signal of the meter reading,
6 but here in their statement they said this shouldn't
7 have happened.

8 If that dial was not working, as Mr. Brinkman
9 said it wasn't, there should have been no transponding
10 of the information. Therefore, our contention is
11 again, something was wrong with the metering system of
12 that meter. Of our old meter.

13 We contend that the meter was not working
14 correctly. There was a dial that was not functioning
15 properly. We contend that by doing a comparison of
16 previous years, where the temperatures were very
17 similar, the meter reading should have registered
18 close to what they were. But those three months the
19 meter was reading anywhere from double to three times
20 what the previous two years were reading.

21 The outside temperature was the same. We
22 should not have been using any more gas than what we
23 had the last two previous years. Considering the
24 outside temperatures or the mean temperatures for 2009
25 and 2010 were, were within a couple of degrees of

1 that -- of the year 2011 and 2012.

2 Questar Gas has told us there was a dial
3 broken. There was something wrong with the meter.
4 There was something wrong with the ARM, because it
5 said that if that dial that Mr. Brinkman was examining
6 was not working, there should have been no response
7 ever given to it. So how did it re -- how did they
8 get a response just moments before that time that he
9 examined it?

10 There was something wrong with the meter.
11 All we're asking is -- we're not asking for -- that we
12 didn't use any gas at all. We're asking to look at
13 the last three months before the meter was replaced --
14 and the meter was replaced on January 23rd. Those
15 three months the gas usage does not correspond with
16 what the temperature of the year was with the last two
17 preceding years.

18 In their response Questar Gas gave us
19 readings. They did not check the temperature, but
20 they checked the usage. Now, as we have talked
21 before, the usage can vary a lot with the temperature
22 on the outside.

23 I would ask that their -- their comparison
24 months or years when they were comparing were, were
25 comparison by gas usage, not by temperature. Which is

1 not a fair comparison. On January twen -- January 4,
2 2002, what was --

3 MR. KEN McCLEARY: Slow down.

4 MR. McCLEARY: Excuse me. On January 4,
5 2002, what was the outside temperature?

6 THE COURT: Janu -- which?

7 MR. McCLEARY: January 4, 2002, is 1, 2, 3,
8 4, 5, 6, 6 comparisons down. On page 6 of their
9 response.

10 THE COURT: Okay. Mr. McCleary, what do you
11 purport that the outside temperature was?

12 MR. McCLEARY: I don't know.

13 THE COURT: Okay.

14 MR. McCLEARY: And I don't know why they even
15 picked that month. They picked it not on what the
16 temperature or what the, the conditions were, but on
17 the usage.

18 THE COURT: Okay.

19 MR. McCLEARY: I'm trying to compare the --
20 apples to apples.

21 THE COURT: Yes.

22 MR. McCLEARY: This is kind of comparing
23 apples to oranges.

24 THE COURT: Mr. McCleary, your point is well
25 taken. And I, I very much understand where you're

1 coming from. I understand what your concern is. And
2 I know that this is a very important issue for you.
3 And that's why the Commission is addressing this.

4 That's why we did not rule on the motion but
5 we chose to continue with the hearing and to proceed.
6 And I just want to make sure that that's clear to you,
7 because I can tell by your tone and your level of
8 agitation --

9 MR. McCLEARY: I'm sorry.

10 THE COURT: -- that you -- you're very upset.
11 And I want you to know that we're here to review this
12 in its entirety. That's why I have lots of questions.
13 That's why I want to make sure that you are given a
14 full opportunity to express yourself.

15 I just, I just want you to know that we are
16 very concerned about this issue and felt that it was
17 necessary to proceed in this manner. So you can be
18 assured that you are being given full opportunity to
19 be heard.

20 MR. McCLEARY: I appreciate it. I'm sorry,
21 it, it was frustrating on my part when I -- when we
22 were talking originally -- and again, this is
23 beforehand -- that people could see things were out of
24 whack but nothing could be done.

25 THE COURT: Okay.

1 MR. McCLEARY: And I was frustrated to the
2 fact that, the simple measure that if you look at the
3 graphs and look what I've shown and doing comparisons,
4 there was something wrong. The meter was broken. And
5 the simple thing is, is if the meter was broken we
6 feel that these figures that they, they were being
7 read by the AMR, were not a correct reading.

8 THE COURT: Okay.

9 MR. McCLEARY: And that, that's our whole
10 contention. We're not -- we don't want free gas. Let
11 it be known we do not want free gas. We just want to
12 say, Look at the 1 -- look at past history. You
13 replaced the meter. You said there was a problem with
14 the meter. The graph and the usage shows there was a
15 problem with the meter.

16 Why couldn't you just say, We will take an
17 average of the last two years, and that will be your
18 billing. Because they are very similar in, in what's
19 happened in the last two -- in 2009, 2010, and 2011.
20 The months have been pretty well comparison. And --

21 THE COURT: Have you ever asked Questar to do
22 that for you?

23 MR. McCLEARY: I did. I've asked Questar
24 from the first time. I've asked numerous people.
25 I've asked their -- let's see, I'm trying to think

1 of -- supervisors. I've talked to numerous
2 supervisors.

3 My answer -- which was frustrating -- was, We
4 cannot do any adjustments. Only the Public Service
5 Commission can adjust gas rates.

6 And that was the answer that -- that's why
7 I'm to this point now. Is because in all my
8 frustration, being customer oriented as I am, I have
9 to appeal to my customer. If something's wrong, I try
10 to correct it. If I can see there's a problem I try
11 to correct on the good more than the evil.

12 And so I was very frustrated that --

13 THE COURT: Uh-huh.

14 MR. McCLEARY: -- my answer was that they
15 kept pawning me off to, to you people. To the Public
16 Service Commission. These are the only people that
17 can give rate decreases.

18 THE COURT: Okay. Let me just clarify
19 something. And I'm going to assume for a moment that
20 the response that you got was correct. I don't know
21 that that's, that's indeed the case, but I'm just
22 gonna assume that for, for a moment.

23 If you received a comment like that, that the
24 Public Service Commission is the only body that can
25 decrease rates, that is an absolutely true and factual

1 statement. The question is, however, your issue goes
2 to an issue of customer service, an issue of potential
3 equipment failure, which the Company can address.

4 So I'm not entirely sure, even assuming that
5 you did get that response, that that was an accurate
6 view of the situation. So what we want to do, again
7 backing up to what I said earlier, is we want to give
8 this a complete view.

9 We want to look at it from your standpoint
10 and we want to look at it from Questar's standpoint.
11 And in the end the Commission will issue a ruling
12 addressing the concerns that you have.

13 I very much get that your concern is that you
14 feel that the information that Questar is using is not
15 an appropriate comparison. And that you feel that the
16 appropriate comparison would be to look at the last
17 two years before this happened during the same time
18 frame.

19 And I, I now understand that you, you've
20 addressed that issue with Questar and that you were
21 unsatisfied with the response that you got, and that's
22 why we're here today.

23 MR. McCLEARY: Yes.

24 THE COURT: So I do have a few more
25 questions. I, I don't want to prevent you from

1 continuing or saying anything more. Is there
2 anything, is there anything more that you wanted to
3 add?

4 MR. McCLEARY: No, I -- like I, like I
5 mentioned here, we feel that there's been, on both
6 sides, that there was a problem with the meter. And
7 like I've said, in this mechanical situation these
8 dials are turning.

9 If, if, if one of the dials gets stuck on 9,
10 and every month that that cubic foot is a higher cubic
11 foot and it shows 9 instead of switching over to 1, it
12 would always switch almost a thousand units or a
13 hundred units greater than what we were using.

14 As I've said, there has been noted that the
15 dial was a problem. If the other dials were sticking,
16 the only way that they could have been noted is if
17 somebody sat there for 30 days and watched each dial
18 move into that thing.

19 I didn't do that. And natural gas -- or
20 Questar didn't do that. But the record that I'm
21 showing here is there's not -- it is not kosher. Or
22 it is not -- it doesn't seem like it's in line with,
23 with what is happening.

24 This last winter was one of the mildest
25 winters we've had. I can tell by my winter's mild is

1 how many times I plowed that -- the parking lot. And
2 this year I plowed twice. In years past I plowed two
3 or three times a week.

4 So it was a very mild winter. It is now
5 showing because of water shortage. We did not have
6 the snow or the temperatures that we had in the last
7 two years. And as such, this is what brought to my
8 attention how could I be using this much gas in a
9 milder winter? It didn't make a lot of sense.

10 Common sense told me that something was not
11 right. And I, and like I said, the frustration was is
12 that there -- they were -- there's admitted a problem
13 with the meter. They replaced the meter. If there
14 hadn't have been problem with the meter, why was the
15 meter replaced?

16 There was a problem with the meter. The
17 meter was replaced. There was a problem in the
18 billing because it shows that we would have been -- I
19 would have blown everybody out of the building with
20 heat if I would have used this much heat in that
21 period of time, considering what the outside
22 temperatures were.

23 THE COURT: Okay. Mr. McCleary, does that
24 conclude your presentation?

25 MR. McCLEARY: -- it does. I -- it does.

1 THE COURT: Okay. I'm gonna ask you a few
2 more questions.

3 MR. McCLEARY: Okay.

4 THE COURT: And I'm also gonna give the
5 opportunity for Ms. Jurgenson to do the same. And
6 this may be a little out of order, but it's --
7 nevertheless, I, I want to make sure that I address
8 these while I've got them in my head.

9 So your formal complaint is for the period
10 beginning October 1st and ending basically the end of
11 January of 2012, correct?

12 MR. McCLEARY: Again, understanding the
13 billing cycle. The billing cycle from October to
14 November, from November to December, and from December
15 to January 23rd.

16 THE COURT: Okay. So the billing cycle
17 beginning October 2, 2011, and ending January 23,
18 2012?

19 MR. McCLEARY: The gas usage would have been
20 in October, November, and December.

21 THE COURT: Okay.

22 MR. McCLEARY: But it's showing on the graph
23 this is a, this is a billing cycle so it's, it's a
24 month off, so.

25 THE COURT: Okay. In your formal complaint

1 you mention in paragraph 3 that you called Questar on
2 December 8, 2011. That would have been a couple of
3 months -- at least a month after the October 2nd
4 billing would have been sent, assuming what you
5 mentioned, which is that the usage is billed
6 approximately a month later.

7 So I'm wondering, did it just take you a
8 while to realize that there was an odd situation, or
9 at least that it appeared to be an odd situation?

10 MR. McCLEARY: The --

11 THE COURT: Just wondering if it was so out
12 of whack, as you described it, why not call Questar
13 immediately and express your concern?

14 MR. McCLEARY: When we get the billing I
15 generally turn them in and we pay the billing towards
16 the end of the billing cycle. So when the bill is
17 due, if the bill is due -- if we get the bill in
18 November it is usually due in December. That's my
19 understanding of the billing.

20 It don't -- when we get the billing they said
21 there's a billing date that's after when you get the
22 bill. When I first got the bill I did not look at it
23 too closely until towards when the billing cycle comes
24 up when the bills are due and payable.

25 I looked at it and realized it was out of

1 whack. I then called. Addressed the problem there.
2 And they would send -- they said, We will send out a
3 person to check it.

4 THE COURT: Okay.

5 MR. McCLEARY: Which they did.

6 THE COURT: Okay. You, you --

7 MR. McCLEARY: And so I waited, I waited
8 until a second person --

9 THE COURT: You've answered my question
10 Mr. McCleary, thank you.

11 MR. McCLEARY: Okay.

12 THE COURT: On the last line of paragraph 3
13 of your formal complaint you state:

14 "The whole gas meter and metering
15 system was replaced on January 23,
16 2012."

17 Help me understand what you mean by "the
18 whole gas meter and metering system."

19 MR. McCLEARY: Okay. On the McCleary
20 Exhibit 1, on the photos? What you're looking at
21 here, everything on that system except the line coming
22 out of the ground was replaced.

23 THE COURT: Okay. Thank you. On paragraph 4
24 of your formal complaint, about midway through that
25 paragraph when you talk about the time frames of the,

1 of the bills. And then you express that the amounts
2 billed through -- for those periods of time were 5 to
3 12 times higher than the same periods the last two
4 years.

5 MR. McCLEARY: I probably exaggerated a
6 little bit. I'm -- on the graph, I went off the
7 graph. And as you can see that on --

8 THE COURT: Can, can you tell me what your,
9 what your allegation is then?

10 MR. McCLEARY: I, I guess what I was looking
11 at was counting the number of different bars in
12 situations. How many difference was -- like on, on
13 December we're using 3 units. But our December usage
14 was using 15 units.

15 THE COURT: Okay.

16 MR. McCLEARY: So, which is 12, 12 more units
17 than, than what we previously used. Twelve, 12 times
18 higher units.

19 THE COURT: Okay. So --

20 MR. McCLEARY: I went off the units, I guess
21 is what.

22 THE COURT: So would you say that if we
23 amended this section to say 5 to 12 -- I think you're,
24 you're now saying that 5 to 12 units higher? Is that,
25 is that an accurate statement, or?

1 MR. McCLEARY: I guess that's what it is.
2 And I -- and again, I'm using their, their figures.
3 Like on December, December of 2010 they use 30 units,
4 where it's showing that they billed us for 150 units.

5 THE COURT: Okay. I think in the end
6 you're -- whether it's five times higher, or three
7 times higher, or -- I think at one time today you
8 might have even said six times higher? I'm not
9 positive.

10 I think that your allegation is is that it
11 was substantially higher --

12 MR. McCLEARY: Yes.

13 THE COURT: -- than it's been in the last two
14 years.

15 MR. McCLEARY: Yes.

16 THE COURT: Okay. So if -- I just wanted to
17 get a better understanding as to what your -- what you
18 were alleging. Now, you have presented this graph,
19 which you -- which we have marked as McCleary Exhibit
20 No. 1, and which you were just referring to. And it
21 does have some comparable information from 2009, 2010,
22 2011, and 2012.

23 MR. McCLEARY: Uh-huh.

24 THE COURT: What I, what I didn't hear from
25 you -- and maybe it's, it's listed here but we just

1 haven't gotten into it -- is what were you
2 specifically using and being charged for during 2009
3 and 2010? I guess the usage we have.

4 MR. McCLEARY: The use -- we were -- we paid,
5 we paid -- the previous years we paid that usage.

6 THE COURT: Okay. Okay. Now, based on
7 that --

8 MR. McCLEARY: Let me make one statement
9 before.

10 THE COURT: Sure, sure.

11 MR. McCLEARY: The only, the only month we
12 have not paid and paid on was the December billing.
13 And that's the billing that we -- I originally started
14 to question. I did not know that the meter was broken
15 for these other three months until I got this graph
16 and looked at it.

17 THE COURT: Okay.

18 MR. McCLEARY: But we did pay December's and
19 January's, the next two billings after that we paid in
20 full. So we did not, you know, we -- I did not want
21 to have three months stretching out and have our gas
22 shut off.

23 So my question was that we had a problem in
24 December, but really we had a problem for three months
25 while -- that this is being going on. So we were --

1 we -- my feeling is that we overpaid -- we, we did not
2 pay any -- the November billing. But we paid the
3 December billing and we paid the January billing. And
4 we overpaid what we should have overpaid. Because of
5 the way this meter was, was not functioning properly.

6 So I just wanted to make note, we are only
7 behind -- or only behind in the money we owe Questar
8 one month, but in reality the meter was broke for
9 three months. And this is, this is what we're
10 questioning is those three months before the new meter
11 was placed.

12 And when we got the facts in and started
13 doing this process with you and the Public Service
14 Commission we noticed that the three months were a
15 problem, not just the one month. But we have been
16 current on our bills up to now. And we're always
17 current on our bills. For 12 years we have never been
18 not current on our bills.

19 But there's a problem with the meter. And
20 during those three-months period when it started up
21 again from summer -- of course you can see summer we
22 don't use anything. But that startup time when we
23 start using gas again there was a problem with that
24 meter system that we had at the building.

25 THE COURT: Okay Mr. McCleary, let's get back

1 to the questioning. I want to make sure that I'm
2 understanding how, how everything has played out here.

3 MR. McCLEARY: Okay.

4 THE COURT: So you've received bills, some of
5 which you've paid and some of which you've not paid;
6 is that correct?

7 MR. McCLEARY: One we haven't paid, the rest
8 we have paid.

9 THE COURT: Okay. And that bill, if I'm
10 understanding you correctly, was the November 2011
11 bill?

12 MR. McCLEARY: Yes.

13 THE COURT: And tell me -- so you -- just for
14 clarification, you did not pay the bill under protest?

15 MR. McCLEARY: Yes. We -- yes, you're
16 correct.

17 THE COURT: Okay. And so that amount due is
18 still owe -- due and owing?

19 MR. McCLEARY: That, that amount is, is, that
20 amount is still due and owing.

21 THE COURT: Okay.

22 MR. McCLEARY: We have paid the other two
23 months, but we feel also that there's a problem with
24 those bills also.

25 MR. McCLEARY: Okay.

1 THE COURT: Do you recall how much the
2 November 2011 bill was?

3 MR. McCLEARY: I, I can't. I know that they
4 were probably up over \$800 a month. If I remember
5 correctly, the November bill was almost a thousand
6 dollars and something a month. And then they were up
7 eight, nine hundred dollars a month the next two
8 months, which was --

9 THE COURT: Okay. So for November 2011 you
10 estimate that it was \$1,000?

11 MR. McCLEARY: I think the bill we didn't pay
12 was 1,032, or something to that effect.

13 THE COURT: Okay. Okay. An estimate is
14 fine. One thousand dollars is --

15 MR. McCLEARY: Oh, excuse me. It was one
16 thou -- well, let's see. It was 1,000...\$1,132.37.

17 THE COURT: Okay.

18 MR. McCLEARY: That's the bill that we owe.

19 THE COURT: Okay. In your complaint you're
20 requesting that the Company use the last two years
21 rather than the comparables that they're relying on
22 as, as a way to resolve this issue about the billing
23 and whether or not the meter was working properly.
24 And that your bill be adjusted accordingly.

25 Do you have a sense as to what that

1 correction would be? What it would result in? Like
2 an amount of a credit in dollars?

3 MR. McCLEARY: I, your Honor, I don't. I
4 just was looking at their graphs and just saying. I,
5 I'm not sure how it would -- how that would equate
6 out. Like I -- and let's just take December's, where
7 it was about, it looks like about 28 and 30 units. So
8 why not bill us around 29 units for that month?

9 In November the, the billing was, was 10
10 units and 2 units. Seven units. The billing in
11 January it looks like 80 and 60. Why not bill us for
12 70 units?

13 And, and we're just trying to get an equality
14 there where we're saying, Okay, this is what it was in
15 the past two years. We'll take an average of them and
16 pay that. We're not offended to pay that thing. We
17 just don't want to pay over what we've used.

18 And I think it would have been a very fair
19 and equitable deal for them to come back and say, We
20 agree. The meter was broken. We agree we'll average
21 the last -- this year and the last two years and you
22 can pay that amount. You've already paid two months
23 of it. For what -- we'll put that towards the first
24 month and see what comes the difference and we'll --
25 whether we owe you or you owe us, it makes no

1 difference to us. But what's what we just wanted.

2 THE COURT: Okay. Thank you, Mr. McCleary.
3 I have a couple more questions for you and then we'll
4 move to Questar's position in this matter. Do you pay
5 the bills for the association?

6 MR. McCLEARY: All the bills come to me. I
7 open them up, examine the bills, and then give them to
8 my sister, who is our -- who collect -- who gets the
9 bills and pays all the bills. But I examine every
10 bill that comes in.

11 THE COURT: Okay, thank you. And you've
12 testified already that the only gas that's being used
13 in the wintertime is for heating. Is -- during the
14 time period that you're complaining of, approximately
15 October through January of -- October 2011 to
16 January 2012, did you have any issues with your heater
17 during that time?

18 MR. McCLEARY: No.

19 THE COURT: Did you have your heater main --
20 maintained?

21 MR. McCLEARY: At the beginning of each, of
22 each, like the beginning of fall I go up and maintain
23 my meters -- or my systems. I replace all the
24 filters, check all the belts, make sure everything is
25 functioning properly with the gas.

1 I do that all personally visually. If
2 there's a problem that I can't deal with I call my
3 service people, who are EM -- EM -- EMR? And they
4 come out and will do the major stuff. But I
5 physically examine each unit and make sure that it's
6 functioning properly and that everything is working.
7 And I have done that for the past 12 years.

8 THE COURT: When -- excuse me, strike that.
9 How old is the heating unit in the building?

10 MR. McCLEARY: The heating units are 12 years
11 old.

12 THE COURT: Do you recall receiving any
13 complaints during that time that the heat was just off
14 the charts?

15 MR. McCLEARY: No. Like I said before, I can
16 tell if it's off the charts simply because our -- the
17 main unit or the common area is heated by all the
18 units. We do not have any direct units right in
19 that -- in the common area. It is heated by the units
20 that are in the suites.

21 THE COURT: Uh-huh.

22 MR. McCLEARY: So that they come out. So if
23 there would have been a complaint, I would have known
24 about it. If it would have been abnormally hot, I
25 would have known about it. Or anybody would have

1 known about it as quick as they walked in the
2 building.

3 Because we have a closed system. We have no
4 windows that are open or closed. The only thing
5 that's open and closed is the doors. And so that area
6 is, is my main -- if there, if there's a problem I
7 generally can tell there's a problem because the -- I
8 will get complaints. Especially on the -- if it's too
9 hot. People are uncomfortable when it's too hot or
10 too cold. They will tell me right off.

11 I am there every day. People have access to
12 me every day so that. And let it be known that they
13 do access me on a regular basis if there's a problem.
14 Whether it be a light out, a ballast out, replacing
15 lights, the toilet facility is not functioning
16 correctly, and stuff like that.

17 Generally I make contact with all my tenants
18 at least two or three times a week.

19 THE COURT: You've given me some background
20 about the tenants that you have. And you've described
21 them as, in, in my view, as general business tenants
22 ranging from chiropractors to doctors, perhaps even
23 nonprofit entities.

24 Is there any tenant that you've not described
25 to me that might have any need for an unusually large

1 amount of gas? Perhaps -- and I'm gonna elaborate on
2 my question a little bit, so just give me a moment.

3 What I'm imagining is, would there be any
4 sort of a tenant that you have that is converting gas
5 for some other use? Or might they be engaged in some
6 other activity that a high consumption of gas would be
7 necessary, whether it be some sort of growing
8 greenhouse facility or something?

9 MR. McCLEARY: No. Let me explain MS. I'm
10 not sure if everybody is familiar with multiple
11 sclerosis. Multiple sclerosis is a disease that
12 affects the body. One of the unique things about
13 multiple sclerosis is temperature has a great effect
14 on people with MS.

15 They are very uncomfortable when it's, when
16 it's hot. And they are very uncomfortable when it's
17 too cool -- too cold. And so MS had to maintain
18 pretty close to a certain temperature for their
19 clients. They, they had MS clients come in. And they
20 have a study room, and they have conferences, and they
21 have things where people with MS come into that
22 building.

23 A number of the workers that work with MS
24 have, have MS themselves. So the temperature for them
25 is more critical than any other suite that I have in

1 the building. So those people would be complaining
2 more, more than any of the other tenants if there, if
3 there was a real problem because of temperature.

4 THE COURT: I have to interject. So it's not
5 just the fact that they're women?

6 MR. McCLEARY: No, it is, it is not the fact
7 that they're women. But I have to tell, when a woman
8 comes in in a short skirt and a sleeveless top in the
9 middle of winter...

10 THE COURT: Okay, let's just leave it at
11 that.

12 MR. McCLEARY: Okay, yeah. But what I'm
13 saying is especially, especially with MS -- and I have
14 several friends with MS -- temperature variances are a
15 great thing to them. It is just, it is just
16 uncomfortable and, and it really affects people with
17 MS.

18 So I have been very careful to make sure MS
19 is kept within a certain, certain temperature range so
20 that those people coming into their offices -- I, you
21 know, I -- if I -- if it was wrong I would get
22 complaints -- three or four complaints a day because
23 of people coming in there that would be uncomfortable.

24 So I'm very conscious of what -- of their
25 needs for a controlled environment and controlled

1 temperature.

2 THE COURT: Okay. So back to the other parts
3 of my question. Is there any reason to believe that
4 there may have been a tenant who had a need or was
5 otherwise using gas for any other purpose?

6 MR. McCLEARY: No.

7 MR. KEN McCLEARY: They couldn't do it.

8 MR. McCLEARY: They, they -- there's no,
9 there's no individual thermostats in indi -- we have
10 centralized thermostats.

11 THE COURT: Okay. And they can't -- they
12 wouldn't be able to access a pipe and --

13 MR. KEN McCLEARY: There's no other use of
14 gas other than heating for the.

15 MR. McCLEARY: There's no, there's no --

16 THE COURT: Okay.

17 MR. McCLEARY: We don't have a greenhouse --

18 THE COURT: For the record, sir, could you
19 identify yourself just to make sure that the reporter
20 is clear?

21 MR. KEN McCLEARY: Kenneth McCleary.

22 THE COURT: Thank you. And Mr. --

23 MR. KEN McCLEARY: Age? Do you want my age
24 in?

25 THE COURT: No. No, no, no. No.

1 MR. KEN McCLEARY: I'm only 18.

2 MR. McCLEARY: Okay. But there is no, there
3 is no other -- there's no greenhouse, there's nobody
4 raising plants, there's no, there's no exterior
5 situations or hookups that can be --

6 THE COURT: Okay.

7 MR. McCLEARY: -- utilized in that building.

8 THE COURT: Okay. Thank you for letting me
9 delve into that in the level that I, that I have. I
10 appreciate your, your testimony. And I realize,
11 having allowed you to, in essence, testify -- and I'm
12 assuming that this is testimony; is that correct,
13 Mr. McCleary?

14 MR. McCLEARY: It is.

15 THE COURT: What I'd like to do in light of
16 that, because you are cross -- you are subject to
17 cross-examination by Questar, and in essence my
18 questions of you are examination as well. I want to
19 make sure that, for the record, that there's no doubt
20 that your testimony today is given under oath.

21 And although you've already given your
22 testimony I'd like to make sure that you're sworn and
23 that you do testify that your testimony was given
24 truthfully and accurately. And so if you have no
25 objection to that, I would like to make sure and have

1 you sworn in for the record.

2 MR. McCLEARY: Okay, yes.

3 THE COURT: Okay, great. Would you please
4 raise your right hand?

5 (Mr. Kraig McCleary was sworn retroactively.)

6 THE COURT: Very well, thank you.

7 Okay. Ms. Jurgenson, thank you for waiting
8 patiently. I would like you to proceed in a manner
9 that you would like to at this point. Feel free, if
10 you wish, to initiate with your presentation or with
11 cross-examination. Whichever you would like is, is
12 perfectly fine.

13 MS. JURGENSON: Thank you, your Honor. I
14 only have one question for Mr. McCleary, and that's
15 more of a clarification. The Photo Exhibits 1 through
16 3, just for the record, are these photos of what we
17 refer to as the 225 meter or the new meter?

18 MR. McCLEARY: New meter. Those are the,
19 those are the new meter that was replaced.

20 MS. JURGENSON: Yes, thank you. And that
21 would end any cross-examination that I have, thank
22 you.

23 Moving forward with our presentation, we
24 have -- we today would like to clear up any confusion
25 that there are -- that may be had around the meters

1 and replacement of the meter. And would like to call
2 Alan Blain to discuss why, why we replaced the meter
3 and also how the gas meter works.

4 THE COURT: Mr. Blain.

5 MR. BLAIN: Do I come sit up here?

6 THE COURT: Yes, please. You may have a seat
7 at the witness stand here, and let me make sure your
8 microphone is on. Before you have a seat, sir, I'd
9 like to swear you in. Would you please stand and
10 raise your right hand?

11 (Mr. Blain was duly sworn.)

12 THE COURT: Thank you.

13 MR. BLAIN: I've never done this before, so
14 excuse me if I'm seem a little bit nervous.

15 ALAN BLAIN,

16 called as a witness, having been duly sworn,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. JURGENSON:

20 Q. Hi Alan, thank you. To begin with could you
21 state your name and what you do in your role with
22 Questar Gas Company?

23 A. Yes. My name is Alan Blain. I've worked for
24 Questar for 25 years, the past 21 years in the
25 metering and regulation department. And for the last

1 15 I have been a supervisor of the meter reading and
2 regulation department.

3 My sole charge, my whole -- sole job
4 description is to make sure our cash registers, or
5 meters, are running accurately, both for the customer
6 and for our company.

7 Q. Thank you. And I know that you brought in
8 some materials to help in your description today.

9 A. Yeah.

10 Q. I would like to present this.

11 A. Just some visuals. And a lot for myself to,
12 to try to be able to speak intelligently.

13 (Pause.)

14 THE COURT: Ms. Jurgenson, would you like to
15 have these marked?

16 MS. JURGENSON: Yes, please. Could we mark
17 the first one, the How a Gas Meter Works document, as
18 the Questar Exhibit 1? And the second document
19 depicting the 225 meter as Questar Exhibit No. 2.

20 THE COURT: And that is a two-page document,
21 or do I just have two?

22 MS. JURGENSON: Oh, the first one is a
23 two-page document, and second one is a one-page.

24 THE COURT: Okay. I just have an extra copy.
25 Thank you.

1 MS. JURGENSON: Oh, sorry.

2 THE WITNESS: You want -- ma'am, or Judge,
3 could I have that copy? I don't have that one with
4 me.

5 THE COURT: Oh, sure.

6 Q. (By Ms. Jurgenson) Alan, can you help
7 explain how a gas meter works, and particularly the
8 225 meter?

9 A. Yes. A gas meter does not run by any kind of
10 battery or any kind of -- well, basically a battery.
11 The transponder does. It has a battery life of about
12 15 years. But a meter in itself, if you'll look at
13 this document of how a gas meter works -- and would it
14 be okay if I drew on the board? Or, or would it be
15 better for me just to try to explain it?

16 THE COURT: I think it would be better for
17 the record if you explain.

18 THE WITNESS: Okay.

19 THE COURT: Since we don't have an exhibit
20 that's large and.

21 THE WITNESS: Okay. Okay, well how, how a
22 gas meter works, basically, is you have your gas line
23 coming in from the street. And that, that's about
24 45 pounds of gas that's coming up to your house. And
25 then you have your regulator that is right before the

1 meter.

2 And that regulator breaks down that 45 pounds
3 and turns it into 7 ounces of water column, or
4 4 ounces -- I mean 7 inches of water column or
5 4 ounces of gas. Which, which that's what your
6 appliances generally need to run properly.

7 You can have, you can have higher pressures
8 for higher loads. I'm not sure what type of regulator
9 is on your folks's business. But I'm just gonna, I'm
10 just gonna speak like it was a 4-ounce regulator. And
11 so what happens is that gas running up to the
12 regulator is at 4 ounces.

13 And what -- and then it basically fills your
14 meter with gas. Fills the piping going into your
15 house, into your appliances, like your drier, your
16 furnace, your gas stove. And it's just sitting there.
17 This is with everything off. And this is assuming you
18 don't have any leaks or anything like that, which you
19 would smell if you did.

20 Once you turn on an appliance, like your
21 stove, that, that causes a differential pressure,
22 which goes across the meter. Meters are known as
23 positive displacement meters. These types of meters
24 are known as positive displacement meters. And in
25 layman's terms that just means there's a known volume

1 of gas in that meter.

2 And the best way I can describe it is if you
3 think of a one-gallon milk jug. And if we had a hose
4 and we filled it up with, with water. And I was to
5 just dump it out. And I was to repeat the process two
6 times. You would know that I just dumped out two
7 gallons of water.

8 Well, same theory here. But it's not
9 measured in gallons, it's measured in British, British
10 thermal units, BTUs, or CFH, cubic, cubic feet per
11 hour.

12 And so what happens is meter goes -- or gas
13 goes into the inlet once the appliance is turned on,
14 and the regulator sense -- the regulator senses that
15 to allow gas to continue to flow constantly so that
16 your appliances don't go out.

17 And as you see in this picture down below,
18 this is a four-chamber meter. And the -- it'll show
19 in this, in this middle picture the different
20 chambers. You'll see on this first picture Chamber 1
21 on this outside. It has two diaphragms, which are
22 kind of like accordion bellows that fill up with gas,
23 one each side of the meter.

24 So you got Chamber 1 on the outside,
25 Chamber 2 is the first diaphragm, Chamber 3 is the

1 next diaphragm, and Chamber 4 is the other side of the
2 meter. If you can see that on this diagram.

3 So what happens is gas flows, a known volume,
4 through here. And as, as it flows, as it is being
5 used, it either, you know, if you're just using a
6 pilot load your dial will turn very, very slowly.
7 Because the gas usage, or that differential pressure
8 across the meter, causes it to give you more gas, a
9 steadier supply, or it slows it down.

10 And so basically -- I'm hoping I'm making
11 sense. Basically that's how it works. There's no
12 battery. There's no -- except for the transponder,
13 that does have a battery in it. And so that's
14 basically how, how a meter operates.

15 Meter technology hasn't changed, like
16 Mr. McCleary said, for, for probably about 90 years.
17 Things have gotten better. This photo I have here is
18 the photo that was on the McClearys' place of
19 business, which is the 675A. And it was replaced with
20 the AC630 because of technology --

21 THE COURT: Sir, I'm sorry to interrupt.
22 Just for clarification, are you refer -- let's make
23 sure we -- for the record that we're clear. I believe
24 this is an exhibit to the Company's answer?

25 MS. JURGENSON: Your Honor, I have the

1 precise picture that he is looking at here.

2 THE COURT: Okay.

3 MS. JURGENSON: And that one wasn't.

4 THE COURT: Okay.

5 MS. JURGENSON: The exhibits to the answer
6 are the 225 meter, which is also in this.

7 MR. McCLEARY: But it was not our meter?
8 This was not our meter?

9 THE WITNESS: No.

10 MS. JURGENSON: Not the precise one, no.

11 MR. McCLEARY: Okay.

12 MS. JURGENSON: And here is the picture he's
13 talking about.

14 THE COURT: Thank you. And just for
15 clarification, Counsel, we'll mark this Questar
16 Exhibit No. 3.

17 Q. (By Ms. Jurgenson) And Alan, as you continue
18 could you just explain, the AC630, which meter type?
19 Is that the new type -- meter, or the 225 meter?

20 A. That is the new type of meter. That -- we,
21 we have a three-number prefix. It doesn't really mean
22 anything to anybody except for us. The manufacturers
23 ID is this 675A or this AC630. But in our shop we
24 have a three-number prefix. And we call this bigger
25 meter a 225, and then we call the smaller meter a 746.

1 And it's just internal inventory-keeping reasons for
2 that.

3 Q. And Alan, as you continue would you also talk
4 about the index dial and the transponder dial and what
5 those -- what the importance of those are on the
6 meter?

7 A. On, on which meter? On the --

8 Q. On the 225 meter, thank you.

9 A. On the 225? The 225 meter -- I also have
10 another picture here that's, that's not -- that shows
11 this one of the actual --

12 Q. Yes.

13 A. It's not the actual meter, but it shows the
14 transponder.

15 MS. JURGENSON: And that was an exhibit in
16 the answer.

17 MR. McCLEARY: I would -- I'm confused just a
18 little bit. Can I say something?

19 THE COURT: Sure.

20 MR. McCLEARY: Are you saying this was the
21 meter that was taken off our building?

22 THE WITNESS: No.

23 MR. McCLEARY: This was not a meter that was
24 taken off our building?

25 THE WITNESS: No.

1 MR. McCLEARY: So you do not have a picture
2 of the meter that was taken off our building?

3 THE WITNESS: No.

4 MR. McCLEARY: Okay. That's what I needed to
5 understand. Neither one -- neither the -- they're the
6 same type of meters --

7 THE WITNESS: It's the exact same type, it's
8 just --

9 MR. McCLEARY: But if you'll notice, this
10 meter here and this meter here have different dials.

11 THE WITNESS: Well, it's because the one in
12 your left hand -- or right hand, I'm sorry, does not
13 have a transponder on it.

14 THE COURT: Mr. McCleary, if you'd like you
15 can --

16 MR. McCLEARY: Cross-examine?

17 THE COURT: You can hold those questions and,
18 if it's a clarification, for cross-examination.

19 MR. McCLEARY: Okay.

20 THE COURT: If you have an objection,
21 however, to what's being reviewed or, you know,
22 whether it's, it's being properly marked or admitted
23 into evidence or something like that, please feel free
24 to speak up. You have every right to do so.

25 MR. McCLEARY: Okay. My objection is that

1 these pictures are not our meter.

2 THE WITNESS: Correct.

3 MR. McCLEARY: Okay.

4 THE COURT: And --

5 THE WITNESS: And I'm not trying to pass that
6 off as that. I'm just trying to show you an example
7 of your -- the same meter.

8 MR. McCLEARY: Yeah, I, I understand that.
9 But in the complaint -- what I'm objecting to is in
10 your answers it was, it was noted, in my
11 understanding, that this was our meters.

12 THE WITNESS: No.

13 MR. McCLEARY: And that these were pictures
14 of our meters. And that's what -- this, this isn't a
15 representation of what our meter looked like or
16 anything else.

17 THE WITNESS: No, I -- it's --

18 THE COURT: Sir, if you could, if you could
19 hold your response, please. There is an objection.

20 Ms. Jurgenson, do you have any response?

21 MS. JURGENSON: That was not our intention to
22 make it seem as if the meter was the exact same one.
23 But it is a -- the exact same type of meter. And so
24 the -- this is -- there aren't a lot of unique
25 identifiers between meters except for the Questar

1 plates that, that you'll see on the 746 meter. That's
2 how we would identify the individual one.

3 So these are meant to be a depiction of what
4 the meter looks like, and how it's put together, and
5 the transponders on those.

6 THE COURT: Mr. McCleary, for your benefit
7 since you are *pro se*, meaning that you're representing
8 yourself, I just want to clarify that when an
9 objection is made there is a response that is allowed.
10 And in this situation I'm going to overrule the
11 objection, but I'm also gonna note your objection.

12 I understand what your, what your objection
13 gets at, and I also understand what Questar's position
14 is on this matter. And that is that these photographs
15 that Mr. Blain is describing and explaining how things
16 work are, are meant, in my view, for demonstration
17 only for what Questar uses in their system.

18 I don't think that they have any intention to
19 pass these off as your meter. And if that becomes an
20 issue, we'll address that. But I believe
21 Ms. Jurgenson has addressed that and so we'll move on,
22 okay?

23 MR. McCLEARY: Thank you.

24 THE COURT: Thank you.

25 THE WITNESS: And I can, I can just use this

1 manufacturer picture. I was just simply trying to do,
2 as the judge explained, just to try to keep things
3 straight.

4 But what happened is when our company decided
5 to go AMR, automated meter reading, we have several
6 different kinds of gas meters in our system:
7 Diaphragm meters, we have rotary meters, we have
8 turbine meters.

9 And so each one of them needed a different
10 type of manufacturer's solution to make them work with
11 an AMR. With a trace AMR system that, that we partner
12 with. And so what they did with this meter -- which
13 is the same type of meter that was on your building --
14 was they designed a transponder for it.

15 And the only way I can show you that is by
16 this picture -- that is not your meter -- that shows
17 this little silver half --

18 THE COURT: For, for the record, the witness
19 is referring to Exhibit A-1 of the Company's answer;
20 is that correct, Ms. Jurgenson?

21 MS. JURGENSON: Yes.

22 THE COURT: Okay, thank you. Please proceed,
23 sir.

24 THE WITNESS: And it ran -- there is a little
25 cord that runs to the, the actual transponder itself

1 that is sitting right on the -- on top of this little
2 SPR unit. So that is the actual transponder itself,
3 and I'll see that cord running down to it. And that
4 would be -- if it was placed on your building that
5 would be secured on, on your piping, or on your
6 bypass, or, or whatnot.

7 And so what it does is when gas is flowing
8 through your meter this little gray -- little
9 half-moon piece that has been mounted on there, that
10 is what is communicating with the transponder. And so
11 every time it makes a resi -- a revolution it trips a
12 switch and it counts. Okay?

13 It just counted one. I'm gonna go around
14 again, count again. Around again, count again. And
15 this, this is how they communicate one to the other.
16 And how you can tell, especially after the meter has
17 been sitting in the field for a certain amount of
18 time, is you can go up and do a visual read.

19 And then using an SRP or the van that they
20 drive by with, which is basically just a more
21 high-powered unit to read like thousands of meters an
22 hour, you can, you can check the visual reading, and
23 then you can interrogate it and check the transponder
24 reading.

25 And if they match that's telling you that

1 you're getting -- that it's running correctly. I
2 don't know what -- if I should continue.

3 Q. From your experience if any of these dials
4 were malfunctioning would this cause a meter to
5 register high usage?

6 A. Absolutely not. That was, that was said that
7 the dials, um. I wrote down that stop the dials and
8 it caused the meter to -- or if the dials stopped,
9 they would under-register. One hundred percent of the
10 time.

11 MR. McCLEARY: Objection on that. These,
12 these are mechanical dials, are they not?

13 THE WITNESS: Correct.

14 THE COURT: Mr. McCleary, is this --

15 MR. McCLEARY: Okay, I can just -- I'm just
16 doing -- I'm just trying -- the clarification is he
17 just made a statement that I object to. And the
18 objection is, if any of these dials were not
19 functioning would it read not -- could it read an
20 incorrect reading.

21 THE COURT: Okay. So --

22 MR. McCLEARY: That's a question I object to.
23 If any of the dials were stopped would it register an
24 incorrect reading.

25 THE COURT: Okay. Would you save that for

1 your cross-examination, please.

2 MR. McCLEARY: Okay, I will. Thank you.

3 THE COURT: And I'll, I'll allow you to do
4 that.

5 MR. McCLEARY: Okay.

6 THE COURT: Without getting into all of the
7 particularities of objections and the kinds of
8 objections, I note your concern and we'll address it
9 when you do your cross-examination.

10 MR. McCLEARY: Okay.

11 THE COURT: Okay, thank you.

12 THE WITNESS: I think your question and his
13 question were kind of the same, though. It would --
14 if the dials malfunctioned, it would under-register.
15 And you would not be able to go up and interrogate it
16 and get the same read.

17 Your read on the transponder would be
18 different than the read on the meter visually.

19 Q. (By Ms. Jurgenson) And so if the -- if a
20 dial stopped moving and you went and checked the read,
21 could you explain a little bit more about why the
22 numbers would be lower than higher?

23 A. Well, if -- because they're -- it's
24 mechanical. Because they are -- there are plastic
25 parts. Both behind the index there are gears and

1 they're plastic. If, if they had a tooth shear off
2 for some reason, it -- what it would do is it wouldn't
3 register correctly. It would under-register.

4 Q. And so when, when you're reading an index and
5 one of the dials has stopped and the others continue
6 to rotate, would this -- that number, just to clarify,
7 that one dial that wasn't moving, it wouldn't, it
8 wouldn't increase; is that correct?

9 A. No. No.

10 Q. And so the number would stay lower if that
11 dial wasn't moving --

12 A. Correct.

13 Q. -- rather than going higher?

14 A. Correct. And that silver dial has to
15 complete its circle in order for it to hit that switch
16 and count another count on the transponder.

17 Q. Okay.

18 A. I was just noticing on some paperwork, and on
19 September of 2010 we went out and read a visual read
20 and the transponder read, and they matched. And nine
21 months later we did this again. This is something
22 that I had no part in but our company did, we did this
23 again.

24 And although the read was higher, they
25 matched again. Which is telling me, as a meter

1 expert, that, that it is reading correctly. That the,
2 that the transponder is picking up those counts.

3 Q. And after the meter was removed from the
4 property and brought in to your shop what was the
5 procedure of how you processed that meter?

6 A. What we do is we bring the meter into our --
7 into what we call our "proving room." And in 2005 we
8 did a complete upgrade in our proving room to the
9 latest greatest sonic nozzle technology for, it's the
10 industry standard for proving. Very costly. But we
11 used to use old bell provers which were the, you know,
12 the industry standard 20 years ago. But since that
13 time we have updated our proving room with all new
14 technology to what we call "sonic nozzle provers."

15 And we have -- because my responsibility is
16 to make sure that we're sending out meters that are
17 accurate we have them calibrated by a third-party
18 company every year. And it's actually suggested to do
19 it every two years, but we feel that this is a very
20 important part of our job is the accuracy.

21 That is my whole job, the accuracy of our
22 cash register. And so I've approached my supervision
23 and asked them that I would like to do it every year.
24 And they agreed because it, it -- we just feel like
25 it's the right thing to do. Because we're not there

1 to, we're not there to overbill or under-bill.

2 To continue on what we do, the meter sits in
3 our proving room for 24 hours. It gets put up on the
4 test stand. This is not your meter, but that's the
5 sonic nozzle proofer. It gets put up on there and it
6 gets connected. And then it does -- you put in some
7 ID numbers, you put in the meter number, and, and some
8 superficial stuff. And then you basically hit go.

9 And it first does a leak test on the meter to
10 make sure that there's no leaks, internal or external
11 leaks. And then it exercises the meter. And then it,
12 and then it runs the test. And what we do is we test
13 the meter at two points.

14 We test it at a hundred percent of the
15 meter's capacity. So this meter is a 675A, meaning
16 it's, its maximum capacity is 675 cubic feet. So we
17 test it at 675 cubic feet, and it will give us a
18 computer read out in plus or minus percentage.

19 Public Service allows us to, to -- a window
20 of plus or minus 2 percent, but our shop specs are
21 much tighter. We won't let a meter go out of the shop
22 unless it's within plus 0.2 to minus 0.3. So we have
23 a window -- the Public Service Commission allows us a
24 2 percent window, we allow a half a percent. Minus 03
25 to plus 02.

1 So when this meter was tested what, what he
2 done -- what the technician did and -- he put it up on
3 the proofer. He first of all hit start, and it
4 exercised the meter. And the first thing he looks at
5 is he, he looks at the dials to make sure they're
6 turning. Which would give him an indication that, if
7 they're not turning, that the meter is what we call
8 "DR," or does not register.

9 Then he will check it with the SRP, this
10 little thing sitting under here. And that just -- he
11 just verifies that the transponder read is the same as
12 his visual read. And then it runs the cycle, the
13 test, and gives you two proofs. It gives you a
14 hundred percent and then 10 percent of the meter's
15 parameters. A hundred percent capacity and a 10
16 percent capacity.

17 And basically it's all set up to where if the
18 meter falls without -- outside of our specs of plus or
19 minus, minus 0.3 to plus 02 it flashes red saying, No,
20 that meter is out of whack. It's not out of whack,
21 but it's out of spec. So we can make slight
22 adjustments on it.

23 And I've talked about this meter would come
24 in at plus 06 to minus 06 and so it would flash red.
25 And we have the ability to make an adjustment on it to

1 either speed it up a hair or slow it down a hair. And
2 what we do is we bring that hundred percent test to
3 that 20 percent of what we call the "open and check"
4 together.

5 And, and then you make one adjustment with
6 the check to bring it as close to -- our goal is to
7 get a 0000, which is almost impossible. It happens
8 out of just sheer luck a lot of times. But we are
9 very skilled. My technicians are very skilled at
10 bringing the meter into our spec of plus 02 to
11 minus 03.

12 Q. And we have an exhibit to help you with this,
13 but could you tell us what the 225 meter did test at?

14 A. Yes. I, I remember it testing at plus 0.2 on
15 the open end, which is the hundred percent, and the
16 10 percent plus 0.2. So we -- that, that is very,
17 very accurate. It's basically saying the meter is
18 running, you know, because that's, that's 100.2. It's
19 not 102, it is 100.2.

20 And that's as fast as -- that we would allow
21 to go out. And on the slow side we go a little bit
22 slower. We will allow minus 03, which is actually
23 99.7 percent accurate.

24 THE COURT: Mr. Blain, could I interject for
25 just a moment, please? Is it correct that your

1 testimony up to this point was to give general
2 background on how you test meters?

3 THE WITNESS: Basically, yes.

4 THE COURT: Okay. And this particular
5 document that's just been handed out, which if it's
6 okay let's refer to as Questar Exhibit No. 4, does
7 this refer to a particular meter?

8 THE WITNESS: This refers to Mr. McCleary's
9 meter right here.

10 THE COURT: Okay. And specifically it was
11 the meter 225, correct, which was removed from his
12 property?

13 THE WITNESS: Yes.

14 THE COURT: Okay.

15 THE WITNESS: If I can see a little bit
16 better here, I -- there's probably -- there -- it --
17 I've got the, the technician who tested it, his name
18 is Russell Lupinacci. It was removed on
19 1/23/0 -- '12. And it shows you the remove date -- I
20 mean the removed index read.

21 And because the -- because of the new
22 technology of this smaller meter we only have -- we,
23 we didn't buy a whole lot of these 675As. And we only
24 have about a thousand of them left in our complete
25 system. But because of customers wanting a more

1 aesthetic -- aesthetically-pleasing meter, that, that
2 other AC630 is much smaller but will do the same thing
3 because of technology.

4 And so -- and it's a meter -- the 67 -- the
5 AC630 is a cheaper meter. The transponder is cheaper.
6 And it comes already installed. And so that allows us
7 to return money back to our customers in our rates to
8 buy it.

9 THE COURT: Mr. Blain, just an issue of
10 clarification. When you say "cheaper" do you mean
11 less expensive?

12 THE WITNESS: Yes, I'm sorry, less expensive.

13 THE COURT: Okay, thank you. I'm sorry I
14 interrupted you, but please --

15 THE WITNESS: No.

16 THE COURT: Please go ahead.

17 THE WITNESS: I think I was done. Did I, did
18 I, um.

19 MS. JURGENSON: Yes, thank you. If you would
20 have any other questions, your Honor, Mr. McCleary. I
21 am done with my questioning.

22 THE COURT: I do have some questions of
23 Mr. Blain. And I know that Mr. McCleary does too.
24 And I think what I'd like to do is let Mr. McCleary go
25 first.

1 MR. McCLEARY: Okay.

2 THE COURT: And if he has additional
3 questions after I have questions that's fine, too.

4 MR. McCLEARY: Okay. Let the record note, we
5 don't obj -- have any question that the gas meter was,
6 was cycling gas through it. We know it was. If it
7 wasn't I would have heard screams and shouts. It's
8 that simple.

9 THE WITNESS: Okay.

10 MR. McCLEARY: There, there was gas going
11 through the meter.

12 CROSS-EXAMINATION

13 BY MR. McCLEARY:

14 Q. A couple question is, is this. The dials
15 that we're referring to are mechanical; is that
16 correct?

17 A. Correct.

18 Q. And you said they're plastic?

19 A. The -- well, yeah.

20 Q. They're plastic gears?

21 A. Yeah.

22 Q. So in a sense if, if a tooth or something was
23 broken on one of the dials it could go from -- jump --
24 drop from 1 to 3 --

25 A. No.

1 Q. -- or from 3 to 6 or something. If a tooth
2 was missing instead of clicking right it might jump
3 down to another thing; is that correct?

4 A. No.

5 Q. It could, it could -- if a tooth was missing
6 with plastic after 12 years that could be a
7 possibility?

8 A. No. It would -- if there was a tooth missing
9 it would just skip, it would just skip it. It
10 wouldn't, it wouldn't have anything, you know. The
11 teeth, you know, drive each other. So if you have
12 some teeth missing it's just gonna pass by that tooth
13 and not give you any registration.

14 Q. Okay. So, so if, if this number -- one of
15 these dials stopped on 9 and didn't go to 1, instead
16 of registering maybe 2, 200 -- 2132 or something like
17 that it could register 2932 because that might be
18 stopped on 9; is that correct?

19 A. I'm, I'm sorry, I'm not sure if I'm
20 understanding your question.

21 Q. If, if one of these dials was stopped on 9.
22 Let's say that it was stopped and not moving on 9.

23 A. Okay.

24 Q. That's another question I have. But the
25 reading would always be something 9 something

1 something. Instead of dropping to 1 and showing that
2 it was 100 units it would show almost 800 units used
3 instead of 1 -- a couple hundred units used. It would
4 have stopped on 9 -- when it should have read maybe
5 931 it's reading 991.

6 A. I almost need to write this down, but I --
7 but it wouldn't do that. And I can assure you --

8 Q. You, well, you just, you just made a
9 statement that it would stop. It wouldn't do it. And
10 if it was stopped on a 9 instead of click -- clicking
11 over to a 1 where it would show a lesser usage, the
12 AMR would always read that as 9.

13 So instead of if, if it was 35 -- it's
14 supposed to be 3512 it would read 35912. So it would
15 show that 800 units was used when it really wasn't
16 because it -- the dial was stopped on 9.

17 A. That's not what would have happened. It
18 would --

19 Q. That's what you just said would happen. The
20 dial would stop and it wouldn't move.

21 A. Yeah, and so it would be under-registering.
22 What -- I almost have to show you --

23 (There was an interruption in the
24 proceedings.)

25 MR. McCLEARY: Excuse me.

1 THE WITNESS: -- how the dials work in
2 order --

3 Q. (By Mr. McCleary) I --

4 A. I can show you on your picture.

5 Q. I, I understand how the dials -- they're
6 mechanical, and it's just like an odometer. If one
7 dial gets to 9 --

8 A. Could --

9 Q. It flips over and gets to 1 and --

10 A. Could you come up here with your picture?

11 (The speakers were talking over one another
12 and had to be interrupted.)

13 Q. (By Mr. McCleary) Excuse me, okay. The
14 obj -- let me, let me go. My objection is if a dial
15 was stopped, would it give a correct reading?

16 A. It would give an undervalued reading.

17 Q. Would it give a correct reading? Yes or no,
18 please.

19 A. It would give an undervalued reading.

20 Q. That isn't what I'm asking. I'm saying would
21 it give a correct reading?

22 A. No. It would give an undervalued.

23 Q. Thank you. The other question I have is on
24 the testing. When you put it on the bench how long
25 did it sit on the bench?

1 A. How long did --

2 Q. How long did you test it for?

3 A. Well, the -- that's kind of almost an
4 impossible question to answer because I didn't do the
5 test.

6 Q. Okay, then I'll ask you did you test it for
7 30 days?

8 A. No. We --

9 Q. So, so --

10 THE COURT: Mr. McCleary, he's answered the
11 question.

12 MR. McCLEARY: Okay.

13 THE COURT: He said he didn't do the testing.

14 MR. McCLEARY: Okay.

15 THE COURT: So he can't answer the question.

16 MR. McCLEARY: Okay.

17 Q. (By Mr. McCleary) So anyway, if a dial was
18 broken, the period of time it was on the bench, unless
19 it was there for 30 days, there would be no knowledge
20 if that dial was functioning correctly, I would
21 assume?

22 A. Well, there would be, because if the
23 transponder matched with the visual reading then your,
24 your read is -- your, your dial is turning correctly.

25 Q. Okay. That brings up the question that I

1 have. On page 2 of your answers, the statement that I
2 read:

3 If the test dial does not turn when
4 natural gas is flowing the result is
5 that the transponder will not send a
6 signal.

7 Is that a true statement?

8 A. Please read that again because that's not my
9 writing.

10 Q. If the test dial does not move when
11 natural gas is flowing the result is
12 that the transponder will not send a
13 signal.

14 THE COURT: Hold -- please -- just a moment,
15 please. Mr. McCleary, I don't think that was an
16 accurate statement of exactly how that reads.

17 MR. McCLEARY: I -- did I read it wrong?

18 THE COURT: And I -- well, I think you did,
19 but in a very slight way. But just for fairness to
20 everyone let's back up and just take a moment.

21 MR. McCLEARY: Okay.

22 THE COURT: And maybe relax just a tiny bit.
23 And actually, Ms. Jurgenson makes a good point.
24 Apparently Mr. Blain doesn't have a copy of this. So
25 if he's able to read along, I think that would be

1 fair.

2 MS. JURGENSON: I can give him a copy.

3 MR. McCLEARY: Uh-huh.

4 MS. JURGENSON: This is from the answer that
5 we submitted.

6 THE WITNESS: Okay.

7 Q. (By Mr. McCleary) Okay, last, last sentence
8 in paragraph 3.

9 A. Okay, let me, okay, let me catch up to you.
10 Are you saying with the vehicle? The vehicles have
11 equipment?

12 Q. No, in para -- on page 2.

13 A. Okay.

14 Q. The last sentence in paragraph 3.

15 A. Okay. Go ahead.

16 Q. If the test dial does not turn when
17 natural gas is flowing the result is
18 that the transponder will not send a
19 signal.

20 A. If the test dial does not turn when
21 natural gas is flowing the result is the
22 transponder would not send a signal.

23 I would say that would be a correct
24 statement, and you would be getting free gas.

25 Q. Okay. That, that is a correct statement.

1 Para -- page 3 of this same answer.

2 A. I don't have page 3, I'm sorry.

3 THE COURT: The record will reflect that
4 Mr. Blain has page 3.

5 Q. (By Mr. McCleary) Paragraph 11?

6 A. Okay.

7 Q. Second sentence.

8 A. I only -- does this go into page 4?

9 Q. It goes into page 4, excuse me.

10 THE COURT: The record will reflect that
11 Mr. Blain has pages 3 and 4.

12 Q. (By Mr. McCleary) Second sentence:

13 During his visual check Mr. Brinkman
14 again confirmed the accuracy of the AMR.

15 THE COURT: Mr., Mr. McCleary, I'm gonna cut
16 you off right here because the Company already made a
17 clarification much earlier --

18 MR. McCLEARY: Okay.

19 THE COURT: -- which we talked about.

20 MR. McCLEARY: Okay, now --

21 THE COURT: So --

22 MR. McCLEARY: Okay. Excuse me, I didn't
23 know who this man was. Technician. I should put
24 technician in there. A technician again -- no, this
25 is a statement that Mr. Brinkman checked the accuracy.

1 And I'm, and I'm not sure if it's -- he's checking the
2 accuracy of the technician, but Mr. Brinkman looked at
3 the visual meter himself.

4 MS. JURGENSON: May I clarify again, your
5 Honor?

6 THE COURT: Yes, please.

7 MS. JURGENSON: The AMR reading occurred by a
8 vehicle that did the monthly checks outside of
9 Mr. Brinkman's visit. It was a coincidence that they
10 both happened to be -- happened at the exact same
11 time.

12 Mr. Brinkman did not have a reader for the
13 transponder, and so while he was on site he was not
14 able to verify the accuracy. But when both of those
15 reads were entered into the system we were able to
16 verify the accuracy on paper.

17 MR. McCLEARY: Okay. That, that's fine.
18 Whoever it was, that's fine. I under -- I understand
19 that. So there was a verification that the AMR was
20 working?

21 THE COURT: Ms. Jurgenson is not testifying,
22 just for clarification.

23 MR. McCLEARY: Okay.

24 THE COURT: But I think her, her --

25 MR. McCLEARY: Statement is that there --

1 THE COURT: Her clarification should answer
2 your question.

3 MR. McCLEARY: Okay. Now we go down to the
4 last statement in that same paragraph. And it says
5 here -- this is -- I'm assuming this is correct
6 because Mr. Brinkman did the visual check.

7 He did -- Mr. Brinkman did the visual check.
8 He didn't do the ARM, but he did the visual check.

9 THE COURT: Mr. McCleary, your question
10 should be for the witness.

11 MR. McCLEARY: Okay.

12 Q. (By Mr. McCleary) Mr. Brinkman --
13 however, Mr. Brinkman did not see the
14 test dial -- see movement -- excuse me,
15 I'll start over.

16 However, Mr. Brinkman did not see
17 movement in the test dial.

18 If Mr. Brinkman did not see movement in the
19 test dial, under your sworn testimony on page 2 there
20 should have been no, no AMR reading. Because you just
21 said the transponder would not send a signal. So how
22 is that, how is that working?

23 Either something's not functioning right. If
24 the, if the test dial isn't moving, as he stated it,
25 how would it have re -- sent a thing over what you

1 just said that it shouldn't have sent a reading?

2 A. It was explained earlier I believe, sir, that
3 Mr. Brinkman's expertise is in the residential meter
4 realm and so he doesn't work on these. And they're,
5 if you look at this picture -- and you can't see it
6 from very, very -- if you guys have got better eyes
7 than I do. But this little dial --

8 THE COURT: Mr. Blain, which picture are you
9 referring to?

10 THE WITNESS: I didn't, I'm sorry, I didn't
11 write the.

12 THE COURT: Is this Exhibit No. 1?

13 MS. JURGENSON: It is.

14 THE COURT: Okay. For the record, Mr. Blain
15 is referring to Exhibit No. 1 of the Company's Answer
16 and Motion to Dismiss.

17 THE WITNESS: You see the little silver
18 transponder part of it. You see this next dial right
19 to the left of it? That has to turn four times --
20 that's a quarter foot hand -- that has to turn four
21 times before this silver one turns once.

22 And I -- what I believe is that he was
23 looking at the wrong dial. The, the least -- you want
24 to look at the dial that's gonna turn on a pilot load
25 on a very -- which would be this dial to your left.

1 And depending on, um. I don't know how much gas was
2 being used, and -- so I really can't answer you as
3 well as I would like to because I wasn't there to see
4 it.

5 I just know that, that if these dials, any of
6 these dials were broke, especially these test dials,
7 which was reported that wasn't turning, then they
8 would not set off that switch to count down to this
9 little box.

10 And those reads, at least from my
11 experience -- which I haven't been involved with this
12 until just the last couple days -- they continued to
13 go out and read a visual read and a transponder read,
14 and it was correct.

15 And I, and I'm all for you as a customer. I
16 want, I want you to be happy as a customer. I mean,
17 you're, you're -- you, you pay my paycheck. And --
18 but I just know how these meters work. And I often
19 say meters are like people. They don't, they don't
20 get older -- except for your father -- and speed up,
21 they slow down. They wear out.

22 Q. (By Mr. McCleary) I, I appreciate and I, I
23 understand what you're saying. What, what I was
24 trying to get at and the point I was trying to make
25 is, the statement that you said was correct that if

1 the test meter wasn't working it shouldn't have sent a
2 transponder just moments before by another technician.
3 He read, he read an ARM and it was verified by your
4 technician.

5 But if the meter wasn't turning, under your
6 own statement here, it shouldn't have sent out a
7 signal to that technician.

8 A. Is that the read where you're -- the same-day
9 reading --

10 Q. Yes, uh-huh.

11 A. -- of 45313 and 45314?

12 Q. Yes. If I can make one more statement. Your
13 technician dear -- did hear a furnace turn on, as
14 stated in your reply, so they knew gas was flowing.
15 But he makes a statement the dial wasn't turning then,
16 even though he heard the gas flowing and the meter
17 running.

18 So my question is, if you say that it
19 shouldn't be working or it shouldn't send a
20 transponder, but it did, and he heard it was working
21 and the dial wasn't working, then the conclusion that
22 I would come to, there was something malfunctioning in
23 the dial and transponder system.

24 A. First of all, on --

25 Q. Is that a correct statement?

1 THE COURT: I'm not sure that that -- you --
2 this is a question --

3 THE WITNESS: I --

4 MR. McCLEARY: Should I ask a question?
5 Okay.

6 THE COURT: Yes, you should.

7 Q. (By Mr. McCleary) If, if the test dial is
8 not functioning, as stated, should your man have got
9 an ARM reading?

10 A. Yes, he would have got an AM -- he would have
11 got an AMR reading. Anytime you go to it, it -- if
12 the battery's dead you'll, you'll get a reading. It
13 just won't keep counting. It will --

14 Q. Okay, I'm confused again.

15 A. I --

16 Q. I'm confused again. You testified that if,
17 if the meter -- if the dial does not turn, the
18 transponder wouldn't send a signal?

19 A. Correct.

20 Q. So if the dial wasn't turning, how did it
21 send a signal?

22 A. I can't say the dial wasn't turning.

23 Q. He did.

24 A. Well, I'm not sure -- I can't speak for him
25 because, like I said, I was not there. This, this

1 read of one, 45313/45314, could just be an
2 interpretation by the guy who went up and read it.
3 The way the dials are you read a meter right to left.
4 And yeah, I --

5 Q. Okay, I under -- I understand what you're
6 saying. I'm --

7 THE COURT: Mr. McCleary and, and Mr. Blain,
8 I'm going to ask you to be quiet for just one moment
9 while I clarify something for Mr. McCleary that might
10 be helpful for purposes of this hearing.

11 Mr. Blain here is testifying about general
12 practices of Questar and about the specific testing of
13 the meter that was removed. He is not testifying
14 about what Mr. Brinkman experienced. That would be
15 Mr. Brinkman. He would be the appropriate person to
16 be questioning --

17 MR. McCLEARY: Okay.

18 THE COURT: -- regarding that. You can ask
19 general questions about, you know, if this happened
20 would that be the result. But if you are asking him
21 specifics about what Mr. Brinkman experienced or has
22 knowledge of with respect to his visit to the
23 property, that's not appropriate for Mr. Blain.

24 MR. McCLEARY: Okay.

25 THE COURT: Because he's merely speculating,

1 and it's, it's not appropriate.

2 MR. McCLEARY: Okay. I'm sorry, your Honor.
3 Let me, let me rephrase it then.

4 THE COURT: Sure.

5 Q. (By Mr. McCleary) If the test dial is not
6 working would the transponder send a signal?

7 A. Repeat that, please.

8 Q. If the test dial is not working on a
9 machine -- any machine, not just ours. If the test
10 dial on the metering, one of these dials is -- the
11 test dial is not working --

12 A. The silver dial.

13 Q. If the test dial. I'm assuming it's a test
14 dial. I'm just reading what -- if the test dial is
15 not turning when they know natural gas is flowing
16 would the transponder send a signal?

17 A. That silver dial, that's the one that needs
18 to turn --

19 Q. That isn't the question I'm asking. I'm
20 asking a very simple question, I think. If the test
21 dial is not turning -- which I'm reading the exact
22 thing. If the test dial is not turning -- you're the
23 expertise with the, with the meter. If the test dial
24 does not turn does the transponder send a signal?

25 A. The test dial -- that quarter foot hand has

1 to turn four times for that transponder dial to turn
2 once and count one. So that has to go four times more
3 around to count to two.

4 Q. But you're not answering my question. My
5 question is, if the dial doesn't turn --

6 A. I am.

7 Q. -- if it's broken. If it's broken on any
8 meter. If the test dial is broken and doesn't turn
9 would the transponder send a signal?

10 A. Please, please show me what you're talking
11 about the test dial is.

12 Q. I'm just reading what you wrote --

13 A. Because you're looking at all these dials --

14 Q. I'm trying to get an answer, but I can't --

15 THE COURT: Mr. McCleary, please, please be
16 quiet for just one moment and let me, let me clarify
17 something. Mr. Blain not prepare this Answer and
18 Motion to Dismiss, this was prepared by counsel for
19 Questar. This is not Mr. Blain's testimony. So it's
20 not surprising to me that he's a little confused about
21 the question.

22 That being said, I think his confusion is
23 well taken, for many reasons. I'm not so sure that
24 it's clear what you're referring to as far as the test
25 dial. So maybe if he has a chance to review that

1 paragraph in its entirety and, and respond, if you so
2 wish, we'll allow him to do that. But I want, I want
3 to be clear that, that there's no mistake that this is
4 not his testimony.

5 So let's do this. Let's go off the record
6 for about five or ten minutes, just to give everybody
7 a little break, and then we'll come back and we'll
8 start at this point, okay? Great. We'll be off the
9 record, thank you.

10 (A recess was taken from 11:09 to 11:17 a.m.)

11 THE COURT: Before we proceed with the
12 cross-examination of Mr. Blain, I made an observation
13 when I walked into the room after the break and I just
14 want to make a note for everyone -- some of you were
15 here, some of you were not here -- but there was some
16 conversation taking place between the parties which I
17 would categorize as inappropriate and unethical.

18 And I would like to remind all of you that
19 the rules -- not only the Rules of Administrative --
20 the rules that are set forth in the Utah rules and
21 also the rules that apply to lawyers, which are passed
22 on to parties, require that you be respectful to one
23 another. And that you not engage in disrespectful
24 accusations or other type of comments.

25 That applies not only in the hearing but

1 outside of the hearing. And so I hope you will please
2 make a note of that. And as we proceed please, please
3 keep that in mind. Thank you very much. And we will
4 proceed with the, the issue that we were addressing,
5 which is the issue set forth in paragraph 3 of the
6 answer -- of the Company's answer.

7 Mr. McCleary, would you like to proceed?

8 Q. (By Mr. McCleary) Thank you. In
9 paragraph 3, that last sentence that I read, you
10 agreed with, correct?

11 A. Yes. And I would just like to note that
12 where our miscommunication came from was, was me not
13 understanding what you think the test dial is.

14 Q. I appreciate that. I'm just, I'm just making
15 sure that we understand that a dial -- which, which
16 you classified as the test dial, I'm just saying it's
17 a dial. If a certain dial -- if the test dial doesn't
18 work, the transponder would not send a signal. That's
19 what I'm clarifying. And you agreed with that?

20 A. If the test dial does not turn when natural
21 gas is flowing the result is that the transponder
22 would not send a signal. That is correct.

23 Q. Okay. So if it did send a signal when the
24 dial was not working, there had to be a malfunction?

25 A. It couldn't do that. It couldn't

1 physically --

2 Q. Okay, so --

3 A. -- do that.

4 Q. -- there would be something wrong if it did?

5 A. This is not my field of expertise --

6 Q. No, I --

7 A. -- I'm not an engineer --

8 Q. Excuse me --

9 A. -- but it couldn't happen.

10 Q. Okay. Excuse me, I'm, I'm trying to get
11 this, like the Honor said, you, you know the gas
12 meter. I'm assuming you know all about the gas meter.
13 I'm not talking about any suppositions or anything
14 else. You know the workings of the gas meter?

15 A. And the transponder.

16 Q. And the transponder. I'm just asking the
17 question, if the dial isn't working it could not send
18 a signal, according to your statement?

19 A. If that test dial does not turn four times it
20 would not cause that silver dial to turn once.

21 Q. Okay.

22 A. And it would not send a signal.

23 Q. It would not send a signal. So if it -- if
24 that test dial was not running and the transponder
25 received something, that is a malfunction? Because

1 you just said it couldn't do that. But if it was
2 doing it, something's wrong?

3 A. I, sir, I wouldn't call it a "malfunction."
4 I would call -- I don't know what -- I would call it
5 an impossibility.

6 Q. We're talking about, about a mechanical piece
7 of equipment. If it is not functioning properly and
8 it is not functioning how it should, what would you
9 call it? I call it -- I've worked on cars all my
10 life. I would call it a malfunction, it wasn't
11 working properly, it wasn't registering properly.

12 If it was doing something it shouldn't do,
13 there's something wrong with it. Would you agree?

14 THE COURT: Mr. McCleary, I believe the
15 question has been answer -- asked and answered.

16 And --

17 MR. McCLEARY: Okay, I'm not sure. He
18 keeps -- I'm, I'm -- if -- okay. I agree.

19 THE COURT: I don't know that you've gotten
20 the answer that you're looking for.

21 MR. McCLEARY: I, I'm just trying to, I'm
22 just trying to understand that if, if something says
23 it can't work and it's working --

24 THE COURT: I believe --

25 MR. McCLEARY: -- there's a problem.

1 THE COURT: I believe he answered the
2 question.

3 MR. McCLEARY: Okay. There is a problem,
4 okay.

5 THE COURT: No, he did not say that.

6 MR. McCLEARY: Okay. How, how can, how can I
7 rephrase this then --

8 THE COURT: Well --

9 MR. McCLEARY: -- to make sure I --

10 THE COURT: That's your job.

11 Q. (By Mr. McCleary) Okay. If, if it's
12 responding when it shouldn't respond, what would you
13 call it?

14 A. I would, I would call it an impossibility.
15 Because when you do a visual read, that's your whole
16 proof, a visual read and then an SRP read. And if
17 they match, then, then that transponder dial, the
18 silver one, is turning correctly.

19 Q. So --

20 A. If they don't match, if they were off, then,
21 then you would be correct. And what we would do is we
22 would go off, off the index read instead of the
23 transponder read. But when they match, and they
24 continue to match month after month, that's where I
25 think we're kind of, kind of butting heads a little

1 bit.

2 Q. But, but the only way that can be done month
3 after month is if a visual inspection was done after
4 an ARM; is that correct?

5 A. Well, after they send out -- I don't know all
6 the times they went out. But I do know the two times
7 like I stated earlier, in September and then about
8 eight months later, and the visual read was correct.
9 It matched the transponder read.

10 Then nine months later the same thing
11 happened and they matched. And if they didn't, then I
12 would think we would have, we would have a mechanical
13 error.

14 Q. I understand what you're saying. If you look
15 on your -- the documentation, page 3, that we gave you
16 of the McCleary document. Document No. 1?

17 MS. JURGENSON: May I --

18 THE COURT: Mr. McCleary, are you referring
19 to McCleary Exhibit No. 1?

20 MR. McCLEARY: McCleary Exhibit No. 1.

21 THE COURT: Okay, thank you.

22 MR. McCLEARY: Page 3.

23 MS. JURGENSON: Your Honor, may I present
24 this to the witness?

25 THE COURT: You may.

1 (Pause.)

2 THE WITNESS: Yes, sir.

3 Q. (By Mr. McCleary) In 10/05 it was done with
4 the ARM. There was no visual reading. It was done
5 with the automatic reading system.

6 A. Can -- what, what --

7 Q. The first one, 10/5 of 2011? Says the
8 reading was done AMR.

9 A. 10/5 of 2011.

10 Q. Page, page 3.

11 A. Do I have it back here?

12 Q. Page 3.

13 A. Oh, page 3. Okay. There's not a page 3.

14 Q. You've got it. You've got it right here.

15 A. Oh, right here. Okay.

16 Q. Right there.

17 MS. JURGENSON: Your Honor, I object to this
18 line of questioning that this is not the document that
19 Alan has created. But Linda would be a better person
20 to ask the questions regarding these -- all of these
21 meter reads and the AMR technicians.

22 THE COURT: Mr. McCleary?

23 MR. McCLEARY: That's fine.

24 THE COURT: Okay. And just for
25 clarification, you do intend to put?

1 MS. JURGENSON: Yes, next.

2 THE COURT: Okay, great. All right.

3 Mr. McCleary, if there's no response to that,
4 I think Ms. Jurgenson has made a good point. And I
5 think her next witness would be the appropriate person
6 to address those -- that line of questioning.

7 MR. McCLEARY: Thank you. Okay, that's fine.

8 THE COURT: Okay? Do you have any other
9 questions for Mr. Blain?

10 MR. McCLEARY: No. As far as the working
11 orders, as far as the working of the meter, I have no
12 other questions.

13 THE COURT: Okay. Mr. Blain, if you could
14 wait just one moment. I do have a couple of questions
15 for you.

16 THE WITNESS: Okay.

17 THE COURT: And I appreciate your patience.

18 THE WITNESS: No problem.

19 THE COURT: Let me just review my notes first
20 for a moment.

21 Part of your testimony today was that you
22 approached your supervisor at some point in time and
23 suggested that meters be tested on an annual basis; is
24 that correct?

25 THE WITNESS: Well, no. It was we have been,

1 since we purchased the sonic nozzle proofers, we have
2 been testing them on a yearly basis. I attended a
3 conference about eight months ago and spoke with the
4 manufacturer. And they said that they would, they
5 would recommend that you could, you could do it every
6 two years.

7 And -- but we decided since we've been doing
8 it -- and it, and it costs us, you know, a little bit
9 of money, but we feel like accuracy is, is our
10 foremost job in, in the metering and regulation
11 department. And so we decided that we were gonna
12 continue to do it on a yearly basis.

13 THE COURT: Okay. And so that's a rather new
14 standard that you've set; is that right?

15 THE WITNESS: It was just more of a, of a
16 conversation between me and my supervisor.

17 THE COURT: Okay.

18 THE WITNESS: That I brought back to him
19 that, Hey, maybe we could do them on a, on a two-year
20 basis. And then we kind of, we kind of sat on it for
21 a couple days and thought, Well, it's very important
22 for us -- and it might kind of sound stupid -- but to
23 have that certificate on the wall behind each of the
24 provers showing that it had been recalibrated to ANSI
25 standards once a year.

1 THE COURT: Okay. So when did, when did you
2 attend that conference?

3 THE WITNESS: It was in April of this year.

4 THE COURT: Okay.

5 THE WITNESS: In Nebraska.

6 THE COURT: So it was before the concerns
7 involving Mr. McCleary's meter arose?

8 THE WITNESS: It was before I -- yeah, before
9 I was ever brought into it.

10 THE COURT: Okay. Okay, fair enough. Thank
11 you. Do you know, before -- you testified today about
12 the testing process in general and about how his
13 particular meter was tested after it was removed.

14 Do you know about the history of the testing
15 before it was removed? Was it, was it tested on an
16 annual basis before that?

17 THE WITNESS: Our, our meters -- I'm not sure
18 what year that meter was -- but our meters are tested
19 using a military spec 105-D. And so when a meter
20 comes in, say like your house meter, and it's a brand
21 new meter and it gets set on your house.

22 We do a sample test, but that sample test is
23 not beginning until 15 years after the meter was set.
24 That's on a house meter. On the meter that was on the
25 McClearys, it isn't part of the sample test until

1 after five years.

2 Meaning that that family of the same
3 manufacturer of meters, they, they -- we category --
4 categorize them into a family. And it doesn't mean
5 that in five years that meter will be tested. It just
6 means it's part of the sample.

7 Using a statistical sampling the computer
8 randomly picks -- we have, I believe, 870 of these
9 meters left in our system. And I'm just speculating
10 because I don't have the document in front of me. But
11 our sample would say out of 870 meters we have to test
12 50 of them this year to assure their accuracy.

13 So we would go out and pull those 50 and test
14 them. And now that family of 870 is only 820. So the
15 next year we'll follow the same guidelines. Go out,
16 randomly sample, and pull those meters, and bring them
17 in and test them.

18 And what happens is year after year that
19 family gets smaller and smaller, until it either
20 exhausts itself -- because once we get down to
21 25 meters we test them all. They all get pulled. So
22 it's either gonna exhaust itself, or if the sample
23 fell outside of our PSC-mandated plus or minus
24 2 percent then the whole family would fail.

25 THE COURT: Okay. I appreciate that

1 background. What I'm trying to get at is more
2 particular with respect to Mr. McCleary's meter. So
3 I'm gonna give you some information that you may not
4 already have because, as you mentioned, you've come to
5 this issue rather recently.

6 And so assuming that Mr. McCleary's 225 meter
7 was installed in 1999, would Questar have tested that
8 before it was installed?

9 THE WITNESS: Being brand new when we get new
10 meters in we do a sample test of the new lot of meters
11 that come in. So it could either be tested or it
12 could not.

13 THE COURT: Okay.

14 THE WITNESS: Or it may not.

15 THE COURT: Okay. So -- and then based on
16 what, what you've said, so in 1999 the meter was
17 installed. And at some point perhaps five years down
18 the road, since this is a commercial customer, you
19 would have tested the meter. Is that, is that
20 accurate?

21 THE WITNESS: No, it, it may be tested --

22 THE COURT: Okay.

23 THE WITNESS: -- if it's part of the sample.
24 And the computer randomly -- because that family, say,
25 was 875 meters large, and the sample says we have to

1 pull 50 of them. So it, it could get chosen or it
2 couldn't.

3 THE COURT: Okay.

4 THE WITNESS: It's all random.

5 THE COURT: Okay, fair enough.

6 THE WITNESS: Unless there's a problem with
7 it. And with this meter that's why they went out
8 several times, because there was complaints. You
9 know, a TA, what we call "test for accuracy," called
10 in by the McClearys.

11 THE COURT: Okay. Before that complaint
12 arose do you know if Questar kept records of any
13 testing that it did on this particular meter?

14 THE WITNESS: We would have, yes, very
15 up-to-date records of anything that's ever been done
16 with that meter.

17 THE COURT: And are you prepared to share
18 that as part of your testimony today?

19 THE WITNESS: I don't know what that
20 information is. I would have to call and have it
21 gathered.

22 THE COURT: Okay. Okay. So to your
23 knowledge the meter was not tested until Mr. McCleary
24 had some concerns, and then it was removed and it was
25 tested. That's the only actual knowledge you know of

1 it being tested; is that correct?

2 THE WITNESS: I just wanted to look at this
3 page and see, was this a 1999 meter? Was this -- is
4 that -- or were you just using that as a --

5 THE COURT: 1999 was when it was installed,
6 according to --

7 THE WITNESS: Okay. So --

8 THE COURT: According to Questar's answer.

9 THE WITNESS: Okay. So what I'd have to do
10 is we'd have to go into our CorDaptix system and we
11 can pull that meter's complete history up. Purchase
12 date. Because it might have been bought in 1997.

13 THE COURT: Okay. But as part of your
14 testimony today you're not prepared --

15 THE WITNESS: No, I don't --

16 THE COURT: Okay.

17 THE WITNESS: -- have that information.

18 THE COURT: Okay. And, and back to my other
19 question, which is that, notwithstanding that there
20 may be some other information about this particular
21 meter, the only testing that you are personally aware
22 of is the testing that occurred after the meter was
23 removed; is that correct?

24 THE WITNESS: Correct.

25 THE COURT: Okay. And I believe it was your

1 testimony that you did not personally participate in
2 that testing?

3 THE WITNESS: Correct. I just know the
4 processes that we go through because we do the same
5 thing for all of our meters being tested. We have a
6 protocol or standard practice that we follow.

7 THE COURT: Thank you Mr. Blain. And you've
8 also described that the results were within Questar's
9 standard; is that correct?

10 THE WITNESS: Correct.

11 THE COURT: Okay.

12 THE WITNESS: Plus 02, plus 02.

13 THE COURT: One, one additional question. Is
14 it possible that a meter could work and then fail
15 intermittently?

16 THE WITNESS: I've never seen one in my, in
17 my 21 years in the meter shop I've never seen it. One
18 fail or, you know, go DR, doesn't register, and then
19 all of a sudden start working again. Without, you
20 know, we, we talked about gears, if gears were sheared
21 off.

22 That, that could cause it to work for a
23 little while, but then it would stop registering
24 totally and go what we call "DR." And most likely our
25 billing would flag that because the read would have

1 not changed over, you know, a month's period.

2 THE COURT: Uh-huh.

3 THE WITNESS: We have a lot of meters that
4 get flagged that way. That, Hey, there's no usage,
5 could we go out and see. Maybe the customer's moved
6 out or, or something like that. And then the meter is
7 shut off.

8 THE COURT: Have you ever visited the, the
9 address at which this meter in question was removed
10 from?

11 THE WITNESS: No, ma'am.

12 THE COURT: Part of your testimony today has
13 been that you've equivocated a meter to a cash
14 register. And as a customer, if you go into a store
15 and say you buy a gallon of milk. And you know that
16 the price on the milk is say \$1.99. And you go to the
17 register and the register rings it up at \$2.99. Do
18 you, do you think that that cash register is working
19 correctly?

20 THE WITNESS: No. I would not think so.

21 THE COURT: Okay.

22 THE WITNESS: I would think the bar code
23 or -- would be something wrong with it.

24 THE COURT: Okay. And you'd probably be
25 likely to say, Hey, there's something wrong here?

1 THE WITNESS: Well, I -- my wife would. I
2 probably wouldn't.

3 THE COURT: Okay.

4 THE WITNESS: I'd probably pay five bucks.

5 THE COURT: Well, I hope not. Okay. When
6 Mr. McCleary was questioning you earlier I think that
7 part of what he was trying to understand or trying to
8 get at is that whether there was any explanation at
9 all into the meter being the explanation for the
10 inordinately high usage of gas during the period in
11 which he's complained about.

12 Is there anything that you are aware of with
13 respect to the meter, or --

14 THE WITNESS: Well, I just --

15 THE COURT: Let me, let me finish my
16 question, please. With respect to the meter, or with
17 respect to how Questar obtains information from
18 meters, or anything else that, that might explain away
19 this unusual circumstance?

20 THE WITNESS: Yeah, I was thinking about this
21 when, when I was seated. And I don't, you know,
22 with -- when you have a lot of tenants it's, it's
23 really, I think, a challenge for them to know who's
24 using gas.

25 I think he said that he had a hair salon or

1 something there, and that could be using a lot of hot
2 water. He mentioned that it didn't snow very much,
3 but that doesn't really equate to being cold. It's
4 actually warmer when it's cloud covers and snows.
5 Clear, clear January nights are the coldest nights,
6 when it's not snowing.

7 And so I don't know what the temperature was,
8 but those are just a couple thoughts that were, you
9 know, came to me when I was sitting there. That I
10 don't know if they could be using a lot more hot water
11 or, you know, is there a reason for the higher usage.
12 But I, I don't know.

13 THE COURT: Thank you Mr. Blain. That
14 concludes my questions. I do want to follow up and
15 ask Mr. McCleary if he has any additional questions.

16 MR. McCLEARY: Just to clarify, we do not use
17 gas water heaters. The only function that our gas
18 uses is heating the building.

19 THE COURT: Thank you Mr. McCleary.

20 Mr. Blain, thank you again for your patience,
21 and your time today, and for testifying.

22 THE WITNESS: Thank you.

23 THE COURT: And you may be excused.

24 THE WITNESS: Thank you. Should I leave --
25 I'll leave this.

1 MS. JURGENSON: Your Honor, I'd like to call
2 Linda Kizerian.

3 THE COURT: Thank you. Ms. Kizerian.

4 MS. KIZERIAN: Do you want me up here?

5 THE COURT: Yes, please.

6 MS. KIZERIAN: Okay. So I should probably
7 bring my stuff so I have it in front of me.

8 THE COURT: Okay.

9 MS. KIZERIAN: Okay, thank you.

10 THE COURT: Ms. Kizerian, I'll go ahead and
11 swear you in.

12 (Ms. Kizerian was duly sworn.)

13 LINDA KIZERIAN,

14 called as a witness, having been duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. JURGENSON:

18 Q. Ms. Kizerian, will you -- when did you
19 receive the informal complaint, and will you explain
20 the findings that you found in investigating that
21 complaint?

22 A. I received the informal complaint on
23 March 23rd of 2012. In my position I handle all of
24 the informal complaints that come through to -- from
25 the Division of Public Utilities. I get a fair number

1 of high-bill complaints. And I, I look at them all
2 impartially.

3 I try to look at them as if the complaint is
4 mine, and I want to look at it as fairly as possible.
5 So, in fact the, the information that Mr. McCleary
6 gave here, which is the timetable that I put together,
7 this --

8 THE COURT: For clarification, this is
9 McCleary Exhibit No. 1. I believe it's page 3.

10 THE WITNESS: Yes.

11 THE COURT: Okay.

12 THE WITNESS: This is actually something I
13 put together for my own help in determining where the
14 gas was used. And so I went through and took each of
15 the meter reads as they come in each month, and then
16 also the technician reads as the technician
17 investigated his meter.

18 As you can see, the usage between October and
19 November was 629 CCF over 29 days. Which calculated
20 to approximately 21.7 CCF a day.

21 When we read the meter 30 days later on
22 December 2nd the meter had increased, the read had
23 increased, 1392 CCF. That was over 30 days. So the
24 usage was essentially 46.4 CCF per day during that
25 time period.

1 Our technician went out on December 13th and
2 checked both the meter and the transponder and got a
3 meter read of 44683. That 11 days worth of usage was
4 538 C -- CCF of gas. So that calculated to 48.9 CCF
5 per day.

6 And on January 4th when we went -- when we
7 got the route read of 45313 the usage had dropped to
8 630 CCF in 22 days. Dropping down to 28.6 CCF a day.

9 When the meter was removed, the read -- which
10 was verified in the meter shop -- was 45743. The
11 usage had dropped again down to 430 CCF from the
12 January 4th read, going down 22.6 CCF per day.

13 This change in the usage, this correction to
14 the usage, was done without any intervention from
15 Questar Gas. There was no repair to the meter, there
16 was no -- anything that we did that affected this
17 usage. That's the first thing I noticed.

18 The usage on the new meter from January 23rd
19 to February 2nd, which was 10 days, was 219 CCF, which
20 works out to 21.9 CCF per day. Almost identical to
21 the usage prior to the meter change.

22 This tells me, looking at it, that there was
23 high usage, and the high usage stopped. Something in
24 the business stopped that made the usage go right back
25 to normal and in line with the usage after, after the

1 meter was changed.

2 That was the one thing that was very
3 important to me. The other thing that was important
4 to me was the fact that there was usage similar to
5 this in years past. It has been, you know, a number
6 of years ago, but they're certainly capable of using
7 over a thousand CCF during a winter month.

8 And that is outlined in our answer, which --
9 where we have that on which page that lies.

10 Do you see that, Joan?

11 MR. McCLEARY: Page 6.

12 THE WITNESS: Page 6 on the answer? Oh, here
13 it is. Sorry. So on page 6 of the answer you can see
14 that over the years mostly -- I mean, it's all in
15 winter months -- that there was a capacity to use that
16 much gas.

17 So it wasn't anything out of the ordinary.
18 And so that was also a great factor in my believing
19 that the usage was actually gas that was being used.
20 Those were the two main things that made me believe
21 that the usage was correct.

22 Q. (By Ms. Jurgenson) Ms. Kizerian, could we
23 just quickly discuss the meter test when it came in?
24 We have some documents. I just want you to verify
25 that the meter test of plus .2 was from the specific

1 225 meter that came from that property.

2 MS. JURGENSON: Your Honor, I have some
3 exhibits to provide to you.

4 THE COURT: Okay. Sure. Counsel, shall we
5 go ahead and mark these as Questar Exhibits 5 and 6?

6 THE WITNESS: Let me get my copy of that.

7 Q. (By Ms. Jurgenson) In the first two pages we
8 have, we have -- they have two different looks to
9 them. Could you explain what these two pages are and,
10 and how they --

11 THE COURT: Counsel, excuse me. I'm sorry.
12 I'm not sure if you heard me. Is it okay to mark
13 these Questar Exhibit 5 and 6?

14 MS. JURGENSON: Yes, thank you.

15 THE COURT: Okay. So having said that, the
16 document we're now referring to is Questar Exhibit
17 No. 5.

18 MS. JURGENSON: Yes, thank you.

19 THE COURT: Okay, thank you. Please proceed.

20 THE WITNESS: I don't have that right here in
21 front of me.

22 Okay, thanks. So the first document I
23 obtained by going into our archived history of the
24 meter to see the meter reads from 2000 through 2003.

25 And I also did this so I could secure the

1 date that the meter was set, which was November 11th
2 of 1999.

3 Q. (By Ms. Jurgenson) And then from looking at
4 that how does that compare to the second shot of -- on
5 the second page? What is the difference between
6 Questar Exhibit 5 and Exhibit 6?

7 A. Okay. On, on the first one you can see that
8 the meter number -- which is right in this area right
9 here. The meter number that was installed was the
10 22500486. In this second document shows the history
11 of the, the meters at this address.

12 And so it shows that the 22500486 was the
13 meter -- it shows it was installed on 5/6/03. All of
14 the meters that were installed prior to that date show
15 this date because of a system change that we
16 implemented in January 2004.

17 So that's why I go back to the archived
18 history to see the actual date that the meter was
19 installed. And this also shows the meter number of
20 the new meter, that 746000406, that was installed,
21 installed on January 23, 2012.

22 Q. And now in comparing that to the meter test
23 that we provided previously under Questar --

24 A. Uh-huh.

25 Q. -- I believe that was Exhibit 3, how do we

1 know that this --

2 THE COURT: Questar Exhibit 4, I believe.

3 MS. JURGENSON: Oh, I'm sorry, Exhibit 4.

4 Q. (By Ms. Jurgenson) Could you please explain
5 how those relate to the meter test? How do we know
6 what is happening, what we're looking at here?

7 A. On the actual meter test?

8 Q. On the meter test detail page.

9 A. Well, on the meter test it confirms that the
10 meter is on the 22500486, which is the meter that was
11 installed. It, it shows the two tests that Alan spoke
12 about: The test at a hundred percent capacity and
13 also at 10 percent capacity.

14 It verifies the remove read of the meter,
15 which was 45743. It's my understanding that during
16 meter tests, any of them that I've ever witnessed,
17 that the transponder is also interrogated at the time
18 of the meter test. And that would have confirmed that
19 it was the same also.

20 THE COURT: Excuse me, where, where on here
21 does it says that the transponder was tested?

22 THE WITNESS: It doesn't say that on there.
23 It just gives the verified remove read.

24 THE COURT: Okay, thank you.

25 MS. JURGENSON: Your Honor, I have no other

1 questions.

2 THE COURT: Okay. Mr. McCleary?

3 CROSS-EXAMINATION

4 BY MR. McCLEARY:

5 Q. Pronounce your last name again, I apologize.

6 A. It's Kizerian.

7 Q. Kizerian, okay. Ms. Kizerian, I appreciate
8 the information you've given. We, we have no question
9 that when the meter was tested off our building that
10 these were the results. I was not there. Were you
11 there?

12 A. No.

13 Q. Okay. So the test results are, are what is
14 on paper. I have no -- I cannot disagree or agree
15 with any of that test results because I was not there.
16 I was not given any information on our meter being
17 tested or anything else, so I cannot ask that.

18 What I do want to respond to is your letter
19 that was dated.

20 A. Okay.

21 Q. And we -- if we could go to that?

22 A. Sure.

23 Q. Do you have that with you?

24 A. I do.

25 THE COURT: For clarification, we're

1 referring to McCleary Exhibit No. 2.

2 Q. (By Mr. McCleary) And this is dated
3 March 30, 2012?

4 A. Yes.

5 Q. This was some months after we had been
6 talking with numerous people.

7 A. Right.

8 Q. I'd like to ask you a couple questions.

9 A. Okay.

10 Q. Where did you get this information?

11 A. Oh, I got all this information from my
12 investigation of our records.

13 Q. So you got it from the records. Did you talk
14 to anybody about any of this?

15 A. I did. I talked to, um. I talked to Terry
16 Brinkman about it. I talked to Ted Martinez that
17 changed the meter. I spoke to my billing supervisor
18 about this. Who else did I talk to?

19 Q. So if I can ask, this is firsthand knowledge
20 that you -- what you've written down here --

21 A. Yes.

22 Q. -- should be true and correct?

23 A. It was my investigation, yes.

24 Q. Okay, let's go to paragraph 3.

25 A. Okay.

1 Q. Second paragraph. Or second sentence in
2 paragraph 3.

3 A. Okay.

4 Q. If I may read that. And I'll read slow
5 enough so I hopefully get this correct the first time.

6 A. Okay.

7 Q. An order was completed on January 4th
8 and our technician noted that a dial on
9 the transponder had stopped.

10 A. Yes.

11 Q. Is that a correct statement?

12 A. Uh-huh.

13 Q. The second sentence here:

14 "This could affect how the
15 transponder recorded gas usage."

16 Is that a correct statement?

17 A. Yes.

18 Q. If the transpond -- if the dial had
19 stopped --

20 (There was an interruption in the
21 proceedings.)

22 MR. McCLEARY: Shoot. Excuse me, I
23 apologize. Thought I turned that off. I'm sorry.

24 THE COURT: Mr. McCleary, are you finished
25 reading from the document?

1 MR. McCLEARY: No, not -- I'm not yet.

2 THE COURT: Okay.

3 Q. (By Mr. McCleary) You noted that a dial had
4 stopped, and you noted also that this could affect the
5 recorded gas usage. Is that a correct statement? Is
6 that a true statement?

7 A. It's my understanding it could affect. At
8 the time that I wrote this I was -- all I knew was
9 that it was a dial on the transponder. That's what
10 the service order said.

11 Q. Okay.

12 A. I didn't investigate that further. And so my
13 understanding of transponders is that if there's a
14 problem with the transmission from the meter to the
15 transponder it could affect how the transponder
16 recorded the gas usage.

17 Q. Okay. So there could have been a problem
18 with that -- if the dial was stopped there could be a
19 problem with recording the gas usage?

20 A. If, if transponder dial was stopped it could
21 affect how the transponder recorded the usage. That's
22 what I put.

23 THE COURT: Mr. McCleary, I want to make sure
24 that you understand Ms. Kizerian's role.

25 MR. McCLEARY: And that's why I asked her up

1 front where she got this information.

2 THE COURT: Okay.

3 MR. McCLEARY: Because I need to make sure
4 that what she wrote down here she understood.

5 THE COURT: Okay. Please, please be quiet
6 for just one moment.

7 MR. McCLEARY: Okay.

8 THE COURT: And if you would, please, turn
9 off your cell phone.

10 MR. McCLEARY: Gees. Let me do this. It is
11 off.

12 THE COURT: Okay, thank you. Ms. Kizerian's
13 role is different than Mr. Blain's role. Mr. Blain
14 was testifying from the standpoint of how the meters
15 work, how they're tested, that sort of thing.

16 Ms. Kizerian is a different kind of witness.
17 She's a witness -- she's a person who processes
18 complaints and gathers information. She's not
19 necessarily the expert that Mr. Blain is with respect
20 to the meters.

21 So I know that you, you interrogated
22 Mr. Blain quite thoroughly on that issue. And I'm
23 going to let you proceed, but I, I want to ask you to
24 do so with some caution --

25 MR. McCLEARY: Okay.

1 THE COURT: -- and some acknowledgment that
2 Ms. Kizerian is, is distinctly different than
3 Mr. Blain.

4 MR. McCLEARY: Okay. I, I appreciate that.
5 And thank you.

6 THE COURT: Okay.

7 MR. McCLEARY: The reason I'm talking, this
8 was the first response we got from Questar.

9 THE WITNESS: Right.

10 MR. McCLEARY: So what I assumed in this
11 letter, when I got this letter, that everything was
12 true and correct. And that this is what I based my
13 com -- complaint to the Public Commission about.

14 I did not have a response to the letter. And
15 so that is the reason I was asking first off if she
16 firsthand got this information from people, so that
17 what she stated here was true and correct.

18 The question I asked her was a very simple
19 question.

20 Q. (By Mr. McCleary) A dial had stopped, as
21 you've stated had been told, and it could affect how
22 the gas was recorded?

23 A. It could.

24 Q. Thank you.

25 A. But can I add that my investigation and the

1 accompanying document that was sent to you confirmed
2 in my mind that the transponder was keeping up with
3 the meter. And, you know, there wasn't a disconnect
4 there.

5 Q. We'll address that in just a minute, thank
6 you.

7 A. Okay.

8 Q. So from the letter you gave me on this date
9 you stated that the transponder was to be replaced?

10 A. Uh-huh.

11 Q. But instead of the transponder being replaced
12 the whole system was replaced; is that correct?

13 A. Yes.

14 Q. Okay. You've made the comparison on -- in
15 your reply of our gas usage in certain months reaching
16 that, that threshold.

17 A. Uh-huh.

18 Q. And I don't disagree. There's been some very
19 cold months in the, in the years past that we could
20 have used that, that much gas. I'm not, I'm not
21 saying. When it's, you know, 20 degrees outside we
22 use the gas. It's just that simple to state that.

23 What I am questioning is the comparison on
24 the years. Do you know what the average temperature
25 was on those comparisons that you gave?

1 A. No.

2 Q. So could they be way off? Could, could
3 January or February, which are generally the coldest
4 months of the year, could they have been 30 or 40
5 degrees off from, from the previous year -- from the
6 years that we're talking about?

7 A. In my opinion, 30 or 40 degrees off, no.
8 I've lived in Utah for a number of years. I've worked
9 in our billing department for years. Historically our
10 winter usage is within a certain range.

11 Q. I agree. And this, and this last winter was
12 a very mild winter. Everybody agreed with that.

13 A. It, it was a dry winter. It was still cold.

14 Q. Okay. If you'll look at the -- my exhibit on
15 page 4, which shows the mean temperatures through,
16 through three years, through all those months. Do
17 those three years jump out at you that there was a --
18 that 2011 was an extremely cold year?

19 A. I'm looking for that.

20 Q. It's Exhibit No. 1, page 4.

21 A. This document here, sir?

22 Q. Yes.

23 A. Okay. It, it shows me that it's in the realm
24 of previous years.

25 Q. Thank you, I appreciate that. So if it was

1 in the realm of previous year -- that's probably a
2 question you can't answer.

3 So what I, what I really was trying to get at
4 is, as you mentioned in your letter, there could have
5 been a problem with the recording of the usage because
6 the dial was stopped; is that correct?

7 A. I said -- I did state in here --

8 Q. Thank you. That's all the questions I have.

9 A. -- that it could be --

10 THE COURT: That exchange happened so quickly
11 and sort of over one another, which makes it really
12 difficult to understand and really awful for the court
13 reporter. So I'm gonna ask you to back up and ask
14 your final question.

15 And then Ms. Kizerian, if you wouldn't mind
16 repeating your response. Because I -- that just was
17 too fast.

18 MR. McCLEARY: I'm sorry, am I, am I
19 speaking --

20 THE COURT: Thank you.

21 Q. (By Mr. McCleary) If a dial had stopped,
22 that could affect the recording of the gas usage? As
23 stated in your letter.

24 A. I don't recall him saying "of gas usage" in
25 the first time, but it could affect how the

1 transponder --

2 Q. Recorded it?

3 A. -- is recording usage.

4 MR. McCLEARY: Thank you. No further
5 questions.

6 THE COURT: Mr. McCleary, I think we're
7 almost finished, which I think will be appreciated by
8 everyone. But I just, I just want to ask you to
9 remain calm while we're still finishing. And allow
10 the witness, when the witness is responding, to fully
11 answer the question. And please don't interject when
12 that's happening.

13 MR. McCLEARY: Sorry. I'm sorry.

14 THE COURT: Okay? Thank you.

15 Ms. Kizerian, I wanted to follow up with you
16 on a couple of things --

17 THE WITNESS: Okay.

18 THE COURT: -- regarding your testimony. And
19 I -- first of all, I appreciate you clarifying how you
20 went about your review of this matter, and the
21 information that you have provided on page 3 of
22 McCleary Exhibit No. 3.

23 THE WITNESS: Okay.

24 THE COURT: I'd like to go through this
25 information a little bit more so that I can better

1 understand the, the differences, and where they occur,
2 and where -- and how that would relate to the billing
3 that occurred.

4 THE WITNESS: All right.

5 THE COURT: For example, there's a date of
6 11/3/2011 showing a meter reading of 42753. And under
7 the CCF per day it says 2 -- 21.7 CCF per day. Do you
8 see that?

9 THE WITNESS: Yes.

10 THE COURT: Okay. Would that correspond with
11 the November billing?

12 THE WITNESS: Yes. That was the billing that
13 was --

14 THE COURT: Okay. So the date reflects the
15 billing date; is that correct?

16 THE WITNESS: Yes, it does.

17 THE COURT: Okay.

18 THE WITNESS: On these it does.

19 THE COURT: Okay.

20 THE WITNESS: Where it was the normal route
21 read.

22 THE COURT: Okay.

23 THE WITNESS: I've identified the ones that
24 were service orders by the -- it being a technician's
25 read.

1 THE COURT: Okay. Okay, thank you. Now,
2 Mr. McCleary's -- I should clarify. The McClearys'
3 complaint goes back to October, so. There's no CCF
4 per day there. Help me understand why that
5 information isn't listed.

6 THE WITNESS: I was not under the impression
7 that there was a complaint about the October or
8 November billing.

9 THE COURT: Okay. Okay.

10 THE WITNESS: As, as you can see, the
11 December 2nd billing, that was an actual bill that
12 went out. And his first call, according to my letter
13 and my investigation, was December 8th. So it was
14 immediately following the high bill in December.

15 THE COURT: Okay, fair enough. Thank you
16 very much. In your experience, when you have a
17 complaint such as the complaint that came from
18 Mr. McCleary in the informal process do you often see
19 that there is an adjustment, a usage adjustment, that,
20 that appears shortly thereafter, say a bill -- a
21 billing cycle or two?

22 THE WITNESS: I'm not sure I understand what
23 you're asking.

24 THE COURT: When -- I'm sorry, my question
25 was a little bit convoluted. When you receive a

1 complaint from a customer --

2 THE WITNESS: Uh-huh.

3 THE COURT: -- about their bill, complaining
4 that their bill is too high, and you're reviewing it,
5 is it often the case that within a billing cycle or
6 two that it will, that it'll normalize?

7 THE WITNESS: Yes.

8 THE COURT: Okay. And looking at page 3 --

9 THE WITNESS: Uh-huh.

10 THE COURT: -- of McCleary Exhibit No. 1.
11 You've indicated that the complaint came as a result
12 of the December 2nd billing; is that correct?

13 THE WITNESS: Yes.

14 THE COURT: And then the -- there's a
15 December 13th. Is that another billing?

16 THE WITNESS: No. That was when the
17 technician went out --

18 THE COURT: Okay.

19 THE WITNESS: -- as a result of the call from
20 Mr. --

21 THE COURT: Okay.

22 THE WITNESS: -- McCleary on the 8th.

23 THE COURT: Okay. And that usage is close to
24 the usage that was billed; is that correct?

25 THE WITNESS: Yes.

1 THE COURT: Okay.

2 THE WITNESS: I mean, because it was 538 CCF
3 in just 11 days from the December 2nd read.

4 THE COURT: Right, okay. And -- but the
5 per-day CCF is very close?

6 THE WITNESS: Correct.

7 THE COURT: It's actually a little bit more,
8 but it's very close.

9 THE WITNESS: Yeah, a little bit more.

10 THE COURT: Okay. And then in January, which
11 is the following billing cycle from the date --

12 THE WITNESS: Yes, from the December 2nd.

13 THE COURT: -- that you received the
14 complaint, there's a fairly substantial usage
15 reduction; is that, is that correct?

16 THE WITNESS: Well, the usage is actually
17 these two figures. But it did go down.

18 THE COURT: Okay.

19 THE WITNESS: The actual usage in December
20 was 1392 CCF. On January 4th it was 1139 CCF. One
21 thousand one hundred and thirty-nine. So it was these
22 two figures.

23 So his bill in January was almost as high as
24 it was in December. It was a little bit lower. But
25 what I had the advantage of seeing with this was I was

1 able to break up that month to find out how much gas
2 was used in the first 11 days and in the second 22
3 days.

4 THE COURT: Okay. Explain to me again how,
5 how the January figures, the January 4, 2012, figures
6 relate to the December 2, 2011, figures, inasmuch as
7 you've said that they -- I think you said, if I
8 understood you correctly, you were saying that the
9 usage was similar.

10 THE WITNESS: Right. Because what I -- what
11 the usage is, on, on January 4th you see a read of
12 45313.

13 THE COURT: I do.

14 THE WITNESS: And that billing would have
15 been from the December 2nd read of 44145. So these
16 reads -- the read in between was just a read in
17 between.

18 THE COURT: Uh-huh.

19 THE WITNESS: But his billing was the
20 difference between the 45313 and the 44145.

21 THE COURT: Okay. Which, if I'm, if I'm
22 understanding your calculation correctly, is 630,
23 right?

24 THE WITNESS: It was 630 from December 13th
25 to January 4th.

1 THE COURT: Okay. Okay. So then you would
2 add in the 538?

3 THE WITNESS: Correct.

4 THE COURT: Okay.

5 THE WITNESS: Correct.

6 THE COURT: And then what's the -- do you
7 have the total of -- what's the total of that?

8 THE WITNESS: The --

9 THE COURT: If you don't have it readily
10 available I can do the math on my own, but. I, I now
11 see --

12 THE WITNESS: Yeah, it's the two -- what I
13 had on my itemization was 1139.

14 THE COURT: Okay. One thousand -- say that
15 again.

16 THE WITNESS: One thousand one hundred and
17 thirty-nine CCF.

18 THE COURT: Okay. And then what would be --
19 so, so the January 4, 2012, billing...

20 THE WITNESS: Uh-huh.

21 THE COURT: This information is a little bit
22 deceiving because in fact he consumed, between
23 December and January, 1139 units.

24 THE WITNESS: Uh-huh.

25 THE COURT: Decatherm units. And this 28.6

1 CCF is really more...

2 THE WITNESS: Well, it's breaking that
3 billing period into two parts.

4 THE COURT: Yeah.

5 THE WITNESS: Is what it is.

6 THE COURT: Yeah.

7 THE WITNESS: And that tells me that the drop
8 in the usage happened -- not -- I mean, it pinpoints
9 for me more that the usage drop happened between
10 December 13th and January 4th.

11 THE COURT: Okay.

12 THE WITNESS: Do you see? That, that just is
13 helpful to me, based on reads that I know are
14 correct --

15 THE COURT: Okay.

16 THE WITNESS: -- to be able to see when the
17 usage went down.

18 THE COURT: Okay. I, I see your, I see your
19 point. And I believe your testimony was that you
20 found this particularly important because, although a
21 technician had gone out and read the meter on the 13th
22 of December, 2011, there was no repair that would --

23 THE WITNESS: No.

24 THE COURT: -- explain any correction in, in
25 the reading?

1 THE WITNESS: No.

2 THE COURT: Okay. Make sure you wait until I
3 finish --

4 THE WITNESS: Okay.

5 THE COURT: -- my question before you answer.

6 THE WITNESS: I'm sorry.

7 THE COURT: Okay, thank you. And then there
8 was another reading by a technician. You have it
9 noted here on January 4th. We talked -- we -- there's
10 been testimony to that effect.

11 THE WITNESS: Right.

12 THE COURT: And then the, the reading on
13 January 23, 2012, that's a billing reading, correct?

14 THE WITNESS: That's --

15 THE COURT: That's a regular -- oh no, that's
16 a technician reading. Okay. And --

17 THE WITNESS: That's when the meter was
18 changed.

19 THE COURT: Okay.

20 THE WITNESS: That was a remove read.

21 THE COURT: So that was the final reading on
22 the meter 225?

23 THE WITNESS: Correct.

24 THE COURT: The 225 meter? Okay. And, and
25 based on your analysis, that was consistent with the

1 reading on the 4th of January, correct? Is that --
2 the usage was similar or consistent with the reading
3 on January 4, 2012?

4 THE WITNESS: Well, it -- yeah, it was
5 consistent. It was down a little bit.

6 THE COURT: Okay.

7 THE WITNESS: More, but. Because, I mean, it
8 actually went from 630 in 22 days to 430 -- 200 CCF
9 less -- in 19 days.

10 THE COURT: Uh-huh.

11 THE WITNESS: So again, the usage had dropped
12 from January 4th to January 23rd.

13 THE COURT: Okay. So just to summarize, your
14 analysis was based on the readings before the meter
15 was changed. And in particular with respect to the
16 date of the complaint, is it fair to say that there
17 was a corresponding reduction within close proximity
18 noted in terms of usage within, it's within a month,
19 from December 2nd to January 4th?

20 THE WITNESS: I believe, yeah, that the, the
21 usage started to go down as of December 13th.

22 THE COURT: Okay. And --

23 THE WITNESS: So, so that could be shortly
24 after receiving the high bill --

25 THE COURT: Okay.

1 THE WITNESS: -- on December 2nd.

2 THE COURT: Okay. And then after the meter
3 was installed the usage continued to decrease?

4 THE WITNESS: Correct.

5 THE COURT: Okay. Now my, my biggest
6 question is, assuming all these things. Assuming that
7 there was a complaint. And shortly after that there
8 was evidence that perhaps the usage did go down. And
9 that taking into account that, and that after the
10 meter was changed it was very similar to the usage
11 that was recorded in January.

12 The part that, that I'm curious about is
13 Questar raises in its answer -- I believe it's on
14 page 6 of the answer -- draws some similarities to
15 prior usage. And I think at the end of the day that's
16 really what Mr. McCleary is complaining about.

17 Is that he, he thinks that there was
18 something wrong, perhaps, with the meter. And that
19 why not, why not use examples that are closer in
20 proximity and perhaps just based on immediate
21 historical reference and personal experience?

22 Why not use the, the more recent years rather
23 than going back, you know, ten years or, or so? Which
24 he's not, he's not alleging he, he's contesting that
25 he used large amounts of gas during that time. But is

1 there a policy, does Questar have a policy that when
2 there is a dispute that more recent -- a more recent
3 sampling be used rather than something so, so long
4 ago?

5 THE WITNESS: It simply shows the capability
6 of using that much gas.

7 THE COURT: Okay.

8 THE WITNESS: But even without that, the fact
9 that the usage was high and moderated tells me that
10 there was something with the equipment -- it wasn't
11 with our equipment. Our, our meter tested fine. It
12 tells me there was a problem in the home. It -- in
13 the business in this case.

14 THE COURT: Okay. Okay. All right.
15 Ms. Kizerian, thank you so much for your testimony.
16 I'm gonna give Mr. McCleary an opportunity to ask any
17 follow-up questions if he has any.

18 MR. McCLEARY: No, I, I'll pass on it. Thank
19 you.

20 THE COURT: Thank you.

21 Ms. Jurgenson, I should also give you the
22 opportunity. Do you have any follow-up questions?

23 MS. JURGENSON: No. Thank you, your Honor.

24 THE COURT: Okay, thank you. We'll --

25 Ms. Kizerian, thank you for your time today.

1 You may be excused. We'll be off the record for a
2 moment.

3 (A discussion was held off the record.)

4 THE COURT: We're back on the record now.
5 Ms. Jurgenson?

6 MS. JURGENSON: Your Honor, the Defense
7 rests.

8 THE COURT: Okay, thank you. And
9 Mr. McCleary, I just want to make sure that we've
10 addressed all of your concerns that you wanted to
11 address today. And if there are any final comments
12 that you'd like to make you're welcome to do so.

13 MR. McCLEARY: No. I just wanted to make
14 sure that people understood. We agree that, that the
15 McCleary office building uses heat. It is strictly,
16 the gas we use is strictly for heating. We have no
17 other entities that can use natural gas other than our
18 furnaces.

19 The point that we wanted to make is that
20 there was an abnormal usage during those three months
21 that the meter started up again. And until
22 January 23rd, when the meter was replaced, when it
23 went back to normality, that we were back to the
24 common usage.

25 We do not disagree that McCleary could use

1 over a thousand units of heating during a certain
2 month, depending on the outside weather. But as we
3 have shown, the last three years have been very
4 similar months. And the usage should not have spiked
5 like it did. And that was our concern.

6 And again, we're saying that we don't want it
7 for free. We do not -- we want to pay our fair share.
8 We just want to make sure that we're being billed
9 correctly and that we're being billed on an honest
10 situation, and not by assumptions that happened 5, 6,
11 7, 8, 10 years ago.

12 That we can use the most recently and
13 knowledgeable to base that thing on. And ask for --
14 request that the years -- the last three years be
15 averages and we pay that amount. And I -- and that's
16 what we're looking for. Thank you.

17 THE COURT: Thank you, Mr. McCleary.

18 Thank you everyone for coming today. And the
19 Commission will take this issue under advisement, and
20 we will be adjourned. Thank you. Have a good rest of
21 your day.

22 (Pause.)

23 THE COURT: Sorry to do this but I just want
24 to make sure that for procedural clarity that all
25 exhibits that have been discussed today submitted by

1 Mr. McCleary as well as Questar are admitted into
2 evidence.

3 And the Commission also takes administrative
4 notice of the complaint that's been filed, the Answer
5 and Motion to Dismiss, and the responses, as well as
6 the Division recommendation in this case.

7 Thank you very much. We'll be adjourned.

8 (All of the exhibits were admitted.)

9 (The hearing was concluded at 12:22 p.m.)

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C E R T I F I C A T E

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

This is to certify that the foregoing proceedings were taken before me, KELLY L. WILBURN, a Certified Shorthand Reporter and Registered Professional Reporter in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting. And that a full, true, and correct transcription of said proceedings so taken and transcribed is set forth in the foregoing pages, numbered 1 through 149, inclusive.

I further certify that I am not of kin or otherwise associated with any of the parties to said cause of action, and that I am not interested in the event thereof.

SIGNED ON THIS 22nd DAY OF July, 2012.

Kelly L. Wilburn, CSR, RPR
Utah CSR No. 109582-7801

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