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Before the Public Service Commission of Utah

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In the Matter of the Application of Questar Gas Company to Make Tariff Modifications to Charge Transportation Customers for Supplier-Non-Gas Services	Docket No. 14-057-31  The Office of Consumer Services' Motion to Strike Portions of Surrebuttal Testimony of Michael R. McGarvey
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The Office of Consumer Services hereby respectfully requests that the Public Service Commission of Utah ("Commission") Strike those portions of the Surrebuttal submitted by Michael McGarvey that respond to the Direct Testimony (Amended) of Jerome D. Mierzwa filed on July 21, 2015.

**PROCEDURAL HISTORY**

1. On January 7, 2015 The Public Service Commission ("Commission") issued a Scheduling Order directing that parties other than Questar Gas Company, Division of Public Utilities ("Division") and the Office of Consumer Services ("Office") file Direct Testimony in this matter by May 5, 2015. Michael McGarvey filed Direct Testimony on behalf of Summit Energy, LLC on May 5, 2015

2. Consistent with the Scheduling Order the Office filed Direct Testimony by Jerome Mierzwa on July 2, 2015.
3. Mr. McGarvey did not file Rebuttal testimony on July 31, 2015 as required by the Scheduling Order.
4. Consistent with the Scheduling Order the Office filed the Surrebuttal Testimony of Jerome Mierzwa on August 14, 2015 responding to issues raised in the rebuttal filed by the parties on July 31, 2015
5. On August 14, 2014 Michael McGarvey filed Surrebuttal testimony directed at contravening statements made by Mr. Mierzwa in his Direct Testimony.

### **ARGUMENT**

#### **A. Filing Surrebuttal Testimony Directed at Issues Raised by the Office in its Direct Testimony is inconsistent with Commission practice and Unfairly Disadvantages the Office.**

Commission procedure and convention has used pre-filed testimony to help insure that all parties have an opportunity to respond to issues raised by other parties in an orderly manner. Having the parties respond to issues raised in the immediately prior round of testimony helps provide the Commission with the most complete record upon which to make a decision. It also supports the policy of avoiding “unnecessary on-the-record cross-examination.”<sup>1</sup>

In the present circumstance Mr. McGarvey elected not to file rebuttal testimony which is his prerogative. However, in his Surrebuttal Testimony he chose to dispute positions raised in Mr. Mierzwa’s Direct Testimony. By not responding to Mr. Mierzwa’s Direct Testimony during the Rebuttal round he leaves Mr. Mierzwa no opportunity to respond to the issues raised by Mr. McGarvey. This is inconsistent with regular Commission practice and unfairly prejudices the Office.

Based upon the foregoing, the Office asks that the Commission strike lines 13-82 from Mr. McGarvey’s Surrebuttal testimony.

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<sup>1</sup> Utah Administrative Code R746-100-8

Dated the 21<sup>st</sup> day of August, 2015

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Utah Office of Consumer Services