

**In the Matter Of:**

In Re: DEU - Resource Decision to Construct an LNG Facility

**HEARING, VOLUME II**

*October 02, 2018*

*Job Number: 470014*

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of the	)	Docket No. 18-057-03
Investigation of Dominion	)	
Energy's Application for	)	HEARING
Voluntary Request for	)	
Approval of Resource	)	Volume 2
Decision	)	

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October 2, 2018  
9:02 a.m.

Location: Utah Public Service Commission  
160 East 300 South, 4th Floor  
Salt Lake City, UT 84111

Reporter: Teri Hansen Cronenwett  
Certified Realtime Reporter, Registered Merit Reporter

Job No. 470014

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I N D E X

Witness	Page
JEROME MIERZWA	
Redirect Examination by Mr. Snarr	300
Recross-Examination by Mr. Sabin	307
Redirect Examination by Mr. Snarr	316
KEVIN HOLDER	
Direct Examination by Mr. Dodge	317
Cross-Examination by Mr. Sabin	331
DAVID SCHULTZ	
Direct Examination by Mr. Dodge	342
Cross-Examination by Mr. Sabin	349

1	NEAL TOWNSEND	
2	Direct Examination by Mr. Russell	359
3	Cross-Examination by Mr. Jetter	361
4	DOUGLAS WHEELWRIGHT	
5	Direct Examination by Mr. Jetter	367
6	Cross-Examination by Ms. Clark	375
7	ALLEN NEAL	
8	Direct Examination by Mr. Jetter	379
9	Cross-Examination by Mr. Sabin	386
10	Redirect Examination by Mr. Jetter	413
11	Recross-Examination by Mr. Sabin	415
12	BELA VASTAG	
13	Direct Examination by Mr. Snarr	419
14	ALEX WARE	
15	Direct Examination by Mr. Snarr	427
16		
17	Closing Arguments	
18	By Mr. Sabin	433
19	By Mr. Jetter	447
20	By Mr. Snarr	452
21		
22		
23		
24		
25		

1	E X H I B I T S	Page 299
2	No.	Admitted
3	DEU Ex. 9.0	392
4	DPU Exhibits 1.0 through 1.6. Surrebuttal exhibits 1.0 through 1.4	369
5	DPU Exhibits 2.0 through 2.17 DIR	380
6	MAGNUM 1.0, with attached exhibits, and 1.0 SR	320
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
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25		

1 October 2, 2018

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

3 CHAIRMAN LEVAR: Okay. Good morning. We're  
4 here for the second day of the Public Service Commission  
5 hearing in Docket 18-57-3, Request of Dominion Energy  
6 Utah for Approval of a Voluntary Resource Decision to  
7 Construct an LNG facility.

8 And we will continue with any redirect from  
9 the Office of Consumer Services of their witness  
10 Mr. Mierzwa. You are still under oath from yesterday.  
11 So Mr. Snarr.

12 JEROME MIERZWA,  
13 was recalled as a witness, and having been previously  
14 duly sworn to tell the truth, testified as follows:

15 REDIRECT EXAMINATION

16 BY MR. SNARR:

17 Q. Thank you. Mr. Mierzwa, yesterday you had  
18 some discussions with counsel for Dominion about gas  
19 supplies, and we were talking about on-system supplies  
20 and off-system supplies. What is your understanding  
21 about the gas supplies that are accessed by Dominion to  
22 serve their, their needs? Where are they located?

23 A. They are all located off system additionally.

24 Q. Okay. Thank you. Let me refer you now to the  
25 tech conference presentation. I believe that was

1 presented yesterday as Dominion Exhibit No. 12. Do you  
2 have a copy of that in front of you, Mr. Mierzwa? I'm  
3 not sure if that has 12 on it.

4 A. Yes, it does.

5 Q. Okay. And I'd like you to turn to page 12 of  
6 that presentation. Do you have that in front of you?

7 A. I do.

8 Q. With respect to slide 12, is -- what is your  
9 understanding of what is portrayed there in that graph?

10 A. This graph shows the company's sources of gas  
11 supply that they would be using on a design day. It's  
12 sometimes, I guess, been referred to as a supply stack.

13 Q. And this specifically is labeled 2018, 2019  
14 sources for peak day. Is that correct?

15 A. That's correct.

16 Q. Now, you have reviewed the testimony in this  
17 proceeding and are aware of the proposal to build and  
18 have an LNG facility available. What's your  
19 understanding about the use of that LNG facility as it  
20 relates to gas supplies in this peak day supply stack?

21 A. The LNG facility would not be included in the  
22 supply stack. It would be a backup source of supply.

23 Q. And that's notwithstanding peak shaving or gas  
24 reliability or whatever labels you put on it?

25 A. I'm sorry. I didn't --



1 Q. Never mind. I'll withdraw that question.

2 Focusing right now on spot gas, peaking purchases and  
3 base load purchases, did you participate in discovery  
4 efforts on behalf of the Office of Consumer Services to  
5 find out more about the sources of these purchased gas  
6 supplies?

7 A. Yes, I did.

8 Q. And I'd like to now direct you to exhibits  
9 that were attached to your direct testimony. And I  
10 think there is several that are part of what is  
11 denominated Exhibit No. 2.1, but specifically I'd like  
12 to direct your attention in that package of materials to  
13 an item labeled OCS data request. Well, it's a response  
14 to OCS data request No. 2.02. Do you have that in front  
15 of you?

16 A. Yes, I do.

17 Q. And what does it say in that response from the  
18 company as it relates to the sources of gas that are  
19 purchased by the company?

20 A. It says that -- well, the question asks for  
21 provide a monthly summary or estimate for the winter of  
22 2018, 2019, identifying the quantity of gas purchased by  
23 the company that flowed through a processing facility.  
24 And the answer is partially conf -- part of the answer  
25 is confidential, but that part that isn't says, "The

1 company does not know where gas comes from prior to the  
2 point of purchase from a plant."

3 Q. It also indicates that if it's purchased at  
4 the outlet of a plant, it can be assumed that it was  
5 processed there, right?

6 A. Yes. It says that, yes.

7 Q. Now, referring to the confidential attachment,  
8 and I don't believe my questions will need to close the  
9 hearing, have you reviewed the various different points  
10 of purchase? How many -- approximately how many  
11 different places do they purchase gas from that come  
12 into the Questar pipeline?

13 A. It looks like about two dozen.

14 Q. Okay. And there's a number of those locations  
15 of purchase that reflect that it's being purchased at  
16 the outlet of a plant; is that correct?

17 A. Correct.

18 Q. Rough estimate, how many plants are listed  
19 there?

20 A. I -- on this list I see four or five.

21 Q. Okay. Thank you. Now, turning to an exhibit  
22 that we presented yesterday as OCS Hearing Cross Exhibit  
23 No. 6 we submitted into evidence yesterday, this asks  
24 similar questions related to the Wexpro cost of service  
25 gas. Do you have that document in front of you?

1 A. Yes, I do.

2 Q. And could you -- does this list the various  
3 different fields where Wexpro gas comes from?

4 A. Yes, it does.

5 Q. And in item sub B, does it list the different  
6 plants that are used?

7 A. Yes, it does.

8 Q. And in item C it lists some pipelines that are  
9 relied upon in bringing that Wexpro gas to Questar;  
10 isn't that right?

11 A. Yes, it does.

12 Q. Was there a simple question that was asked  
13 about the other pipelines that support the delivery of  
14 gas supplies to Questar Pipeline?

15 A. Yes, there was. It was question OCS 2.06.

16 Q. And that's part of your initial Exhibit No.  
17 2.1; isn't that right?

18 A. That's correct.

19 Q. Now, let's review that for just a minute.  
20 That shows both -- it shows the direction of flow; isn't  
21 that correct?

22 A. Yes, it does.

23 Q. What are the pipelines listed here that  
24 indicate that DEQP is receiving gas supplies from the  
25 listed pipeline?

1           A.    It lists DEQ -- DEQP is receiving gas from  
2 Colorado Interstate Gas Company, Dominion Energy  
3 Overthrust, obviously Kern River, Southern Star Central  
4 Gas pipeline, and White River Hub.

5           **Q.    And what about Northwest pipeline?**

6           A.    I'm sorry.   And Northwest pipeline.

7           **Q.    Okay.   So gas supplies can be received from**  
8 **any of these pipelines presumably in support of the**  
9 **purchases being made and delivered into Questar**  
10 **Pipeline; isn't that right?**

11          A.    That's what the response says, yes.

12          **Q.    Okay.   Now I'd like you to refer to Exhibit**  
13 **2.02.   This was discussed yesterday by Mr. Pratt, but**  
14 **it's the map that shows kind of a simplified version of**  
15 **the Questar Pipeline.   Do you have that in front of you?**

16          A.    Yes, I do.

17                MR. SABIN:   Sorry.   What was that again,  
18 Counsel?

19                MR. SNARR:   It's -- it's the map exhibit that  
20 is part of Dominion's Exhibit 2.02 and was discussed  
21 yesterday as part of what was presented here on the  
22 screen.

23           **Q.    (By Mr. Snarr) Looking at that map, can you**  
24 **just -- it does show principal producing basins there in**  
25 **gray; is that correct?**

1 A. Yes, it does.

2 Q. Could you just list those for us so that we  
3 understand all the producing basins that are  
4 interconnected and supplying gas?

5 A. On this map it shows the Green River, Skull  
6 Creek, Sand Wash, Piceance, Paradox, and Overthrust.

7 Q. And you missed Uintah there, didn't you?

8 A. I'm sorry. And Uintah.

9 Q. And just for clarification, it's probably a  
10 secret only known to those who play in the arena here.  
11 It's the Piceance Basin in Colorado.

12 Now, as you have looked at this system,  
13 what -- this map, what is the light blue line there as  
14 far as this map is portraying?

15 A. It shows Northwest Pipeline.

16 Q. It shows Northwest Pipeline extending north  
17 going up past Overthrust, and it also shows it going  
18 south past Monticello; is that correct?

19 A. That's correct.

20 Q. Have you had a chance to look at a map related  
21 to Northwest Pipeline to see the extent of possible  
22 other supply basins that might be reached by Northwest?

23 A. Yes.

24 Q. And would it be fair to say that they can  
25 access gas supplies in the San Juan basin?

1 A. Yes.

2 Q. And isn't it also true that Northwest accesses  
3 gas supplies coming in from Canada?

4 A. Yes, it does.

5 Q. And so what are the benefits of gas supply  
6 diversity as you see it?

7 A. Well, if there's something affecting one area  
8 where there's a gas supply disruption, if you are  
9 diversified, it doesn't -- the impact is reduced and  
10 there's other alternatives you can rely on.

11 Q. And do those same principles of diversity  
12 apply to possible plant usage and plant outages?

13 A. Yes.

14 MR. SNARR: Okay. I have no further  
15 questions.

16 CHAIRMAN LEVAR: Okay. Thank you. Any  
17 recross?

18 MR. SABIN: Just a couple of questions.

19 RE-CROSS-EXAMINATION

20 BY MR. SABIN:

21 Q. Mr. Mierzwa, if you would look at slide 12  
22 with me for a moment on the Exhibit, DEU Exhibit 12, the  
23 technical conference slide deck.

24 A. You say supply deck?

25 Q. This, this document here.

1 A. All right.

2 Q. On a very cold or even a peak demand, a design  
3 peak day, you wouldn't expect there to be a lot of  
4 flexibility in the market on spot purchases, would you?  
5 There wouldn't be a lot of availability, right, because  
6 everybody's wanting to get gas?

7 A. I think the market would ration itself out at  
8 price.

9 Q. Assuming there was supply, right?

10 A. I have never seen -- I have never run across  
11 an instance where somebody couldn't get gas if they are  
12 willing to pay the price.

13 Q. Well, it happened down in 2011, didn't it, in  
14 Southwest Gas?

15 A. Southwest Gas. That's --

16 Q. No matter how much spot purchase was available  
17 on other pipelines, they couldn't get it because there  
18 just wasn't availability in the area they were on,  
19 right?

20 A. They were connected to one pipeline, and the  
21 pipeline failed.

22 Q. So is it -- it would be a risky assumption at  
23 the least to rely on the availability of spot purchases  
24 in the event of a design peak day. Wouldn't you agree  
25 with that?

1           A.     Well, the company looks like it's relying on  
2     50 percent of them for half its stack.

3           Q.     Yeah, but well below the top when you get up  
4     to a design peak day. They are relying on them. They  
5     have got Clay Basin and the aquifers before you get to  
6     that kind of demand level, don't you?

7           A.     Right, but they are purchasing the spot gas on  
8     the design day.

9           Q.     They are purchasing the gas up to almost 1.2  
10    million, right?

11          A.     Yes.

12          Q.     Right? The design peak day doesn't arrive  
13    until above that; isn't that true? So isn't the company  
14    reserving Clay Basin and the aquifers as a last -- on  
15    this supply stack, they are not going to use those until  
16    they are maxed out on spot purchase. Isn't that what  
17    this is saying?

18          A.     I don't get that they are being maxed out on  
19    spot purchases. I'm not -- it doesn't say that they  
20    can't use more spot gas.

21          Q.     Okay. Let me go back to my original question.  
22    Don't you think that if your supply reliability resource  
23    was just to rely on spot purchases, that that's a very  
24    risky proposal? Because you are assuming there will be  
25    available spot purchases, and you will -- you are



1 **assuming you will get them at reasonable prices?**

2 A. Well, usually companies don't rely a lot on  
3 spot gas. They call it firm gas. I don't know why they  
4 are being called spot gas here. But generally it's firm  
5 gas under firm arrangements --

6 **Q. So you are talking about --**

7 A. And priced at -- priced at spot market prices.

8 **Q. Yeah. How long does it take to schedule and**  
9 **receive gas in that process?**

10 A. It generally takes a day.

11 **Q. So if you had a problem, you are going to wait**  
12 **at least a day before that even is an option, right?**

13 A. No. Well, you have times during the day to  
14 buy gas. You also have, you know, the nomination  
15 cycles. There's -- I forgot, there's four. There's  
16 five now. Or there was four. You don't have to -- you  
17 can buy it later than one day in advance.

18 **Q. Okay. So I'm going to ask you a question I**  
19 **asked you yesterday. If you are putting yourself in**  
20 **Tina Faust's shoes, and it's you that gets the call at**  
21 **three in the morning that there's going to be a problem**  
22 **with the supply, are you comfortable relying on spot**  
23 **purchases?**

24 A. I would have made some other sort of  
25 arrangement.

1 Q. Okay. I think we all agree. We would agree  
2 with you on that. Okay.

3 Now, Mr. -- or your counsel, Mr. Snarr, asked  
4 you about the sources of the gas. You were here  
5 yesterday for Ms. Faust's testimony and you heard her  
6 say, "I think that the company's entered into long-term  
7 contracts and some short-term contracts to buy gas  
8 mostly in Utah and Wyoming." Do we agree with that?

9 A. I don't -- I don't recall that testimony.

10 Q. Okay. Well, are you willing to accept that  
11 subject to check, that that's where the gas comes from?

12 A. Subject to check, yes.

13 Q. Okay. Have you checked to see whether there's  
14 even any available supply on the Northwest Pipeline  
15 that's available to -- for the company to take? Do you  
16 even know whether that exists?

17 A. I assume that there's gas available on a  
18 pipeline.

19 Q. Do you know whether there's gas available for  
20 the company to purchase on that pipeline?

21 A. I have not conducted an analysis to see if  
22 there are -- there are suppliers available, but I assume  
23 that, just like any other pipeline, there's spot  
24 markets, and if you pay the price, you get the gas.

25 Q. I'd like you to look at this Exhibit OCS -- I

1 don't know. I don't remember what exhibit it was. 2.1,  
2 excuse me. 2.1 to your direct testimony, I believe it  
3 is. You were asked about this. It's a data request.

4 MR. SNARR: Is that 2.06 in terms of the data  
5 request response?

6 MR. SABIN: Yes.

7 MR. SNARR: Thank you.

8 A. I have it.

9 Q. (By Mr. Sabin) The actual question there is  
10 to please identify the interstate pipeline on which DEQP  
11 is interconnected, and then it says, "Please explain  
12 whether DEQP receives and delivers gas to each  
13 interstate pipeline during the winter season."

14 These are pipelines that may deliver gas into  
15 DEQP, but that doesn't mean those are pipelines where  
16 the company gets gas from these pipelines; isn't that  
17 right? Just because these pipelines have gas that goes  
18 into DEQP doesn't mean that DEU buys gas or gets gas  
19 from these pipelines?

20 A. No. That does not mean that DEU buys gas on  
21 these pipelines, but I don't see any reason why they  
22 couldn't.

23 Q. Well, again, have you gone and looked at any  
24 of these pipelines and the availability of supply on  
25 those pipelines over the years?

1           A.    Well, it's my opinion -- it's my experience  
2   that gas is a competitive commodity, and if you are  
3   going to pay the price, you are going to get the gas.

4           Q.    Right.  And we're assuming on a supply -- on a  
5   design peak day, again, that this supply would be  
6   available.  And if you are going to go -- you are going  
7   to go buy -- you are suggesting that reliability ought  
8   to rely on pipelines that are even further distant than  
9   the supply sources that the company is relying on?

10          A.    I am sorry.  Could you repeat that.  I lost  
11   your --

12          Q.    Would you agree with me that these other  
13   pipelines that deliver gas here that you are talking  
14   about, that the company is talking about in its  
15   response, they are not closer to the company's demand  
16   center; they are further away?

17          A.    Yes.  They are further away, but that  
18   shouldn't be a -- something that stops the company from  
19   buying the gas.

20          Q.    You don't think that the risk of supply  
21   interruptions is greater the more distance and the more  
22   impediments you potentially have between you and the gas  
23   supply?

24          A.    Technically yes, but you have got a lot of  
25   companies on the East Coast that buy gas, that used to

1 buy all their gas in the Gulf Coast, and gas traveled  
2 thousands and thousands of miles.

3 Q. And I guess the point there is, they used to?  
4 Right?

5 A. Right. They don't any --

6 Q. Now they have underground storage and LNG  
7 plants and --

8 A. No. They have Marcellus shale gas  
9 in western --

10 Q. And Marcellus. They have Marcellus too. But  
11 the majority of the LNG plants we looked at yesterday  
12 are located up in the northwest United States; isn't  
13 that right?

14 A. In capacity-constrained areas. That's why  
15 they have LNG for capacity.

16 Q. Okay. In any event, you would have to, for  
17 this proposal that you are talking about or this  
18 discussion you have had with your counsel, you would  
19 have to enter into long-term gas supply contracts,  
20 right? Or you would suggest that, I think is what you  
21 were saying.

22 A. Well, I -- no, not long -- long-term in the  
23 industry means long -- generally for gas supply means  
24 longer than one year. Generally there -- companies  
25 usually enter into seasonal supplies, winter months.

1 Q. So are you talking --

2 A. Five winter months.

3 Q. What duration of contract are you talking  
4 about? Are you talking about an interday contract? Are  
5 you talking about a monthly con -- what kind of contract  
6 are you talking about?

7 A. A typical gas purchase contract or that would  
8 be applicable or would be in effect for the winter  
9 season.

10 Q. Okay. So you are talking a seasonal gas  
11 supply contract. Okay. Right, and the company already  
12 assessed that, did it not, in its Option 1 of its  
13 analysis? It already went out and said, "We could do  
14 this, and here is the cost associated with it. Here is  
15 how much extra capacity you would have to purchase, and  
16 here is all the details." Isn't that what the company  
17 did in Option 1?

18 A. That was part of Option 1.

19 MR. SABIN: Okay. I don't think I have any  
20 further questions.

21 CHAIRMAN LEVAR: Okay. Thank you. Did you  
22 want to do any more?

23 MR. SNARR: Just one question that has been  
24 raised that needs to be addressed.

25 CHAIRMAN LEVAR: Okay. Thank you. Go ahead.

1 REDIRECT EXAMINATION

2 BY MR. SNARR:

3 Q. Mr. Mierzwa, I'd like to direct your attention  
4 back to your Exhibit 2.1, and within that exhibit the  
5 response to OCS data request 2.02. Do you have that in  
6 terms of the basic response provided by the company?  
7 2.02, the written response provided by the company.

8 A. Two point -- OCS 2.02?

9 Q. Yes.

10 A. Yes, I have it.

11 Q. And there's an answer there that's provided by  
12 Dominion. Could you just read the second sentence of  
13 that answer?

14 A. "The company does not know where the gas comes  
15 from prior to the point of purchase."

16 MR. SNARR: Thank you. I have no further  
17 questions.

18 CHAIRMAN LEVAR: Thank you. Commissioner  
19 Clark, do you have any questions for Mr. Mierzwa?

20 COMMISSIONER CLARK: No questions. Thank you.

21 CHAIRMAN LEVAR: Commissioner White?

22 COMMISSIONER WHITE: No questions. Thank you.

23 CHAIRMAN LEVAR: I don't have anything  
24 further. Thank you for your testimony yesterday and  
25 this morning.

1 MR. SNARR: May Mr. Mierzwa be excused now?

2 CHAIRMAN LEVAR: I'll just ask if any party or  
3 commissioner in the room has any reason not to excuse  
4 him. I am not seeing any, so he is excused. Thank you.  
5 And I think we had discussed at this point going to the  
6 Magnum witnesses. Mr. Dodge.

7 MR. DODGE: Yes. Thank you, Mr. Chairman.  
8 Thank you and the parties for allowing us to go out of  
9 order. Magnum would like to call Kevin Holder.

10 COURT REPORTER: And you are going to be  
11 facing away from me, sir, so if you could be sure you  
12 are talking right into your mic.

13 THE WITNESS: You bet.

14 CHAIRMAN LEVAR: Do you swear to tell the  
15 truth?

16 THE WITNESS: I do.

17 CHAIRMAN LEVAR: Thank you.

18 KEVIN HOLDER,  
19 was called as a witness, and having been first duly  
20 sworn to tell the truth, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. DODGE:

23 Q. Mr. Holder, can you state your name and your  
24 business address?

25 A. My name is Kevin Holder. My business address



1 is 3165 East Millrock Drive, Suite 330, Holladay, Utah.

2 **Q. By whom are you employed and in what capacity?**

3 A. I am the executive vice president of Magnum  
4 Energy Midstream Holdings, a subsidiary of Magnum  
5 Development.

6 **Q. Can you give a brief description of your  
7 educational background.**

8 A. I hold a Master's of Business Administration  
9 degree from the Meinders School of Business at Oklahoma  
10 City University and a Bachelor of Science in business  
11 administration from Louisiana State University. Go  
12 tigers.

13 **Q. And can you give a brief description of your  
14 professional experience.**

15 A. More than 30 years of my professional career  
16 has been in gas midstream space. Prior to joining  
17 Magnum in 2015, I was the principal and general manager  
18 of SRV Energy Advisors, an advisory research and  
19 consulting firm focused primarily on investment  
20 opportunities in the energy space.

21 Before that I was senior vice president, chief  
22 commercial officer of Cardinal Gas Storage Partners  
23 where I headed all commercial activities including  
24 marketing, business development, asset optimization,  
25 contract administration, commercial regulatory affairs

1 and more.

2 I served in various senior management roles  
3 with Enabled Midstream Partners, formerly known as  
4 CenterPoint Energy Pipeline and Field Services from 1992  
5 to 2008, including accounting, regulatory affairs,  
6 operations and marketing, business development for  
7 natural gas gathering, processing, transportation,  
8 storage of natural gas and natural gas liquids.

9 From 1986 through 1991 I was a senior rate and  
10 regulatory analyst for CenterPoint Energy, a multiple --  
11 a multi-state electric and natural gas utility.

12 **Q. Mr. Holden, in this docket did you prepare and**  
13 **have filed your direct testimony marked as Magnum**  
14 **Exhibit 1.0, along with exhibits to that document, and**  
15 **surrebuttal testimony marked as Magnum Exhibit 1.0 SR?**

16 A. Yes, I did.

17 **Q. And do you adopt that as your testimony here**  
18 **today?**

19 A. Yes, I do.

20 **Q. I should have asked, do you have any**  
21 **corrections to it first?**

22 A. I do not.

23 **Q. Thank you.**

24 MR. DODGE: I would move the admission of  
25 Magnum Exhibits 1.0, as well as the exhibits to that,

1 and 1.0 SR.

2 CHAIRMAN LEVAR: If any party objects to that  
3 motion, please indicate to me. I am not seeing any  
4 objection, so the motion is granted.

5 MR. DODGE: Thank you.

6 Q. (By Mr. Dodge) Mr. Holder, do you have a brief  
7 summary of your testimony?

8 A. I do.

9 Q. Please proceed.

10 A. Thank you. For the record, I will refer  
11 throughout my statement to Magnum Energy Midstream and  
12 Magnum Development collectively as Magnum.

13 Magnum's purpose for testifying today is  
14 twofold. First, Magnum agrees that utilities and LDCs  
15 such as DEU absolutely must address both natural gas  
16 supply reliability risk, as well as intraday peak hour  
17 supply risk. Increasing demands on natural gas  
18 resources and infrastructure, as well as the  
19 proliferation of intermittent renewable resources  
20 require utilities to confront these concerns and risks.

21 Secondly, Magnum is testifying today because  
22 its natural gas storage project was among the options  
23 considered by DEU for responding to those risks, and  
24 Magnum's project was addressed at length in testimony  
25 and exhibits in this docket.

1           Magnum initially intended to remain an  
2 interested but neutral party in this proceeding. We did  
3 not decide to intervene and file testimony until we  
4 determined the relative cost, risk and benefits of the  
5 Magnum project had been inaccurately characterized on  
6 the record before the commission.

7           In particular, Magnum concluded that the  
8 public record presented an apples-to-oranges comparison  
9 to the Magnum project in comparison to other options.  
10 My testimony is intended to clarify the public record  
11 and to present clear apples-to-apples comparisons  
12 between Magnum's storage project and comparable LNG  
13 options.

14           Magnum operates the only proven or developed  
15 salt dome storage resource in the western United States.  
16 This remarkable domal salt resource, rare outside the  
17 Gulf Coast, offers high deliverability multi-cycle  
18 storage with proven reliability. Its flexibility,  
19 including the number of available turns or yearly  
20 circles, far exceeds that of traditional storage  
21 reservoirs or LNG facilities.

22           It will be available year-round, offering  
23 multiple days of supply reliability and/or peaking as  
24 needed, as well as expeditious injectability for  
25 recharging of the caverns. I discussed Magnum's project

1 in more detail in my prefiled direct testimony as well  
2 as my prefiled surrebuttal testimony in this docket.

3           Magnum offers economic -- economical,  
4 all-inclusive, safe, reliable on-system options that  
5 will resolve both supply reliability and peak hour  
6 concerns. Magnum's proposal to DEU would allow for  
7 capacity necessary to effectuate these services proposed  
8 and would deliver quantities of gas needed for supply  
9 reliability and/or peak hour demands at a cost that will  
10 save rate payers millions of dollars every year compared  
11 to LNG options.

12           Mr. Mendenhall stated in his opening statement  
13 that the numbers that make up Magnum's proposal do not  
14 add up. Magnum's response to that is, you simply can't  
15 apply utility cost of service and rate-making logic to  
16 third party commercial decisions. These costs are  
17 further detailed in my prefiled and surrebuttal  
18 testimony.

19           The Magnum facilities will allow DEU to adjust  
20 deliverability and peak hour requirements as need for  
21 day-to-day operational means, in response to supply  
22 reliability and/or peak hour demands. Magnum offers  
23 significant flexibility in terms of scope and design of  
24 the facilities, including options for DEU to participate  
25 as an equity partner.

1           Magnum's project is shovel ready, with all the  
2 necessary regulatory approvals in hand, other than some  
3 additional permitting necessary to extend the pipeline  
4 beyond Goshen, and could be operational within 36 months  
5 following execution of definitive agreements.

6           At DEU's request, Magnum has responded to  
7 several specific proposals. It's had numerous other  
8 follow-up discussions. Magnum offers DEU significant  
9 optionality, given the flexibility of its high  
10 deliverability multi-cycle salt cavern storage.

11           In response to specific requests from DEU,  
12 Magnum's very specific proposals addressed both DEU  
13 system supply reliability concerns and its peak hour  
14 concerns. In general, DEU's testimony in this document  
15 compares Magnum's proposals for addressing both supply  
16 reliability and peak hour issues with an LNG proposal  
17 that is designed to address only supply reliability  
18 concerns.

19           As you will see in my prefiled direct  
20 testimony, when properly compared on an apples-to-apples  
21 basis, the options offered by Magnum compare very  
22 favorably to any LNG option. Furthermore, Magnum has  
23 developed the only proven, commercially viable salt  
24 storage option in the western United States, with  
25 caverns already in service, ahead of schedule and under

1 budget.

2           These caverns of natural gas liquid storage  
3 are very similar to natural gas storage caverns and have  
4 already been constructed or are in service,  
5 significantly de-risking and shortening the time  
6 necessary to develop future caverns for natural gas  
7 storage.

8           Magnum's ability to design, construct, own and  
9 operate salt storage energy infrastructure cannot be  
10 reasonably questioned. Moreover, construction and  
11 operation of the other equipment required for natural  
12 gas storage is relatively simple. Compression equipment  
13 and a pipeline header, both of which utilize standard,  
14 well understood and easily operated equipment.

15           Magnum's affiliates, owners, employees and  
16 consultants have more than adequate experience to -- and  
17 expertise to construct and operate storage and pipeline  
18 facilities.

19           Mr. Gill stated in his opening statement that  
20 Magnum has not provided any engineering studies to  
21 support its proposal. That does not mean these studies  
22 don't exist. They do. As Magnum stated in -- as Magnum  
23 stated in its data responses to DEU, due to ongoing  
24 negotiations with potential shippers, the scope and  
25 design of the header and the storage caverns is being

1 finalized.

2 As is industry standard, this highly  
3 proprietary and confidential information will be made  
4 available to DEU as appropriate when a definitive  
5 agreement is executed.

6 Additionally, I would like to make a couple of  
7 points of clarification. Several times in my statement  
8 and prefiled testimony I refer to the Magnum project as  
9 being shovel ready and as being an on-system option or  
10 service. I would like to explain what specifically I  
11 mean by this. Let me discuss shovel ready first.

12 Magnum currently holds a FERC 7C certificate  
13 that approves the construction, operation and  
14 maintenance of all pertinent facilities necessary to  
15 construct the Magnum project for Magnum storage  
16 facilities to the Goshen hub.

17 Basically, this certificate allows Magnum --  
18 basically this certificate allows Magnum to proceed with  
19 construction of its project immediately at a time of  
20 Magnum's choosing, including but not limited to the  
21 purchase of rights-of-way, the mobilizations necessary  
22 to construct the storage caverns to store natural gas  
23 supply, the associated compression needed for injection  
24 and withdrawals, and the associated piping and header  
25 facility necessary to transport natural gas to receipt



1 delivery points downstream.

2 In fact, Magnum has already begun many of the  
3 steps necessary to place these services -- to place  
4 these facilities into service, including the negotiation  
5 and purchasing of rights of way. That, by any  
6 definition, is shovel ready.

7 I also explain in my prefiled testimony that  
8 in March 2018 DEU requested for the first time that  
9 Magnum provide a proposal for system supply and peaking  
10 gas to be delivered further downstream from Goshen. I  
11 explained that to the -- that to extend Magnum's header  
12 beyond the Goshen hub, as recently requested, will  
13 require an additional FERC regulatory approval, which  
14 may be accomplished via either Magnum's existing FERC  
15 blanket certificate, an amendment to its existing FERC  
16 7C certificate, a new FERC filing or other regulatory  
17 options.

18 Logically, the ultimate determining factor for  
19 extending its pipeline heading would be based upon DEU's  
20 final determination of services required, as agreed to  
21 by Magnum and DEU in a definitive agreement.

22 Secondly, I would like to address the meaning  
23 of on-system as it pertains to Magnum's option for DEU.  
24 The proposed DEU Magnum interconnect will allow  
25 DEU-owned natural gas supplies to be delivered directly

1 into the DEU gas distribution system on a no-notice  
2 basis with gas controlled at the interconnect under the  
3 direct supervision of DEU gas control.

4 DEU will not have to wait for natural gas to  
5 travel 80 to a hundred miles before the supply will be  
6 available for service. Based on pipeline size, design,  
7 pressure and line pack, the on-system natural gas supply  
8 proposed by Magnum is a no-notice service that will be  
9 available instantaneously, whenever DEU requires the  
10 supply, subject to the terms of a service agreement and  
11 at a pressure necessary to effectuate the delivery of  
12 the service for which DEU has contracted.

13 More importantly, DEU gas control can have  
14 primary flow control at the Magnum DEU interconnect and  
15 can call on the supply at any time it is contracted for  
16 outside of the normal NAESB nomination cycles without  
17 prior notice to Magnum. Said another way, this is true  
18 instantaneous, no-notice service, unlike any other  
19 option offered by other interstate pipelines or storage  
20 providers.

21 My testimony explains that whether the supply  
22 is physically located one mile or 100 miles away, if the  
23 pressure necessary to maintain the flow is accomplished,  
24 distance to the supply source for operational reasons is  
25 irrelevant. That distance, however, is extremely

1 relevant with regards to the safe storage of natural gas  
2 supplies, given Magnum's distance from the Salt Lake  
3 City valley and the Wasatch Fault.

4 With this in mind, the Magnum gas storage  
5 facility will serve the precise function as an on-system  
6 resource. It will involve a direct interconnection with  
7 DEU's distribution system that will give DEU direct  
8 control over its natural gas supply.

9 To challenge Magnum's project as anything but  
10 an on-system option is to make the distinction between  
11 on and off-system resources meaningless. Stated another  
12 way, DEU's definition of on-system is anything that they  
13 own and control, thereby wiping out all other options.

14 Speaking of the 100 mile pipeline, DEU  
15 believes that a pipeline that is 100 miles in length  
16 somehow poses an unacceptable risk to reliability.  
17 That's an interesting position to take being that DEU  
18 and its affiliate DEQP own and operate over 30,000 miles  
19 of natural gas pipelines, according to the DEQP's 2018  
20 customer meeting presentation slide 31.

21 Finally, Magnum would like to address the RFP  
22 process. Magnum believes an additional RFP process  
23 would be prudent and extremely valuable as it would  
24 allow for more thorough understanding of exactly what  
25 DEU requirements are from third party options.

1           Magnum has provided, at DEU's request,  
2     proposal after proposal with extremely limited feedback  
3     in return.  Magnum believes a more formal process  
4     whereby DEU states specifically what its requirements  
5     are to meet supply reliability would allow for further  
6     clarification.

7           Examples of these requirements could be, but  
8     not limited to, more exact pressure information, more  
9     exact location for an interconnection, more exact design  
10    specifications with regards to an interconnect, as well  
11    as more exact gas supply requirements.

12           In closing, Magnum maintains a very positive  
13    relationship with DEU and would love an opportunity to  
14    work with DEU and its customers and regulators to  
15    develop a timely, cost effective, safe and reliable,  
16    high deliverability, multi-cycle salt cavern storage  
17    facility, along with associated storage and no-notice  
18    services to resolve DEU's supply reliability and/or peak  
19    hour requirements.

20           We appreciate this opportunity to better  
21    explain the nature and cost of the services that Magnum  
22    can provide.  Thank you.

23           MR. DODGE:  Mr. Holder is available for  
24    cross-examination.

25           CHAIRMAN LEVAR:  Thank you.  Any questions

1 from Utah Association of Energy Users?

2 MR. RUSSELL: Thank you, Mr. Chairman. Not  
3 this morning, thanks.

4 CHAIRMAN LEVAR: Okay. Thank you. Mr. Snarr,  
5 any questions from the Office of Consumer Services?

6 MR. SNARR: No questions.

7 CHAIRMAN LEVAR: Mr. Jetter from Division of  
8 Public Utilities?

9 MR. JETTER: I have no questions. Thank you.

10 CHAIRMAN LEVAR: Okay. Mr. Sabin or  
11 Ms. Clark?

12 MR. SABIN: Can I ask for just one minute? I  
13 just -- I don't know that we have any, but I want to  
14 just verify with the client that we don't need to ask  
15 any questions.

16 CHAIRMAN LEVAR: Sure. Do you need enough  
17 time to take a recess, or should we just all sit here  
18 for a minute?

19 MR. SABIN: Maybe -- well -- maybe five  
20 minutes. Could we have five minutes, and hopefully that  
21 will save us a bunch of time. We won't need to go into  
22 a bunch.

23 CHAIRMAN LEVAR: Okay. We'll take a five  
24 minute recess.

25 (Recess from 9:43 a.m. to 9:51 a.m.)

1 CHAIRMAN LEVAR: Okay. I think we're ready to  
2 go back on the record. So any cross-examination from  
3 Dominion?

4 MR. SABIN: We just have a very few brief  
5 questions.

6 CROSS-EXAMINATION

7 BY MR. SABIN:

8 Q. Mr. Holder, thanks for being here. I want to  
9 just talk with you -- I appreciated your opening  
10 statement. You have now seen what the company has done  
11 as far as the -- how broadly it cast its net with regard  
12 to options.

13 Do you think, or do you agree with DEU that  
14 it's -- the mix of options that it has considered in the  
15 process of its analysis; in other words, you know, it  
16 looked at demand response. It looked at off-system,  
17 third party supply. It looked at, you know, Magnum and  
18 LNG at other options.

19 Are you aware of any other option that you  
20 would think the company should have considered that  
21 isn't in the mix? The type of option, I mean.

22 A. Not specifically, no.

23 Q. Okay. I wanted to just talk about, as I  
24 understand your proposal to the company as it relates to  
25 control or ownership, I take -- I understand that Magnum

1 is not offering the company control of the storage  
2 facility itself. Is that accurate?

3 A. That is correct.

4 Q. And it also wouldn't have any control over the  
5 stretch of pipe from the storage facility to the Goshen  
6 junction, right?

7 A. Correct.

8 Q. Okay.

9 A. But ownership.

10 Q. What's that?

11 A. But ownership in.

12 Q. Ownership in what?

13 A. Storage caverns, portions of the pipeline that  
14 would deliver that gas to the preferred point in the  
15 Salt Lake City valley.

16 Q. Well, I just -- and I just want to be clear.  
17 My point is, the company is not going to own and control  
18 the storage facility, right?

19 A. It will -- we have proposed in discussions  
20 that DEU could explore with Magnum in the ownership of a  
21 storage cavern.

22 Q. Right. But you are not going to give majority  
23 control of your storage facility to the company, right?

24 A. That is correct.

25 Q. Okay.

1 A. Operational control, that is correct.

2 Q. And you are not going to give control to the  
3 company over the stretch of pipe to Goshen, right?

4 A. Correct.

5 Q. Okay.

6 A. And the reason being, are there other shippers  
7 associated with that project that we would need to have  
8 that control.

9 Q. And you are going to have to accommodate --

10 A. Yes.

11 Q. -- for other customers, right?

12 A. Yes.

13 Q. Okay. And then I just -- finally, I just want  
14 to -- I think I heard this in your statement. At least  
15 I wrote down this quote. There have been discussions,  
16 even significant discussions and extensive discussions  
17 between Magnum and the company for at least almost two  
18 years or two years, thereabouts, by my timeline. Is  
19 that -- is that right?

20 A. Yes. There have been discussions, but it's  
21 mainly been a request from the company for Magnum to  
22 provide a proposal. There has been very little feedback  
23 in return.

24 Q. I totally understand, and in those discussions  
25 the company actually sent down people to meet with you?



1 A. Correct.

2 **Q. Including engineers?**

3 A. Yes.

4 **Q. To look at your proposal. They asked you**  
5 **questions and --**

6 A. Been very accommodating.

7 MR. SABIN: Okay. I have no further  
8 questions.

9 CHAIRMAN LEVAR: Thank you. Any redirect,  
10 Mr. Dodge?

11 MR. DODGE: No, thank you.

12 CHAIRMAN LEVAR: Commissioner White, any  
13 questions?

14 COMMISSIONER WHITE: I am curious about these  
15 other shippers with potential contracts, I guess. And  
16 without divulging any kind of confidential proprietary  
17 negotiations, how are those -- how did Magnum determine  
18 to bid into those offers or projects with these other  
19 shippers?

20 THE WITNESS: Well, that's interesting. There  
21 are a number of opportunities out there in association  
22 with activities up and down the interstate pipeline  
23 corridor. There are opportunities associated with  
24 activities that are taking place in California, Las  
25 Vegas, Phoenix, as well as the publicly announced

1 repowering project at the Intermountain Power Plant.

2 COMMISSIONER WHITE: And obviously we weren't  
3 privy to the specifics of the RFP process here, but if  
4 you -- walk me through, if you were able to, I guess  
5 write the RFP or the process, what would it look like to  
6 allow a more robust process, I guess, as far as you  
7 know?

8 THE WITNESS: Well, yeah, that's -- that's a  
9 good question. Typically an RFP process that we would  
10 bid into would state numerous details associated with  
11 the project, and those details could include volume  
12 required, where that volume is sourced, where that  
13 volume is delivered, the time frame that they need for  
14 this particular project to be in service.

15 What are the receipt points? What are the  
16 delivery points? Are there numerous receipt delivery  
17 points that need to be discussed? Background  
18 information associated with the financing of the  
19 projects, financing of any facility that would be  
20 necessary to effectuate this service.

21 Pressures are extremely critical in  
22 understanding. Exact locations as to where the gas  
23 needs to be tied into. What type of service? Is it  
24 interruptible? Is it firm? Is it no notice? Is it for  
25 supply reliability? Is it for peak hour demand?

1 Commissioner, I could go on and on, but it  
2 gets very, very specific.

3 COMMISSIONER WHITE: In your experience, have  
4 you, in your previous life and with other storage  
5 endeavors, have you bid into other RFPs for a similar  
6 type service? Or is this the first of its kind?

7 THE WITNESS: No, absolutely. We are in the  
8 process right now in other RFPs unrelated to this docket  
9 and have in the past several times.

10 COMMISSIONER WHITE: Let me ask you about  
11 these proprietary engineering studies. If I heard you  
12 correctly, you said you would not be able to provide  
13 those until you actually had a definitive executed  
14 agreement. Is that typical? I mean, I guess to me it  
15 seems like how -- I am just wondering out loud how would  
16 Dominion evaluate it before and then sign an agreement.  
17 I guess I am trying to figure out if that makes sense or  
18 not.

19 THE WITNESS: Well, it does. Typically the  
20 way that is done, based on my experience, has been, you  
21 have a negotiation period. You put together a proposal.  
22 You negotiate back and forth. If that proposal meets  
23 their threshold or meets whomever's threshold to move  
24 forward, then you move forward with a definitive  
25 agreement in the forms of a precedent agreement or

1 preceding agreement.

2 In that preceding agreement there are several  
3 conditions that can be, excuse me, negotiated into that  
4 agreement. One of those could be access to this type of  
5 information to verify that what you are agreeing to can  
6 actually be accomplished.

7 For example, I built a storage facility in  
8 Louisiana that was 20 BCF all for one client, a super  
9 major. One of the conditions that they negotiated into  
10 the precedent agreement was the ability to bring in  
11 their independent engineering firm to verify what we  
12 were building would actually work. That's -- that's  
13 where you get into passing along proprietary  
14 information, engineering studies, based on my  
15 experience.

16 COMMISSIONER WHITE: Thank you. I have no  
17 further questions.

18 CHAIRMAN LEVAR: Commissioner Clark?

19 COMMISSIONER CLARK: Good morning, Mr. Holder.

20 THE WITNESS: Good morning.

21 COMMISSIONER CLARK: Did Magnum respond to one  
22 or both of the February 2016 RFPs? And I am referring  
23 to an RFP for peak hour requirements and then the peak  
24 shaving facility related evaluation. I think you were  
25 involved in one of those. And would you clarify that

1 for me?

2 THE WITNESS: Yes. I'd love to. And that's a  
3 great question. And that's -- that's kind of, it's a  
4 perfect opportunity for me to explain how we kind of got  
5 to this apples-oranges comparison.

6 When we initially looked at those RFPs, if you  
7 go back and look at them, I believe I am correct when I  
8 say this, that both the LNG RFP and the peak hour RFP  
9 were written for the purposes of resolving peak hour  
10 issues, not supply reliability issues. I believe I am  
11 correct on that.

12 So when we started the initial discussions and  
13 started working and responding to those RFPs, it was  
14 from that perspective. And when you build a storage  
15 facility to address peak hour needs, it is a different  
16 design than if it is strictly a supply reliability.

17 For example, if they need just 150,000 a day  
18 delivered on a 24 hour ratable period over 8, 10, 12, 15  
19 days, that's a different design, when it -- as it  
20 pertains to a cavern, as it pertains to compression, as  
21 it pertains to pipeline size, what have you, than  
22 solving for a peak hour need, which is, they need gas  
23 intraday, over a very short period of time. So in other  
24 words, it's almost like a micro burst of gas.

25 So when we initially responded to those RFP

1 process that you are referring to, it was for peak hour  
2 needs. I have not seen an RFP that addresses this  
3 supply reliability issue for which this LNG facility is  
4 being proposed.

5 COMMISSIONER CLARK: So you have referred, I  
6 think, to ongoing discussions that you have had with  
7 DEU. I assume those occurred since the RFP and running  
8 up to now. If that's true, have those in any detailed  
9 way addressed the supply reliability issue that is the  
10 focus of the application that we have in front of us?  
11 And how does that relate to your recommendation to have  
12 a new RFP focused on supply reliability?

13 THE WITNESS: That's an excellent question. A  
14 perfect example of that would be to read my direct  
15 testimony. And in there, you will see, based on the  
16 request that we had and the discussions we had with DEU,  
17 we were instructed or discussed with DEU to come up with  
18 a proposal that would address both supply reliability  
19 and peaking needs.

20 We did that. However, our supply reliability  
21 portion of that proposal only allowed for five days of  
22 deliverability at 150,000 decatherms a day. We were not  
23 told that we needed to address eight days or ten days or  
24 what ultimately came out as the number that was filed in  
25 the DEU application. It was only after the fact that we

1 realized, oh, that was the target that we needed to hit.

2 And so when you look at my testimony, you will  
3 see that we included a revised proposal that addresses  
4 supply reliability only. But we did not know that until  
5 after the direct testimony was filed by DEU in this  
6 proceeding. That's the main reason for us intervening  
7 in this docket.

8 COMMISSIONER CLARK: And have you had any  
9 formal response to that subsequent proposal?

10 THE WITNESS: No.

11 COMMISSIONER CLARK: Those are all my  
12 questions. Thank you.

13 CHAIRMAN LEVAR: Okay. Thank you. Does the  
14 current status of your proposal with DEU articulate or  
15 contemplate any penalties or fines in the event that  
16 Magnum were unable to deliver under the contract?

17 THE WITNESS: That's all subject to  
18 negotiation, of which Magnum would be more than happy to  
19 entertain those discussions.

20 CHAIRMAN LEVAR: Okay. And I -- and just to  
21 clarify, I am not asking you to reveal any confidential  
22 details that might still be in discussions. But is the  
23 concept of that, is that concept currently part of the  
24 proposal?

25 THE WITNESS: No, it is not.

1 CHAIRMAN LEVAR: It is not. Okay.

2 THE WITNESS: But I am very aware that they  
3 have similar provisions in other storage contracts that  
4 are known.

5 CHAIRMAN LEVAR: Okay. Are there any risks  
6 that cold temperatures would impact either injections or  
7 withdrawals into a salt cavern facility?

8 THE WITNESS: I think it's fair to say that if  
9 it gets cold enough, the possibility is there. I think  
10 if it gets cold enough, there's a possibility that it  
11 could impact pretty much anything that's mechanical. So  
12 I am not going to rule it out as a possibility. I say  
13 the probability is extremely low.

14 CHAIRMAN LEVAR: Would you say lower than a  
15 wellhead?

16 THE WITNESS: Yes.

17 CHAIRMAN LEVAR: Okay. Do you have anything  
18 to elaborate on that, on why that would be?

19 THE WITNESS: Well, when you think of a  
20 wellhead, when I think of a wellhead, I think of a lot  
21 of fluid and water coming out of that wellhead that  
22 causes freeze-offs. That's primary -- primarily the  
23 driver of problems that you have with freeze-offs and  
24 production.

25 We have all the necessary equipment to deal



1 with that at the central location, as well as these  
2 caverns remain extremely dry. That's not to say that  
3 there's not liquid in the form of water that has to be  
4 removed at some point, but it's extremely low.

5 CHAIRMAN LEVAR: Thank you. I appreciate  
6 those answers. Thank you for your testimony this  
7 morning.

8 THE WITNESS: Thank you.

9 CHAIRMAN LEVAR: Mr. Dodge?

10 MR. DODGE: Thank you, Mr. Chairman. Magnum  
11 would like to call David Schultz.

12 CHAIRMAN LEVAR: Good morning, Mr. Schultz.  
13 Do you swear to tell the truth?

14 THE WITNESS: Yes, I do.

15 CHAIRMAN LEVAR: Thank you.

16 THE WITNESS: Thank you.

17 DAVID SCHULTZ,  
18 was called as a witness, and having been first duly  
19 sworn to tell the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. DODGE:

22 **Q. Good morning, Mr. Schultz. Would you please**  
23 **state your name and your business address.**

24 A. My name is David Schultz, and my business  
25 address is 35 Lake Mist Drive, Sugar Land, Texas.

1           **Q.    And by whom are you employed and in what**  
2 **capacity?**

3           A.    I am an independent consultant contracted by  
4 Magnum Energy Midstream Holdings, regarding the Magnum  
5 storage and pipeline options that -- designed to serve  
6 the needs of Dominion for supply reliability and/or  
7 peaking services.

8           **Q.    Briefly describe your educational background.**

9           A.    I hold a master's degree from San Diego State  
10 University.

11          **Q.    And your professional background?**

12          A.    For more than 35 years my professional career  
13 has been focused in the natural gas and power sectors.  
14 Most pertinent -- my most pertinent experience to this  
15 proceedings includes being senior vice president for LNG  
16 America where we sought to bring LNG as a fuel to marine  
17 and land-based markets in the U.S.

18                Prior to that, I worked in various senior  
19 management roles for AGL Resources, including the  
20 including the startup of Pivotal LNG where I focused on  
21 bringing LNG from the utilities, LNG plants and from  
22 Pivotal's merchant plans to terrestrial and marine uses.

23                In that role I was responsible for the  
24 operation of Pivotal's LNG facilities, sales and  
25 marketing, planning, evaluation, design decisions

1 regarding possible construction, operation of proposed  
2 LNG facilities of similar size to LDC peaking  
3 facilities.

4           During my time at AGL and Pivotal I became  
5 intimately familiar with the safety of such LNG  
6 facilities, their capital and operating costs. This  
7 understanding applies both to new and existing AGL LNG  
8 facilities and Pivotal's merchant LNG facilities.

9           Prior to that role at AGL Resources, I  
10 developed for AGL an 18 BCF underground salt dome  
11 storage facility known as Golden Triangle Storage near  
12 Beaumont, Texas, on the Spindletop salt dome. In that  
13 role I became intimately familiar with the design safety  
14 and safety of underground natural gas storage  
15 facilities, including permitting, construction, capital  
16 costs and operating costs.

17           Prior to that role at AGL, I was responsible  
18 for the development of nearly a 3 billion dollar LNG  
19 import facility in Virginia. The remainder of my  
20 experience can be found in my prefiled testimony and my  
21 CV attached thereto.

22           **Q. Thank you. And did you prepare and arrange**  
23 **for filing in this docket surrebuttal testimony that has**  
24 **been marked as Magnum Exhibit 2.0 SR?**

25           A. Yes, I did.

1 Q. And do you have any corrections to that  
2 prefiled testimony?

3 A. No, I don't.

4 Q. And do you adopt it here as your testimony?

5 A. Yes, I do.

6 Q. And do you have a brief summary of your  
7 testimony?

8 A. Yes, I do. Thank you. The main purpose of my  
9 testimony is to respond to rebuttal testimony of DEU in  
10 this docket that proposes to compare and contrast  
11 underground salt dome storage for natural gas and -- and  
12 a liquefaction of natural gas to make LNG for storage  
13 and vaporization to meet a gas utility's supply  
14 reliability or peak day requirements.

15 My testimony explains the difference in  
16 capital and operating costs, safety, permitting,  
17 complexity and future issues that LNG facilities --

18 COURT REPORTER: Excuse me, sir. Could you  
19 just read a little bit slower, please.

20 THE WITNESS: Oh, I'm sorry.

21 COURT REPORTER: Thank you.

22 THE WITNESS: I get carried away.

23 A. My testimony explains differences in capital  
24 and operating costs, safety, permitting, complexity and  
25 future issues that LNG facilities face as they -- as the

1 needs of the owning utility change over time.

2 Based on my experience in development,  
3 construction and operation of these type -- two types of  
4 facilities, it is my opinion and experience that  
5 underground salt dome storage for natural gas is the  
6 overwhelming preferred option to meet a utility's supply  
7 and/or peak day requirements.

8 Over time both utilities and pipeline  
9 companies have supported the construction and operation  
10 of underground natural gas storage as a preferred  
11 alternative to LNG peaking facilities. In fact today in  
12 the US, over 4 TCF, that's trillion cubic feet of  
13 underground working natural gas storage is in service,  
14 versus an estimated about 30 BCF or billion cubic feet  
15 of LNG peaking capacity.

16 Put another way, LNG resources represent about  
17 1 percent of the underground storage resources.

18 Underground natural gas storage is clearly the  
19 overwhelming industry choice to meet both supply  
20 reliability and peak day demands, in addition to  
21 offering many services to utilities and pipelines versus  
22 a utility-built LNG facility.

23 My testimony explains, in comparison to salt  
24 dome storage, LNG facilities involve significantly  
25 greater risk, requiring greater regulatory oversight in

1 permitting and operations, are at greater risk of  
2 obsolescence, require more complex operations, have  
3 higher operating and capital costs, and offer less  
4 flexibility.

5 I would like to make one other observation.  
6 Over time, DEU's position has evolved regarding the  
7 nature of the proposed services the LNG facility will  
8 provide for its customers. DEU initially proposed a  
9 peak day -- a peak shaving facility as described in its  
10 RFP dated February 26, 19 -- or 2016 entitled liquefied  
11 natural gas, LNG, peak shaving facility evaluation.

12 Further, in June of this year, as late as June  
13 of this year, Dominion Energy stated in an investment  
14 presentation that the -- that subject to regulatory  
15 approval, it was planning to build an on-system LNG  
16 facility that ensures system reliability during critical  
17 peak need periods for growing customer base, indicating  
18 the plant is intended to meet peak day requirements.

19 DEU is now characterizing in this docket the  
20 LNG facility as a supply reliability facility. Although  
21 DEU has continued to evolve its position regarding their  
22 operation of the LNG facility, does not change my  
23 conclusion that in either case the services offered by  
24 Magnum to DEU are far superior to that of DE -- that  
25 DEU can receive from an LNG peak or supply reliability

1 LNG facility. Thank you.

2 MR. DODGE: Thanks. Mr. Schultz is available  
3 for cross.

4 CHAIRMAN LEVAR: I am not sure we had his  
5 testimony entered.

6 MR. DODGE: I apologize. Did I not move that?

7 CHAIRMAN LEVAR: Unless I forget.

8 MR. DODGE: I think I forgot. I would move  
9 the admission of Mr. Schultz's testimony.

10 CHAIRMAN LEVAR: Okay. If anyone objects,  
11 please indicate to me. I am not seeing any, so the  
12 motion is granted.

13 MR. DODGE: Thank you.

14 CHAIRMAN LEVAR: Thank you. Mr. Russell, any  
15 questions from Utah Association of Energy Users?

16 MR. RUSSELL: No questions from UAE. Thank  
17 you, Mr. Chairman.

18 CHAIRMAN LEVAR: Thank you. Mr. Snarr, any  
19 questions from the office?

20 MR. SNARR: No. No questions.

21 CHAIRMAN LEVAR: Thank you. Mr. Jetter, any  
22 questions?

23 MR. JETTER: I have no questions. Thank you.

24 CHAIRMAN LEVAR: Okay. From Dominion?

25 MR. SABIN: Just a couple.

1 CROSS-EXAMINATION

2 BY MR. SABIN:

3 Q. I want to just address permitting  
4 requirements. You spent a significant amount of time in  
5 your testimony talking about FERC permitting  
6 requirements; is that correct?

7 A. Yes. I spoke to both FERC permitting on LNG  
8 facilities, FERC permitting for underground storage, and  
9 I used that as illustrative of the differences in  
10 permitting requirements between the two.

11 Q. Were you aware that the LNG facility is not  
12 going to be a FERC-regulated facility?

13 A. Yes, I am.

14 Q. Okay. So those permitting requirements  
15 wouldn't apply?

16 A. Those specifically wouldn't apply, but the  
17 differences between the two types of facilities would be  
18 considered by whatever regulator is applying -- or is  
19 reviewing those facilities and should be taken into  
20 consideration. The same kind of issues, safety,  
21 reliability, obsolescence. On and on.

22 Q. Fair enough. But the Magnum facility would be  
23 subject to FERC requirements, right?

24 A. Correct.

25 Q. And the LNG facility would not?



1 A. Correct.

2 Q. Okay. And have you familiarized yourself with  
3 the permitting requirements under Utah State law?

4 A. No, I have not.

5 Q. Okay. Have you done any work to determine  
6 whether or not the LNG facility would have a challenge  
7 in complying with whatever permitting requirements  
8 apply?

9 A. No, I have not, other than that as prudent  
10 regulators, you would be sure that whatever facility was  
11 built in the state of Utah met safety requirements. For  
12 example, PHMSA or NFPA 59A or other industry standard  
13 regulatory requirements that would apply to such  
14 facilities.

15 Q. And were you here when Mr. Gill testified?

16 A. Yes.

17 Q. And did you hear his testimony that they  
18 have -- all of those issues were reviewed as part of the  
19 feed study?

20 A. I heard that they looked at issues associated  
21 with LNG facilities, including an N minus one kind of  
22 contingency. I didn't hear things like a N minus one  
23 for a tank or an N minus one for backup power generation  
24 or other resources. So I did hear his discussion, but  
25 it wasn't extremely detailed in some of those issues.

1 Q. Did you read his testimony?

2 A. Yes, I did.

3 Q. That included the exhibits?

4 A. I read his rebuttal testimony.

5 Q. His rebuttal testimony. You didn't read his  
6 direct testimony or review any of the engineering  
7 conclusions or any engineering documentation?

8 A. No, I did not.

9 Q. Okay. And it's N plus one, right, not N minus  
10 one?

11 A. Yeah, N plus one.

12 Q. Yeah, okay. On that front, so Mr. Gill has  
13 testified in his direct testimony and has provided that  
14 information demonstrating that he's met with regulators,  
15 and there's not been any concerns raised to this point.  
16 Do you have any basis to contest that that's not true?

17 A. No.

18 Q. Okay. Do you also -- you also read  
19 Mr. Paskett's testimony, I take it?

20 A. I read his rebuttal testimony.

21 Q. Okay. Did you -- have you done any analysis  
22 to look at the growth rate of LNG facilities in the  
23 United States in the last 10 years?

24 A. As participating in LNG issues in the United  
25 States over the last 10 years, I have been intimately

1 familiar with the issues associated with the growth of  
2 the LNG industry in the U.S.

3 **Q. So if you are right, why is the growth rate of**  
4 **LNG facilities 19, almost 20 percent in the last 10**  
5 **years?**

6 A. I think when you look at the analysis that was  
7 done, and you consider the types of LNG facilities, in  
8 particular, liquefaction facilities that have been  
9 constructed in that time horizon, you will find that a  
10 large number of those -- or several of those facilities,  
11 I should say, are, for example, export facilities that  
12 are extremely large that have unique characteristics,  
13 BCF's of gas coming in and liquefying.

14 Cheniere, Freeport, others along the Gulf  
15 Coast and elsewhere have looked at installing immense  
16 amounts of liquefaction capacity.

17 **Q. And have you actually done --**

18 A. What -- I'm sorry. If I could finish. In  
19 addition to that, there's been a number of merchant  
20 facilities built not to serve utility requirements at  
21 all that I think are in that number. For example,  
22 Stabilis built a facility near George West, Texas.  
23 Applied built a facility near Dallas. AGL Resources has  
24 built a facility in Jacksonville to serve the marine  
25 market. Another facility in Jacksonville is under

1 construction, another one in south Florida.

2 So there's a lot of facilities in that number  
3 that have been built but not for utility operations.

4 **Q. And have you actually done any analysis, or**  
5 **are you just kind of shooting from the hip on that?**

6 A. It's from my experience being in the LNG  
7 industry for 10 or 15 years.

8 **Q. But you haven't actually looked at the**  
9 **increase from 2008 to now to identify which facilities**  
10 **are utility and which are not?**

11 A. Other than being intimately familiar with the  
12 growth of the industry over the last 10 years.

13 **Q. Okay. I want to talk about safety.**

14 A. Uh-huh.

15 **Q. You -- you indicate that you think that the**  
16 **LNG facility is less safe than supply delivered in the**  
17 **manner that Magnum is proposing. Did you read**  
18 **Mr. Paskett's testimony with regard to the number of**  
19 **incidents at LNG facilities in the past 20 years?**

20 A. I have read Mr. Paskett's rebuttal testimony.

21 **Q. Then you would know that he talks about that**  
22 **there was only one incident in that entire time at any**  
23 **LNG facility.**

24 A. Yes. I saw that, and I made a comparison to  
25 interstate pipelines or transmission lines or pipelines

1 having a great deal more. As I understand that a US  
2 natural gas market, there's something in the order of  
3 nearly 30 TCF trillion cubic feet of gas that move on  
4 pipeline, an enormous amount. There's 30 BCF that could  
5 move in and out of LNG storage.

6 So if you do on an adjusted basis per volume,  
7 the risks of someone being hurt in the pipeline system  
8 per unit of L -- per unit of gas is much lower for  
9 pipelines than it is for an LNG facility.

10 **Q. I am just wondering how you can say that where**  
11 **there's only been one incident. I mean how can you say**  
12 **it's less safe where there's only been one thing happen**  
13 **in 20 years?**

14 A. There's -- again, it's on a per-unit basis  
15 so --

16 **Q. Okay.**

17 A. -- when you look at it on a per-unit basis, if  
18 you divide one by 30 BCF and you divide -- times the  
19 number of years that you want to look at over the  
20 horizon, and you divide 90 or whatever the number was  
21 times 30 TCF over the time horizon, the per unit  
22 incidence is much lower for pipelines than it is for  
23 LNG.

24 **Q. But in both cases we're talking about really**  
25 **small decimal numbers, aren't we?**

1 A. Yes.

2 Q. Okay. All right.

3 A. And in fact, both facilities, if built to  
4 extreme standards, can be equally safe.

5 Q. Okay. And then the last thing I want to talk  
6 with you about is, I just want to make sure you  
7 understand -- did you look at the location where this is  
8 being proposed to be built, the LNG facility?

9 A. Yeah.

10 Q. Do you know what's around it?

11 A. There's -- it's a -- generally an industrial  
12 kind of area that has room to put 160 acre LNG facility  
13 into it.

14 Q. No. But do you know the specific neighbors?  
15 What's the neighbor -- what's operated on the  
16 neighboring properties?

17 A. No, I do not.

18 Q. So you don't know then that this is by an  
19 asbestos landfill?

20 A. An asbestos landfill today could be a golf  
21 course or a housing development tomorrow.

22 Q. You really think urban encroachment is likely  
23 in that area in the imminent future?

24 A. Imminent future would mean tomorrow.

25 Q. Twenty years, in 20 years. You think it's

1 **going to happen in 20, 25, 30 years?**

2 A. I am no expert in the urban growth rates of  
3 the greater Salt Lake City area.

4 **Q. Okay. So you wouldn't know whether there's**  
5 **really an urban encroachment problem here then, would**  
6 **you?**

7 A. Today, I don't believe there is. But it's not  
8 to say that tomorrow there couldn't be.

9 **Q. Thank you.**

10 MR. SABIN: That's all I have.

11 CHAIRMAN LEVAR: Okay. Thank you. Any  
12 redirect, Mr. Dodge?

13 MR. DODGE: No. I have no questions. Thank  
14 you.

15 CHAIRMAN LEVAR: Okay. Commissioner Clark?

16 COMMISSIONER CLARK: No questions. Thank you.

17 CHAIRMAN LEVAR: Commissioner White.

18 COMMISSIONER WHITE: No questions. Thank you.

19 CHAIRMAN LEVAR: I just want to ask if you  
20 have anything to add or supplement to Mr. Holder's  
21 answer to my question about potential impacts of cold  
22 temperatures on operations at a salt cavern, injections  
23 or withdrawals.

24 THE WITNESS: Sure. I agree with Mr. Holder.  
25 There are differences between a wellhead at a salt

1 cavern and wellheads in the field. And those two  
2 differences are one of size. Typically the size of a  
3 wellhead on a salt cavern is much larger because you are  
4 moving much greater than volumes in and out of the salt  
5 caverns at any given incident of time when you are  
6 operating injections or withdrawals than a typical well  
7 in the field.

8           Even the biggest wells in a field don't  
9 typically move the kinds of volumes that an underground  
10 storage cavern can move.

11           Second, because it's a static facility and  
12 it's large and you need to protect from freeze-offs.  
13 Not only is it dry gas that's coming in and out and you  
14 have you less water in the stream that could potentially  
15 freeze-off, you can put heat traces or other equipment  
16 on that wellhead that will be uneconomic to do on  
17 thousands of wellhead in the field that could prevent a  
18 freeze-off of a storage wellhead in a cold environment.

19           For example, there's underground storage in  
20 Canada in very, very cold, extremely cold environments;  
21 Aitken City comes to mind and maybe some other  
22 facilities, that they have mitigation measures that can  
23 prevent freeze-offs out of underground storage caverns.

24           CHAIRMAN LEVAR: Thank you. I appreciate that  
25 additional information and thank you for your testimony



1 this morning.

2 THE WITNESS: Thank you.

3 CHAIRMAN LEVAR: Anything further from Magnum?

4 MR. DODGE: No. We would just request that  
5 Mr. Schultz be excused, and I would personally request  
6 at least maybe in the next break that I would be  
7 scheduled as well. And Mr. Holder may stay, but I guess  
8 I would request we all be excused unless there's a  
9 reason for us to stay.

10 CHAIRMAN LEVAR: Okay. If anyone in the room  
11 has any objection to any of that, please indicate to me.  
12 And I am not seeing any, so thank you.

13 MR. DODGE: Thank you, Mr. Chairman.

14 CHAIRMAN LEVAR: And I think we'll go ahead  
15 and move to Utah Association of Energy Users at this  
16 point.

17 MR. RUSSELL: Thank you, Mr. Chairman. UAE  
18 calls Neal Townsend to the stand.

19 CHAIRMAN LEVAR: Good morning, Mr. Townsend.

20 THE WITNESS: Good morning.

21 CHAIRMAN LEVAR: Do you swear to tell the  
22 truth?

23 THE WITNESS: I do.

24 CHAIRMAN LEVAR: Thank you.

25 NEAL TOWNSEND,

1 was called as a witness, and having been first duly  
2 sworn to tell the truth, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. RUSSELL:

5 Q. Good morning, Mr. Townsend.

6 A. Good morning.

7 Q. Can you state your name and your business  
8 address for the record, please.

9 A. My name is Neal Townsend. My business address  
10 is 215 South State Street, Suite 200, Salt Lake City.

11 Q. By whom are you employed and in what capacity?

12 A. I am employed by Energy Strategies as a  
13 principal.

14 Q. And I don't know if this is necessary, but can  
15 you briefly describe your educational and professional  
16 background for us?

17 A. Yes. I have an engineering degree from the  
18 University of Texas at Austin and an MBA from the  
19 University of New Mexico. I worked for the Division of  
20 Public Utilities here at the State of Utah for three or  
21 four years before joining Energy Strategies in 2001.

22 Q. Thank you. Did you prefile rebuttal testimony  
23 in this docket on September 6th of 2018?

24 A. I did.

25 Q. And was that testimony on behalf of UAE?

1 A. Yes, it was.

2 Q. Okay. And do you adopt that testimony as your  
3 testimony in this proceeding?

4 A. I do.

5 Q. Do you have any corrections to make to that  
6 testimony?

7 A. I do not.

8 MR. RUSSELL: And at this point I'll go ahead  
9 and move for the admission of Mr. Townsend's rebuttal  
10 testimony.

11 CHAIRMAN LEVAR: If anyone objects, please  
12 indicate to me. And I am not seeing any, so the motion  
13 is granted.

14 Q. (By Mr. Russell) Your testimony was fairly  
15 short, but have you prepared a summary for us today?

16 A. I do have one. Thank you.

17 Q. Okay.

18 A. Good morning. UAE did not file direct  
19 testimony in this docket and has not taken a position  
20 regarding preapproval of DEU's proposed LNG facility.  
21 In its application DEU was clear that its proposed LNG  
22 facility is only being planned to serve sales customers.  
23 However, in its direct testimony the OCS testifies that  
24 if the application is approved, transportation customers  
25 should bear some of the cost responsibility of the LNG

1 plant.

2 Similarly, the DPU suggests that to avoid  
3 cross-subsidization, transportation customers be charged  
4 for burning service or, worse, have shutoff valves  
5 installed in the event these customers' usage exceeds  
6 their delivered supply after a DEU curtailment order.

7 In my rebuttal testimony I respond to both the  
8 OCS and DPU testimony. At the outset, I point out that  
9 this may not be the appropriate forum for determining  
10 cost allocation for the proposed LNG plant. However, to  
11 the extent cost allocation is addressed in this  
12 proceeding, I recommend that transportation customers be  
13 excluded from being assigned any LNG facility costs.

14 First, DEU's application makes it clear that  
15 these facilities are being proposed to serve sales  
16 customers, not transportation customers. Second, as I  
17 explained in my prefiled testimony, transportation  
18 customers are responsible for arranging their own supply  
19 needs. As part of this responsibility, transportation  
20 customers are subject to penalties for failure to  
21 balance their consumption with delivery of their  
22 scheduled supply during periods of system constraint.

23 Third, there is currently an open docket that  
24 addresses a newly proposed hold burn to scheduled  
25 quantity restriction that would have new, higher

1 penalties during periods of supply constraints. These  
2 existing and proposed tariff provisions are the more  
3 appropriate tools for managing transportation service  
4 during supply disruptions. That concludes my summary.

5 MR. RUSSELL: I don't have any additional  
6 questions for Mr. Townsend and will make him available  
7 for direct examination.

8 CHAIRMAN LEVAR: Thank you. Mr. Dodge, does  
9 Magnum have any questions for Mr. Townsend?

10 MR. DODGE: No questions, thank you.

11 CHAIRMAN LEVAR: Mr. Sabin or Ms. Clark, does  
12 Dominion have any questions?

13 MR. SABIN: We do not have any questions.

14 CHAIRMAN LEVAR: Okay, thank you. Mr. Jetter,  
15 do you have any questions?

16 MR. JETTER: I do have a few brief questions.

17 CROSS-EXAMINATION

18 BY MR. JETTER:

19 Q. Good morning.

20 A. Good morning.

21 Q. Were you here in the room yesterday or did you  
22 listen to the testimony?

23 A. I did not.

24 Q. Okay. I'd like to give you a hypothetical  
25 situation and ask what your opinion is of what you would

1 expect Dominion to do in this -- in this situation. And  
2 hypothetical situation is a transportation customer  
3 supply fails to be delivered. The Dominion Energy  
4 Utah's supply is short of its expected need during that  
5 day by 30,000 cubic feet, or something within the range  
6 but less than the full capacity of the LNG facility they  
7 have proposed.

8 Do you think that the prudent choice for the  
9 utility would be to curtail -- and I am going to add one  
10 more portion to my hypothetical here, which is the  
11 transportation customer refuses to voluntarily curtail  
12 its use.

13 In that scenario do you think that it would be  
14 appropriate for Dominion Energy to physically cut that  
15 customer off by closing the valve at the meter? Or do  
16 you think that it would be the appropriate choice for  
17 Dominion to continue to serve out of the LNG facility to  
18 that customer?

19 A. Well, under those circumstances, at first I  
20 think they would impose their hold burn to scheduled  
21 quantity restriction that's being proposed in this other  
22 docket, and the customer would be subject to those  
23 penalties that would be in that docket, whatever those  
24 happen to be ultimately.

25 But in terms of what happens to the customer,

1 you know, how Dominion would try to meet that load or  
2 not meet that load, that would be up to Dominion. You  
3 would have to ask them how they would do that. But  
4 those penalties would be quite substantial that would be  
5 -- are being discussed under the hold burn to scheduled  
6 quantity docket.

7 **Q. Well, and let's say my hypothetical, this is a**  
8 **-- this is a hotel. And they are unwilling to turn the**  
9 **gas off to heat the hotel. In that case where you are**  
10 **left with -- in my hypothetical the only choice is to**  
11 **either use gas out of the LNG facility or to cut that**  
12 **customer off, would you suggest that it would be**  
13 **appropriate for Dominion to cut that customer off?**

14 **A. And in your hypothetical are you assuming that**  
15 **the supplier for the hotel is just gone on vacation or**  
16 **--**

17 **Q. Yes, yes.**

18 **A. -- what are you assuming regarding that?**

19 **Q. Their supply is not showing up.**

20 **A. Well, I think it would be quite unusual. And**  
21 **but I would -- like I said, I would expect Dominion to**  
22 **take whatever actions that are allowed under its tariff**  
23 **to deal with such a situation.**

24 **Q. Even if that remains cutting that customer off**  
25 **prior to exhausting its LNG facility?**

1           A.     Well, I think they would impose some  
2     substantial penalties on that customer, and that  
3     customer is going to get the signal, if they do it one  
4     time.

5           Now, there's a question of whether they were  
6     just absolutely ignoring the problem and just going on  
7     about their business or were they -- or was there some  
8     reason why they didn't shut off when they should have  
9     and cut back their usage. You know, those are sort of  
10    fact patterns that we are just sort of speculating about  
11    here.

12          **Q.     We are speculating, I agree. But sort of the**  
13    **purpose of my hypothetical. Let me ask kind of the same**  
14    **target, the same idea, a different way. Is there any**  
15    **value to having the option to pay the penalty and**  
16    **receive gas service through the LNG facility, as**  
17    **compared to not having the LNG facility available and**  
18    **having a hard cutoff?**

19                 And so the alternatives here are A, pay  
20    penalty and receive service or not have the alternative  
21    and not pay penalty and be cut off. Do you think that  
22    there is a value to having the option to receive  
23    service?

24          A.     I suspect that's up to the individual customer  
25    as to whether they see value in such an option, you



1 know. And I can't speak as generally. It's just going  
2 to be customer by customer.

3 **Q. Do you think it would be appropriate to give**  
4 **customers that choice in their tariff?**

5 A. Well, I think the appropriate thing is to have  
6 tariff provisions like were being discussed in the hold  
7 burn to quantity. We also have imbalance penalties.  
8 Those are the appropriate place for those to be  
9 addressed.

10 MR. JETTER: Thank you. I have no further  
11 questions.

12 CHAIRMAN LEVAR: Thank you, Mr. Jetter.  
13 Mr. Snarr?

14 MR. SNARR: I have no questions.

15 CHAIRMAN LEVAR: Okay. Thank you. Any  
16 redirect, Mr. Russell?

17 MR. RUSSELL: No, thank you, Mr. Chairman.

18 CHAIRMAN LEVAR: Okay. Commissioner White, do  
19 you have any questions?

20 COMMISSIONER WHITE: No questions, thank you.

21 CHAIRMAN LEVAR: Commissioner Clark?

22 COMMISSIONER CLARK: I have no questions,  
23 thank you.

24 CHAIRMAN LEVAR: I don't either. Thank you  
25 for your testimony today.

1 THE WITNESS: Thank you.

2 CHAIRMAN LEVAR: Anything further from UAE?

3 MR. RUSSELL: No further witnesses. I would  
4 ask if Mr. Townsend can be excused however.

5 CHAIRMAN LEVAR: If anyone in the room objects  
6 to that, please indicate. I am not seeing any, so thank  
7 you.

8 THE WITNESS: Thank you.

9 MR. RUSSELL: Thank you, Mr. Chairman.

10 CHAIRMAN LEVAR: Okay. Mr. Jetter?

11 MR. JETTER: The division would like to call  
12 and have sworn in Douglas Wheelwright.

13 CHAIRMAN LEVAR: Good morning,  
14 Mr. Wheelwright.

15 THE WITNESS: Good morning.

16 CHAIRMAN LEVAR: Do you swear to tell the  
17 truth?

18 THE WITNESS: I do.

19 CHAIRMAN LEVAR: Thank you.

20 DOUGLAS WHEELWRIGHT,  
21 was called as a witness, and having been first duly  
22 sworn to tell the truth, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. JETTER:

25 Q. Good morning, Mr. Wheelwright. Would you

1 please state your name and occupation for the record.

2 A. My name is Douglas D. Wheelwright. I am a  
3 technical consultant with Division of Public Utilities.  
4 There we go.

5 Q. And in the course of your employment with the  
6 Utah Division of Public Utilities, have you had the  
7 opportunity to review the testimony in this docket filed  
8 by the company and other parties?

9 A. Yes, I have.

10 Q. And by the company I'd like to correct for the  
11 record that I am referencing Dominion Energy Utah. Did  
12 you cause -- create and cause to be filed with the  
13 commission direct and rebuttal -- excuse me, surrebuttal  
14 testimony in this docket?

15 A. Yes, I did.

16 Q. Do you have any corrections or changes you  
17 would like to make to either of those?

18 A. I have two brief corrections to my surrebuttal  
19 testimony. On page 2, line 49 and 50, where it says the  
20 DEU was ranked 14th, that should be changed to 11th.  
21 And that same change on the next line on line 50.

22 Q. Thank you. With those -- with those two  
23 corrections, if you were asked the same questions that  
24 are contained in both your direct and surrebuttal  
25 testimony, would your answers remain the same?

1 A. Yes, they would.

2 MR. JETTER: I'd like to move at this point to  
3 enter into the record direct and surrebuttal testimony  
4 filed by Mr. Wheelwright, along with -- direct was --  
5 let's see, included Exhibits 1.0 through 1.6. And the  
6 surrebuttal included exhibits, Surrebuttal Exhibits 1.0  
7 through 1.4.

8 CHAIRMAN LEVAR: If any parties objects to  
9 that motion, please indicate. I am not seeing any  
10 objection, so the motion is granted.

11 MR. JETTER: Thank you.

12 Q. (By Mr. Jetter) And Mr. Wheelwright, have you  
13 prepared a brief summary of your testimony?

14 A. Yes, I have.

15 Q. Please go ahead.

16 A. Thank you. Good morning, commissioners. In  
17 this docket Dominion Energy Utah has asked for approval  
18 to construct an on-system liquefied natural gas  
19 facility. In order to help evaluate the company's  
20 application, the division hired Daymark Energy Advisors  
21 to review the information and provide analysis.

22 Mr. Allen Neale from Daymark provided direct  
23 and surrebuttal testimony on behalf of the division and  
24 identified specific areas of concern and recommendations  
25 which support the division's position. Mr. Neale is

1 here today and will be providing testimony at this  
2 hearing.

3 The requirements for approval of a resource  
4 decision are identified in Utah code Section 54-17-402.  
5 In this proceeding the commission is to determine if the  
6 proposed request is in the public interest, taking into  
7 consideration a number of specific requirements. The  
8 first requirement identified in the Utah code is whether  
9 the proposed resource will most likely result in the  
10 acquisition, production and delivery of utility services  
11 at the lowest reasonable cost to retail customers.

12 Approval is not warranted because Dominion  
13 Energy has failed to show that the proposed LNG facility  
14 will result in the provision of services at the lowest  
15 reasonable cost. It is clear that Dominion Energy wants  
16 to build an LNG facility but may not need this type of  
17 facility based on the cost of other options that may be  
18 available.

19 The very heart of this issue is the company's  
20 failure to establish a clear need for the identified  
21 resource. The company's provided instances of supply  
22 cuts due to cold weather conditions. However, these  
23 conditions have been short in duration and have been  
24 satisfied using other storage or purchase options.

25 The purported secondary benefits, such as

1 earthquakes, land slides, and remote distribution of LNG  
2 are ill served by the proposed resource, especially if  
3 it is meant to remedy the supply failures Dominion  
4 Energy identifies.

5 Another requirement of the Utah code that must  
6 be considered is the long-term and short-term impacts.  
7 The proposed LNG facility will require a large capital  
8 expenditure that will put upward pressure on rates.  
9 Based on the information from the U.S. Energy  
10 Information Administration and the American Gas  
11 Association, Utah no longer enjoys some of the lowest  
12 gas prices in the country. Adding significant long-term  
13 cost to customer rates for an LNG facility that will  
14 have limited use does not serve the public interest.

15 The division also recommends that the  
16 commission consider the impact to customer rates for  
17 this facility, along with the potential increase that is  
18 likely to occur with the next general rate case  
19 scheduled to begin in 2019.

20 The storage tanks that are for the proposed  
21 facility will take 150 days to fill, and company  
22 witnesses have testified that the send-out model will be  
23 used to determine the most cost effective way to fill  
24 LNG tanks.

25 Even though the proposed facility would be

1 filled during the summer months, when the market price  
2 for natural gas is usually low, the send-out model will  
3 most likely select more expensive Westpro production to  
4 fill the tanks due to limitations and restrictions built  
5 into the send-out model.

6 With expensive gas going to the facility and  
7 the high cost to liquefy, store and vaporize the gas for  
8 future use, the company estimates that gas coming from  
9 this facility would cost \$8.70 per decatherm based on  
10 the current cost of service price. This price per  
11 decatherm is significantly higher than the current  
12 market price and would be passed on to customers.

13 The division is not convinced that the  
14 proposed facility will be under the complete control of  
15 Dominion Energy Utah. The daily management of system  
16 pressures on both the Dominion Energy Utah distribution  
17 and the Dominion Energy Questar Pipeline system are  
18 managed by pipeline employees in the gas control  
19 department. The daily management of both systems is  
20 accomplished by shared employees from a common gas  
21 control room.

22 Based on the response to data requests, it  
23 appears that the operation of an LNG facility would be  
24 jointly managed by employees from Dominion Energy Utah  
25 and Dominion Energy Questar Pipeline.

1           This application has identified various  
2 options and reasons for selecting the proposed LNG  
3 facility. However, it appears that many of the  
4 alternatives have been hand selected and may not have  
5 been given the same initial requirements for a fair  
6 comparison.

7           Rather than identifying a specific need to be  
8 met and seeking any and all resources to meet that need  
9 and evaluate the options, it appears that the company  
10 already knew what course of action it wanted to take.  
11 As early as 2014, the company began looking at the cost  
12 and possible locations for adding an LNG facility to its  
13 distribution system.

14           Investor presentations in 2017 from Dominion  
15 Energy Utah's parent company identified one of the  
16 sources for continued revenue growth for the utility in  
17 future years will come from the addition of an LNG  
18 facility in northern Utah.

19           Bids from other parties to meet supply  
20 reliability needs that have been identified in this  
21 docket were not received until as late as 2018.  
22 Therefore, it appears that the decision to build the LNG  
23 facility was made before other options were reviewed.

24           In summary, the company has not demonstrated  
25 that the proposed LNG facility is in the public interest



1 or that the proposed facility will result in the lowest  
2 reasonable utility service. Dominion Energy Utah has  
3 not satisfied the requirements for preapproval as  
4 outlined, and the company's request should not be  
5 approved.

6 If the commission finds that further action is  
7 needed, it should order Dominion Energy Utah to clearly  
8 define the needed capabilities and issue an all-source  
9 RFP to meet the specific need and requirement. And that  
10 concludes my summary.

11 MR. JETTER: Thank you. I have no further  
12 questions for Mr. Wheelwright now. Tender him for  
13 cross-examination, questions from the commission.

14 CHAIRMAN LEVAR: Thank you. Mr. Snarr, do you  
15 have any questions?

16 MR. SNARR: No, the office has no questions.

17 CHAIRMAN LEVAR: Okay. Thank you. Mr. Dodge,  
18 any questions from Magnum?

19 MR. DODGE: No, thank you.

20 CHAIRMAN LEVAR: Mr. Russell?

21 MR. RUSSELL: No, thank you, Mr. Chairman.

22 CHAIRMAN LEVAR: Why don't we go ahead and  
23 take a 10 minute break, and then we'll go to any  
24 cross-examination from Dominion. I think our clock is  
25 now in substantial compliance with federal law, so we'll

1 come at about five to.

2 (Recess from 10:46 a.m. to 10:55 a.m.)

3 CHAIRMAN LEVAR: Okay. We're back on the  
4 record. And we will go to any cross-examination of  
5 Mr. Wheelwright by Dominion Energy Utah.

6 MS. CLARK: Yeah. Just a few, thank you.

7 CROSS-EXAMINATION

8 BY MS. CLARK:

9 Q. Mr. Wheelwright, in the course of the work you  
10 have conducted in this docket, you reviewed Ms. Faust's  
11 analysis and the options the company considered, did you  
12 not?

13 A. I did.

14 Q. And can you, sitting here today, identify any  
15 option that the company overlooked and failed to include  
16 in that analysis?

17 A. Not that I am aware of.

18 Q. You talked today, Mr. Wheelwright, about your  
19 concern about control of the proposed LNG facility.  
20 Were you able to review data request responses that were  
21 issued in response to Division of Public Utilities'  
22 information request?

23 A. Yes, I was.

24 Q. And did you review DPU 9.12 identifying how  
25 this facility would be operated from a gas control

1 perspective?

2 A. I did.

3 Q. And did you see in that answer that any use of  
4 the LNG resource would be under the direction of the  
5 director of engineering and the vice president and  
6 general manager of Dominion Energy Utah?

7 A. I did. I also respond -- read and included in  
8 my surrebuttal testimony the response to DPU 9.13. If  
9 you would like, I could share that with you. And that  
10 specifically says that in emergency or unforeseen  
11 situations that are not caused by weather, gas supply  
12 and gas control would monitor pressures and make  
13 determination if the LNG facility should be used to  
14 maintain those pressures.

15 That to me says both entities are going to be  
16 involved.

17 Q. So give me just one second. To be clear,  
18 Mr. Wheelwright, that 9.13 also indicated that the use  
19 of the LNG resource is under the direction of the two  
20 individuals I identified?

21 A. I agree.

22 Q. So you would agree that under any  
23 circumstances, executives and officers of Dominion  
24 Energy Utah would be involved in the decision making,  
25 would you not?

1 A. I believe they would be involved, yes.

2 Q. Okay. Couple more questions. Do you  
3 subscribe to and agree with Mr. Neale's testimony and  
4 conclusions in this matter?

5 A. Yes.

6 Q. And at lines 789 to 798 of his testimony --  
7 and I am going to paraphrase. If you would like to read  
8 it, I would be happy --

9 A. I don't have it with me, no.

10 Q. Okay. Well, let me paraphrase and if it's --

11 MR. JETTER: Can I just interrupt? Is this  
12 direct or surrebuttal?

13 MS. CLARK: It is 789, I believe his direct.

14 Q. (By Ms. Clark) He indicates that he has heard  
15 of instances when industrial customers have refused to  
16 restrict usage when the economics didn't support it and  
17 that he's not confident that residential users would  
18 restrict. Would you agree with that conclusion?

19 A. Residential -- I'm sorry. I didn't understand  
20 the question.

21 Q. Let me rephrase. When discussing the notion  
22 of demand response and the demand response option  
23 evaluated by the company, Mr. Neale suggests that he is  
24 aware of circumstances where industrial customers have  
25 failed to restrict when directed to do so, and he seems

1 to express cynicism that residential customers would  
2 restrict if called upon to do so. And I am just asking  
3 if you agree with those observations and conclusions.

4 A. I would ask him. I don't know if residential  
5 customers would restrict usage or not. I don't know.

6 MS. CLARK: Okay. I don't have any other  
7 questions.

8 CHAIRMAN LEVAR: Okay. Thank you. Any  
9 redirect, Mr. Jetter?

10 MR. JETTER: No, thank you.

11 CHAIRMAN LEVAR: And Commissioner White?

12 COMMISSIONER WHITE: No questions. Thank you.

13 CHAIRMAN LEVAR: Commissioner Clark?

14 COMMISSIONER CLARK: No questions, thanks.

15 CHAIRMAN LEVAR: I don't think I have any  
16 either. So thank you for your testimony,  
17 Mr. Wheelwright.

18 THE WITNESS: Thank you.

19 CHAIRMAN LEVAR: Mr. Jetter?

20 MR. JETTER: Thank you. The division would  
21 next like to call and have sworn in division witness  
22 Allen Neale.

23 CHAIRMAN LEVAR: Good morning, Mr. Neale.

24 THE WITNESS: Good morning.

25 CHAIRMAN LEVAR: Do you swear to tell the

1 truth?

2 THE WITNESS: I do.

3 CHAIRMAN LEVAR: Thank you.

4 ALLEN NEALE,

5 was called as a witness, and having been first duly  
6 sworn to tell the truth, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. JETTER:

9 Q. Good morning, Mr. Neale. Would you please  
10 state your name and occupation, and actually, I would  
11 also ask you to please spell your last name for the  
12 record.

13 A. I will. My name is Allen R. Neale. That's  
14 N-E-A-L-E. I am a consultant working in conjunction  
15 with Daymark Energy Advisors. And our business address  
16 is 370 Main Street, Suite 325, Worcester, Mass.

17 Q. Thank you.

18 A. And Worcester is spelled W-O-R-C-E-S-T-E-R.  
19 So sorry, but --

20 Q. Thank you.

21 A. Even I can't spell it.

22 Q. And in the course of your participation in  
23 this docket on behalf of the Utah Division of Public  
24 Utilities, did you create and cause to be filed with the  
25 commission direct and surrebuttal testimony in this

1 docket?

2 A. I did.

3 Q. Do you have any corrections or changes you  
4 would like to make to those?

5 A. Not at this time.

6 Q. And if you were asked the same questions  
7 contained in both your direct and surrebuttal testimony  
8 this morning, would your answers remain the same?

9 A. They would.

10 Q. Thank you.

11 MR. JETTER: I'd like to move at this time to  
12 enter into the record the direct and surrebuttal  
13 testimony of Allen R. Neale, along with the exhibits  
14 that were attached thereto. The direct testimony  
15 included 2.0 through 2.17 DIR, and the surrebuttal  
16 testimony did not include exhibits, however was simply  
17 be filed in confidential and redacted form.

18 CHAIRMAN LEVAR: If any party objects to the  
19 motion, please indicate. I am not seeing any objection.  
20 The motion is granted.

21 MR. JETTER: Thank you.

22 Q. (By Mr. Jetter) And Mr. Neale, have you  
23 prepared a brief summary of your testimony?

24 A. I am going to be as brief as I possibly can.  
25 Everybody's pain quotient is, I'm sure, low.

1           **Q.    Great.  Go ahead.**

2           A.    I was asked by the Utah Division of Public  
3 Utilities to address four main points, and I'll try to  
4 go through each of them.

5                   The accuracy of the models and assumptions  
6 used by DEU used to calculate the requirements to meet  
7 an expected shortfall and so -- the company was, I  
8 thought did a great job providing weather history.  And  
9 in defense of Ms. Faust, and as a former gas supply guy,  
10 the fact that real low temperature occurred just once is  
11 enough to settle the debate about probability because if  
12 it happened once, it certainly can happened again.

13                   And so I think the company did demonstrate  
14 that it had this need, and I would -- my recollection, I  
15 think the shortfall on one of the days was like 139,000  
16 decatherms.  And from that, I think the company came to  
17 the conclusion, and I am sure it was after they looked  
18 at the sizes of vaporization equipment and so forth,  
19 that they should put together something that met 150,000  
20 decatherms a day, provide eight days of service and  
21 store 1.2 million decatherms of supply.  So I found the  
22 company's conclusions to be reasonable.

23                   Secondly, I was asked whether the proposed LNG  
24 facility is physically capable of meeting any such  
25 shortfall, and I was able to by phone and by exhibit, I



1 guess, talk with Mr. Platt about his system and  
2 discovered they use Synergy to find product. I am older  
3 than Mr. Platt, and I go back to the Stoner model, which  
4 is what Synergy is based on. So I have a reasonable  
5 understanding of what he is using as a tool. Great  
6 tool.

7 And after going through the scenarios, I was  
8 sure that the LNG facility's full capacity could be  
9 absorbed in the area. Now, having said that, the  
10 company was also going to, if they had a shortfall, they  
11 could back off the use of the volumes at a city gate  
12 station that was nearby and then use displacement over  
13 the pipeline to send gas to other areas, hopefully to  
14 take care of other isolated issues.

15 So I thought that was a reasonable plan. But,  
16 you know, clearly, the LNG facility was going to take  
17 care of that area. But they had a plan to use  
18 displacement to maybe settle some things on other sites.

19 Third, whether the cost and noncost evaluation  
20 criteria is robust enough for the selection purposes.  
21 You know, I went back and looked at the IRPs that the  
22 company had in the past few years provided. And while I  
23 saw a description of the LNG facility, it was  
24 certainly -- there's probably two or three different  
25 permutations of what they were looking for in an LNG

1 facility.

2 So in this case, it was the first time I saw  
3 that they came up with the specifics, 150,000 decatherms  
4 a day, eight days of service and 1.2 million decatherms  
5 of storage. But it did not seem to say that in any of  
6 the IRPs.

7 In my time as a gas -- manager of gas supply,  
8 we had an IRP process, and we would define in our IRP  
9 process what it was that we needed. And then when we  
10 could agree that that was what was necessary to meet  
11 needs currently and into the future, you would go out to  
12 an RFP to seek that type of supply. And in this case,  
13 once again, it was for 150,000 decatherms a day, eight  
14 days of service and a storage quantity of 1.2 million  
15 decatherms.

16 Now, as I looked at the massive RFPs -- and I  
17 know the company's done a lot of work asking different  
18 people for supplies -- unfortunately, I didn't see the  
19 requirements of 150,000 decatherms a day, eight days of  
20 service in those RFP responses.

21 So I am troubled because I had expected to see  
22 several responses from different companies hoping to  
23 provide that level service, and frankly, that is what is  
24 bothered me the most, that we didn't have a true  
25 apples-to-apples comparison.

1           So the last topic was No. 4, whether the  
2 proposed LNG facility would meet the standard for this  
3 resource investment to be in the public interest. And I  
4 just think it fails because you don't have adequate RFPs  
5 for that level of service. And so we are unable to  
6 really assess what in this case I believe is risk, the  
7 cost of risk.

8           The company -- and again, Ms. Faust, I do  
9 share your concern. The company needs to have firm  
10 supplies to meet its customers' needs. I am acutely  
11 aware of that being from New England. And so, however,  
12 sometimes when you have RFPs, some of the things you  
13 consider, after you receive them, is the price and  
14 non-price criteria.

15           Price is one thing. Risk happens to be a  
16 non-price criteria, and it's only after you evaluate the  
17 difference in costs that you really know what the value  
18 of risk is in this case. I don't believe we have that  
19 in front of us, the cost difference between two or more  
20 resources that could meet their needs.

21           And also, I'll just make a comment that either  
22 an LNG facility or an underground storage facility would  
23 meet, you know, technically their needs. And the  
24 definition of peak shaving, I happen to -- in my time, I  
25 was in charge of our peak shaving facility. And the

1 reason peakers were built is because the cost of  
2 transportation exceeded the cost, if you will, over time  
3 of building an LNG facility. It was really a capacity  
4 issue. And so that's really what the genesis of peak  
5 shaving facilities were.

6 And regardless, however, even in this case, if  
7 I saw that the economics of building an LNG facility  
8 were favorable, I don't care what the purpose it was  
9 that I was using the plant for, as long as the economics  
10 worked out. And I would say that that pretty much is  
11 the essence of any testimony. Thank you.

12 **Q. Thank you, Mr. Neale.**

13 MR. JETTER: I have no further questions, and  
14 Mr. Neale is available for cross from the parties and  
15 questions from the commission.

16 CHAIRMAN LEVAR: Thank you, Mr. Jetter.  
17 Mr. Snarr, do you have any questions for Mr. Neale?

18 MR. SNARR: No. The office has no questions.

19 CHAIRMAN LEVAR: Thank you. Mr. Russell?

20 MR. RUSSELL: No questions from UAE.

21 CHAIRMAN LEVAR: Okay. Dominion?

22 MR. SABIN: Yes. Thank you.

23 CROSS-EXAMINATION

24 BY MR. SABIN:

25 **Q. Mr. Neale, thank you for being here today. I**

1 want to maybe spend a couple minutes getting out of the  
2 way the places where we maybe don't disagree.

3 A. Okay.

4 Q. And then focus on the places where I think  
5 there may be disagreement. Is that okay?

6 A. It's fine.

7 Q. As I listened to your opening summary, I take  
8 it from your summary that you don't really dispute the  
9 company's need for this facility?

10 A. The company has a need for 150,000 decatherms  
11 a day and eight days of service at 1.2 million -- I'm  
12 sorry, decatherms of storage.

13 Q. That's okay. All right. And so if we move  
14 beyond need to what are the resources that can serve  
15 that need, I also understood from your testimony that  
16 you reviewed with Mr. Platt the company's network  
17 analysis. I take it from your statement and from your  
18 testimony that you don't at this point challenge any of  
19 his conclusions or any of his analysis?

20 A. No. But I would add one thing just over the  
21 course of the discussion that I have heard, and it  
22 surrounds where people can deliver gas or not deliver  
23 gas. And I -- it seems to me like it's an open question  
24 where people may be able to deliver gas or not.

25 But Mr. Platt has a fabulous tool, and

1 wherever somebody can deliver gas, I would expect that  
2 he would, if it doesn't provide the right pressure  
3 profiles in the system, he would take a look at the  
4 system, try and determine how much pipe might have to be  
5 added to the distribution system so that it would  
6 function properly, and that cost would also be imputed  
7 against whoever made that proposal.

8 Q. So that we're clear, and I appreciate the  
9 clarification.

10 A. Yeah.

11 Q. What I take it -- you to be saying is that if  
12 you were going to -- you know, he arrived at some  
13 conclusions about what happened with the pressures --

14 A. Right.

15 Q. -- relative to the LNG facility and other  
16 resources, right?

17 A. Other resources, I think he just suggested  
18 they arrived there. I am not sure he did any work on  
19 the pipeline system.

20 Q. Were you here when he did his presentation?

21 A. I did. I saw when he presented.

22 Q. And you saw that he concluded that the LNG  
23 facility, the pressures provided by --

24 A. And I think that was his current system.

25 Q. Can you just give me one second to finish my

1 question?

2 A. I'm so sorry, yeah.

3 Q. He looked -- he did look at the current  
4 system, and he said, if I plugged an LNG facility in the  
5 demand center right smack dab in the middle of where  
6 most of the people live in the Wasatch Front and, I run  
7 that -- that facility against a facility that delivers  
8 to the southern point of the system, that the LNG  
9 outperformed that other resource.

10 Do you -- did you see that?

11 A. Well, you say outperformed the other.

12 Q. The pressures were better.

13 A. Well, I might agree that the pressures were  
14 better. However, what he may not have done is upgraded  
15 the distribution system.

16 Q. We'll get to that. We'll get to that.

17 A. To come up with a figure for how much he  
18 needed to invest in your distribution system.

19 Q. Right. And that's fine. But on the data we  
20 had that he was using on the system today, you don't  
21 dispute, do you, that his network analysis showed that  
22 outcome?

23 A. Well, I would suggest that I agree with the  
24 fact that the LNG facility performed the way he said it  
25 would.

1           Q.    Okay.  And the other resource he tested it  
2  against performed the way it did?

3           A.    Against the current facilities.

4           Q.    Right.

5           A.    Yeah.

6           Q.    Now let's go to your point.  So you are  
7  suggesting that you could also, I guess, theoretically  
8  look at the cost --

9           A.    Right.

10          Q.    -- of changing the system, inserting  
11  additional piping into the distribution system, and  
12  changing the points of delivery.

13          A.    That is correct.

14          Q.    Yes.

15          A.    And I only provide that because I want to be  
16  fair and equitable about this.

17          Q.    I understand.

18          A.    And while I say another source may work, in my  
19  opinion it would take work on the distribution system.  
20  And I want to make sure that those costs get fully  
21  reflected so that everybody understands what the real  
22  cost difference is.

23          Q.    And because you have been in this business a  
24  long time, I take it you would agree with me that if you  
25  are going to install the pipe over 20 plus miles through



1 the metropolis of Salt Lake City, that that's going to  
2 come at a fairly significant cost?

3 A. I can't say. I don't live here in Utah so...  
4 I am sure it's going to cost them. I am equally sure  
5 it's probably not as expensive as downtown Boston but  
6 I --

7 Q. Well, I mean, do you have any idea of how  
8 much --

9 A. Sure. It's --

10 Q. -- how much it costs to lay a mile of pipe in  
11 an area like this?

12 A. It depends on the size, but --

13 Q. Okay. We're talking a decent pipe here.

14 A. I understand. I understand how expensive it  
15 is, but the costs still need to be explored regardless  
16 of the expense.

17 MR. SABIN: Permission to approach and give  
18 the witness an --

19 CHAIRMAN LEVAR: Yes.

20 MR. SABIN: -- exhibit?

21 Q. (By Mr. Sabin) Mr. Neale, are you familiar  
22 with the Oil and Gas Journal?

23 A. Somewhat, yes.

24 Q. Okay. It's an industry publication, right?

25 A. Read it several times in the past.

1 Q. Right. I'd like you to turn to the second  
2 page of this document. I just want to focus on the  
3 first full paragraph at the top.

4 It says, "A dramatic drop in outlays for labor  
5 was the primary driver of low land pipeline construction  
6 costs rates falling nearly 50 percent to 1.9 million a  
7 mile from 3.6 million a mile. Material costs were the  
8 only category to rise, moving from \$989,000 per mile to  
9 1.3 million dollars a mile. The roughly 1 point million  
10 decrease in total estimate per mile land pipeline  
11 construction costs brought them to 5.9 million dollars  
12 per mile, 22 percent lower than 2016."

13 A. Uh-huh.

14 Q. He is talking about the cost to build a  
15 pipeline --

16 A. I'm sure.

17 Q. -- right? Does that -- do you have any reason  
18 to doubt that that is the average cost of building a  
19 pipeline per mile?

20 A. I don't know any specifics. I'll take it on  
21 the surface. However, we don't know if this is 10 inch  
22 pipe, 4 inch pipe, 6 inch pipe, 18 inch pipe. We don't  
23 know.

24 Q. Right.

25 A. So --

1           **Q.    Understood.**

2           A.    I appreciate the industry average.

3           **Q.    Yeah.**

4           MR. SABIN:  I would just like to move for the  
5 admission of DEU Exhibit 9.0 at this point.

6           CHAIRMAN LEVAR:  If any party objects to that  
7 motion, please indicate to me.  I'm not seeing any  
8 objection, so it's granted.

9           **Q.    (By Mr. Sabin)  Well, let's just take that**  
10 **industry average.  You would agree with me, would you**  
11 **not, that if we followed the solution that you are**  
12 **talking about or considered the option that you are**  
13 **talking about of extending piping through the**  
14 **distribution system to try and match delivery points,**  
15 **that you are talking about a significant cost investment**  
16 **if we're just using that average?**

17          A.    I can't tell you because I am not running the  
18 network analysis.  I don't know if you need to do 10  
19 feet or a thousand miles.  I don't know.  I am telling  
20 you, it needs to be done, and it needs to be part of an  
21 exhibit.  It's not been done.  It's not part of an  
22 exhibit relative to any of the underground storage  
23 facilities that you were looking at.  But even those did  
24 not have the right, in my opinion, RFP requirements.

25          **Q.    But even if you are talking two miles, that's**

1 substantially more than the LNG facility?

2 A. How much is the LNG facility?

3 Q. I don't have the numbers in front of me, but  
4 it was --

5 A. Not sure. It is --

6 Q. What do you -- what do you --

7 A. It was 200 million for the LNG facility. 200  
8 million for the LNG facility; is that right?

9 Q. I guess I was looking on a per year basis.

10 A. Sorry.

11 Q. But that's fine. I guess what I am -- I am  
12 trying to get at your comment you raised there.

13 A. Uh-huh.

14 Q. So you agree with me that the network  
15 analysis, as done on the current system, was done  
16 properly and that his conclusions were correct?

17 A. Relative to citing the LNG plant, that's  
18 correct.

19 Q. And the only way you are saying that you could  
20 mimic that is if you were to essentially create the same  
21 kind of delivery from other sources?

22 A. Correct.

23 Q. Okay. And those would come at some cost?

24 A. That is absolutely correct. Yep. That's my  
25 statement.

1 Q. All right. The other thing I --

2 A. And those costs need to be, you know, married  
3 to anybody else's RFP so that you can truly see the  
4 difference in cost between the LNG facility --

5 Q. I understand --

6 A. -- and that other supply.

7 Q. Okay. The third thing I think we agree on,  
8 although I want to double-check, is that I took from  
9 your statement and your testimony that you agree that  
10 LNG is an appropriate service to solve the problem the  
11 company is trying to solve.

12 A. It can be. That's correct. One of. One of.

13 Q. Yeah. I mean, in your testimony you -- in  
14 your direct testimony you specifically say that this is  
15 why reg -- this is why LDCs use LNG because it's an  
16 appropriate solution to solve this kind of problem.

17 A. Yeah. Even in New England, when we use more  
18 than -- well, close to 50 percent of the peak day,  
19 demand is served by an LNG facility. If, Lord forbid,  
20 we suffered a loss of supply from the pipeline, whatever  
21 excess capacity we had in the LNG facility would be used  
22 to offset those pipeline losses. So I mean, yes.

23 Q. Okay. And I'd just like to read two quotes  
24 from your testimony. I don't know if you have your  
25 direct testimony there.

1 A. I do.

2 Q. I am on page 18 of your testimony starting at  
3 line 461. Tell me when you get there.

4 A. I am here.

5 Q. You say, "LDCs consider LNG service because it  
6 satisfies the regulatory obligation to maintain a  
7 resource portfolio that meets firm customer demand under  
8 design day and extended cold snap conditions. Design  
9 weather criteria are usually based on the coldest  
10 weather experienced over the last 10 to as many as 30,  
11 50 or 100 years. Regardless of the timeframe used for  
12 these criteria, many LDCs have experienced record cold  
13 weather in the most recent 10 years."

14 A. Yes.

15 Q. Did I read that correctly?

16 A. You did.

17 Q. And you stand by that statement?

18 A. I do stand by that statement.

19 Q. Okay. The other piece I want to read with you  
20 has to do with LNG facilities is -- let me find the page  
21 here for you. Yeah, let's go to lines 451 or, excuse  
22 me, lines 488. Go to line 488 with me. And I am going  
23 to read starting on that line. Are you there, sir?

24 A. I am.

25 Q. Okay. You say there, "LNG is ideal to meet a

1 needle peek need or a loss of supply because it can be  
2 located on system, sized to meet the scale of the design  
3 criteria needs of such events. LNG facilities are  
4 available for immediate and continuously adjusted  
5 dispatch within design limitations and operating  
6 parameters and are not subject to fixed intraday  
7 nomination cycles of an interstate pipeline."

8 Did I read that correctly?

9 A. You did.

10 Q. And do you stand by that statement?

11 A. I do.

12 Q. Okay.

13 A. I also have a beautiful drawing of a load  
14 duration curve too, and you didn't mention that.

15 Q. Sorry. I -- I should have brought up how  
16 beautifully you have done that. Apologize for that.

17 Okay. Just skipping over some things that we  
18 don't need to cover since we have been able to move  
19 through that. Yeah. One other thing. On your -- if  
20 you could turn to page 89 of your testimony; your direct  
21 testimony, that is.

22 A. Yes.

23 Q. There you say, this is -- regarding -- you  
24 have a summary of conclusions here. And one of the  
25 conclusions I want to focus on, you say, this conclusion

1 No. 2, on page 9, "The proposed LNG facility will  
2 adequately address the stated need to provide a reliable  
3 and low-cost service to firm customers."

4 Did I read that to that point right? I  
5 realize there's more we're going to talk about. But did  
6 I read that to that point?

7 A. You are doing a great job.

8 Q. And you stand by that statement?

9 A. I do.

10 Q. Okay. Now let me focus now on the areas where  
11 I think we have some disagreement. And that has to do  
12 with the remainder of that sentence. You say, "But this  
13 is not sufficient to adequately demonstrate it's most  
14 likely to be the lowest reasonable cost option."

15 I'd like to probe that just a little bit with  
16 you. My first question is, I think you agree and I  
17 think your testimony states this, but I want to make  
18 sure you agree, that the company did an extensive amount  
19 of work to go out and identify options that could serve  
20 this purpose and has presented its findings in an  
21 extensive attachment and exhibits to both Ms. Faust's  
22 testimony and other's testimony.

23 Do you agree that the company went out and did  
24 an extensive search over a period of years for different  
25 options?



1           A.    Well, let me preface it by, they were  
2 different options than what you would require of the LNG  
3 facility.  So I don't find them to be compelling as  
4 alternatives.

5           **Q.    Okay.  But let me just ask -- we'll come to**  
6 **your point.  My question is, do you agree that the**  
7 **company spent a significant amount of time researching**  
8 **various options that theoretically in the field could**  
9 **serve as a supply reliability option?**

10          A.    Well, but you settled on a specific criteria.  
11 And none of those options that you sourced meet this  
12 criteria.  So I don't know what you want me to say.  Did  
13 you do a lot of work?  Yes.  Did you do it in the right  
14 manner?  No.

15          **Q.    Okay.  Well, let's probe that because I think**  
16 **you are not answering my question.  You keep dodging my**  
17 **question.**

18          A.    No.  I am not trying to dodge the question.  
19 Did you go out and have responses to RFPs?  Yes.  You  
20 did.  Was the RFP responsive to the need that you have  
21 now structured centered around the LNG facility?  No.

22          **Q.    Well, hang on.**

23          A.    I appreciate that you have made several  
24 attempts.  I do.

25          **Q.    Well, I don't agree with you and I want to --**

1 A. Okay.

2 Q. I want to probe that. When the company goes  
3 out and looks at potentially buying additional supply on  
4 the interstate pipelines, that could solve this need,  
5 could it not, potentially?

6 A. Well, of course it could.

7 Q. Okay. So the company was casting a broad net.  
8 Is there anything wrong with doing that?

9 A. Yes. Once you determined the size of the  
10 service that you need, you needed to go out to the  
11 marketplace and seek RFPs responsive to that need, not  
12 rely on RFPs that you had issued over time that were not  
13 tied to that need. Clearly they meet some needs but not  
14 this specific need.

15 Q. Well, did you review the attachments to  
16 Ms. Faust's testimony?

17 A. Yeah. I think in my testimony I have the  
18 whole list of every one of them.

19 Q. Then you would know that the company did focus  
20 in on the amount of -- the quantity that it was looking  
21 at when it assessed each one of these options, did it  
22 not?

23 A. So no. It did not.

24 Q. How do you know that, sir?

25 A. Well, we had some testimony this morning from

1 Witness Holder who said he didn't know about an eight  
2 day requirement.

3 **Q. Has the company imposed an eight day**  
4 **requirement?**

5 A. Well, it has when it has reached its design  
6 criteria for the LNG facility, be 150,000, eight days  
7 and a million two in capacity.

8 **Q. But Mr. Neale, tell me where in the testimony**  
9 **or where in any document the company has ever said it**  
10 **would only accept eight days.**

11 A. Well, listen. If you are trying to suggest  
12 that it's a non-price criteria, and if you are going to  
13 build a facility that's going to have eight days  
14 criteria, you then can't complain about the non-price  
15 criteria not meeting -- being only seven days and not  
16 meeting what you say is what you want.

17 **Q. And who has complained about that?**

18 A. Well, you have when you listed, in all your  
19 responses, the fact that they were only going to provide  
20 you seven days, as opposed to the eight days service  
21 that you were going to get out of the LNG facility.

22 **Q. I am sorry. I am not familiar with the**  
23 **location or that statement, and I think I have read more**  
24 **testimony than --**

25 A. I think if you read all of the responses from

1 the RFPs, that will be the conclusion that you reach.

2 Q. Well, let's move to that, Mr. Neale, on the  
3 RFP front. Do you understand that the company is  
4 relying exclusively on the responses to its RFPs in  
5 reaching its conclusion in this case?

6 A. I -- well, I can't tell.

7 Q. Okay.

8 A. I mean I'm sure management has made management  
9 decisions.

10 Q. So I want -- I want you to assume for the sake  
11 of argument that the company took the information from  
12 it -- that it obtained from the RFPs and then went above  
13 and beyond that and then started contacting and meeting  
14 with each party it could think about that it could  
15 identify. Right?

16 Do you have any reason to doubt that that's  
17 what happened?

18 A. I am not sure I saw that was documented.

19 Q. Didn't you hear Ms. Faust's testimony?

20 A. I would like to see it documented. Look, I am  
21 sure --

22 Q. I am just -- let's just stick to my question.  
23 Do you have any evidence that the company didn't do  
24 that?

25 A. The only evidence I have is a lack of an RFP

1 specifically -- okay. I'll go through the numbers  
2 again -- but that's --

3 Q. I understand --

4 A. -- tied to a 150,000 decatherms a day, eight  
5 days of service at 1.2 million decatherms of storage.

6 Q. And that doesn't answer my question so I'm  
7 going to bring you back. My question was, do you have  
8 any evidence that the company did not go out and meet  
9 with every person that they could think about that could  
10 provide a reliability solution? Do you have any reason  
11 to question that?

12 A. You may have, but there is no evidence in this  
13 forum that suggests that you did an RFP blindly for  
14 the --

15 Q. Mr. Neale.

16 A. -- service level.

17 Q. Mr. Neale, I need you to answer my question.  
18 You are not answering my question. Do you know any  
19 reason to doubt -- do you have any evidence or any  
20 documents or any testimony that Ms. Faust and her team  
21 did not go out and do what she said she did?

22 A. What did she do? Could you restate what she  
23 did?

24 Q. Sure. My understanding from her testimony is  
25 that she sent out two RFPs and acquired the names and

1 interests of a number of parties.

2 A. Was the RFP --

3 Q. Okay. Hang on. We are going to focus on my  
4 question. Okay. You asked my -- you asked me to tell  
5 you what it is. She testified that she went out, that  
6 she met with these people, that she sat down with them,  
7 and she talked with them about what they were capable of  
8 doing, and that she got their -- whatever they could do.  
9 She and her team investigated it.

10 Do you have any reason to -- any evidence that  
11 she didn't do that?

12 A. I have no evidence to know whether she did or  
13 didn't.

14 Q. Thank you. That's actually an answer to my  
15 question.

16 A. Yeah, yeah. No, I understand.

17 Q. Okay. Now let's talk about this so-called  
18 marketplace you are talking about. Are you aware of any  
19 entity that was not considered by the company that could  
20 provide any service here to the company?

21 A. That necessarily isn't for me to know. That's  
22 up to the company to know.

23 Q. I'm asking you --

24 A. I don't -- I am not a player in this  
25 marketplace. However, the company is, and so I expect

1 that that is exactly what they should do. That is what  
2 the law says they are supposed to do.

3 **Q. What law says that they have to do?**

4 A. The requirements to go out, find the most --

5 **Q. There is no requirement.**

6 A. Oh.

7 **Q. Not for an RFP, not in this statute.**

8 A. Let's take a step back. They need to prove  
9 that they need the supply. They need to prove that it's  
10 the cheapest possible cost or it's the most reasonable  
11 cost based on cost and non-price criteria.

12 **Q. And I agree. And so back to your point. You  
13 are not aware, I take it then, of any resource that the  
14 company did not consider?**

15 A. Whether I know it or not is not germane. It's  
16 whether the company has searched that out.

17 **Q. I understand, and I am only asking you.**

18 A. Yeah. I have answered. I said I am not.

19 **Q. Okay. And you already testified that you  
20 didn't -- you don't dispute or have any evidence to  
21 dispute what the company says it did, right?**

22 A. The dispute is simply that there's no  
23 documentation that shows you went out for an RFP of --  
24 surrounding this criteria.

25 **Q. I'll come to the RFP. I'll come to the RFP.**

1 But you are not aware of any basis to challenge her  
2 testimony, right, on that point?

3 A. I only know what is in the dockets, and those  
4 responses do not seem to comport to the level of service  
5 that you now require.

6 Q. And you were not a participant in the  
7 communications between the company and Magnum, for  
8 example?

9 A. Absolutely not.

10 Q. So you don't know how much she discussed the  
11 amounts she needed or the number of days or the kind of  
12 facility she was looking for, do you?

13 A. No. I don't. And I also know that Magnum had  
14 an open season that you did not take advantage of. So,  
15 and unfortunately for me, as a gas supply guy, here was  
16 a known supply source that could meet it. They were  
17 having an open season, and the decision here has not  
18 been made, and I think it would have been prudent of you  
19 to take an advantage of going into the open season.

20 Q. I understand you take that position, your  
21 testimony.

22 A. I am just speaking from my gas supply  
23 background.

24 Q. I understand. If Ms. Faust and her team had  
25 had a couple of years of discussion with Magnum about



1 this opportunity about what they could do, an open  
2 season wouldn't have really helped, right? You are  
3 getting far more detailed communication and information  
4 in a one-on-one, face-to-face discussions, aren't you?

5 A. I am not the right guy to answer. The right  
6 guy to answer is Mr. Holder, but in my career, I was in  
7 many open seasons, for instance, with a group known as  
8 Alberta Northeast that we finally were successful after  
9 about five permutations of receiving service in the  
10 northeast from.

11 So these things change over time. I don't  
12 know what Magnum may have learned or not learned from  
13 its --

14 Q. That's fine. That's my point. You don't  
15 know?

16 A. Right.

17 Q. And so you don't know whether an open season  
18 would be helpful or not, whether it would provide  
19 information that they didn't already have or not?

20 A. I would say it wouldn't hurt.

21 Q. Okay. I appreciate that. Let's get to our --  
22 this last. I am going to wrap up here. I want to talk  
23 about a couple of final issues. As it relates to the  
24 issuance of an RFP, who, other than the parties that the  
25 company considered, would you send an RFP to in this

1 circumstance?

2 A. Like I said, I am not a -- I am not an expert  
3 in this marketplace. I am sure your gas supply people  
4 are.

5 Q. Okay. Thank you.

6 A. I would expect them to be.

7 Q. I think the last couple things I want to cover  
8 are, as I understand your position, you have a  
9 concern -- do you still have any concern about -- well,  
10 let me back up.

11 Do you agree that there are some third party  
12 risks that come with using third party resources when  
13 you are talking about supply reliability? In your  
14 experience, would you say that it is -- that it is, from  
15 a reliability standpoint, it's preferable to have your  
16 own, controlled own source of gas than to rely on third  
17 party?

18 A. Well, that is exactly what you try to document  
19 here, what the value of that risk is.

20 Q. I am just asking if the risk -- if you agree  
21 with the understanding that there is, from a non-cost  
22 basis, there is some consideration about the risks that  
23 come with sourcing from a third party.

24 A. I -- I am having a hard time figuring out what  
25 the difference in risk is. There's risks inherent in

1 operating an LNG facility. Are they any different than  
2 the risks from a third party? I am not sure there are  
3 differences.

4 **Q. Well --**

5 A. I mean, I ran and operated an LNG facility.  
6 Would you like me to talk about Maxon valves failing and  
7 not being able to set up your vaporizing? Or do you  
8 want me to go through a lot of those things?

9 **Q. No. I'm actually going to take you to your**  
10 **own testimony.**

11 A. Okay.

12 **Q. You agree with me that the Magnum facility has**  
13 **not been built, right?**

14 A. Well, I think they may operate one other  
15 facility, but I can't remember. I have read so much.

16 **Q. As far as natural gas --**

17 A. But they do not have the one that you are  
18 interested in up and running, correct.

19 **Q. Right. And you agree that it would require an**  
20 **80 to a 100 mile pipeline to connect to the system as**  
21 **least?**

22 A. That is what has been bandied about.

23 **Q. Right.**

24 A. I can't officially say it. That's what I have  
25 heard.

1           **Q.    Okay.  And you actually in your testimony note**  
2   **that the -- one of the risks that comes with sourcing**  
3   **from a third party is that it's a contractual resource**  
4   **that is subject to interruption and force majeure**  
5   **events, right?**

6           A.    Absolutely.

7           **Q.    Right?**

8           A.    As well as any and all of your pipeline  
9   supply.  So you have the same risk, if you will, on all  
10 of your supplies.

11          **Q.    Except you wouldn't have that risk on LNG,**  
12 **would you?**

13          A.    Well, I don't know.  I don't know.  If you  
14 couldn't get the natural gas because your contracts  
15 failed, then you wouldn't have anything to liquefy.  So  
16 I mean, I don't know.

17          **Q.    Well, I am just going to focus in on one issue**  
18 **here.**

19          A.    Yeah.

20          **Q.    As far as force majeure events go --**

21          A.    Sure.

22          **Q.    -- you agree with me, don't you, that third**  
23 **party contracts generally contain force majeure clauses?**

24          A.    Sure.

25          **Q.    That exempt the provider from liability?**

1 A. Absolutely.

2 Q. Right. And those are the kind of events we're  
3 trying to protect against here in this reliability  
4 docket, right?

5 A. I understand what you are trying to prevent  
6 against, and the question is, what is the relative risk  
7 between the different sources? And what is the value of  
8 that risk? Because you are asking the rate payers to  
9 pay this premium to absolve you of any, what you call  
10 it, risk as the LDC.

11 Q. And you --

12 A. Because LDCs take this risk every day.

13 Q. We just read earlier that you said that  
14 companies in this situation often turn to LNG and that  
15 it's an ideal -- you didn't use appropriate. You said  
16 it's an ideal solution for this problem.

17 A. It is.

18 Q. Okay.

19 A. Well, it can be one of the two that I  
20 mentioned.

21 Q. Okay.

22 A. Right.

23 Q. You agree with me also, I think from hearing  
24 Mr. Holder's testimony, that this would not be a  
25 resource that is owned or controlled by the company,

1 correct, the Magnum resource?

2 A. Yes. I have read that.

3 Q. Okay.

4 A. Heard that.

5 Q. And you agree and I just think I heard  
6 Mr. Holder say it would not be dedicated supply to the  
7 company, that there are going to be other customers on  
8 that system that are going to be taking gas?

9 A. I'm sure of it, just as any other underground  
10 storage operation.

11 Q. Okay. All right.

12 A. I can talk about underground storage  
13 operations if you want.

14 Q. I don't -- I think we heard from that --

15 A. And reliability from them because reliability  
16 was another issue, right?

17 Q. That's just fine. And finally I want to just  
18 ask you, Mr. Neale, I take it that your idea to issue an  
19 RFP or your thought to issue an RFP comes from a  
20 background where you have worked in the gas storage  
21 industry before or gas supply industry before?

22 A. LDC. I ran --

23 Q. An LDC. That's what I mean, sorry, for an  
24 LDC?

25 A. Not supply but --

1           **Q. Right. Did you do an RFP for everything you**  
2 **did? When you built pipe, did you do an RFP for it?**  
3 **Did you go out and say, "Is this really the right**  
4 **solution? Should we RFP this?"**

5           A. Any time I had to have a major supply  
6 resource, I did an RFP. Any time we undertook the  
7 building of a -- or rebuilding, if you will, of an LNG  
8 facility, we had RFPs.

9           **Q. Was that required by your law?**

10          A. Absolutely.

11          **Q. Okay.**

12          A. Just as it is here.

13          **Q. Where is it required by law here?**

14          A. Well, you need to demonstrate -- so let's  
15 forget about the term RFP. It's what you must  
16 demonstrate, that you found the least cost solution.

17          **Q. Least reasonable cost solution, correct?**

18          A. I would -- yeah. I would concur with that.

19          **Q. That's what the statute says, right?**

20          A. And so you must take a look at cost as well as  
21 non-price criteria.

22          **Q. Agreed.**

23          A. And you need to do that from every potential  
24 provider.

25          **Q. And that's precisely what the company did in**

1 **Ms. Faust's analysis, right?**

2 A. I would suggest that that is not necessarily  
3 true because I haven't seen RFPs that went out with this  
4 level of service.

5 **Q. Thank you, Mr. Neale. I have no further**  
6 **questions.**

7 A. Thank you.

8 CHAIRMAN LEVAR: Thank you, Mr. Sabin.  
9 Mr. Jetter, any redirect?

10 MR. JETTER: I do have a few redirect  
11 questions.

12 REDIRECT EXAMINATION

13 BY MR. JETTER:

14 **Q. Were you in the room for most of yesterday's**  
15 **hearing?**

16 A. I was.

17 **Q. And did you hear testimony from company**  
18 **witnesses that some of the requirements for this project**  
19 **are on system and company owned?**

20 A. Yes.

21 **Q. If, if those requirements were included in an**  
22 **RFP or known otherwise by the RFP bidders, would there**  
23 **be any purpose in bidding?**

24 A. Well, no, you wouldn't bid.

25 **Q. And can you imagine a scenario where you have**



1 good faith negotiations with a third party to provide a  
2 service that couldn't meet those requirements, if you  
3 believed that those requirements were necessary?

4 A. No. They wouldn't be good faith negotiations,  
5 No. 1. But No. 2, as I think I explained, they rely on  
6 third party providers for gas supply services all the  
7 time every day, and so this isn't a change in the level  
8 of risk that they have. It's a risk that is inherit in  
9 the industry.

10 Q. Thank you.

11 A. Let me -- because I hear it, it kind of tells  
12 me they should be drilling wells in everybody's back  
13 yards to get the gas supply on. I find that  
14 incredulous.

15 Q. And is it your opinion that a narrow, focused  
16 RFP for a specific set of criteria would be one of the  
17 best ways to determine what the market out there is for  
18 this type of facility or that type of service?

19 A. It absolutely is.

20 Q. And finally, did you hear Ms. Faust's  
21 testimony yesterday that she continues to receive  
22 e-mails from potential providers?

23 A. Yes.

24 Q. Do you have any knowledge of whether those  
25 providers might be viable or not?

1           A.     I have no idea.  I am sure she is working hard  
2     to find alternate supplies.  I'm sure.

3           **Q.     Thank you.**

4           MR. JETTER:  Those are the only follow-up  
5     cross -- excuse me, redirect questions I have.

6           CHAIRMAN LEVAR:  Thank you.  Any recross?

7           MR. SABIN:  Two questions.  Excuse me.  Two  
8     questions.

9                                 REXCROSS-EXAMINATION

10          BY MR. SABIN:

11           **Q.     Mr. Neale, by virtue of the breadth of the net**  
12     **that the company spread to try and think of options,**  
13     **it's true, isn't it, the company did not impose a**  
14     **requirement of it being on system or being within their**  
15     **control?  That's simply two factors the company finds to**  
16     **be very important.  Isn't that a fair statement?**

17           A.     Yeah, I think that's a fair statement.

18           **Q.     Okay.**

19           A.     Yeah.

20           **Q.     Okay.  And then an RFP is not the only way to**  
21     **obtain market information, is it?**

22           A.     As long as it's documented, and it's for the  
23     specific level of service, of course not.

24           MR. SABIN:  Okay.  No further questions.

25           CHAIRMAN LEVAR:  Thank you, Mr. Sabin.

1 Commissioner Clark, do you have any questions for  
2 Mr. Neale?

3 COMMISSIONER CLARK: No questions. Thank you.

4 CHAIRMAN LEVAR: Commissioner White?

5 COMMISSIONER WHITE: No questions, thank you.

6 CHAIRMAN LEVAR: Mr. Neale, you -- how  
7 familiar are you with the reasons mostly in Ms. Faust's  
8 testimony why Dominion has expressed their preference  
9 for on-system option under the company's control versus  
10 systems that are off system and not in the company's  
11 control? Are you familiar with their asserted reasons?

12 THE WITNESS: Sure, I -- I have listened to  
13 exactly what they have suggested. I mean, these force  
14 majeure issues, however many you might want to define.  
15 Because they are worried about, will this supply show  
16 up.

17 At the end of the day, Ms. Faust is trying to  
18 serve firm customers that the supply of last resort,  
19 that supply must show up for them, must. Otherwise,  
20 they are talking about an outage. They can't meet -- we  
21 saw what the costs of an outage are. I am familiar with  
22 those. Those look reasonable to me. So they do need to  
23 have something that is -- that they can rely on.

24 CHAIRMAN LEVAR: Okay.

25 THE WITNESS: Now, do they need, you know,

1 ultimate reliability, being on your system? Or is  
2 something a hundred miles away really safe enough? In  
3 other words, are there really more risks than they  
4 accept every day from getting pipeline gas every day?

5 And I would say, they are no different than  
6 the risks they assume every day, and so I have a  
7 difficult time believing that they need to have  
8 something necessarily on system. Would I agree that  
9 it's less risky? Maybe. But there are things that can  
10 happen with an LNG facility.

11 CHAIRMAN LEVAR: Let me ask my follow-up then  
12 because my first question was to set this one up. Based  
13 on your understanding of those concerns and those  
14 preferences, do you have experience with RFPs using  
15 non-cost criteria to evaluate those or very similar  
16 concerns?

17 THE WITNESS: So when you make out an RFP and  
18 send it out there, and you gather all the information  
19 you can, you might gather information on the company,  
20 whether it's -- it has financial, enough backing. You  
21 may do in-depth studies on the provider as non-cost  
22 criteria, as well as, are they on laterals? Have they  
23 had failures on those laterals to be able to send gas?

24 You may do a whole host of study to look at  
25 these non-price reasons for either taking the service or

1 not taking the service. And you should. You should  
2 look at the ability of every supplier to do what they  
3 say they are going to do in the RFP.

4 CHAIRMAN LEVAR: And have you worked with or  
5 observed RFPs using those kind of -- using those kind of  
6 criteria?

7 THE WITNESS: Sure. And for instance, in  
8 pipeline supplies we went with different pipeline  
9 projects than others because we felt more sure of this,  
10 that specific project.

11 CHAIRMAN LEVAR: Thank you. I appreciate  
12 those answers. One more question. Why are Worcester  
13 and Dorchester pronounced differently?

14 THE WITNESS: In New England we can only  
15 pronounce half of our alphabet. That's really the  
16 reason.

17 CHAIRMAN LEVAR: Thank you for your testimony  
18 today.

19 THE WITNESS: My pleasure.

20 CHAIRMAN LEVAR: I am just trying to balance  
21 whether we move ahead or take a lunch break, and I'm  
22 probably leaning towards taking an hour break at this  
23 point. And assuming there's nothing further from the  
24 division, Mr. Jetter?

25 MR. JETTER: Nothing further from the

1 division.

2 CHAIRMAN LEVAR: Okay. Why don't we return at  
3 about one o'clock to go with the office's witnesses,  
4 remaining witnesses. Thank you. We're in recess.

5 (Lunch recess from 11:49 a.m. to 12:59 p.m.)

6 CHAIRMAN LEVAR: Okay. We're back on the  
7 record, and I think we're ready for the Office of  
8 Consumer Services' next witness.

9 MR. SNARR: Thank you. The Office of Consumer  
10 Services would like to call Bela Vastag as a witness.

11 CHAIRMAN LEVAR: Good afternoon, Mr. Vastag.  
12 Do you swear to tell the truth?

13 THE WITNESS: I do.

14 CHAIRMAN LEVAR: Thank you.

15 BELA VASTAG,  
16 was called as a witness, and having been first duly  
17 sworn to tell the truth, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. SNARR:

20 Q. Could you please state your name for the  
21 record.

22 A. Bela Vastag. Should I spell that for you?  
23 No.

24 Q. And where are you employed and in what  
25 capacity?

1           A.    I am employed as a utility analyst for the  
2 Office of Consumer Services.

3           Q.    And in connection with your employment there,  
4 have you assumed some responsibility for, on behalf of  
5 the office to investigate and pursue the filing of  
6 testimony and exhibits in connection with this  
7 particular proceeding?

8           A.    Yes.

9           Q.    And did you file direct testimony on August  
10 16th, 2018, including attached exhibits?

11          A.    Yes.

12          Q.    And did you file rebuttal testimony on  
13 September 6th, 2018, with -- well, just testimony on  
14 September 6th, 2018?

15          A.    Yes, I did.

16          Q.    And did you file surrebuttal testimony on  
17 September 20th with an attached set of exhibits on  
18 September 20th?

19          A.    Yes.

20          Q.    And with respect to those things that you  
21 filed so far, do you adopt and affirm what you have said  
22 in that testimony? And do you support the submission of  
23 those exhibits today?

24          A.    Yes, I do.

25          Q.    Thank you.

1 MR. SNARR: We would ask that those exhibits  
2 identified as OCS 1D, 1.1D, OCS 1R, OCS 1S and OCS 1.1S  
3 be offered and admitted into evidence.

4 CHAIRMAN LEVAR: If anyone objects to that  
5 motion, please indicate to me. I am not seeing any  
6 indication, so the motion is granted.

7 Q. (By Mr. Snarr) Mr. Vastag, have you prepared  
8 a summary of your testimony for this proceeding?

9 A. Yes, I have.

10 Q. Would you please present that summary?

11 A. Yes. Good afternoon. The Office of Consumer  
12 Services recommends that the commission deny the  
13 company's request for approval of its decision to  
14 construct a liquid natural gas or LNG facility. As  
15 required by the Utah Energy Resource Procurement Acts,  
16 the company has not met its burden of proof in  
17 demonstrating that the LNG facility will result in the  
18 lowest reasonable cost resource for retail customers or  
19 will result in the resource with the best long-term and  
20 short-term impacts, risk and reliability.

21 The office's recommendation to deny approval  
22 of LNG facility is based on several reasons. First, as  
23 office witness Alex Ware detailed in his testimony, the  
24 history of the company's attempts to document the need  
25 for an LNG facility in its IRPs clearly shows that the



1 LNG facility has been a solution in search of a problem.

2 Not only do the IRPs fail to provide  
3 supporting evidence that can augment this current  
4 proceeding, but the company's changing rationalization  
5 in the IRPs of the need for an LNG facility does provide  
6 a very good reason to be skeptical in this proceeding.  
7 Finding a problem to justify an LNG facility that the  
8 company wants to build is a highly unusual approach to  
9 resource planning or facility investment decisions.

10 Second, the company has not adequately defined  
11 or documented its recently claimed supply reliability  
12 problem. The only evidence provided has been from one  
13 graph in a slide presented at the June 19th, 2018,  
14 technical conference in this docket. It's a graph  
15 showing nomination cycle supply cuts from the past seven  
16 years.

17 This is insufficient. Without adequate  
18 understanding of the frequencies, magnitudes, causes and  
19 remedies of actual supply shortfalls, the most effective  
20 solutions cannot be identified and evaluated.

21 Third, the company has not adequately explored  
22 all alternatives to provide solutions to potential  
23 supply shortfalls. A large part of this deficiency  
24 stems from the fact that the supply reliability problem  
25 itself has not been clearly defined.

1 Another factor is that the utility  
2 shareholders want to see growth in corporate earnings  
3 and therefore favor resource choices that involve large  
4 investments in rate base, investments such as the  
5 construction of a very expensive LNG facility.

6 The company sources natural gas via a large  
7 interconnected system, which offers many alternatives to  
8 provide supply reliability. The company has not  
9 provided evidence that it has thoroughly discovered and  
10 evaluated all of these alternatives.

11 Examples of other alternatives needing further  
12 evaluation include additional pipeline interconnections,  
13 additional city gate stations, additional backup supply  
14 contracts, additional underground storage capacity such  
15 as the Magnum facility, for example, and the use of  
16 no-notice transportation service.

17 The office supports the division's request  
18 that the company issue a properly defined RFP to  
19 identify resource alternatives, but only if the RFP is  
20 part of a new proceeding where parties have sufficient  
21 time to evaluate the RFP process and the results.

22 Fourth, as office witness Jerry Mierzwa  
23 testified, constructing an LNG facility for the sole  
24 purpose of providing backup supply for design day peak  
25 demand is inconsistent with observed natural gas

1 industry practices.

2 Fifth, the company has not evaluated all the  
3 risks, including potential public outcry of siting an  
4 LNG plant in the densely populated Salt Lake Valley.  
5 The construction and operation of an LNG plant in this  
6 valley could be derailed by safety issues or -- and  
7 public opposition to the plant.

8 And finally, again, for the reasons I have  
9 just stated, the office recommends that the commission  
10 deny the company's request in this proceeding for an  
11 approval to construct an LNG facility, and that  
12 concludes my statement.

13 MR. SNARR: Thank you. Mr. Vastag is  
14 available for cross-examination or to respond to  
15 questions from the commission.

16 CHAIRMAN LEVAR: Thank you. Mr. Jetter, do  
17 you have any questions?

18 MR. JETTER: I have no questions. Thank you.

19 CHAIRMAN LEVAR: Thank you. Mr. Russell?

20 MR. RUSSELL: No questions. Thank you.

21 CHAIRMAN LEVAR: Thank you. Mr. Sabin or Ms.  
22 Clark?

23 MS. CLARK: No questions. Thank you.

24 CHAIRMAN LEVAR: Commissioner Clark?

25 COMMISSIONER CLARK: No questions. Thank you.

1 CHAIRMAN LEVAR: Commissioner White?

2 COMMISSIONER WHITE: Good afternoon.

3 THE WITNESS: Good afternoon.

4 COMMISSIONER WHITE: I just want to make sure  
5 I understand the office's recommendation in the context  
6 of what the division is recommending. Is it the  
7 office's belief that there is a need but the need is not  
8 specifically defined or not defined with the appropriate  
9 level of specificity?

10 THE WITNESS: Right. We agree there could be  
11 a need. You know, reliability is extremely important.  
12 But before we can proceed to acquire solutions, first we  
13 need to define what the problem is very carefully so  
14 that solutions that we evaluate are appropriately, you  
15 know -- we know they are appropriately addressing the  
16 problem.

17 COMMISSIONER WHITE: That's all the questions  
18 I have. Thank you.

19 CHAIRMAN LEVAR: Thank you. I do not have any  
20 additional questions. So thank you for your testimony  
21 today, Mr. Vastag. Mr. Snarr?

22 MR. SNARR: Thank you. The office would like  
23 to next call Mr. Alex Ware as a witness.

24 CHAIRMAN LEVAR: Mr. Ware, do you swear to  
25 tell the truth?

1 THE WITNESS: I do.

2 CHAIRMAN LEVAR: Thank you.

3 ALEX WARE,

4 was called as a witness, and having been first duly  
5 sworn to tell the truth, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SNARR:

8 Q. Would you please state your name for the  
9 record.

10 A. My name is Alex Ware.

11 Q. And could you please tell us where you work  
12 and in what capacity?

13 A. I work for the Offices of Consumer Services as  
14 a utility analyst.

15 Q. How long have you worked for the office?

16 A. Less than a year.

17 Q. And could you give us a thumbnail as to what  
18 your prior background was?

19 A. Prior background, I have a bachelor's degree  
20 from the University of Utah in economics, master's  
21 degree in public policy. I worked for six years with  
22 the office of the legislative auditor general doing  
23 compliance, financial, investigative audits, and  
24 reported those to the audit subcommittee.

25 Q. In connection with this proceeding, have you

1 focused on and prepared testimony for submission in this  
2 proceeding on certain issues?

3 A. Yes, I did.

4 Q. And did you file direct testimony on August  
5 16th, 2018, on behalf of the office?

6 A. Yes, that's correct.

7 Q. And if you were asked those same questions  
8 today, would your answers be the same as reflected in  
9 what has been filed?

10 A. Yes, they would.

11 Q. And you adopt that testimony here today?

12 A. I do.

13 MR. SNARR: We'd like to ask for the admission  
14 of OCS-3D, the testimony of Alex Ware filed on August  
15 16, 2018.

16 CHAIRMAN LEVAR: If any party objects to that,  
17 please indicate to me. I am not seeing any objection,  
18 so the motion is granted.

19 MR. SNARR: Thank you.

20 Q. (By Mr. Snarr) Have you prepared a summary of  
21 your filed testimony?

22 A. Yes.

23 Q. Would you present that please?

24 A. Yes. After review of the company's 2014  
25 through 2018 integrated resource plans or IRPs, the

1 office has concluded that Dominion Energy Utah, DEU, did  
2 not utilize the planning process as intended to fully  
3 document and analyze its need for liquefied natural gas  
4 or LNG facility due to its claimed service reliability  
5 concerns.

6           Instead, the regulatory record shows years of  
7 the company considering an LNG facility to address a  
8 shifting rationale of need. The LNG facility was first  
9 introduced in the 2014 IRP as a potential peak shaving  
10 alternative to the existing aquifer storage facilities.  
11 The 2015 IRP further evaluated the LNG for peak shaving  
12 but determined that LNG was much more costly and less  
13 flexible than the aquifers. And the company stated that  
14 they would not pursue the LNG facility at that time.

15           Then the next year in 2016, in that IRP the  
16 proposed LNG facility was proposed again for peak hour  
17 -- as a solution to peak hour demand. The 2017 IRP  
18 claimed that LNG would be a long-term solution for peak  
19 hour demand but could also provide reliability benefits.

20           Most recently, in the current case that's  
21 still open for the 2018 IRP, that IRP states that the  
22 LNG is not the best solution for peak hour demand, but  
23 instead is needed only for supply reliability; or in  
24 other words, needed as a backup supply in case of supply  
25 shortfalls on a design peak day.

1           It is appropriate to be skeptical of the  
2 company's claimed need for an LNG facility in light of  
3 the shifting rationalization. In addition, in the IRP  
4 years DEU has been considering an LNG facility, the  
5 company did not provide sufficient information or  
6 analyses as required by the IRP guidelines. Instead,  
7 DEU simply provided general descriptions of potential  
8 uses for LNG in those filings.

9           If DEU had presented relevant analysis in  
10 those IRPs, it could have used that as evidence to  
11 support the current request to construct an LNG  
12 facility. Since the regulatory history does not support  
13 the need for an LNG facility, the commission must rely  
14 solely on the evidence provided in this case in this  
15 docket, which the office's other witnesses have  
16 demonstrated is insufficient.

17           The lack of relevant analyses in the IRPs  
18 related to the proposed LNG facility suggests a lack of  
19 an orderly and advanced planning process. That  
20 concludes my summary.

21           MR. SNARR: We offer Mr. Alex Ware for  
22 cross-examination or to respond to commission questions.

23           CHAIRMAN LEVAR: Thank you, Mr. Snarr.  
24 Mr. Jetter, do you have any questions?

25           MR. JETTER: I have no questions. Thank you.



1 CHAIRMAN LEVAR: Mr. Russell?

2 MR. RUSSELL: No questions. Thank you.

3 CHAIRMAN LEVAR: Mr. Sabin or Ms. Clark?

4 MS. CLARK: No questions. Thank you.

5 CHAIRMAN LEVAR: Commissioner Clark?

6 COMMISSIONER CLARK: No questions. Thank you.

7 CHAIRMAN LEVAR: Commissioner White?

8 COMMISSIONER WHITE: No questions, thank you.

9 CHAIRMAN LEVAR: And I don't have any others.

10 So thank you for your testimony this afternoon,

11 Mr. Ware. Anything further from the office?

12 MR. SNARR: Nothing further.

13 CHAIRMAN LEVAR: Anything further from any  
14 party?

15 MR. SABIN: We would like to have the  
16 opportunity to have a closing statement, if the  
17 commission is willing to consider that. We don't think  
18 briefing is necessary, but because of the importance of  
19 this consideration and some of the matters that were  
20 raised on intervenor testimony that we are not able to  
21 address in cross-examination, we would love to summarize  
22 those issues for the commission, if you are -- if you  
23 are interested and willing to have that happen.

24 CHAIRMAN LEVAR: So you are speak -- you are  
25 talking about doing that this afternoon or right now?

1 MR. SABIN: Whenever the commission wants to  
2 do that.

3 CHAIRMAN LEVAR: And you don't -- you are  
4 ready to go?

5 MR. SABIN: I am ready to go.

6 CHAIRMAN LEVAR: Okay. Anyone else have a  
7 position on this, whether you are interested in doing  
8 such, whether you have a position on Dominion's interest  
9 themselves in providing a closing statement?  
10 Mr. Jetter?

11 MR. JETTER: I haven't prepared a closing  
12 statement, but I don't have an objection to doing so.

13 CHAIRMAN LEVAR: Okay. Any other thoughts,  
14 Mr. Snarr?

15 MR. SNARR: Always willing to participate.  
16 I'm not sure what we're going to illuminate that wasn't  
17 illuminated in cross-examination. If it didn't get  
18 covered in cross-examination, then I think we're really  
19 reaching and stretching for things that go well beyond  
20 the heart of the record here. Happy to participate in  
21 whatever you decide to do.

22 CHAIRMAN LEVAR: Okay. Thank you, Mr. Snarr.  
23 Any other -- any additional thoughts, Mr. Russell?

24 MR. RUSSELL: UAE doesn't object, although we  
25 don't have a closing statement here and probably won't

1 participate in it, unless something gets said that was  
2 not said during testimony. I know Mr. Dodge isn't here,  
3 and he was the one here representing Magnum, and I don't  
4 know whether they would have an interest. I suppose I  
5 could try to communicate with him if the commission is  
6 interested in hearing from Magnum on that.

7 CHAIRMAN LEVAR: Yeah. I am not -- I'm trying  
8 to think about the best way to go forward. We -- I  
9 mean, generally we are not inclined to deny any party's  
10 desire to provide statements at the end, and always  
11 subject to objection if another party feels like  
12 something isn't appropriate for a closing statement.

13 If we're going to just go ahead and move ahead  
14 with those now, I'm not sure the best way to handle  
15 Magnum because I don't think Mr. Dodge would be  
16 available in the time frame we're talking about, and  
17 that simply may just be a consequence of timing.

18 MR. RUSSELL: Sure.

19 CHAIRMAN LEVAR: So I guess I'll say, feel  
20 free to try to communicate however you wish, but I think  
21 we're probably inclined to go ahead and move forward.

22 MR. RUSSELL: Understood.

23 CHAIRMAN LEVAR: I did have a question I  
24 wanted to pose to the counsel. It's a minor, ancillary  
25 question to this, but I was going to get counsel's

1 thoughts. And maybe before we do this, I'll just pose  
2 the question, and maybe it's not worth addressing.

3 But in some of the testimony there was  
4 discussion of an ancillary benefit related to serving  
5 remote communities. There's been legislation this year,  
6 but there has not yet been any commission action or  
7 actions interpreting or implementing that statutory  
8 change.

9 So it seems to me our consideration could run  
10 the gamut of, we haven't looked at that issue yet; it's  
11 not relevant to this proceeding; to the possibility that  
12 dollars not spent on this LNG facility could just be  
13 spent on pipe to remote communities.

14 Do we have enough to even consider that as  
15 part of this docket? So if any of the counsel have any  
16 interest in addressing that issue, I am asking the  
17 question and not necessarily expecting answers. I  
18 apologize if that's throwing an issue out there in the  
19 last minute. But anyone who wants to address that, feel  
20 free to do so.

21 And I think with that, do you want to start  
22 with a closing statement?

23 MR. SABIN: Do you want me to address that  
24 first or do you want to have that discussion first? Or  
25 do you want me to put it in part of the closing

1 statement?

2 CHAIRMAN LEVAR: I'm throwing that out as an  
3 invitation more than a request.

4 MR. SABIN: Okay.

5 CHAIRMAN LEVAR: I don't know it really makes  
6 any difference.

7 MR. SABIN: I love invitations. That's okay.  
8 Well, let me just spend a couple of -- I don't think  
9 that will -- I hadn't given thought to that specific  
10 question, I'll confess.

11 But I do think that the statute that we're  
12 dealing with in this proceeding under -- and I am  
13 looking at 54-17-402, 3, Romanette 6. And the reason I  
14 am looking at that is, this proceeding allows the  
15 commission -- it gives you some degree of discretion.

16 And it says you're able to consider other  
17 factors determined by the commission to be relevant. So  
18 I think the decision about whether you take into account  
19 that factor or not is left up to you to determine  
20 whether you think it's yet relevant or not because of  
21 legislation or otherwise.

22 I think from the company's perspective, the  
23 point the company is making is just that there are  
24 ancillary benefits that we can foresee at this point,  
25 irrespective of the existence of legislation, and that

1 those ancillary benefits would -- that there's  
2 flexibility in this facility that would allow those  
3 ancillary benefits to be pursued if the commission  
4 determined that that was an appropriate way to address  
5 the gas needs of these kind of satellite communities.

6 So I, I guess, Mr. Chair, all I would say to  
7 your question is -- or invitation is, I think it's left  
8 to you to determine whether it's relevant. We certainly  
9 think it's relevant. That's why we had a witness  
10 testify about it. That's why we presented it in the  
11 technical conference and talked about the costs of  
12 serving those communities through pipe.

13 And you will recall that in the IRP -- or not  
14 the IRP, in the technical conference slide, there was a  
15 slide that compared the cost of sending pipe to those  
16 communities versus having them be served until economics  
17 justify it by -- with an LNG resource. So that's all I  
18 would say on that point.

19 CHAIRMAN LEVAR: Okay. Thank you and before  
20 we go to closing statements, let me just turn to my  
21 colleagues here. Any other comments before we move into  
22 closing statements, Commissioner Clark?

23 COMMISSIONER CLARK: Not from me.

24 CHAIRMAN LEVAR: Commissioner White?

25 COMMISSIONER WHITE: No comments. Thank you.

1 CHAIRMAN LEVAR: Okay. Mr. Sabin.

2 MR. SABIN: Well, I would make just a few  
3 points, and the reason I think we're interested in this  
4 is I -- sometimes we get so buried in the weeds of these  
5 matters that we forget what we're really looking at.  
6 And I wanted to focus on some of the bigger issues that  
7 I think are worthy of your consideration. And you know,  
8 I always feel bad when I see the amount of material that  
9 is submitted for your consideration, knowing that this  
10 is one of a number of many dockets on your schedule.

11 But first I think there really isn't any  
12 question about the need here. You have heard from --  
13 you have heard from several expert witnesses brought in  
14 who, both Mr. Paskett, Mr. Neale, that they agree that  
15 this kind of reliability solution is appropriate, that  
16 it's needed, that having reviewed the historical  
17 circumstances that the company has highlighted in its  
18 testimony and the risk that's associated with getting it  
19 wrong, they have agreed that there is a need here.

20 And the company certainly takes that position,  
21 took it in its testimony. Having done its own internal  
22 experts analysis, it's determined that it feels that  
23 there is a need here, and that without it, it's exposed,  
24 that there is vulnerabilities in its system, that the  
25 hundred percent reliance on third party contract sources

1 is, while helpful and necessary for many purposes,  
2 leaves it exposed from a reliability perspective to some  
3 of the risks we have highlighted.

4 So I don't think that that's a real question.  
5 I know there's some people who will disagree with me on  
6 that, but I just don't see any evidence. And you have  
7 heard from some very smart people here who have all said  
8 there is a need.

9 So the second point I want to make is, I think  
10 then if there is a need, then the statute's question to  
11 you and to us is to -- is to demonstrate whether the  
12 company's decision to select an LNG facility is --  
13 whether that's in the public interest. And you are  
14 given a number of factors to consider including that  
15 catch-all category to say, other factors you determine  
16 to be relevant.

17 And I just want to talk about a few -- those  
18 factors briefly. The first factor that we have talked  
19 to you about today is reliability, and again, I don't  
20 think it's been seriously contested by anybody that the  
21 LNG facility is by and away the most reliable solution.  
22 It's not subject to the same risks. Everyone agrees  
23 that it's, being on system, located where it would be,  
24 would provide the kind of reliability solution the  
25 company is after.



1           It's not subject to third party contracts.  
2           It's not subject to other customer needs. In fact, it  
3           would be dedicated to the residents of Utah, and in  
4           particular those residents whose gas reliability would  
5           be impacted in the event of a -- of a, you know, natural  
6           disaster or slide or freeze-off or any of these things  
7           we have talked about. I just don't think there is any  
8           question that we're talking about the best reliability  
9           solution that is on the table.

10           And why is that important? Because I think  
11           you need to judge the application in the context of the  
12           purpose that's attempted to be -- the purpose that's  
13           being served here, that the company is trying to serve.  
14           And that purpose here is, we're looking for a  
15           reliability solution. We're not looking for gas supply  
16           in large terms. We're looking at a reliability  
17           solution.

18           So when we think about what factors are most  
19           important here, I would submit that reliability either  
20           is at the very top or very close to the top because when  
21           you are looking at a reliability solution, you are  
22           obviously placing a lot of emphasis on the one that  
23           gives you the most reliability. And I don't think  
24           that's seriously contested here.

25           I think the next issue that's in the statute

1 is, deals with risk. I think it's been made clear  
2 through testimony that it's not LNG -- the LNG facility  
3 would not be subject to the same risks. It  
4 fundamentally concerns me to think that if you have a  
5 hundred percent of your supply coming from various  
6 sources that are all kind of in this area where there's  
7 freeze-offs and gas supply problems, that we ought to  
8 double down and use that as a reliability resource.

9 That's essentially saying, we acknowledge that  
10 there are these risks that we are currently experiencing  
11 on these very resources and that for reliability, we  
12 will then look to those resources as our reliability  
13 solution. That seems to me to be flawed thinking.

14 And I, had my client said to me that that's  
15 what they wanted to do, I would have said, well, help me  
16 understand how that helps your reliability. You are  
17 just getting more gas from the same straw. You know,  
18 you have got a finite amount you can push through that,  
19 and if there's a disruption, having more resource  
20 upstream is not really going to solve the problem.

21 What we have talked about here are the other  
22 solutions the company considered. They are exposed to  
23 other contract -- to contract limitations. They are  
24 subject to control and other customer interference or  
25 customer need. They are subject to force majeure

1 problems, including freeze-offs and landslides and  
2 earthquakes and fires.

3 And we have just had a fire recently that, you  
4 know, kept our people up for many hours trying to figure  
5 out how to make sure a gas -- you know, people of Nephi  
6 ran out of -- they didn't have gas. Well, that's a  
7 situation we don't want to find ourselves in.

8 You know, those sources are not dedicated to  
9 the residents of Utah. They are dedicated only to the  
10 extent of a contract. And they are dedicated only to  
11 the extent of a contract with exclusions in a contract.

12 Then when we talk about the next factor,  
13 cost -- I guess I should say, so from a risk standpoint,  
14 I just haven't heard anybody say anything other than the  
15 least risky option is LNG. It doesn't present the kind  
16 of -- nobody is saying there is no risk. But I think  
17 what you are hearing is, it presents a completely  
18 different portfolio of risks and far less of those risks  
19 than other sources do.

20 The next factor relative to cost is, and we've  
21 -- the company has been very up-front in its filings  
22 about the costs associated with each of the options.  
23 It's included -- I don't know if it's 40, or 30, 40 page  
24 analysis of the different options. And included in that  
25 are the costs.

1           That's been supplemented throughout this  
2 proceeding, and others have submitted testimony about  
3 the costs of other options. That information is before  
4 you, and nobody is suggesting that the costs will change  
5 or that there is some difference that we need to be  
6 thinking about in the future that you -- isn't before  
7 you.

8           The company has demonstrated that while it's  
9 not the cheapest conclusion, it is the best, least cost  
10 solution for the problem. And again we focus on the  
11 problem.

12           I lastly want to just deal with this question  
13 of an RFP because I think it's dominated a lot of the  
14 discussion and a lot of the questions, and I don't think  
15 that's inappropriate. I think that's fine. And I --  
16 but I think we need to clarify what was done here. What  
17 does an RFP do?

18           Well, it's clear from this proceeding that an  
19 RFP is -- what that means is in the eye of the beholder  
20 a little bit. Could the company have sent out an RFP  
21 and said, "We'd like to send in an RFP for, you know,  
22 on-system LNG solutions." And we -- I suspect we would  
23 have been here, and everybody would have said, "Well,  
24 that's far too narrow."

25           So what did the company elect to do? The

1 company elected to do an all-hands-on-deck, we're going  
2 to look at every single option that's within the  
3 reasonable thinking of the company. And who were we  
4 talking about? We are talking about gas supply at  
5 Dominion Energy Utah. These people do this every day.  
6 They know who they -- to talk to. They know who  
7 provides gas supply solutions because they deal with  
8 that all the time.

9 So they cast this wide net, and I, personally  
10 think that it's -- to me that seems like that the  
11 justification for doing that is to come in and be able  
12 to say to you, we didn't overly narrow the analysis. We  
13 kept it deliberately broad. Why? Because then we could  
14 come in and say to you, "Here are the 15 or 20 options  
15 that realistically could be pursued."

16 And some of them are easy to reject out of  
17 hand, but you have before you the testimony of the  
18 company with a substantial amount of paper showing the  
19 procedures they went through, the factors they  
20 considered on every one of these, and it's an extensive  
21 analysis that assessed all the options.

22 Significantly, no party -- and you have heard  
23 us ask the question of every witness. No party has been  
24 able to identify any option that wasn't considered.  
25 None. Now, that to me is a remarkable outcome because

1 you would say, "Well, the reason we do an RFP is, there  
2 might be somebody out there who has a solution."

3 Nobody's come forward. Nobody's intervened.  
4 Our people haven't been able to identify anybody, and so  
5 you say to yourself, if I am going to send an RFP out,  
6 aren't I just going to be sending it to the same people  
7 who have come before you and put information before you?

8 The company submits that the evaluation  
9 process it undertook was comprehensive, that it looked  
10 at every one of the factors in the statute, together  
11 with a whole bunch of other factors that we have  
12 communicated to you in this proceeding. The company  
13 then ran it through a decision matrix, which has been  
14 submitted to you as part of the filings in this case.

15 I submit that a public utility that goes  
16 through this process, that has its own expertise and  
17 that essentially is unrefuted that there is additional  
18 options that are out there that it didn't consider, that  
19 it ought to be able to make these kinds of  
20 recommendations and decisions based upon those factors  
21 that it deems to be most important. And it has done  
22 that and submitted to you a recommendation.

23 A lot of discussion has been brought up about  
24 Magnum, whether Magnum was fairly included in the  
25 process or whether it got adequate information. Here is

1 the point I wanted to make on cross with regard to that.  
2 If you read Ms. Faust's testimony, or you read the  
3 remaining testimony of the company, what you will find  
4 in there is that the company spent two years talking  
5 with these people.

6 They sent engineers down there. Mr. Holder  
7 admitted that there were, quote, numerous discussions  
8 with the company. And we're led to believe that if you  
9 had some sort of more tailored RFP, that that process  
10 would be vastly different. Well, let's really think  
11 about it. Would it be different, or would we just be  
12 coming back to you saying the same things?

13 What would be different? Magnum's facility  
14 would still be located where it's located. It would  
15 still have to connect up to the company's system using  
16 an 80 to a 100 at least mile pipeline. You are still  
17 going to have the contract risks that you have with  
18 every third party resource. That's not going to change.

19 I can't imagine that Magnum will come in here  
20 and say to you, "We will waive all force majeure  
21 exclusions in our contract," particularly where they  
22 filed -- where they are going to have a FERC tariff,  
23 just like every other third party provider does.

24 We're not to change the delivery lo -- I mean  
25 we vetted three different delivery locations with them.

1 We vetted -- we asked for engineering papers and didn't  
2 receive it. We asked for cost information, and we  
3 didn't receive it. We asked for information to do the  
4 due diligence to figure out if it's a viable entity.

5 And you read in our testimony that there is  
6 some question by the company about the viability of this  
7 project. It's been approved in 2011, and here we are in  
8 2018, and there's no natural gas resource coming out of  
9 that facility. Why? I don't know. But I know that  
10 that causes me great concern, and I think it's fair for  
11 the company to think about that.

12 So what will change if you go and you have a  
13 new process? Well, what will change is, you will delay  
14 the process by a significant amount of time, when the  
15 company has already invested this amount of time to get  
16 to this point. And what you will do is, you will have  
17 the parties submitting to you another round of testimony  
18 or two rounds of testimony that I suspect will look very  
19 much like it does here because many of the points that  
20 are being made will be identical.

21 What we're looking for is a reliability  
22 solution that provides instantaneous gas to the demand  
23 center of the system. That's never changed and was  
24 discussed in detail with Magnum. The suggestion that  
25 they didn't know that we were looking for a reliability



1 solution, even in and of itself, a reliability solution,  
2 to me is pretty remarkable, given the number of  
3 discussions that went back and forth. It was absolutely  
4 discussed.

5 So where does that leave us? Well, I think  
6 the decision before this commission should be, taken as  
7 a whole, what the company has done here, is it adequate  
8 to provide the kind of information you would get in an  
9 RFP if you could do one? I frankly don't know how you  
10 would structure an RFP in this circumstance.

11 RFPs -- and I am with Commissioner White. I  
12 see them most often in the power side of things, and you  
13 usually see them where you are dealing with a very  
14 commoditized situation or you are dealing with a  
15 uniformity in the options that can be provided. You  
16 don't often see them in circumstances where you are  
17 putting up -- you are asking for solutions. That just  
18 doesn't seem to lend itself very well for -- in part  
19 because how do you compare the cost, non-cost attributes  
20 in an RFP? How do you assess those? Kind of  
21 information you get.

22 What you have here is, the company went and  
23 did a robust process where they dug as deep as they  
24 possibly could with every option. In some cases, like  
25 Magnum, where they don't want to disclose some

1 information, dipping can only go so deep because they  
2 don't want to disclose it. And but the company did  
3 everything within its power to do what it can.

4 In closing, I just want you to know, we submit  
5 that this process, we think, has been very extensive.  
6 People have had more than adequate time to consider the  
7 company's filings and the options. It's been discussed  
8 since June of 2017 at least with regulators. And the  
9 company's been doing everything within its power to  
10 figure out the right solution.

11 And we submit that we not only met the burden  
12 but that the factors that are in the statute weigh  
13 heavily in favor of an LNG facility. With that, I'll  
14 conclude unless there are any questions.

15 CHAIRMAN LEVAR: Commissioner Clark, any  
16 questions?

17 COMMISSIONER CLARK: No questions. Thank you.

18 CHAIRMAN LEVAR: Commissioner White?

19 COMMISSIONER WHITE: No questions. Thank you.

20 CHAIRMAN LEVAR: I don't think I have any  
21 either, so thank you, Mr. Sabin. Mr. Jetter?

22 MR. JETTER: Thank you. I think the theme of  
23 the division's position in this case and what it has  
24 been throughout is simply the reality that there's a lot  
25 of things we don't know. And it's the company's burden

1 when seeking, particularly in this case, preapproval of  
2 costs for a major resource to answer a lot of these  
3 questions.

4 And the first is the RFP. The reality is the  
5 company has essentially represented that it apparently  
6 knows everybody who might participate and has already  
7 discussed it with them, which clearly is inconsistent  
8 with its own witness's testimony. For example,  
9 Ms. Faust has testified that she receives e-mails from  
10 solicitations wanting to be involved or asking questions  
11 about a potential LNG facility.

12 We don't know what those are. We don't know  
13 if those companies would participate in an RFP were it  
14 issued. We simply don't know if there are other outside  
15 parties that we don't know about.

16 Presumably, these RFP are published in some  
17 type of industry publication where these people would  
18 learn about them. I think the claim that only those who  
19 we know of and will direct an RFP paperwork to would be  
20 the only people who might respond, I don't know that  
21 that's accurate.

22 In addition, we don't know of those who may  
23 have seen the initial RFPs and did not respond who might  
24 respond to the new proposal, which seems to be  
25 substantially different from what the two early RFPs

1 included.

2           Importantly to that respect, the company has  
3 testified that some of the critical requirements are on  
4 system and company owned and controlled. And if those  
5 are the requirements, then the company's probably right.  
6 There's no point in doing anything further. There's  
7 only one entity that can come up with a competitive bid  
8 for its own RFP that requires that it essentially owns  
9 the project.

10           It might do an RFP for the construction of it,  
11 but outside of that, that's the only option. And if we  
12 accept that as a requirement, I think we are sort of  
13 throwing the least reasonable cost requirement out the  
14 window because, as you heard the company's witnesses  
15 testify, even if it were free, they may not accept it.

16           How that factors into a least reasonable cost,  
17 I'm not sure. But from our position, a free resource  
18 that would solve 99 percent of this problem would sure  
19 look a lot better than -- in a cost versus reliability  
20 weighting, that would look better than a hundred percent  
21 of the LNG's reliability at 200 plus million dollars.

22           I think there's been some description of an  
23 LNG facility as being substantially better in a risk  
24 analysis than alternative options, and I think that  
25 needs to be put in a little bit better perspective here.

1 On a design peak day the company is relying on somewhere  
2 in the range of 800,000 decatherms of spot purchases,  
3 meaning I believe in that exhibit that's one year under  
4 contracts. And that's providing in the range of 60  
5 percent of all of the gas flow on that day.

6 An LNG facility can solve a little bit of a  
7 bubble in the supply shortfall. It certainly is not on  
8 the scale that it would continue to provide adequate  
9 pressures in something like a major supply failure from  
10 a pipeline rupture, for example.

11 I think we have heard testimony that Kern  
12 River's pipeline, if it were entirely severed, would not  
13 be able to be made up by the LNG facility. So we're not  
14 getting anywhere close to zero risk. I think what we're  
15 doing is, we're reducing risk from some level to some  
16 lower level at a cost.

17 And doing it from that perspective, other  
18 projects that may offer risk reduction at a lower cost  
19 might be a better balance. The problem is, again, that  
20 we don't know what those are because we haven't had an  
21 RFP that would take bids on an apples-to-apples basis to  
22 see what other types of projects might be comparable in  
23 output and comparable in risk management.

24 And just to give an easy example of this, if  
25 you had a project that could provide ten days instead of

1 eight, I don't know what the probabilities of going into  
2 the ninth day of a shortfall of 150 decatherms is. But  
3 that may be a greater probability than a freeze-off at a  
4 wellhead for an underground storage facility, for  
5 example.

6 I don't know how to compare those  
7 probabilities. I don't think we have testimony on it.  
8 We don't have anything in front of us to compare those  
9 two. And I think you have also heard testimony from the  
10 division's own witnesses that the LNG facility, as far  
11 as the engineering of it, appears to be a reasonable  
12 facility in terms of, it should be able to provide the  
13 capacity that it is suggested by the company.

14 I don't think the division would suggest that  
15 LNG facilities are bad or should not be on systems  
16 generally. I think it's the process that we've gone  
17 through to get here that's troubling to us. And in  
18 order to meet all of the requirements of evaluating risk  
19 and reliability and financial impacts, we really need  
20 something like an RFP that would allow bidders to  
21 compare and compete on an equal playing field so we can  
22 compare what else is available in the market.

23 I think that concludes my closing statement.  
24 If you have questions, I'm happy to answer them.

25 CHAIRMAN LEVAR: Thank you, Mr. Jetter.

1 Commissioner White, any questions?

2 COMMISSIONER WHITE: No questions. Thank you.

3 CHAIRMAN LEVAR: Commissioner Clark?

4 COMMISSIONER CLARK: No questions, thanks.

5 CHAIRMAN LEVAR: I do not either. Thank you

6 for your statement. Mr. Snarr, do you want to add

7 anything?

8 MR. SNARR: Be happy to provide our closing

9 statement right now.

10 CHAIRMAN LEVAR: Sure.

11 MR. SNARR: Officer of Consumer Services

12 recommends that the commission deny the company's

13 request for approval of its decision to construct a

14 liquid natural gas or LNG facility. As required by the

15 Utah Energy Resource Procurement Act, the company has

16 not met its burden of proof in demonstrating that such a

17 facility will result in reasonable cost -- the lowest

18 reasonable cost resource for retail customers or result

19 in the resource with the best long-term and short-term

20 impacts and risk and reliability.

21 The company has been in search of a problem to

22 justify its proposed LNG facility. In connection with

23 that, the company has really not adequately defined or

24 documented its recent claims of supply reliability. The

25 only outages that have occurred have been related to

1 situations where there's been minor equipment failures  
2 and are not gas supply related. The company has  
3 admitted that for those five different outages, the LNG  
4 facility that was proposed would not have cured those  
5 situations.

6 While cocounsel suggested there's a lot of  
7 things we don't know, I'd like to focus on the things  
8 that we do know. With respect to supply shortfalls,  
9 there's been a document presented in this proceeding  
10 that indicates for a period of seven years there's been  
11 95 different instances of possible shortfall.

12 And none of those resulted in outages. Those  
13 shortfalls were all resolved with the different  
14 connections and opportunities for the company to use  
15 some of its diverse and redundant facilities.

16 And that didn't even include an analysis of  
17 what was occurring on the other pipeline that supplies  
18 the distribution system, Kern River. That particular  
19 slide really focused on just the instances of issues and  
20 problems that have occurred with Questar Pipeline.

21 That evidence is really insufficient to show  
22 that there is a gas supply reliability issue that needs  
23 to be solved. Without better understanding the  
24 frequencies, magnitudes and causes of -- or remedies of  
25 possible supply shortfalls, we're really scrambling to



1 try to figure out what the solutions might be.

2 And it may not be the 150,000 LNG facility  
3 that's online with certain deliverability for eight  
4 days. That just is a solution looking for  
5 justification.

6 Let me recount some of the additional  
7 information about the supply shortfalls here. There's  
8 never been outages along the Wasatch Front. All those  
9 possible shortfalls or threats have been resolved. The  
10 evidence presented doesn't prove a relationship between  
11 shortfalls and cold weather. To put it another way,  
12 Dominion has never met a shortfall it didn't like or  
13 couldn't solve.

14 Also, the last design day to occur on the  
15 Dominion system occurred 55 years ago. They have done  
16 an admirable job of setting up the design day criteria,  
17 but with that criteria, Dominion has minimized its gas  
18 supply risks, and through its own design day planning  
19 and through the use of its various upstream supply  
20 alternatives, it's been able to respond and resolve any  
21 threats to their system.

22 The company also is uniquely situated with  
23 five major city gates connected to the Questar Pipeline  
24 and two additional interconnections that serve the  
25 Wasatch Front from Kern River. It has plans to add

1 another interconnection at Rose Park with Kern River.

2 It could also upgrade its own facilities tied  
3 to Kern River at Eagle Mountain and Saratoga to better  
4 provide redundancy and pressure support to its own  
5 system and own high pressure feeder system. It could  
6 also address issues along the Wasatch Front with an  
7 additional interconnect at Ruby pipeline.

8 The company's sources of natural gas come from  
9 a very large geographic area, interconnected system, an  
10 interconnected system, which offers many alternatives to  
11 provide gas supply and ensure reliability. There are  
12 numerous wells that are accessed, too many to count or  
13 to document here, accessing supply basins in fields that  
14 are strewn all around the Rocky Mountains and  
15 opportunities through that gas supply network to even  
16 spread the diversity of supply to further reaches and  
17 other locations.

18 Even processing plants are numerous and  
19 provide a certain diversity and redundancy of gas supply  
20 upstream facilities.

21 The company has not really thoroughly analyzed  
22 through evidence what it could do to respond to  
23 shortfall situations through the use of this extensive  
24 network of upstream facilities. It's in a very  
25 different situation when it has seven current pipeline

1 interconnections that could easily be expanded to  
2 include a total of 11 if you look at Rose Park and Ruby  
3 connection and upgrading Eagle mountain and Saratoga.

4 That puts this particular LDC in a very  
5 different position than the situation that Southwest Gas  
6 was in when it incurred its problems in Tucson.

7 Constructing an LNG facility for the sole  
8 purpose of providing backup supply for design day peak  
9 demand is inconsistent with observed natural gas  
10 practices. They are not talking about putting the LNG  
11 facility in the supply stack, but merely holding it over  
12 here in case something doesn't show up from the supply  
13 stack that they carefully planned for to meet their  
14 design day needs.

15 In light of the state of the record and the  
16 evidence in this case, we feel that they have failed to  
17 meet their burden of proof to demonstrate that the LNG  
18 facility is necessary, and that there has been a history  
19 of working through the challenges of gas supply  
20 shortfall that are -- that demonstrates they have the  
21 ability to secure their system, secure gas supply, and  
22 not unduly threaten the service that they provide to the  
23 public. And we would submit it on that basis.

24 CHAIRMAN LEVAR: Thank you, Mr. Snarr.  
25 Commissioner Clark, do you have any questions?

1 MR. JETTER: No questions.

2 CHAIRMAN LEVAR: Commissioner White?

3 COMMISSIONER WHITE: No questions. Thank you.

4 CHAIRMAN LEVAR: I don't either. Thank you  
5 for your statement. Mr. Russell, did you want to add  
6 anything?

7 MR. RUSSELL: Nothing on behalf of UAE. Thank  
8 you.

9 CHAIRMAN LEVAR: Okay. As the applicant, I  
10 think it's probably appropriate if you want to provide a  
11 few more brief comments before we close.

12 MR. SABIN: Can I have one moment?

13 CHAIRMAN LEVAR: It's not required though.  
14 You don't have to.

15 MR. SABIN: I think we're fine to submit on  
16 that basis. I think we made the points we wanted to  
17 make.

18 CHAIRMAN LEVAR: Okay. Thank you. Any  
19 further matters from any party?

20 MR. SABIN: None from us.

21 CHAIRMAN LEVAR: Okay. We will take the  
22 matter under advisement and issue a written order, and  
23 we're adjourned. Thank you.

24 (The hearing concluded at 3:50 p.m.)

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C E R T I F I C A T E

STATE OF UTAH )  
COUNTY OF SALT LAKE )

THIS IS TO CERTIFY that the foregoing proceedings were taken before me, Teri Hansen Cronenwett, Certified Realtime Reporter, Registered Merit Reporter and Notary Public in and for the State of Utah.

That the proceedings were reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages, Volume 2, numbered 300 through 457 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.

WITNESS MY HAND and official seal at Salt Lake City, Utah, this 8th day of October, 2018.

*Teri Hansen Cronenwett*  
Teri Hansen Cronenwett, CRR, RMR  
License No. 91-109812-7801

My commission expires:  
January 19, 2019

<b>\$</b>	351:23,25 352:4 353:7, 12 374:23 391:21 392:18 395:10,13	<b>150</b> 371:21 451:2	<b>1S</b> 421:2	353:9
<b>\$8.70</b> 372:9		<b>150,000</b> 338:17 339:22	<b>2</b>	<b>2011</b> 308:13 445:7
<b>\$989,000</b> 391:8	<b>100</b> 327:22 328:14,15 395:11 408:20 444:16	381:19 383:3, 13,19 386:10 400:6 402:4 454:2	<b>2</b> 300:1 368:19 397:1 414:5	<b>2014</b> 373:11 427:24 428:9
<b>1</b>		<b>16</b> 427:15	<b>2.0</b> 344:24 380:15	<b>2015</b> 318:17 428:11
<b>1</b> 315:12,17, 18 346:17 391:9 414:5	<b>10:46</b> 375:2	<b>160</b> 355:12	<b>2.02</b> 302:14 305:13,20 316:5,7,8	<b>2016</b> 337:22 347:10 391:12 428:15
<b>1.0</b> 319:14,15, 25 320:1 369:5,6	<b>10:55</b> 375:2	<b>16th</b> 420:10 427:5	<b>2.06</b> 304:15 312:4	<b>2017</b> 373:14 428:17 447:8
<b>1.1D</b> 421:2	<b>11</b> 456:2	<b>18</b> 344:10 391:22 395:2	<b>2.1</b> 302:11 304:17 312:1, 2 316:4	<b>2018</b> 300:1 301:13 302:22 326:8 328:19 359:23 373:21 420:10,13,14 422:13 427:5, 15,25 428:21 445:8
<b>1.1S</b> 421:2	<b>11:49</b> 419:5	<b>18-57-3</b> 300:5	<b>2.17</b> 380:15	<b>2019</b> 301:13 302:22 371:19
<b>1.2</b> 309:9 381:21 383:4, 14 386:11 402:5	<b>11th</b> 368:20	<b>19</b> 347:10 352:4	<b>20</b> 337:8 352:4 353:19 354:13 355:25 356:1 389:25 442:14	
<b>1.3</b> 391:9	<b>12</b> 301:1,3,5,8 307:21,22 338:18	<b>1986</b> 319:9		
<b>1.4</b> 369:7	<b>12:59</b> 419:5	<b>1991</b> 319:9		
<b>1.6</b> 369:5	<b>139,000</b> 381:15	<b>1992</b> 319:4	<b>200</b> 359:10 393:7 449:21	<b>20th</b> 420:17, 18
<b>1.9</b> 391:6	<b>14th</b> 368:20	<b>19th</b> 422:13	<b>2001</b> 359:21	
<b>10</b> 338:18	<b>15</b> 338:18 353:7 442:14	<b>1D</b> 421:2	<b>2008</b> 319:5	<b>215</b> 359:10
		<b>1R</b> 421:2		

22 391:12	36 323:4	59A 350:12	<u>9</u>	375:20
24 338:18	370 379:16	<u>6</u>	9 397:1	381:25
25 356:1	3:50 457:24	6 303:23	9.0 392:5	386:24
26 347:10	<u>4</u>	391:22	9.12 375:24	396:18 408:7
<u>3</u>	4 346:12	434:13	9.13 376:8,18	417:23
3 344:18	384:1 391:22	60 450:4	90 354:20	430:20
434:13	40 440:23	6th 359:23	95 453:11	434:16
3.6 391:7	451 395:21	420:13,14	99 449:18	442:11,24
30 318:15	461 395:3	<u>7</u>	9:02 300:1	443:4,19
346:14 354:3,	488 395:22	789 377:6,13	9:43 330:25	450:13
4,18,21 356:1	49 368:19	798 377:6	9:51 330:25	451:12
395:10	<u>5</u>	7C 325:12	<u>A</u>	454:20
440:23	5.9 391:11	326:16	a.m. 300:1	<b>above</b> 309:13
30,000 328:18	50 309:2	<u>8</u>	330:25 375:2	401:12
363:5	368:19,21	8 338:18	419:5	<b>absolutely</b>
31 328:20	391:6 394:18	80 327:5	<b>ability</b> 324:8	320:15 336:7
3165 318:1	395:11	408:20	337:10 418:2	365:6 393:24
325 379:16	54-17-402	444:16	456:21	405:9 409:6
330 318:1	370:4 434:13	800,000 450:2	<b>absolve</b>	410:1 412:10
35 342:25	55 454:15	89 396:20	410:9	414:19 446:3
343:12			<b>absorbed</b>	
			382:9	
			<b>accept</b>	
			311:10	
			400:10 417:4	
			449:12,15	
			<b>access</b>	
			306:25 337:4	
			<b>accessed</b>	
			300:21	
			<b>able</b> 335:4	
			336:12	

455:12	<b>acquire</b> 425:12	403:14 408:9 409:1	317:24,25 320:15 323:17 326:22 328:21 338:15 339:18,23 342:23,25 349:3 359:8,9 379:15 381:3 397:2 428:7 430:21 433:19,23 435:4 455:6	<b>adjourned</b> 457:23
<b>accesses</b> 307:2	<b>acquired</b> 402:25	<b>acutely</b> 384:10		<b>adjust</b> 322:19
<b>accessing</b> 455:13	<b>acquisition</b> 370:10	<b>add</b> 322:14 356:20 363:9 386:20 452:6 454:25 457:5		<b>adjusted</b> 354:6 396:4
<b>accommodate</b> 333:9	<b>acre</b> 355:12			<b>administratio</b> <b>n</b> 318:8,11,25 371:10
<b>accommodati</b> <b>ng</b> 334:6	<b>across</b> 308:10	<b>added</b> 387:5		<b>admirable</b> 454:16
<b>accomplished</b> 326:14 327:23 337:6 372:20	<b>Act</b> 452:15	<b>adding</b> 371:12 373:12	<b>addressed</b> 315:24 320:24 323:12 339:9 361:11 366:9	<b>admission</b> 319:24 348:9 360:9 392:5 427:13
<b>according</b> 328:19	<b>action</b> 373:10 374:6 433:6	<b>addition</b> 346:20 352:19 373:17 429:3 448:22	<b>addresses</b> 339:2 340:3 361:24	<b>admitted</b> 421:3 444:7 453:3
<b>account</b> 434:18	<b>actions</b> 364:22 433:7	<b>additional</b> 323:3 326:13 328:22 357:25 362:5 389:11 399:3 423:12,13,14 425:20 431:23 443:17 454:6, 24 455:7	<b>addressing</b> 323:15 425:15 433:2, 16	<b>adopt</b> 319:17 345:4 360:2 420:21 427:11
<b>accounting</b> 319:5	<b>activities</b> 318:23 334:22,24		<b>adequate</b> 324:16 384:4 422:17 443:25 446:7 447:6 450:8	<b>advance</b> 310:17
<b>accuracy</b> 381:5	<b>Acts</b> 421:15			<b>advanced</b> 429:19
<b>accurate</b> 332:2 448:21	<b>actual</b> 312:9 422:19	<b>additionally</b> 300:23 325:6	<b>adequately</b> 397:2,13 422:10,21 452:23	<b>advantage</b> 405:14,19
<b>acknowledge</b> 439:9	<b>actually</b> 333:25 336:13 337:6, 12 352:17 353:4,8 379:10	<b>address</b>		



<b>advisement</b> 457:22	<b>again</b> 305:17 312:23 313:5 354:14 381:12 383:13 384:8 402:2 424:8 428:16 437:19 441:10 450:19	410:23 411:5 417:8 425:10 436:14	425:23 426:3, 10 427:14 429:21	<b>Allen</b> 369:22 378:22 379:4, 13 380:13
<b>Advisors</b> 318:18 369:20 379:15		<b>agreed</b> 326:20 412:22 436:19	<b>all</b> 300:23 306:3 308:1 311:1 314:1 315:16 318:23 323:1 325:14 328:13 330:17 337:8 340:11,17 341:25 350:18 352:21 355:2 356:10 358:8 373:8 386:13 394:1 400:18, 25 409:8,9 411:11 414:6 417:18 422:22 423:10 424:2 425:17 435:6, 17 437:7 439:6 442:8, 21 444:20 450:5 453:13 454:8 455:14	<b>allocation</b> 361:10,11
<b>advisory</b> 318:18		<b>agreeing</b> 337:5		<b>allow</b> 322:6, 19 326:24 328:24 329:5 335:6 435:2 451:20
<b>affairs</b> 318:25 319:5	<b>against</b> 387:7 388:7 389:2,3 410:3,6	<b>agreement</b> 325:5 326:21 327:10 336:14,16,25 337:1,2,4,10		<b>allowed</b> 339:21 364:22
<b>affecting</b> 307:7	<b>AGL</b> 343:19 344:4,7,9,10, 17 352:23	<b>agreements</b> 323:5		<b>allowing</b> 317:8
<b>affiliate</b> 328:18	<b>ago</b> 454:15	<b>agrees</b> 320:14 437:22		<b>allows</b> 325:17,18 434:14
<b>affiliates</b> 324:15	<b>agree</b> 308:24 311:1,8 313:12 331:13 356:24 365:12 376:21,22 377:3,18 378:3 383:10 388:13,23 389:24 392:10 393:14 394:7, 9 397:16,18, 23 398:6,25 404:12 407:11,20 408:12,19 409:22	<b>ahead</b> 315:25 323:25 358:14 360:8 369:15 374:22 381:1 418:21 432:13,21		<b>almost</b> 309:9 333:17 338:24 352:4
<b>affirm</b> 420:21		<b>Aitken</b> 357:21	<b>all-hands-on-deck</b> 442:1	<b>along</b> 319:14 329:17 337:13 352:14 369:4 371:17 380:13 454:8 455:6
<b>after</b> 329:2 339:25 340:5 361:6 381:17 382:7 384:13, 16 406:8 427:24 437:25		<b>Alberta</b> 406:8	<b>all-inclusive</b> 322:4	
<b>afternoon</b> 419:11 421:11 425:2, 3 430:10,25		<b>Alex</b> 421:23	<b>all-source</b> 374:8	<b>alphabet</b> 418:15

<p><b>already</b> 315:11,13 323:25 324:4 326:2 373:10 404:19 406:19 445:15 448:6</p> <p><b>also</b> 303:3 306:17 307:2 310:14 326:7 332:4 351:18 366:7 371:15 376:7,18 379:11 382:10 384:21 386:15 387:6 389:7 396:13 405:13 410:23 428:19 451:9 454:14,22 455:2,6</p> <p><b>alternate</b> 415:2</p> <p><b>alternative</b> 346:11 365:20 428:10 449:24</p> <p><b>alternatives</b> 307:10 365:19 373:4 398:4 422:22 423:7,10,11, 19 454:20</p>	<p>455:10</p> <p><b>although</b> 347:20 394:8 431:24</p> <p><b>always</b> 431:15 432:10 436:8</p> <p><b>amendment</b> 326:15</p> <p><b>America</b> 343:16</p> <p><b>American</b> 371:10</p> <p><b>among</b> 320:22</p> <p><b>amount</b> 349:4 354:4 397:18 398:7 399:20 436:8 439:18 442:18 445:14,15</p> <p><b>amounts</b> 352:16 405:11</p> <p><b>analyses</b> 429:6,17</p> <p><b>analysis</b></p>	<p>311:21 315:13 331:15 351:21 352:6 353:4 369:21 375:11,16 386:17,19 388:21 392:18 393:15 413:1 429:9 436:22 440:24 442:12,21 449:24 453:16</p> <p><b>analyst</b> 319:10 420:1 426:14</p> <p><b>analyze</b> 428:3</p> <p><b>analyzed</b> 455:21</p> <p><b>ancillary</b> 432:24 433:4 434:24 435:1, 3</p> <p><b>and/or</b> 321:23 322:9,22 329:18 343:6 346:7</p> <p><b>announced</b> 334:25</p> <p><b>another</b></p>	<p>327:17 328:11 346:16 352:25 353:1 371:5 389:18 411:16 423:1 432:11 445:17 454:11 455:1</p> <p><b>answering</b> 398:16 402:18</p> <p><b>answers</b> 342:6 368:25 380:8 418:12 427:8 433:17</p> <p><b>anybody</b> 394:3 437:20 440:14 443:4</p> <p><b>anyone</b> 348:10 358:10 360:11 367:5 421:4 431:6 433:19</p> <p><b>anything</b> 316:23 328:9, 12 341:11,17 356:20 358:3 367:2 399:8 409:15 430:11,13 440:14 449:6 451:8 452:7 457:6</p>	<p><b>anywhere</b> 450:14</p> <p><b>apologize</b> 348:6 396:16 433:18</p> <p><b>apparently</b> 448:5</p> <p><b>appears</b> 372:23 373:3, 9,22 451:11</p> <p><b>apples- oranges</b> 338:5</p> <p><b>apples-to- apples</b> 321:11 323:20 383:25 450:21</p> <p><b>apples-to- oranges</b> 321:8</p> <p><b>applicable</b> 315:8</p> <p><b>applicant</b> 457:9</p> <p><b>application</b> 339:10,25 360:21,24</p>
---	--	--	--	--

361:14 369:20 373:1 438:11	435:4 436:15 457:10	17 390:11 439:6 455:9	<b>asbestos</b> 355:19,20	311:17,22 339:7 401:10 417:6
<b>Applied</b> 352:23	<b>appropriately</b> 425:14,15	<b>areas</b> 314:14 369:24 382:13 397:10	<b>asks</b> 302:20 303:23	<b>assumed</b> 303:4 420:4
<b>applies</b> 344:7	<b>approval</b> 300:6 326:13 347:15 369:17 370:3, 12 421:13,21 424:11 452:13	<b>arena</b> 306:10	<b>asserted</b> 416:11	<b>assuming</b> 308:9 309:24 310:1 313:4 364:14,18 418:23
<b>apply</b> 307:12 322:15 349:15,16 350:8,13	<b>approvals</b> 323:2	<b>argument</b> 401:11	<b>assess</b> 384:6 446:20	<b>assumption</b> 308:22
<b>applying</b> 349:18	<b>approved</b> 360:24 374:5 445:7	<b>around</b> 355:10 398:21 455:14	<b>assessed</b> 315:12 399:21 442:21	<b>assumptions</b> 381:5
<b>appreciate</b> 329:20 342:5 357:24 387:8 392:2 398:23 406:21 418:11	<b>approves</b> 325:13	<b>arrange</b> 344:22	<b>asset</b> 318:24	<b>attached</b> 302:9 344:21 380:14 420:10,17
<b>appreciated</b> 331:9	<b>approximatel y</b> 303:10	<b>arrangement</b> 310:25	<b>assigned</b> 361:13	<b>attachment</b> 303:7 397:21
<b>approach</b> 390:17 422:8	<b>aquifer</b> 428:10	<b>arrangements</b> 310:5	<b>associated</b> 315:14 325:23,24 329:17 333:7 334:23 335:10,18 350:20 352:1 436:18 440:22	<b>attachments</b> 399:15
<b>appropriate</b> 325:4 361:9 362:3 363:14, 16 364:13 366:3,5,8 394:10,16 410:15 425:8 429:1 432:12	<b>aquifers</b> 309:5,14 428:13	<b>arranging</b> 361:18	<b>association</b> 330:1 334:21 348:15 358:15 371:11	<b>attempted</b> 438:12
	<b>area</b> 307:7 308:18 355:12,23 356:3 382:9,	<b>arrive</b> 309:12	<b>assumed</b> 330:1 334:21 348:15 358:15 371:11	<b>attempts</b> 398:24 421:24
		<b>articulate</b> 340:14	<b>assume</b>	<b>attention</b>

302:12 316:3	451:22	12 407:10	339:15 346:2	<b>Beaumont</b>
<b>attributes</b>	<b>average</b>	414:12 419:6	370:17 371:9	344:12
446:19	391:18 392:2, 10,16	444:12 446:3	372:9,22	<b>beautiful</b>
<b>audit</b> 426:24	<b>avoid</b> 361:2	<b>background</b>	382:4 395:9	396:13
<b>auditor</b>	<b>aware</b> 301:17	318:7 335:17	404:11	<b>beautifully</b>
426:22	331:19 341:2	343:8,11	417:12	396:16
<b>audits</b> 426:23	349:11	359:16	421:22	<b>became</b>
<b>augment</b>	375:17	405:23	443:20	344:4,13
422:3	377:24	411:20	<b>basic</b> 316:6	<b>before</b> 309:5
<b>August</b> 420:9	384:11	426:18,19	<b>basically</b>	310:12
427:4,14	403:18	<b>backing</b>	325:17,18	318:21 321:6
<b>Austin</b> 359:18	404:13 405:1	417:20	<b>basin</b> 306:11, 25 309:5,14	327:5 336:16
<b>availability</b>	<b>away</b> 313:16, 17 317:11	<b>backup</b>	<b>basins</b>	359:21
308:5,18,23	327:22	301:22	305:24 306:3, 22 455:13	373:23
312:24	345:22 417:2	350:23	<b>basis</b> 323:21	411:21
<b>available</b>	437:21	423:13,24	327:2 351:16	425:12 433:1
301:18	<b>B</b>	428:24 456:8	354:6,14,17	435:19,21
308:16	<b>Bachelor</b>	<b>bad</b> 436:8	393:9 405:1	441:3,6
309:25	318:10	451:15	407:22	442:17 443:7
311:14,15,17, 19,22 313:6	<b>bachelor's</b>	<b>balance</b>	450:21	446:6 457:11
321:19,22	426:19	361:21	456:23	<b>began</b> 373:11
325:4 327:6,9	<b>back</b> 309:21	418:20	457:16	<b>begin</b> 371:19
329:23 348:2	316:4 331:2	450:19	<b>BCF</b> 337:8	<b>begun</b> 326:2
362:6 365:17	336:22 338:7	<b>bandied</b>	344:10	<b>behalf</b> 302:4
370:18	365:9 375:3	408:22	346:14 354:4, 18	359:25
385:14 396:4	382:3,11,21	<b>base</b> 302:3	<b>BCF'S</b> 352:13	369:23
424:14	402:7 404:8,	347:17 423:4	<b>bear</b> 360:25	379:23 420:4
432:16		<b>based</b> 326:19		427:5 457:7
		327:6 336:20		<b>beholder</b>
		337:14		

441:19	328:15,22 329:3	384:19 394:4 405:7 410:7 454:10	326:15	369:13 380:23,24 457:11
<b>being</b> 303:15 305:9 309:18 310:4 324:25 325:9 328:17 331:8 333:6 339:4 343:15 353:6,11 354:7 355:8 360:22 361:13,15 363:21 364:5 366:6 384:11 385:25 400:15 408:7 415:14 417:1 437:23 438:13 445:20 449:23	<b>believing</b> 417:7	<b>beyond</b> 323:4 326:12 386:14 401:13 431:19	<b>blindly</b> 402:13	<b>briefing</b> 430:18
<b>Bela</b> 419:10, 15,22	<b>benefit</b> 433:4	<b>bid</b> 334:18 335:10 336:5 413:24 449:7	<b>blue</b> 306:13	<b>briefly</b> 343:8 359:15 437:18
<b>belief</b> 425:7	<b>benefits</b> 307:5 321:4 370:25 428:19 434:24 435:1, 3	<b>bidders</b> 413:22 451:20	<b>Boston</b> 390:5	<b>bring</b> 337:10 343:16 402:7
<b>believe</b> 300:25 303:8 312:2 338:7, 10 356:7 377:1,13 384:6,18 444:8 450:3	<b>best</b> 414:17 421:19 428:22 432:8, 14 438:8 441:9 452:19	<b>bidding</b> 413:23	<b>both</b> 304:20 320:15 322:5 323:12,15 324:13 337:22 338:8 339:18 344:7 346:8,19 349:7 354:24 355:3 361:7 368:24 372:16,19 376:15 380:7 397:21 436:14	<b>bringing</b> 304:9 343:21
<b>believed</b> 414:3	<b>bet</b> 317:13	<b>bids</b> 373:19 450:21	<b>bothered</b> 383:24	<b>broad</b> 399:7 442:13
<b>believes</b>	<b>better</b> 329:20 388:12,14 449:19,20,23, 25 450:19 453:23 455:3	<b>bigger</b> 436:6	<b>breadth</b> 415:11	<b>broadly</b> 331:11
	<b>between</b> 313:22 321:12 328:10 333:17 349:10,17 356:25	<b>biggest</b> 357:8	<b>break</b> 358:6 374:23 418:21,22	<b>brought</b> 391:11 396:15 436:13 443:23
		<b>billion</b> 344:18 346:14	<b>brief</b> 318:6,13 320:6 331:4 345:6 362:16 368:18	<b>bubble</b> 450:7
		<b>bit</b> 345:19 397:15 441:20 449:25 450:6	<b>budget</b> 324:1	<b>build</b> 301:17 338:14 347:15 370:16
		<b>blanket</b>		

373:22 391:14 400:13 422:8	317:24,25 318:8,9,10,24 319:6 342:23, 24 359:7,9 365:7 379:15 389:23	367:21 378:2 379:5 419:16 426:4	394:21 400:7 419:25 423:14 426:12 451:13	447:23 448:1 456:12,16
<b>building</b> 337:12 385:3, 7 391:18 412:7	<b>buy</b> 310:14, 17 311:7 313:7,25 314:1	<b>calls</b> 358:18	<b>capacity- constrained</b> 314:14	<b>cases</b> 354:24 446:24
<b>built</b> 337:7 350:11 352:20,22,23, 24 353:3 355:3,8 372:4 385:1 408:13 412:2	<b>buying</b> 313:19 399:3	<b>came</b> 339:24 381:16 383:3	<b>capital</b> 344:6, 15 345:16,23 347:3 371:7	<b>cast</b> 331:11 442:9
<b>bunch</b> 330:21,22 443:11	<b>buys</b> 312:18, 20	<b>can't</b> 309:20 322:14 366:1 379:21 390:3 392:17 400:14 401:6 408:15,24 416:20 444:19	<b>Cardinal</b> 318:22	<b>casting</b> 399:7
<b>burden</b> 421:16 447:11,25 452:16 456:17	<hr/> <b>C</b> <hr/>	<b>Canada</b> 307:3 357:20	<b>care</b> 382:14, 17 385:8	<b>catch-all</b> 437:15
<b>buried</b> 436:4	<b>calculate</b> 381:6	<b>cannot</b> 324:9 422:20	<b>career</b> 318:15 343:12 406:6	<b>category</b> 391:8 437:15
<b>burn</b> 361:24 363:20 364:5 366:7	<b>California</b> 334:24	<b>capabilities</b> 374:8	<b>carefully</b> 425:13 456:13	<b>cause</b> 368:12 379:24
<b>burning</b> 361:4	<b>call</b> 310:3,20 317:9 327:15 342:11 367:11 378:21 410:9 419:10 425:23	<b>capable</b> 381:24 403:7	<b>carried</b> 345:22	<b>caused</b> 376:11
<b>burst</b> 338:24	<b>called</b> 310:4 317:19 342:18 359:1	<b>capacity</b> 314:15 315:15 318:2 322:7 343:2 346:15 352:16 359:11 363:6 382:8 385:3	<b>case</b> 347:23 364:9 371:18 383:2,12 384:6,18 385:6 401:5 428:20,24 429:14 443:14	<b>causes</b> 341:22 422:18 445:10 453:24
<b>business</b>				<b>cavern</b> 323:10 329:16 332:21 338:20 341:7 356:22 357:1, 3,10
				<b>caverns</b>

<p>321:25 323:25 324:2, 3,6,25 325:22 332:13 342:2 357:5,23</p> <p><b>center</b> 313:16 388:5 445:23</p> <p><b>centered</b> 398:21</p> <p><b>Centerpoint</b> 319:4,10</p> <p><b>central</b> 305:3 342:1</p> <p><b>certain</b> 427:2 454:3 455:19</p> <p><b>certainly</b> 381:12 382:24 435:8 436:20 450:7</p> <p><b>certificate</b> 325:12,17,18 326:15,16</p> <p><b>Chair</b> 435:6</p> <p><b>Chairman</b> 300:3 307:16 315:21,25 316:18,21,23 317:2,7,14,17 320:2 329:25</p>	<p>330:2,4,7,10, 16,23 331:1 334:9,12 337:18 340:13,20 341:1,5,14,17 342:5,9,10, 12,15 348:4, 7,10,14,17, 18,21,24 356:11,15,17, 19 357:24 358:3,10,13, 14,17,19,21, 24 360:11 362:8,11,14 366:12,15,17, 18,21,24 367:2,5,9,10, 13,16,19 369:8 374:14, 17,20,21,22 375:3 378:8, 11,13,15,19, 23,25 379:3 380:18 385:16,19,21 390:19 392:6 413:8 415:6, 25 416:4,6,24 417:11 418:4, 11,17,20 419:2,6,11,14 421:4 424:16, 19,21,24 425:1,19,24 426:2 427:16 429:23 430:1, 3,5,7,9,13,24 431:3,6,13,22 432:7,19,23 434:2,5</p>	<p>435:19,24 436:1 447:15, 18,20 451:25 452:3,5,10 456:24 457:2, 4,9,13,18,21</p> <p><b>challenge</b> 328:9 350:6 386:18 405:1</p> <p><b>challenges</b> 456:19</p> <p><b>chance</b> 306:20</p> <p><b>change</b> 346:1 347:22 368:21 406:11 414:7 433:8 441:4 444:18,24 445:12,13</p> <p><b>changed</b> 368:20 445:23</p> <p><b>changes</b> 368:16 380:3</p> <p><b>changing</b> 389:10,12 422:4</p> <p><b>characteristic</b> s 352:12</p>	<p><b>characterized</b> 321:5</p> <p><b>characterizin</b> g 347:19</p> <p><b>charge</b> 384:25</p> <p><b>charged</b> 361:3</p> <p><b>cheapest</b> 404:10 441:9</p> <p><b>check</b> 311:11, 12</p> <p><b>checked</b> 311:13</p> <p><b>Cheniere</b> 352:14</p> <p><b>chief</b> 318:21</p> <p><b>choice</b> 346:19 363:8, 16 364:10 366:4</p> <p><b>choices</b> 423:3</p> <p><b>choosing</b> 325:20</p>	<p><b>circles</b> 321:20</p> <p><b>circumstance</b> 407:1 446:10</p> <p><b>circumstance</b> s 363:19 376:23 377:24 436:17 446:16</p> <p><b>citing</b> 393:17</p> <p><b>city</b> 318:10 328:3 332:15 356:3 357:21 359:10 382:11 390:1 423:13 454:23</p> <p><b>claim</b> 448:18</p> <p><b>claimed</b> 422:11 428:4, 18 429:2</p> <p><b>claims</b> 452:24</p> <p><b>clarification</b> 306:9 325:7 329:6 387:9</p> <p><b>clarify</b> 321:10 337:25 340:21</p>
--	---	--	--	---

441:16	<b>client</b> 330:14 337:8 439:14	12 454:11	439:5 444:12 445:8	339:5 340:8, 11 356:15,16, 17,18 366:18, 20,21,22 378:11,12,13, 14 416:1,3,4, 5 424:24,25 425:1,2,4,17 430:5,6,7,8 435:22,23,24, 25 446:11 447:15,17,18, 19 452:1,2,3, 4 456:25 457:2,3
<b>Clark</b> 316:19, 20 330:11 337:18,19,21 339:5 340:8, 11 356:15,16 362:11 366:21,22 375:6,8 377:13,14 378:6,13,14 416:1,3 424:22,23,24, 25 430:3,4,5, 6 435:22,23 447:15,17 452:3,4 456:25	<b>clock</b> 374:24	<b>coldest</b> 395:9	<b>comment</b> 384:21 393:12	
<b>clauses</b> 409:23	<b>close</b> 303:8 394:18 438:20 450:14 457:11	<b>colleagues</b> 435:21	<b>comments</b> 435:21,25 457:11	
<b>Clay</b> 309:5,14	<b>closer</b> 313:15	<b>collectively</b> 320:12	<b>commercial</b> 318:22,23,25 322:16	<b>commissioners</b> 369:16
<b>clear</b> 321:11 332:16 360:21 361:14 370:15,20 376:17 387:8 439:1 441:18	<b>closing</b> 329:12 363:15 430:16 431:9, 11,25 432:12 433:22,25 435:20,22 447:4 451:23 452:8	<b>Colorado</b> 305:2 306:11	<b>commercially</b> 323:23	<b>commoditized</b> 446:14
<b>clearly</b> 346:18 374:7 382:16 399:13 421:25 422:25 448:7	<b>Coast</b> 313:25 314:1 321:17 352:15	<b>come</b> 303:11 339:17 373:17 375:1 388:17 390:2 393:23 398:5 404:25 407:12,23 442:11,14 443:3,7 444:19 449:7 455:8	<b>commission</b> 300:4 321:6 368:13 370:5 371:16 374:6, 13 379:25 385:15 421:12 424:9, 15 429:13,22 430:17,22 431:1 432:5 433:6 434:15, 17 435:3 446:6 452:12	<b>commodity</b> 313:2
	<b>cocounsel</b> 453:6	<b>comes</b> 303:1 304:3 311:11 316:14 357:21 409:2 411:19	<b>commissioner</b> 316:18,20, 21,22 317:3 334:12,14 335:2 336:1, 3,10 337:16, 18,19,21	<b>common</b> 372:20
	<b>code</b> 370:4,8 371:5	<b>comfortable</b> 310:22		<b>communicate</b> 432:5,20
	<b>cold</b> 308:2 341:6,9,10 356:21 357:18,20 370:22 395:8,	<b>coming</b> 307:3 341:21 352:13 357:13 372:8		<b>communicated</b> 443:12
				<b>communication</b> 406:3
				<b>communications</b> 405:7



<p><b>communities</b> 433:5,13 435:5,12,16</p> <p><b>companies</b> 310:2 313:25 314:24 346:9 383:22 410:14 448:13</p> <p><b>company</b> 302:18,19,23 303:1 305:2 309:1,13 311:15,20 312:16 313:9, 14,18 315:11, 16 316:6,7,14 331:10,20,24 332:1,17,23 333:3,17,21, 25 368:8,10 371:21 372:8 373:9,11,15, 24 375:11,15 377:23 381:7, 13,16 382:10, 22 384:8,9 386:10 394:11 397:18,23 398:7 399:2, 7,19 400:3,9 401:3,11,23 402:8 403:19, 20,22,25 404:14,16,21 405:7 406:25 410:25 411:7 412:25</p>	<p>413:17,19 415:12,13,15 417:19 421:16 422:8, 10,21 423:6, 8,18 424:2 428:7,13 429:5 434:23 436:17,20 437:25 438:13 439:22 440:21 441:8, 20,25 442:1, 3,18 443:8,12 444:3,4,8 445:6,11,15 446:7,22 447:2 448:5 449:2,4 450:1 451:13 452:15,21,23 453:2,14 454:22 455:21</p> <p><b>company's</b> 301:10 311:6 313:15 369:19 370:19,21 374:4 381:22 383:17 386:9, 16 416:9,10 421:13,24 422:4 424:10 427:24 429:2 434:22 437:12 444:15 447:7, 9,25 449:5,14 452:12 455:8</p>	<p><b>comparable</b> 321:12 450:22,23</p> <p><b>compare</b> 323:21 345:10 446:19 451:6, 8,21,22</p> <p><b>compared</b> 322:10 323:20 365:17 435:15</p> <p><b>compares</b> 323:15</p> <p><b>comparison</b> 321:8,9 338:5 346:23 353:24 373:6 383:25</p> <p><b>comparisons</b> 321:11</p> <p><b>compelling</b> 398:3</p> <p><b>compete</b> 451:21</p> <p><b>competitive</b> 313:2 449:7</p> <p><b>complain</b></p>	<p>400:14</p> <p><b>complained</b> 400:17</p> <p><b>complete</b> 372:14</p> <p><b>completely</b> 440:17</p> <p><b>complex</b> 347:2</p> <p><b>complexity</b> 345:17,24</p> <p><b>compliance</b> 374:25 426:23</p> <p><b>complying</b> 350:7</p> <p><b>comport</b> 405:4</p> <p><b>comprehensi ve</b> 443:9</p> <p><b>compression</b> 324:12 325:23 338:20</p> <p><b>con</b> 315:5</p>	<p><b>concept</b> 340:23</p> <p><b>concern</b> 369:24 375:19 384:9 407:9 445:10</p> <p><b>concerns</b> 320:20 322:6 323:13,14,18 351:15 417:13,16 428:5 439:4</p> <p><b>conclude</b> 447:14</p> <p><b>concluded</b> 321:7 387:22 428:1 457:24</p> <p><b>concludes</b> 362:4 374:10 424:12 429:20 451:23</p> <p><b>conclusion</b> 347:23 377:18 381:17 396:25 401:1, 5 441:9</p> <p><b>conclusions</b> 351:7 377:4 378:3 381:22 386:19</p>
--	---	--	---	---

387:13 393:16 396:24,25	<b>conjunction</b> 379:14	320:23 331:14,20 349:18 371:6 375:11 392:12 403:19 406:25 439:22 442:20,24	391:5,11 423:5 424:5 449:10	351:16
<b>concur</b> 412:18	<b>connect</b> 408:20 444:15		<b>consultant</b> 343:3 368:3 379:14	<b>contested</b> 437:20 438:24
<b>conditions</b> 337:3,9 370:22,23 395:8	<b>connected</b> 308:20 454:23	<b>considering</b> 428:7 429:4	<b>consultants</b> 324:16	<b>context</b> 425:5 438:11
<b>conducted</b> 311:21 375:10	<b>connection</b> 420:3,6 426:25 452:22 456:3	<b>constraint</b> 361:22	<b>consulting</b> 318:19	<b>contingency</b> 350:22
<b>conf</b> 302:24	<b>connections</b> 453:14	<b>constraints</b> 362:1	<b>Consumer</b> 300:9 302:4 330:5 419:8,9 420:2 421:11 426:13 452:11	<b>continue</b> 300:8 363:17 450:8
<b>conference</b> 300:25 307:23 422:14 435:11,14	<b>consequence</b> 432:17	<b>construct</b> 300:7 324:8, 17 325:15,22 369:18 421:14 424:11 429:11 452:13	<b>consumption</b> 361:21	<b>continued</b> 347:21 373:16
<b>confess</b> 434:10	<b>consider</b> 352:7 371:16 384:13 395:5 404:14 430:17 433:14 434:16 437:14 443:18 447:6	<b>constructed</b> 324:4 352:9	<b>contacting</b> 401:13	<b>continues</b> 414:21
<b>confident</b> 377:17		<b>constructing</b> 423:23 456:7	<b>contain</b> 409:23	<b>continuously</b> 396:4
<b>confidential</b> 302:25 303:7 325:3 334:16 340:21 380:17	<b>consideration</b> 349:20 370:7 407:22 430:19 433:9 436:7,9	<b>construction</b> 324:10 325:13,19 344:1,15 346:3,9 353:1	<b>contained</b> 368:24 380:7	<b>contract</b> 315:3,4,5,7, 11 318:25 340:16 436:25 439:23 440:10,11 444:17,21
<b>confront</b> 320:20	<b>considered</b>		<b>contemplate</b> 340:15	<b>contracted</b> 327:12,15 343:3

<p><b>contracts</b> 311:7 314:19 334:15 341:3 409:14,23 423:14 438:1 450:4</p> <p><b>contractual</b> 409:3</p> <p><b>contrast</b> 345:10</p> <p><b>control</b> 327:3, 13,14 328:8, 13 331:25 332:1,4,17,23 333:1,2,8 372:14,18,21 375:19,25 376:12 415:15 416:9, 11 439:24</p> <p><b>controlled</b> 327:2 407:16 410:25 449:4</p> <p><b>convinced</b> 372:13</p> <p><b>copy</b> 301:2</p> <p><b>corporate</b> 423:2</p> <p><b>correct</b> 301:14,15</p>	<p>303:16,17 304:18,21 305:25 306:18,19 332:3,7,24 333:1,4 334:1 338:7,11 349:6,24 350:1 368:10 389:13 393:16,18,22, 24 394:12 408:18 411:1 412:17 427:6</p> <p><b>corrections</b> 319:21 345:1 360:5 368:16, 18,23 380:3</p> <p><b>correctly</b> 336:12 395:15 396:8</p> <p><b>corridor</b> 334:23</p> <p><b>cost</b> 303:24 315:14 321:4 322:9,15 329:15,21 360:25 361:10,11 370:11,15,17 371:13,23 372:7,9,10 373:11 382:19 384:7, 19 385:1,2 387:6 389:8,</p>	<p>22 390:2,4 391:14,18 392:15 393:23 394:4 397:14 404:10,11 412:16,17,20 421:18 435:15 440:13,20 441:9 445:2 446:19 449:13,16,19 450:16,18 452:17,18</p> <p><b>costly</b> 428:12</p> <p><b>costs</b> 322:16 344:6,16 345:16,24 347:3 361:13 384:17 389:20 390:10,15 391:6,7,11 394:2 416:21 435:11 440:22,25 441:3,4 448:2</p> <p><b>counsel</b> 300:18 305:18 311:3 314:18 432:24 433:15</p> <p><b>counsel's</b> 432:25</p>	<p><b>count</b> 455:12</p> <p><b>country</b> 371:12</p> <p><b>couple</b> 307:18 325:6 348:25 377:2 386:1 405:25 406:23 407:7 434:8</p> <p><b>course</b> 355:21 368:5 373:10 375:9 379:22 386:21 399:6 415:23</p> <p><b>COURT</b> 317:10 345:18,21</p> <p><b>cover</b> 396:18 407:7</p> <p><b>covered</b> 431:18</p> <p><b>create</b> 368:12 379:24 393:20</p> <p><b>Creek</b> 306:6</p> <p><b>criteria</b> 382:20 384:14,16</p>	<p>395:9,12 396:3 398:10, 12 400:6,12, 14,15 404:11, 24 412:21 414:16 417:15,22 418:6 454:16, 17</p> <p><b>critical</b> 335:21 347:16 449:3</p> <p><b>cross</b> 303:22 348:3 385:14 415:5 444:1</p> <p><b>cross- examination</b> 329:24 331:2, 6 349:1 362:17 374:13,24 375:4,7 385:23 424:14 429:22 430:21 431:17,18</p> <p><b>cross- subsidization</b> 361:3</p> <p><b>cubic</b> 346:12, 14 354:3 363:5</p> <p><b>cured</b> 453:4</p>
---	---	---	---	---

<p><b>curious</b> 334:14</p> <p><b>current</b> 340:14 372:10,11 387:24 388:3 389:3 393:15 422:3 428:20 429:11 455:25</p> <p><b>currently</b> 325:12 340:23 361:23 383:11 439:10</p> <p><b>curtail</b> 363:9, 11</p> <p><b>curtailment</b> 361:6</p> <p><b>curve</b> 396:14</p> <p><b>customer</b> 328:20 347:17 363:2, 11,15,18,22, 25 364:12,13, 24 365:2,3,24 366:2 371:13, 16 395:7 438:2 439:24, 25</p> <p><b>customers</b></p>	<p>329:14 333:11 347:8 360:22,24 361:3,12,16, 18,20 366:4 370:11 372:12 377:15,24 378:1,5 397:3 411:7 416:18 421:18 452:18</p> <p><b>customers'</b> 361:5 384:10</p> <p><b>cut</b> 363:14 364:11,13 365:9,21</p> <p><b>cutoff</b> 365:18</p> <p><b>cuts</b> 370:22 422:15</p> <p><b>cutting</b> 364:24</p> <p><b>CV</b> 344:21</p> <p><b>cycle</b> 422:15</p> <p><b>cycles</b> 310:15 327:16 396:7</p> <p><b>cynicism</b> 378:1</p>	<p style="text-align: center;"><b>D</b></p> <p><b>dab</b> 388:5</p> <p><b>daily</b> 372:15, 19</p> <p><b>Dallas</b> 352:23</p> <p><b>data</b> 302:13, 14 312:3,4 316:5 324:23 372:22 375:20 388:19</p> <p><b>dated</b> 347:10</p> <p><b>David</b> 342:11, 17,24</p> <p><b>day</b> 300:4 301:11,14,20 308:3,24 309:4,8,12 310:10,12,13, 17 313:5 338:17 339:22 345:14 346:7, 20 347:9,18 363:5 381:20 383:4,13,19 386:11 394:18 395:8 400:2,3 402:4 410:12 414:7 416:17 417:4,</p>	<p>6 423:24 428:25 442:5 450:1,5 451:2 454:14,16,18 456:8,14</p> <p><b>day-to-day</b> 322:21</p> <p><b>Daymark</b> 369:20,22 379:15</p> <p><b>days</b> 321:23 338:19 339:21,23 371:21 381:15,20 383:4,14,19 386:11 400:6, 10,13,15,20 402:5 405:11 450:25 454:4</p> <p><b>DE</b> 347:24</p> <p><b>de-risking</b> 324:5</p> <p><b>deal</b> 341:25 354:1 364:23 441:12 442:7</p> <p><b>dealing</b> 434:12 446:13,14</p> <p><b>deals</b> 439:1</p>	<p><b>debate</b> 381:11</p> <p><b>decatherm</b> 372:9,11</p> <p><b>decatherms</b> 339:22 381:16,20,21 383:3,4,13, 15,19 386:10, 12 402:4,5 450:2 451:2</p> <p><b>decent</b> 390:13</p> <p><b>decide</b> 321:3 431:21</p> <p><b>decimal</b> 354:25</p> <p><b>decision</b> 300:6 370:4 373:22 376:24 405:17 421:13 434:18 437:12 443:13 446:6 452:13</p> <p><b>decisions</b> 322:16 343:25 401:9 422:9 443:20</p>
---	---	---	---	---

<b>deck</b> 307:23, 24	326:21 336:13,24	304:13 326:1 327:11 335:16 361:21 370:10 389:12 392:14 393:21 444:24,25	<b>demonstratin</b> <b>g</b> 351:14 421:17 452:16	347:9
<b>decrease</b> 391:10	<b>degree</b> 318:9 343:9 359:17 426:19,21 434:15		<b>denominated</b> 302:11	<b>description</b> 318:6,13 382:23 449:22
<b>dedicated</b> 411:6 438:3 440:8,9,10	<b>delay</b> 445:13	<b>demand</b> 308:2 309:6 313:15 331:16 335:25 377:22 388:5 394:19 395:7 423:25 428:17,19,22 445:22 456:9	<b>densely</b> 424:4	<b>descriptions</b> 429:7
<b>deems</b> 443:21	<b>deliberately</b> 442:13		<b>deny</b> 421:12, 21 424:10 432:9 452:12	<b>design</b> 301:11 308:2, 24 309:4,8,12 313:5 322:23 324:8,25 327:6 329:9 338:16,19 343:25 344:13 395:8 396:2,5 400:5 423:24 428:25 450:1 454:14,16,18 456:8,14
<b>deep</b> 446:23 447:1	<b>deliver</b> 312:14 313:13 322:8 332:14 340:16 386:22,24 387:1	<b>demands</b> 320:17 322:9, 22 346:20	<b>department</b> 372:19	
<b>defense</b> 381:9			<b>depends</b> 390:12	
<b>deficiency</b> 422:23	<b>deliverability</b> 321:17 322:20 323:10 329:16 339:22 454:3	<b>demonstrate</b> 381:13 397:13 412:14,16 437:11 456:17	<b>DEQ</b> 305:1	
<b>define</b> 374:8 383:8 416:14 425:13			<b>DEQP</b> 304:24 305:1 312:10, 12,15,18 328:18	<b>designed</b> 323:17 343:5
<b>defined</b> 422:10,25 423:18 425:8 452:23	<b>delivered</b> 305:9 326:10, 25 335:13 338:18 353:16 361:6 363:3	<b>demonstrated</b> 373:24 429:16 441:8	<b>DEQP'S</b> 328:19	<b>desire</b> 432:10
<b>definition</b> 326:6 328:12 384:24	<b>delivers</b> 312:12 388:7	<b>demonstrates</b> 456:20	<b>derailed</b> 424:6	<b>detail</b> 322:1 445:24
<b>definitive</b> 323:5 325:4	<b>delivery</b>		<b>describe</b> 343:8 359:15	<b>detailed</b> 322:17 339:8 350:25 406:3 421:23
			<b>described</b>	<b>details</b>

<p>315:16 335:10,11 340:22</p> <p><b>determination</b> 326:20 376:13</p> <p><b>determine</b> 334:17 350:5 370:5 371:23 387:4 414:17 434:19 435:8 437:15</p> <p><b>determined</b> 321:4 399:9 428:12 434:17 435:4 436:22</p> <p><b>determining</b> 326:18 361:9</p> <p><b>DEU</b> 307:22 312:18,20 320:15,23 322:6,19,24 323:8,11,12 324:23 325:4 326:8,21,23, 24 327:1,3,4, 9,12,13,14 328:7,14,17, 25 329:4,13, 14 331:13 332:20 339:7, 16,17,25 340:5,14 345:9 347:8,</p>	<p>19,21,24,25 360:21 361:6 368:20 381:6 392:5 428:1 429:4,7,9</p> <p><b>DEU'S</b> 323:6, 14 326:19 328:7,12 329:1,18 347:6 360:20 361:14</p> <p><b>DEU-OWNED</b> 326:25</p> <p><b>develop</b> 324:6 329:15</p> <p><b>developed</b> 321:14 323:23 344:10</p> <p><b>development</b> 318:5,24 319:6 320:12 344:18 346:2 355:21</p> <p><b>Diego</b> 343:9</p> <p><b>difference</b> 345:15 384:17,19 389:22 394:4 407:25 434:6 441:5</p>	<p><b>differences</b> 345:23 349:9, 17 356:25 357:2 408:3</p> <p><b>different</b> 303:9,11 304:3,5 338:15,19 365:14 382:24 383:17,22 397:24 398:2 408:1 410:7 417:5 418:8 440:18,24 444:10,11,13, 25 448:25 453:3,11,13 455:25 456:5</p> <p><b>differently</b> 418:13</p> <p><b>difficult</b> 417:7</p> <p><b>diligence</b> 445:4</p> <p><b>dipping</b> 447:1</p> <p><b>DIR</b> 380:15</p> <p><b>direct</b> 302:8, 9,12 312:2 316:3 317:21 319:13 322:1 323:19 327:3 328:6,7</p>	<p>339:14 340:5 342:20 351:6, 13 359:3 360:18,23 362:7 367:23 368:13,24 369:3,4,22 377:12,13 379:7,25 380:7,12,14 394:14,25 396:20 419:18 420:9 426:6 427:4 448:19</p> <p><b>directed</b> 377:25</p> <p><b>direction</b> 304:20 376:4, 19</p> <p><b>directly</b> 326:25</p> <p><b>director</b> 376:5</p> <p><b>disagree</b> 386:2 437:5</p> <p><b>disagreement</b> 386:5 397:11</p> <p><b>disaster</b> 438:6</p> <p><b>disclose</b></p>	<p>446:25 447:2</p> <p><b>discovered</b> 382:2 423:9</p> <p><b>discovery</b> 302:3</p> <p><b>discretion</b> 434:15</p> <p><b>discuss</b> 325:11</p> <p><b>discussed</b> 305:13,20 317:5 321:25 335:17 339:17 364:5 366:6 405:10 445:24 446:4 447:7 448:7</p> <p><b>discussing</b> 377:21</p> <p><b>discussion</b> 314:18 350:24 386:21 405:25 433:4, 24 441:14 443:23</p> <p><b>discussions</b> 300:18 323:8 332:19 333:15,16,20,</p>
---	--	--	---	---

24 338:12 339:6,16 340:19,22 406:4 444:7 446:3	392:14 453:18	319:12 320:25 322:2 336:8 340:7 344:23 345:10 347:19 359:23 360:19 361:23 363:22,23 364:6 368:7, 14 369:17 373:21 375:10 379:23 380:1 410:4 422:14 429:15 433:15	<b>documents</b> 402:20	300:5,18,21 301:1 305:2 316:12 331:3 336:16 343:6 347:13 348:24 362:12 363:1, 3,14,17 364:1,2,13,21 368:11 369:17 370:12,15 371:3 372:15, 16,17,24,25 373:14 374:2, 7,24 375:5 376:6,23 385:21 416:8 428:1 442:5 454:12,15,17
<b>dispatch</b> 396:5	<b>diverse</b> 453:15		<b>dodge</b> 317:6, 7,22 319:24 320:5,6 329:23 334:10,11 342:9,10,21 348:2,6,8,13 356:12,13 358:4,13 362:8,10 374:17,19 398:18 432:2, 15	
<b>displacement</b> 382:12,18	<b>diversified</b> 307:9		<b>dodging</b> 398:16	
<b>dispute</b> 386:8 388:21 404:20,21,22	<b>diversity</b> 307:6,11 455:16,19	<b>dockets</b> 405:3 436:10	<b>dollar</b> 344:18	<b>Dominion's</b> 305:20 431:8
<b>disruption</b> 307:8 439:19	<b>divide</b> 354:18,20	<b>document</b> 303:25 307:25 319:14 323:14 391:2 400:9 407:18 421:24 428:3 453:9 455:13	<b>dollars</b> 322:10 391:9, 11 433:12 449:21	<b>done</b> 331:10 336:20 350:5 351:21 352:7, 17 353:4 383:17 388:14 392:20,21 393:15 396:16 436:21 441:16 443:21 446:7 454:15
<b>disruptions</b> 362:4	<b>division</b> 330:7 359:19 367:11 368:3, 6 369:20,23 371:15 372:13 375:21 378:20,21 379:23 381:2 418:24 419:1 425:6 451:14	<b>documentation</b> 351:7 404:23	<b>domal</b> 321:16	
<b>distance</b> 313:21 327:24,25 328:2	<b>division's</b> 369:25 423:17 447:23 451:10	<b>documented</b> 401:18,20 415:22 422:11 452:24	<b>dome</b> 321:15 344:10,12 345:11 346:5, 24	
<b>distant</b> 313:8			<b>dominated</b> 441:13	
<b>distinction</b> 328:10	<b>divulging</b> 334:16		<b>Dominion</b>	<b>Dorchester</b> 418:13
<b>distribution</b> 327:1 328:7 371:1 372:16 373:13 387:5 388:15,18 389:11,19	<b>docket</b> 300:5			

<b>double</b> 439:8	<b>Drive</b> 318:1 342:25	414:22 448:9	377:16 385:7, 9 426:20 435:16	<b>elaborate</b> 341:18
<b>double-check</b> 394:8	<b>driver</b> 341:23 391:5	<b>each</b> 312:12 381:4 399:21 401:14 440:22	<b>educational</b> 318:7 343:8 359:15	<b>elect</b> 441:25
<b>doubt</b> 391:18 401:16 402:19	<b>drop</b> 391:4	<b>Eagle</b> 455:3 456:3	<b>effect</b> 315:8	<b>elected</b> 442:1
<b>Douglas</b> 367:12,20 368:2	<b>dry</b> 342:2 357:13	<b>earlier</b> 410:13	<b>effective</b> 329:15 371:23 422:19	<b>electric</b> 319:11
<b>down</b> 308:13 333:15,25 334:22 403:6 439:8 444:6	<b>due</b> 324:23 370:22 372:4 428:4 445:4	<b>early</b> 373:11 448:25	<b>effectuate</b> 322:7 327:11 335:20	<b>else's</b> 394:3
<b>downstream</b> 326:1,10	<b>dug</b> 446:23	<b>earnings</b> 423:2	<b>efforts</b> 302:4	<b>elsewhere</b> 352:15
<b>downtown</b> 390:5	<b>duly</b> 300:14 317:19 342:18 359:1 367:21 379:5 419:16 426:4	<b>earthquakes</b> 371:1 440:2	<b>eight</b> 339:23 381:20 383:4, 13,19 386:11 400:1,3,6,10, 13,20 402:4 451:1 454:3	<b>emergency</b> 376:10
<b>dozen</b> 303:13	<b>duration</b> 315:3 370:23 396:14	<b>easily</b> 324:14 456:1	<b>employed</b> 318:2 343:1 359:11,12 419:24 420:1	<b>emphasis</b> 438:22
<b>DPU</b> 361:2,8 375:24 376:8	<b>during</b> 310:13 312:13 344:4 347:16 361:22 362:1, 4 363:4 372:1 432:2	<b>East</b> 313:25 318:1	<b>employees</b> 324:15 372:18,20,24	<b>employment</b> 368:5 420:3
<b>dramatic</b> 391:4		<b>easy</b> 442:16 450:24	<b>either</b> 326:14 341:6 347:23 364:11 366:24 368:17 378:16 384:21 417:25 438:19 447:21 452:5 457:4	<b>Enabled</b> 319:3
<b>drawing</b> 396:13	<hr/> <b>E</b> <hr/>	<b>economic</b> 322:3		
<b>drilling</b> 414:12	<b>e-mails</b>	<b>economical</b> 322:3		
		<b>economics</b>		



<b>encroachment</b> 355:22 356:5	334:2 444:6	<b>entirely</b> 450:12	<b>essence</b> 385:11	<b>evaluation</b> 337:24 343:25 347:11 382:19 423:12 443:8
<b>end</b> 416:17 432:10	<b>England</b> 384:11 394:17 418:14	<b>entities</b> 376:15	<b>essentially</b> 393:20 439:9 443:17 448:5 449:8	<b>even</b> 308:2 310:12 311:14,16 313:8 333:16 357:8 364:24 371:25 379:21 385:6 392:23,25 394:17 433:14 446:1 449:15 453:16 455:15,18
<b>endeavors</b> 336:5	<b>enjoys</b> 371:11	<b>entitled</b> 347:10	<b>establish</b> 370:20	<b>event</b> 308:24 314:16 340:15 361:5 438:5
<b>energy</b> 300:5 305:2 318:4, 18,20 319:4, 10 320:11 324:9 330:1 343:4 347:13 348:15 358:15 359:12,21 363:3,14 368:11 369:17,20 370:13,15 371:4,9 372:15,16,17, 24,25 373:15 374:2,7 375:5 376:6,24 379:15 421:15 428:1 442:5 452:15	<b>enormous</b> 354:4	<b>entity</b> 403:19 445:4 449:7	<b>estimate</b> 302:21 303:18 391:10	<b>events</b> 396:3 409:5,20 410:2
<b>engineering</b> 324:20 336:11 337:11,14 351:6,7 359:17 376:5 445:1 451:11	<b>enough</b> 330:16 341:9, 10 349:22 381:11 382:20 417:2, 20 433:14	<b>environment</b> 357:18	<b>estimated</b> 346:14	<b>every</b> 322:10 399:18 402:9 410:12 412:23 414:7 417:4,6 418:2 442:2,5,20,23 443:10 444:18,23 446:24
<b>engineers</b>	<b>ensure</b> 455:11	<b>environmets</b> 357:20	<b>estimates</b> 372:8	
	<b>ensures</b> 347:16	<b>equal</b> 451:21	<b>evaluate</b> 336:16 369:19 373:9 384:16 417:15 423:21 425:14	
	<b>enter</b> 314:19, 25 369:3 380:12	<b>equally</b> 355:4 390:4	<b>evaluated</b> 377:23 422:20 423:10 424:2 428:11	
	<b>entered</b> 311:6 348:5	<b>equipment</b> 324:11,12,14 341:25 357:15 381:18 453:1	<b>evaluating</b> 451:18	
	<b>entertain</b> 340:19	<b>equitable</b> 389:16		
	<b>entire</b> 353:22	<b>equity</b> 322:25		
		<b>especially</b> 371:2		

<b>everybody</b> 389:21 441:23 448:6	407:18 416:13	<b>excluded</b> 361:13	364:25	<b>expect</b> 308:3 363:1 364:21 387:1 403:25 407:6
<b>everybody's</b> 308:6 380:25 414:12	<b>examination</b> 300:15 316:1 317:21 342:20 359:3 362:7 367:23 379:7 413:12 419:18 426:6	<b>exclusions</b> 440:11 444:21	<b>exhibit</b> 301:1 302:11 303:21,22 304:16 305:12,19,20 307:22 311:25 312:1 316:4 319:14, 15 344:24 381:25 390:20 392:5, 21,22 450:3	<b>expected</b> 363:4 381:7 383:21
<b>Everyone</b> 437:22		<b>exclusively</b> 401:4		<b>expecting</b> 433:17
<b>everything</b> 412:1 447:3,9	<b>example</b> 337:7 338:17 339:14 350:12 352:11,21 357:19 405:8 423:15 448:8 450:10,24 451:5	<b>excuse</b> 312:2 317:3 337:3 345:18 368:13 395:21 415:5, 7	<b>exhibits</b> 302:8 319:14, 25 320:25 351:3 369:5,6 380:13,16 397:21 420:6, 10,17,23 421:1	<b>expeditious</b> 321:24
<b>evidence</b> 303:23 401:23,25 402:8,12,19 403:10,12 404:20 421:3 422:3,12 423:9 429:10, 14 437:6 453:21 454:10 455:22 456:16	<b>Examples</b> 329:7 423:11	<b>excused</b> 317:1,4 358:5,8 367:4		<b>expenditure</b> 371:8
<b>evolve</b> 347:21	<b>exceeded</b> 385:2	<b>executed</b> 325:5 336:13	<b>exist</b> 324:22	<b>expense</b> 390:16
<b>evolved</b> 347:6	<b>exceeds</b> 321:20 361:5	<b>execution</b> 323:5	<b>existence</b> 434:25	<b>expensive</b> 372:3,6 390:5,14 423:5
<b>exact</b> 329:8,9, 11 335:22	<b>excellent</b> 339:13	<b>executive</b> 318:3	<b>existing</b> 326:14,15 344:7 362:2 428:10	<b>experience</b> 313:1 318:14 324:16 336:3, 20 337:15 343:14 344:20 346:2, 4 353:6 407:14 417:14
<b>exactly</b> 328:24 404:1	<b>Except</b> 409:11	<b>executives</b> 376:23	<b>exists</b> 311:16	<b>experienced</b> 395:10,12
	<b>excess</b> 394:21	<b>exempt</b> 409:25	<b>expanded</b> 456:1	
		<b>exhausting</b>		

<b>experiencing</b> 439:10	436:23 437:2 439:22	328:23 329:2 335:21 341:13 342:2, 4 350:25 352:12 357:20 425:11	428:10 451:15 453:15 455:2, 20,24	23 388:4,7,24 393:1,2,7,8 394:4,19,21 397:1 398:3, 21 400:6,13, 21 405:12 408:1,5,12,15 412:8 414:18 417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>expert</b> 356:2 407:2 436:13	<b>express</b> 378:1		<b>facility</b> 300:7 301:18,19,21 302:23 325:25 328:5 329:17 332:2, 5,18,23 335:19 337:7, 24 338:15 339:3 341:7 344:11,19 346:22 347:7, 9,11,16,20,22 348:1 349:11, 12,22,25 350:6,10 352:22,23,24, 25 353:16,23 354:9 355:8, 12 357:11 360:20,22 361:13 363:6, 17 364:11,25 365:16,17 369:19 370:13,16,17 371:7,13,17, 21,25 372:6, 9,14,23 373:3,12,18, 23,25 374:1 375:19,25 376:13 381:24 382:16,23 383:1 384:2, 22,25 385:3,7 386:9 387:15,	397:1 398:3, 21 400:6,13, 21 405:12 408:1,5,12,15 412:8 414:18 417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>expertise</b> 324:17 443:16	<b>expressed</b> 416:8	<b>eye</b> 441:19		417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>experts</b> 436:22	<b>extend</b> 323:3 326:11	<b>F</b>		417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>explain</b> 312:11 325:10 326:7 329:21 338:4	<b>extended</b> 395:8	<b>fabulous</b> 386:25		417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>explained</b> 326:11 361:17 414:5	<b>extending</b> 306:16 326:19 392:13	<b>face</b> 345:25		417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>explains</b> 327:21 345:15,23 346:23	<b>extensive</b> 333:16 397:18,21,24 442:20 447:5 455:23	<b>face-to-face</b> 406:4		417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>explore</b> 332:20	<b>extent</b> 306:21 361:11 440:10,11	<b>facilities</b> 321:21 322:19,24 324:18 325:14,16 326:4 343:24 344:2,3,6,8, 15 345:17,25 346:4,11,24 349:8,17,19 350:14,21 351:22 352:4, 7,8,10,11,20 353:2,9,19 355:3 357:22 361:15 385:5 389:3 392:23 395:20 396:3		417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>explored</b> 390:15 422:21	<b>extra</b> 315:15			417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>export</b> 352:11	<b>extreme</b> 355:4			417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18
<b>exposed</b>	<b>extremely</b> 327:25			417:10 421:14,17,22, 25 422:1,5,7, 9 423:5,15,23 424:11 428:4, 7,8,14,16 429:2,4,12, 13,18 433:12 435:2 437:12, 21 439:2 444:13 445:9 447:13 448:11 449:23 450:6, 13 451:4,10, 12 452:14,17, 22 453:4 454:2 456:7, 11,18

<p><b>factor</b> 326:18 423:1 434:19 437:18 440:12,20</p> <p><b>factors</b> 415:15 434:17 437:14,15,18 438:18 442:19 443:10,11,20 447:12 449:16</p> <p><b>fail</b> 422:2</p> <p><b>failed</b> 308:21 370:13 375:15 377:25 409:15 456:16</p> <p><b>failing</b> 408:6</p> <p><b>fails</b> 363:3 384:4</p> <p><b>failure</b> 361:20 370:20 450:9</p> <p><b>failures</b> 371:3 417:23 453:1</p> <p><b>fair</b> 306:24 341:8 349:22 373:5 389:16</p>	<p>415:16,17 445:10</p> <p><b>fairly</b> 360:14 390:2 443:24</p> <p><b>faith</b> 414:1,4</p> <p><b>falling</b> 391:6</p> <p><b>familiar</b> 344:5,13 352:1 353:11 390:21 400:22 416:7, 11,21</p> <p><b>familiarized</b> 350:2</p> <p><b>far</b> 306:14 321:20 331:11 335:6 347:24 406:3 408:16 409:20 420:21 440:18 441:24 451:10</p> <p><b>Fault</b> 328:3</p> <p><b>Faust</b> 381:9 384:8 402:20 405:24 416:17 448:9</p> <p><b>Faust's</b></p>	<p>310:20 311:5 375:10 397:21 399:16 401:19 413:1 414:20 416:7 444:2</p> <p><b>favor</b> 423:3 447:13</p> <p><b>favorable</b> 385:8</p> <p><b>favorably</b> 323:22</p> <p><b>February</b> 337:22 347:10</p> <p><b>federal</b> 374:25</p> <p><b>feed</b> 350:19</p> <p><b>feedback</b> 329:2 333:22</p> <p><b>feeder</b> 455:5</p> <p><b>feel</b> 432:19 433:19 436:8 456:16</p> <p><b>feels</b> 432:11 436:22</p>	<p><b>feet</b> 346:12, 14 354:3 363:5 392:19</p> <p><b>felt</b> 418:9</p> <p><b>FERC</b> 325:12 326:13,14,15, 16 349:5,7,8, 23 444:22</p> <p><b>FERC- REGULATED</b> 349:12</p> <p><b>few</b> 331:4 362:16 375:6 382:22 413:10 436:2 437:17 457:11</p> <p><b>field</b> 319:4 357:1,7,8,17 398:8 451:21</p> <p><b>fields</b> 304:3 455:13</p> <p><b>Fifth</b> 424:2</p> <p><b>figure</b> 336:17 388:17 440:4 445:4 447:10 454:1</p> <p><b>figuring</b> 407:24</p>	<p><b>file</b> 321:3 360:18 420:9, 12,16 427:4</p> <p><b>filed</b> 319:13 339:24 340:5 368:7,12 369:4 379:24 380:17 420:21 427:9, 14,21 444:22</p> <p><b>filing</b> 326:16 344:23 420:5</p> <p><b>filings</b> 429:8 440:21 443:14 447:7</p> <p><b>fill</b> 371:21,23 372:4</p> <p><b>filled</b> 372:1</p> <p><b>final</b> 326:20 406:23</p> <p><b>finalized</b> 325:1</p> <p><b>finally</b> 328:21 333:13 406:8 411:17 414:20 424:8</p> <p><b>financial</b> 417:20 426:23</p>
---	--	---	---	---

451:19	<b>firm</b> 310:3,4,5 318:19 335:24 337:11 384:9 395:7 397:3 416:18	<b>flexible</b> 428:13	<b>following</b> 323:5	<b>forum</b> 361:9 402:13
<b>financing</b> 335:18,19		<b>Florida</b> 353:1	<b>follows</b> 300:14 317:20 342:19 359:2 367:22 379:6 419:17 426:5	<b>forward</b> 336:24 432:8, 21 443:3
<b>find</b> 302:5 352:9 382:2 395:20 398:3 404:4 414:13 415:2 440:7 444:3	<b>first</b> 317:19 319:21 320:14 325:11 326:8 336:6 342:18 359:1 361:14 363:19 367:21 370:8 379:5 383:2 391:3 397:16 417:12 419:16 421:22 425:12 426:4 428:8 433:24 436:11 437:18 448:4	<b>flow</b> 304:20 327:14,23 450:5		<b>found</b> 344:20 381:21 412:16
<b>Finding</b> 422:7		<b>flowed</b> 302:23	<b>forbid</b> 394:19	<b>four</b> 303:20 310:15,16 359:21 381:3
<b>findings</b> 397:20		<b>fluid</b> 341:21	<b>force</b> 409:4, 20,23 416:13 439:25 444:20	<b>Fourth</b> 423:22
<b>finds</b> 374:6 415:15		<b>focus</b> 339:10 386:4 391:2 396:25 397:10 399:19 403:3 409:17 436:6 441:10 453:7	<b>foresee</b> 434:24	<b>frame</b> 335:13 432:16
<b>fine</b> 386:6 388:19 393:11 406:14 411:17 441:15 457:15	<b>five</b> 303:20 310:16 315:2 330:19,20,23 339:21 375:1 406:9 453:3 454:23	<b>focused</b> 318:19 339:12 343:13,20 414:15 427:1 453:19	<b>forget</b> 348:7 412:15 436:5	<b>frankly</b> 383:23 446:9
<b>fines</b> 340:15		<b>Focusing</b> 302:2	<b>forgot</b> 310:15 348:8	<b>free</b> 432:20 433:20 449:15,17
<b>finish</b> 352:18 387:25	<b>fixed</b> 396:6	<b>follow-up</b> 323:8 415:4 417:11	<b>form</b> 342:3 380:17	<b>Freeport</b> 352:14
<b>finite</b> 439:18	<b>flawed</b> 439:13		<b>former</b> 381:9	<b>freeze-off</b> 357:15,18 438:6 451:3
<b>fire</b> 440:3	<b>flexibility</b> 308:4 321:18 322:23 323:9 347:4 435:2	<b>followed</b> 392:11	<b>formerly</b> 319:3	<b>freeze-offs</b> 341:22,23
<b>fires</b> 440:2			<b>forms</b> 336:25	

<p>357:12,23 439:7 440:1</p> <p><b>frequencies</b> 422:18 453:24</p> <p><b>front</b> 301:2,6 302:14 303:25 305:15 339:10 351:12 384:19 388:6 393:3 401:3 451:8 454:8, 25 455:6</p> <p><b>fuel</b> 343:16</p> <p><b>full</b> 363:6 382:8 391:3</p> <p><b>fully</b> 389:20 428:2</p> <p><b>function</b> 328:5 387:6</p> <p><b>fundamentall y</b> 439:4</p> <p><b>further</b> 307:14 313:8, 16,17 315:20 316:16,24 322:17 326:10 329:5</p>	<p>334:7 337:17 347:12 358:3 366:10 367:2, 3 374:6,11 385:13 413:5 415:24 418:23,25 423:11 428:11 430:11,12,13 449:6 455:16 457:19</p> <p><b>future</b> 324:6 345:17,25 355:23,24 372:8 373:17 383:11 441:6</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gamut</b> 433:10</p> <p><b>gas</b> 300:18,21 301:10,20,23 302:2,5,18,22 303:1,11,25 304:3,9,14,24 305:1,2,4,7 306:4,25 307:3,5,8 308:6,11,14, 15 309:7,9,20 310:3,4,5,9, 14 311:4,7, 11,17,19,24 312:12,14,16, 17,18,20 313:2,3,13,</p>	<p>19,22,25 314:1,8,19,23 315:7,10 316:14 318:16,22 319:7,8,11 320:15,17,22 322:8 324:2, 3,6,12 325:22,25 326:10,25 327:1,2,3,4,7, 13 328:1,4,8, 19 329:11 332:14 335:22 338:22,24 343:13 344:14 345:11,12,13 346:5,10,13, 18 347:11 352:13 354:2, 3,8 357:13 364:9,11 365:16 369:18 371:10,12 372:2,6,7,8, 18,20 375:25 376:11,12 381:9 382:13 383:7 386:22, 23,24 387:1 390:22 405:15,22 407:3,16 408:16 409:14 411:8, 20,21 414:6, 13 417:4,23 421:14 423:6,</p>	<p>25 428:3 435:5 438:4, 15 439:7,17 440:5,6 442:4,7 445:8,22 450:5 452:14 453:2,22 454:17 455:8, 11,15,19 456:5,9,19,21</p> <p><b>gate</b> 382:11 423:13</p> <p><b>gates</b> 454:23</p> <p><b>gather</b> 417:18,19</p> <p><b>gathering</b> 319:7</p> <p><b>general</b> 318:17 323:14 371:18 376:6 426:22 429:7</p> <p><b>generally</b> 310:4,10 314:23,24 355:11 366:1 409:23 432:9 451:16</p> <p><b>generation</b> 350:23</p>	<p><b>genesis</b> 385:4</p> <p><b>geographic</b> 455:9</p> <p><b>George</b> 352:22</p> <p><b>germane</b> 404:15</p> <p><b>getting</b> 386:1 406:3 417:4 436:18 439:17 450:14</p> <p><b>Gill</b> 324:19 350:15 351:12</p> <p><b>give</b> 318:6,13 328:7 332:22 333:2 362:24 366:3 376:17 387:25 390:17 426:17 450:24</p> <p><b>given</b> 323:9 328:2 357:5 373:5 434:9 437:14 446:2</p> <p><b>gives</b> 434:15 438:23</p>
---	---	---	---	--

<p><b>goes</b> 312:17 399:2 443:15</p> <p><b>Golden</b> 344:11</p> <p><b>golf</b> 355:20</p> <p><b>gone</b> 312:23 364:15 451:16</p> <p><b>good</b> 300:3 335:9 337:19, 20 342:12,22 358:19,20 359:5,6 360:18 362:19,20 367:13,15,25 369:16 378:23,24 379:9 414:1,4 419:11 421:11 422:6 425:2,3</p> <p><b>Goshen</b> 323:4 325:16 326:10,12 332:5 333:3</p> <p><b>granted</b> 320:4 348:12 360:13 369:10 380:20 392:8 421:6 427:18</p>	<p><b>graph</b> 301:9, 10 422:13,14</p> <p><b>gray</b> 305:25</p> <p><b>great</b> 338:3 354:1 381:1,8 382:5 397:7 445:10</p> <p><b>greater</b> 313:21 346:25 347:1 356:3 357:4 451:3</p> <p><b>Green</b> 306:5</p> <p><b>group</b> 406:7</p> <p><b>growing</b> 347:17</p> <p><b>growth</b> 351:22 352:1, 3 353:12 356:2 373:16 423:2</p> <p><b>guess</b> 301:12 314:3 334:15 335:4,6 336:14,17 358:7 382:1 389:7 393:9, 11 432:19 435:6 440:13</p> <p><b>guidelines</b></p>	<p>429:6</p> <p><b>Gulf</b> 314:1 321:17 352:14</p> <p><b>guy</b> 381:9 405:15 406:5, 6</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>half</b> 309:2 418:15</p> <p><b>hand</b> 323:2 373:4 442:17</p> <p><b>handle</b> 432:14</p> <p><b>hang</b> 398:22 403:3</p> <p><b>happen</b> 354:12 356:1 363:24 384:24 417:10 430:23</p> <p><b>happened</b> 308:13 381:12 387:13 401:17</p>	<p><b>happens</b> 363:25 384:15</p> <p><b>happy</b> 340:18 377:8 431:20 451:24 452:8</p> <p><b>hard</b> 365:18 407:24 415:1</p> <p><b>having</b> 300:13 317:19 342:18 354:1 359:1 365:15, 17,18,22 367:21 379:5 382:9 405:17 407:24 419:16 426:4 435:16 436:16,21 439:19</p> <p><b>headed</b> 318:23</p> <p><b>header</b> 324:13,25 325:24 326:11</p> <p><b>heading</b> 326:19</p> <p><b>hear</b> 350:17, 22,24 401:19 413:17</p>	<p>414:11,20</p> <p><b>heard</b> 311:5 333:14 336:11 350:20 377:14 386:21 408:25 411:4, 5,14 436:12, 13 437:7 440:14 442:22 449:14 450:11 451:9</p> <p><b>hearing</b> 300:5 303:9,22 370:2 410:23 413:15 432:6 440:17 457:24</p> <p><b>heart</b> 370:19 431:20</p> <p><b>heat</b> 357:15 364:9</p> <p><b>heavily</b> 447:13</p> <p><b>help</b> 369:19 439:15</p> <p><b>helped</b> 406:2</p> <p><b>helpful</b></p>
--	---	--	---	---

406:18 437:1	444:19 445:7, 19 446:7,22 449:25 451:17 454:7 455:13 456:12	363:20 364:5 366:6	354:20,21	326:12
<b>helps</b> 439:16		<b>Holden</b> 319:12	<b>host</b> 417:24	<b>hundred</b> 327:5 417:2 436:25 439:5 449:20
<b>here</b> 300:4 304:23 305:21 306:10 307:25 310:4 311:4 313:13 315:14,16 319:17 330:17 331:8 335:3 345:4 350:15 356:5 359:20 362:21 363:10 365:11,19 370:1 375:14 385:25 387:20 390:3, 13 395:4,21 396:24 403:20 405:15,17 406:22 407:19 409:18 410:3 412:12,13 427:11 431:20,25 432:2,3 435:21 436:12,19,23 437:7 438:13, 14,19,24 439:21 441:16,23 442:14 443:25	<b>high</b> 321:17 323:9 329:16 372:7 455:5  <b>higher</b> 347:3 361:25 372:11  <b>highlighted</b> 436:17 437:3  <b>highly</b> 325:2 422:8  <b>hip</b> 353:5  <b>hired</b> 369:20  <b>historical</b> 436:16  <b>history</b> 381:8 421:24 429:12 456:18  <b>hit</b> 340:1  <b>hold</b> 318:8 343:9 361:24	<b>Holder</b> 317:9, 18,23,25 320:6 329:23 331:8 337:19 356:24 358:7 400:1 406:6 411:6 444:6  <b>Holder's</b> 356:20 410:24  <b>holding</b> 456:11  <b>Holdings</b> 318:4 343:4  <b>holds</b> 325:12  <b>Holladay</b> 318:1  <b>hopefully</b> 330:20 382:13  <b>hoping</b> 383:22  <b>horizon</b> 352:9	<b>hotel</b> 364:8,9, 15  <b>hour</b> 320:16 322:5,9,20,22 323:13,16 329:19 335:25 337:23 338:8, 9,15,18,22 339:1 418:22 428:16,17,19, 22  <b>hours</b> 440:4  <b>housing</b> 355:21  <b>however</b> 327:25 339:20 360:23 361:10 367:4 370:22 373:3 380:16 384:11 385:6 388:14 391:21 403:25 416:14 432:20  <b>hub</b> 305:4 325:16	<b>hurt</b> 354:7 406:20  <b>hypothetical</b> 362:24 363:2, 10 364:7,10, 14 365:13 <hr/> <b>I</b> <hr/> <b>idea</b> 365:14 390:7 411:18 415:1  <b>ideal</b> 395:25 410:15,16  <b>identical</b> 445:20  <b>identified</b> 369:24 370:4, 8,20 373:1, 15,20 376:20 421:2 422:20  <b>identifies</b> 371:4  <b>identify</b>



312:10 353:9 375:14 397:19 401:15 423:19 442:24 443:4	<b>immense</b> 352:15  <b>imminent</b> 355:23,24  <b>impact</b> 307:9 341:6,11 371:16  <b>impacted</b> 438:5  <b>impacts</b> 356:21 371:6 421:20 451:19 452:20  <b>impediments</b> 313:22  <b>implementing</b> 433:7  <b>import</b> 344:19  <b>importance</b> 430:18  <b>important</b> 415:16 425:11 438:10,19 443:21  <b>importantly</b>	327:13 449:2  <b>impose</b> 363:20 365:1 415:13  <b>imposed</b> 400:3  <b>imputed</b> 387:6  <b>in-depth</b> 417:21  <b>inaccurately</b> 321:5  <b>inappropriate</b> 441:15  <b>inch</b> 391:21, 22  <b>incidence</b> 354:22  <b>incident</b> 353:22 354:11 357:5  <b>incidents</b> 353:19  <b>inclined</b> 432:9,21	<b>include</b> 335:11 375:15 380:16 423:12 453:16 456:2  <b>included</b> 301:21 340:3 351:3 369:5,6 376:7 380:15 413:21 440:23,24 443:24 449:1  <b>includes</b> 343:15  <b>including</b> 318:23 319:5 321:19 322:24 325:20 326:4 334:2 343:19, 20 344:15 350:21 420:10 424:3 437:14 440:1  <b>inconsistent</b> 423:25 448:7 456:9  <b>increase</b> 353:9 371:17  <b>Increasing</b> 320:17	<b>incredulous</b> 414:14  <b>incurred</b> 456:6  <b>independent</b> 337:11 343:3  <b>indicate</b> 304:24 320:3 348:11 353:15 358:11 360:12 367:6 369:9 380:19 392:7 421:5 427:17  <b>indicated</b> 376:18  <b>indicates</b> 303:3 377:14 453:10  <b>indicating</b> 347:17  <b>indication</b> 421:6  <b>individual</b> 365:24  <b>individuals</b> 376:20
--	---	---	--	--

<b>industrial</b> 355:11 377:15,24	338:12 373:5 448:23	<b>instantaneous</b> 327:18 445:22	329:9 455:1	436:21
<b>industry</b> 314:23 325:2 346:19 350:12 352:2 353:7,12 390:24 392:2, 10 411:21 414:9 424:1 448:17	<b>initially</b> 321:1 338:6,25 347:8	<b>instantaneously</b> 327:9	<b>interconnections</b> 423:12 454:24 456:1	<b>interpreting</b> 433:7
<b>information</b> 325:3 329:8 335:18 337:5, 14 351:14 357:25 369:21 371:9, 10 375:22 401:11 406:3, 19 415:21 417:18,19 429:5 441:3 443:7,25 445:2,3 446:8,21 447:1 454:7	<b>injectability</b> 321:24	<b>instead</b> 428:6,23 429:6 450:25	<b>interday</b> 315:4	<b>interrupt</b> 377:11
<b>install</b> 389:25	<b>injection</b> 325:23	<b>instructed</b> 339:17	<b>interest</b> 370:6 371:14 373:25 384:3 431:8 432:4 433:16 437:13	<b>interruptible</b> 335:24
<b>installed</b> 361:5	<b>injections</b> 341:6 356:22 357:6	<b>insufficient</b> 422:17 429:16 453:21	<b>interested</b> 321:2 408:18 430:23 431:7 432:6 436:3	<b>interruption</b> 409:4
<b>installing</b> 352:15	<b>inserting</b> 389:10	<b>integrated</b> 427:25	<b>interesting</b> 328:17 334:20	<b>interruptions</b> 313:21
<b>instance</b> 308:11 406:7 418:7	<b>instances</b> 370:21 377:15 453:11,19	<b>intended</b> 321:1,10 347:18 428:2	<b>interests</b> 403:1	<b>interstate</b> 305:2 312:10, 13 327:19 334:22 353:25 396:7 399:4
<b>inherent</b> 407:25	<b>instances</b> 370:21 377:15 453:11,19	<b>interconnect</b> 326:24 327:2, 14 329:10 455:7	<b>interference</b> 439:24	<b>intervene</b> 321:3
<b>inherit</b> 414:8	<b>instances</b> 370:21 377:15 453:11,19	<b>interconnecte d</b> 306:4 312:11 423:7 455:9,10	<b>intermittent</b> 320:19	<b>intervened</b> 443:3
<b>initial</b> 304:16	<b>instances</b> 370:21 377:15 453:11,19	<b>interconnecti on</b> 328:6	<b>Intermountain</b> 335:1	<b>intervening</b> 340:6
			<b>internal</b>	<b>intervenor</b> 430:20
				<b>intimately</b>

344:5,13 351:25 353:11	<b>investigated</b> 403:9	383:6 421:25 422:2,5 427:25 429:10,17	406:23 416:14 424:6 427:2 430:22 436:6 453:19 455:6	<b>job</b> 381:8 397:7 454:16
<b>into</b> 303:12, 23 305:9 311:6 312:14, 18 314:19,25 317:12 326:4 327:1 330:21 334:18 335:10,23 336:5 337:3, 9,13 341:7 349:19 355:13 369:3 370:6 372:5 380:12 383:11 389:11 405:19 421:3 434:18 435:21 449:16 451:1	<b>investigative</b> 426:23	<b>irrelevant</b> 327:25	<b>item</b> 302:13 304:5,8	<b>joining</b> 318:16 359:21
<b>intraday</b> 320:16 338:23 396:6	<b>investment</b> 318:19 347:13 384:3 392:15 422:9	<b>irrespective</b> 434:25	<b>J</b>	<b>jointly</b> 372:24
<b>introduced</b> 428:9	<b>investments</b> 423:4	<b>isolated</b> 382:14	<b>Jacksonville</b> 352:24,25	<b>Journal</b> 390:22
<b>invest</b> 388:18	<b>Investor</b> 373:14	<b>issuance</b> 406:24	<b>JEROME</b> 300:12	<b>Juan</b> 306:25
<b>invested</b> 445:15	<b>invitation</b> 434:3 435:7	<b>issue</b> 339:3,9 370:19 374:8 385:4 409:17 411:16,18,19 423:18 433:10,16,18 438:25 453:22 457:22	<b>Jerry</b> 423:22	<b>judge</b> 438:11
<b>investigate</b> 420:5	<b>invitations</b> 434:7	<b>issued</b> 375:21 399:12 448:14	<b>Jetter</b> 330:7,9 348:21,23 362:14,16,18 366:10,12 367:10,11,24 369:2,11,12 374:11 377:11 378:9, 10,19,20 379:8 380:11, 21,22 385:13, 16 413:9,10, 13 415:4 418:24,25 424:16,18 429:24,25 431:10,11 447:21,22 451:25 457:1	<b>junction</b> 332:6
	<b>involve</b> 328:6 346:24 423:3	<b>issues</b> 323:16 338:10 345:17,25 349:20 350:18,20,25 351:24 352:1 382:14	<b>June</b> 347:12 422:13 447:8	<b>justification</b> 442:11 454:5
	<b>involved</b> 337:25 376:16,24 377:1 448:10		<b>justify</b> 422:7 435:17 452:22	
	<b>IRP</b> 383:8 428:9,11,15, 17,21 429:3,6 435:13,14		<b>K</b>	<b>keep</b> 398:16
	<b>IRPS</b> 382:21			<b>kept</b> 440:4 442:13

<p><b>Kern</b> 305:3 450:11 453:18 454:25 455:1, 3</p> <p><b>Kevin</b> 317:9, 18,25</p> <p><b>kind</b> 305:14 309:6 315:5 334:16 336:6 338:3,4 349:20 350:21 353:5 355:12 365:13 393:21 394:16 405:11 410:2 414:11 418:5 435:5 436:15 437:24 439:6 440:15 446:8, 20</p> <p><b>kinds</b> 357:9 443:19</p> <p><b>knew</b> 373:10</p> <p><b>knowing</b> 436:9</p> <p><b>knowledge</b> 414:24</p> <p><b>known</b> 306:10 319:3</p>	<p>341:4 344:11 405:16 406:7 413:22</p> <p><b>knows</b> 448:6</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>labeled</b> 301:13 302:13</p> <p><b>labels</b> 301:24</p> <p><b>labor</b> 391:4</p> <p><b>lack</b> 401:25 429:17,18</p> <p><b>Lake</b> 328:2 332:15 342:25 356:3 359:10 390:1 424:4</p> <p><b>land</b> 342:25 371:1 391:5, 10</p> <p><b>land-based</b> 343:17</p> <p><b>landfill</b> 355:19,20</p> <p><b>landslides</b></p>	<p>440:1</p> <p><b>large</b> 352:10, 12 357:12 371:7 422:23 423:3,6 438:16 455:9</p> <p><b>larger</b> 357:3</p> <p><b>Las</b> 334:24</p> <p><b>last</b> 309:14 351:23,25 352:4 353:12 355:5 379:11 384:1 395:10 406:22 407:7 416:18 433:19 454:14</p> <p><b>lastly</b> 441:12</p> <p><b>late</b> 347:12 373:21</p> <p><b>later</b> 310:17</p> <p><b>laterals</b> 417:22,23</p> <p><b>law</b> 350:3 374:25 404:2, 3 412:9,13</p> <p><b>lay</b> 390:10</p>	<p><b>LDC</b> 344:2 410:10 411:22,23,24 456:4</p> <p><b>LDCS</b> 320:14 394:15 395:5, 12 410:12</p> <p><b>leaning</b> 418:22</p> <p><b>learn</b> 448:18</p> <p><b>learned</b> 406:12</p> <p><b>least</b> 308:23 310:12 333:14,17 358:6 408:21 412:16,17 440:15 441:9 444:16 447:8 449:13,16</p> <p><b>leave</b> 446:5</p> <p><b>leaves</b> 437:2</p> <p><b>led</b> 444:8</p> <p><b>left</b> 364:10 434:19 435:7</p> <p><b>legislation</b> 433:5 434:21,</p>	<p>25</p> <p><b>legislative</b> 426:22</p> <p><b>lend</b> 446:18</p> <p><b>length</b> 320:24 328:15</p> <p><b>less</b> 347:3 353:16 354:12 357:14 363:6 417:9 426:16 428:12 440:18</p> <p><b>let</b> 300:24 309:21 325:11 336:10 365:13 377:10,21 395:20 397:10 398:1, 5 407:10 414:11 417:11 434:8 435:20 454:6</p> <p><b>LEVAR</b> 300:3 307:16 315:21,25 316:18,21,23 317:2,14,17 320:2 329:25 330:4,7,10, 16,23 331:1</p>
--	---	--	---	---

334:9,12 337:18 340:13,20 341:1,5,14,17 342:5,9,12,15 348:4,7,10, 14,18,21,24 356:11,15,17, 19 357:24 358:3,10,14, 19,21,24 360:11 362:8, 11,14 366:12, 15,18,21,24 367:2,5,10, 13,16,19 369:8 374:14, 17,20,22 375:3 378:8, 11,13,15,19, 23,25 379:3 380:18 385:16,19,21 390:19 392:6 413:8 415:6, 25 416:4,6,24 417:11 418:4, 11,17,20 419:2,6,11,14 421:4 424:16, 19,21,24 425:1,19,24 426:2 427:16 429:23 430:1, 3,5,7,9,13,24 431:3,6,13,22 432:7,19,23 434:2,5 435:19,24 436:1 447:15, 18,20 451:25 452:3,5,10	456:24 457:2, 4,9,13,18,21  <b>level</b> 309:6 383:23 384:5 402:16 405:4 413:4 414:7 415:23 425:9 450:15,16  <b>liability</b> 409:25  <b>life</b> 336:4  <b>light</b> 306:13 429:2 456:15  <b>like</b> 301:5 302:8,11 303:13 305:12 309:1 311:23,25 316:3 317:9 325:6,10 326:22 328:21 335:5 336:15 338:24 342:11 347:5 350:22 362:24 364:21 366:6 367:11 368:10,17 369:2 376:9 377:7 378:21 380:4,11 381:15 386:23	390:11 391:1 392:4 394:23 397:15 401:20 407:2 408:6 419:10 425:22 427:13 430:15 432:11 441:21 442:10 444:23 445:19 446:24 450:9 451:20 453:7 454:12  <b>likely</b> 355:22 370:9 371:18 372:3 397:14  <b>limitations</b> 372:4 396:5 439:23  <b>limited</b> 325:20 329:2, 8 371:14  <b>line</b> 306:13 327:7 368:19, 21 395:3,22, 23  <b>lines</b> 353:25 377:6 395:21, 22  <b>liquefaction</b>	345:12 352:8, 16  <b>liquefied</b> 347:10 369:18 428:3  <b>liquefy</b> 372:7 409:15  <b>liquefying</b> 352:13  <b>liquid</b> 324:2 342:3 421:14 452:14  <b>liquids</b> 319:8  <b>list</b> 303:20 304:2,5 306:2 399:18  <b>listed</b> 303:18 304:23,25 400:18  <b>listen</b> 362:22 400:11  <b>listened</b> 386:7 416:12  <b>lists</b> 304:8 305:1  <b>little</b> 333:22	345:19 397:15 441:20 449:25 450:6  <b>live</b> 388:6 390:3  <b>LNG</b> 300:7 301:18,19,21 314:6,11,15 321:12,21 322:11 323:16,22 331:18 338:8 339:3 343:15, 16,20,21,24 344:2,5,7,8, 18 345:12,17, 25 346:11,15, 16,22,24 347:7,11,15, 20,22,25 348:1 349:7, 11,25 350:6, 21 351:22,24 352:2,4,7 353:6,16,19, 23 354:5,9,23 355:8,12 360:20,21,25 361:10,13 363:6,17 364:11,25 365:16,17 370:13,16 371:1,7,13,24 372:23 373:2, 12,17,22,25 375:19 376:4, 13,19 381:23
---	--	--	---	---

<p>382:8,16,23, 25 384:2,22 385:3,7 387:15,22 388:4,8,24 393:1,2,7,8, 17 394:4,10, 15,19,21 395:5,20,25 396:3 397:1 398:2,21 400:6,21 408:1,5 409:11 410:14 412:7 417:10 421:14,17,22, 25 422:1,5,7 423:5,23 424:4,5,11 428:4,7,8,11, 12,14,16,18, 22 429:2,4,8, 11,13,18 433:12 435:17 437:12,21 439:2 440:15 441:22 447:13 448:11 449:23 450:6, 13 451:10,15 452:14,22 453:3 454:2 456:7,10,17</p> <p><b>LNG'S</b> 449:21</p> <p><b>lo</b> 444:24</p>	<p><b>load</b> 302:3 364:1,2 396:13</p> <p><b>located</b> 300:22,23 314:12 327:22 396:2 437:23 444:14</p> <p><b>location</b> 329:9 342:1 355:7 400:23</p> <p><b>locations</b> 303:14 335:22 373:12 444:25 455:17</p> <p><b>logic</b> 322:15</p> <p><b>Logically</b> 326:18</p> <p><b>long</b> 310:8 314:22,23 385:9 389:24 415:22 426:15</p> <p><b>long-term</b> 311:6 314:19, 22 371:6,12 421:19 428:18 452:19</p>	<p><b>longer</b> 314:24 371:11</p> <p><b>looked</b> 306:12 312:23 314:11 331:16,17 338:6 350:20 352:15 353:8 381:17 382:21 383:16 388:3 433:10 443:9</p> <p><b>looking</b> 305:23 373:11 382:25 392:23 393:9 399:20 405:12 434:13,14 436:5 438:14, 15,16,21 445:21,25 454:4</p> <p><b>looks</b> 303:13 309:1 399:3</p> <p><b>Lord</b> 394:19</p> <p><b>loss</b> 394:20 396:1</p> <p><b>losses</b> 394:22</p> <p><b>lost</b> 313:10</p>	<p><b>lot</b> 308:3,5 310:2 313:24 341:20 353:2 383:17 398:13 408:8 438:22 441:13,14 443:23 447:24 448:2 449:19 453:6</p> <p><b>loud</b> 336:15</p> <p><b>Louisiana</b> 318:11 337:8</p> <p><b>love</b> 329:13 338:2 430:21 434:7</p> <p><b>low</b> 341:13 342:4 372:2 380:25 381:10 391:5</p> <p><b>low-cost</b> 397:3</p> <p><b>lower</b> 341:14 354:8,22 391:12 450:16,18</p> <p><b>lowest</b> 370:11,14 371:11 374:1 397:14 421:18 452:17</p>	<p><b>lunch</b> 418:21 419:5</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>made</b> 305:9 310:24 325:3 353:24 373:23 387:7 398:23 401:8 405:18 439:1 445:20 450:13 457:16</p> <p><b>magnitudes</b> 422:18 453:24</p> <p><b>Magnum</b> 317:6,9 318:3,4,17 319:13,15,25 320:11,12,14, 21 321:1,5,7, 9,14 322:3, 19,22 323:6, 8,21,22 324:20,22 325:8,12,15, 17,18 326:2, 9,21,24 327:8,14,17 328:4,21,22 329:1,3,12,21 331:17,25 332:20 333:17,21 334:17</p>
---	---	--	---	--

337:21 340:16,18 342:10 343:4 344:24 347:24 349:22 353:17 358:3 362:9 374:18 405:7,13,25 406:12 408:12 411:1 423:15 432:3, 6,15 443:24 444:19 445:24 446:25	329:12  <b>maintenance</b> 325:14  <b>majeure</b> 409:4,20,23 416:14 439:25 444:20  <b>major</b> 337:9 412:5 448:2 450:9 454:23  <b>majority</b> 314:11 332:22  <b>make</b> 322:13 325:6 328:10 345:12 347:5 355:6 360:5 362:6 368:17 376:12 380:4 384:21 389:20 397:17 417:17 425:4 436:2 437:9 440:5 443:19 444:1 457:17  <b>makes</b> 336:17 361:14 434:5  <b>making</b> 376:24 434:23	<b>managed</b> 372:18,24  <b>management</b> 319:2 343:19 372:15,19 401:8 450:23  <b>manager</b> 318:17 376:6 383:7  <b>managing</b> 362:3  <b>manner</b> 353:17 398:14  <b>many</b> 303:10, 18 326:2 346:21 373:3 395:10,12 406:7 416:14 423:7 436:10 437:1 440:4 445:19 455:10,12  <b>map</b> 305:14, 19,23 306:5, 13,14,20  <b>Marcellus</b> 314:8,10  <b>March</b> 326:8  <b>marine</b>	343:16,22 352:24  <b>marked</b> 319:13,15 344:24  <b>market</b> 308:4, 7 310:7 352:25 354:2 372:1,12 414:17 415:21 451:22  <b>marketing</b> 318:24 319:6 343:25  <b>marketplace</b> 399:11 403:18,25 407:3  <b>markets</b> 311:24 343:17  <b>married</b> 394:2  <b>Mass</b> 379:16  <b>massive</b> 383:16  <b>master's</b> 318:8 343:9 426:20	<b>match</b> 392:14  <b>material</b> 391:7 436:8  <b>materials</b> 302:12  <b>matrix</b> 443:13  <b>matter</b> 308:16 377:4 457:22  <b>matters</b> 430:19 436:5 457:19  <b>maxed</b> 309:16,18  <b>Maxon</b> 408:6  <b>may</b> 312:14 317:1 326:14 358:7 361:9 370:16,17 373:4 386:5, 24 388:14 389:18 402:12 406:12 408:14 417:21,24 432:17 448:22 449:15 450:18 451:3 454:2
<b>Magnum's</b> 320:13,24 321:12,25 322:6,13,14 323:1,12,15 324:8,15 325:20 326:11,14,23 328:2,9 444:13  <b>main</b> 340:6 345:8 379:16 381:3  <b>mainly</b> 333:21  <b>maintain</b> 327:23 376:14 395:6  <b>maintains</b>				

<b>maybe</b> 330:19 357:21 358:6 382:18 386:1, 2 417:9 433:1,2	<b>mechanical</b> 341:11	396:14	343:4	<b>millions</b> 322:10
<b>MBA</b> 359:18	<b>meet</b> 329:5 333:25 345:13 346:6, 19 347:18 364:1,2 373:8,19 374:9 381:6 383:10 384:2, 10,20,23 395:25 396:2 398:11 399:13 402:8 405:16 414:2 416:20 456:13,17	<b>mentioned</b> 410:20	<b>Mierzwa</b> 300:10,12,17 301:2 307:21 316:3,19 317:1 423:22	<b>Millrock</b> 318:1
<b>mean</b> 312:15, 18,20 324:21 325:11 331:21 336:14 354:11 355:24 390:7 394:13,22 401:8 408:5 409:16 411:23 416:13 432:9 444:24	<b>meet all</b> 451:18	<b>merchant</b> 343:22 344:8 352:19	<b>might</b> 306:22 340:22 387:4 388:13 414:25 416:14 417:19 443:2 448:6,20,23 449:10 450:19,22 454:1	<b>mimic</b> 393:20
<b>meaning</b> 326:22 450:3	<b>meeting</b> 328:20 381:24 400:15,16 401:13	<b>merely</b> 456:11	<b>mile</b> 327:22 328:14 390:10 391:7, 8,9,10,12,19 408:20 444:16	<b>mind</b> 302:1 328:4 357:21
<b>meaningless</b> 328:11	<b>meets</b> 336:22,23 395:7	<b>met</b> 350:11 351:14 373:8 381:19 403:6 421:16 447:11 452:16 454:12	<b>miles</b> 314:2 327:5,22 328:15,18 389:25 392:19,25 417:2	<b>minimized</b> 454:17
<b>means</b> 314:23 322:21 441:19	<b>Meinders</b> 318:9	<b>meter</b> 363:15	<b>metropolis</b> 390:1	<b>minor</b> 432:24 453:1
<b>meant</b> 371:3	<b>Mendenhall</b> 322:12	<b>Mexico</b> 359:19	<b>mile</b> 327:22 328:14 390:10 391:7, 8,9,10,12,19 408:20 444:16	<b>minus</b> 350:21,22,23 351:9
<b>measures</b> 357:22	<b>mention</b>	<b>mic</b> 317:12	<b>miles</b> 314:2 327:5,22 328:15,18 389:25 392:19,25 417:2	<b>minute</b> 304:19 330:12,18,24 374:23 433:19
		<b>micro</b> 338:24	<b>million</b> 309:10 381:21 383:4, 14 386:11 391:6,7,9,11 393:7,8 400:7 402:5 449:21	<b>minutes</b> 330:20 386:1
		<b>middle</b> 388:5		<b>missed</b> 306:7
		<b>midstream</b> 318:4,16 319:3 320:11		<b>Mist</b> 342:25
				<b>mitigation</b> 357:22



<b>mix</b> 331:14,21	354:1 362:2 363:10 372:3 377:2 384:19 393:1 394:17 397:5 400:23 406:3 417:3 418:9,12 428:12 434:3 439:17,19 444:9 447:6 457:11	446:12	388:17 390:8, 10 393:2 405:10 408:15 428:12 445:19	419:20 426:8, 10
<b>mobilizations</b> 325:21		<b>mostly</b> 311:8 416:7		<b>names</b> 402:25
<b>model</b> 371:22 372:2,5 382:3		<b>motion</b> 320:3, 4 348:12 360:12 369:9, 10 380:19,20 392:7 421:5,6 427:18	<b>multi-cycle</b> 321:17 323:10 329:16	<b>narrow</b> 414:15 441:24 442:12
<b>models</b> 381:5				
<b>moment</b> 307:22 457:12	<b>Moreover</b> 324:10	<b>mountain</b> 455:3 456:3	<b>multi-state</b> 319:11	<b>natural</b> 319:7, 8,11 320:15, 17,22 324:2, 3,6,11 325:22,25 326:25 327:4, 7 328:1,8,19 343:13 344:14 345:11,12 346:5,10,13, 18 347:11 354:2 369:18 372:2 408:16 409:14 421:14 423:6, 25 428:3 438:5 445:8 452:14 455:8 456:9
<b>monitor</b> 376:12	<b>morning</b> 300:3 310:21 316:25 330:3 337:19,20 342:7,12,22 358:1,19,20 359:5,6 360:18 362:19,20 367:13,15,25 369:16 378:23,24 379:9 380:8 399:25	<b>Mountains</b> 455:14	<b>multiple</b> 319:10 321:23	
<b>monthly</b> 302:21 315:5		<b>move</b> 319:24 336:23,24 348:6,8 354:3,5 357:9,10 358:15 360:9 369:2 380:11 386:13 392:4 396:18 401:2 418:21 432:13,21 435:21	<b>must</b> 320:15 371:5 412:15, 20 416:19 429:13	
<b>months</b> 314:25 315:2 323:4 372:1			<b>N</b>	
<b>Monticello</b> 306:18			<b>N-e-a-l-e</b> 379:14	
<b>more</b> 302:5 309:20 313:21 315:22 318:15 319:1 322:1 324:16 327:13 328:24 329:3, 8,9,11 335:6 340:18 343:12 347:2	<b>most</b> 343:14 370:9 371:23 372:3 383:24 388:6 395:13 397:13 404:4, 10 413:14 422:19 428:20 437:21 438:18,23 443:21	<b>moving</b> 357:4 391:8	<b>NAESB</b> 327:16	<b>nature</b> 329:21 347:7
		<b>much</b> 308:16 315:15 341:11 354:8, 22 357:3,4 385:10 387:4	<b>name</b> 317:23, 25 342:23,24 359:7,9 368:1,2 379:10,11,13	<b>Neal</b> 358:18, 25 359:9  <b>Neale</b> 369:22,

<p>25 377:23 378:22,23 379:4,9,13 380:13,22 385:12,14,17, 25 390:21 400:8 401:2 402:15,17 411:18 413:5 415:11 416:2, 6 436:14</p> <p><b>Neale's</b> 377:3</p> <p><b>near</b> 344:11 352:22,23</p> <p><b>nearby</b> 382:12</p> <p><b>nearly</b> 344:18 354:3 391:6</p> <p><b>necessarily</b> 403:21 413:2 417:8 433:17</p> <p><b>necessary</b> 322:7 323:2,3 324:6 325:14, 21,25 326:3 327:11,23 335:20 341:25 359:14 383:10 414:3 430:18 437:1 456:18</p>	<p><b>need</b> 303:8 322:20 330:14,16,21 333:7 335:13, 17 338:17,22 347:17 357:12 363:4 370:16,20 373:7,8 374:9 381:14 386:9, 10,14,15 390:15 392:18 394:2 396:1,18 397:2 398:20 399:4,10,11, 13,14 402:17 404:8,9 412:14,23 416:22,25 417:7 421:24 422:5 425:7, 11,13 428:3,8 429:2,13 436:12,19,23 437:8,10 438:11 439:25 441:5, 16 451:19</p> <p><b>needed</b> 321:24 322:8 325:23 339:23 340:1 374:7,8 383:9 388:18 399:10 405:11 428:23,24 436:16</p> <p><b>needing</b></p>	<p>423:11</p> <p><b>needle</b> 396:1</p> <p><b>needs</b> 300:22 315:24 335:23 338:15 339:2, 19 343:6 346:1 361:19 373:20 383:11 384:9, 10,20,23 392:20 396:3 399:13 435:5 438:2 449:25 453:22 456:14</p> <p><b>negotiate</b> 336:22</p> <p><b>negotiated</b> 337:3,9</p> <p><b>negotiation</b> 326:4 336:21 340:18</p> <p><b>negotiations</b> 324:24 334:17 414:1, 4</p> <p><b>neighbor</b> 355:15</p> <p><b>neighboring</b></p>	<p>355:16</p> <p><b>neighbors</b> 355:14</p> <p><b>Nephi</b> 440:5</p> <p><b>net</b> 331:11 399:7 415:11 442:9</p> <p><b>network</b> 386:16 388:21 392:18 393:14 455:15,24</p> <p><b>neutral</b> 321:2</p> <p><b>never</b> 302:1 308:10 445:23 454:8, 12</p> <p><b>new</b> 326:16 339:12 344:7 359:19 361:25 384:11 394:17 418:14 423:20 445:13 448:24</p> <p><b>newly</b> 361:24</p> <p><b>next</b> 358:6</p>	<p>368:21 371:18 378:21 419:8 425:23 428:15 438:25 440:12,20</p> <p><b>NFPA</b> 350:12</p> <p><b>ninth</b> 451:2</p> <p><b>no-notice</b> 327:1,8,18 329:17 423:16</p> <p><b>nobody</b> 440:16 441:4</p> <p><b>Nobody's</b> 443:3</p> <p><b>nomination</b> 310:14 327:16 396:7 422:15</p> <p><b>non-cost</b> 407:21 417:15,21 446:19</p> <p><b>non-price</b> 384:14,16 400:12,14 404:11 412:21</p>
---	--	--	--	---

417:25	<b>notwithstanding</b> 301:23	432:11	454:14	450:18
<b>noncost</b> 382:19	<b>number</b> 303:14 321:19 334:21 339:24 352:10,19,21 353:2,18 354:19,20 370:7 403:1 405:11 436:10 437:14 446:2	<b>objects</b> 320:2 348:10 360:11 367:5 369:8 380:18 392:6 421:4 427:16	<b>occurred</b> 339:7 381:10 452:25 453:20 454:15	<b>offered</b> 323:21 327:19 347:23 421:3
<b>none</b> 398:11 442:25 453:12 457:20		<b>obligation</b> 395:6	<b>occurring</b> 453:17	<b>offering</b> 321:22 332:1 346:21
<b>normal</b> 327:16		<b>observation</b> 347:5	<b>OCS</b> 302:13, 14 303:22 304:15 311:25 316:5, 8 360:23 361:8 421:2	<b>offers</b> 321:17 322:3,22 323:8 334:18 423:7 455:10
<b>north</b> 306:16	<b>numbers</b> 322:13 354:25 393:3 402:1	<b>observations</b> 378:3	<b>OCS-3D</b> 427:14	<b>office</b> 300:9 302:4 330:5 348:19 374:16 385:18 419:7, 9 420:2,5 421:11,23 423:17,22 424:9 425:22 426:15,22 427:5 428:1 430:11
<b>northeast</b> 406:8,10		<b>observed</b> 418:5 423:25 456:9	<b>October</b> 300:1	
<b>northern</b> 373:18	<b>numerous</b> 323:7 335:10, 16 444:7 455:12,18	<b>obsolescence</b> 347:2 349:21	<b>off</b> 300:23 363:15 364:9, 12,13,24 365:8,21 382:11 416:10	
<b>northwest</b> 305:5,6 306:15,16,21, 22 307:2 311:14 314:12	<b>O</b>	<b>obtain</b> 415:21		
<b>note</b> 409:1	<b>oath</b> 300:10	<b>obtained</b> 401:12		<b>office's</b> 419:3 421:21 425:5, 7 429:15
<b>nothing</b> 418:23,25 430:12 457:7	<b>object</b> 431:24	<b>obviously</b> 305:3 335:2 438:22	<b>off-system</b> 300:20 328:11 331:16	<b>officer</b> 318:22 452:11
<b>notice</b> 327:17 335:24	<b>objection</b> 320:4 358:11 369:10 380:19 392:8 427:17 431:12	<b>occupation</b> 368:1 379:10	<b>offer</b> 347:3 429:21	<b>officers</b> 376:23
<b>notion</b> 377:21		<b>occur</b> 371:18		

<b>Offices</b> 426:13	347:5 350:21, 22,23 351:9, 10,11 353:1, 22 354:11,12, 18 357:2 360:16 363:9 365:3 373:15 376:17 381:15 384:15 386:20 387:25 394:12 396:19,24 399:18,21 408:14,17 409:2,17 410:19 414:16 417:12 418:12 419:3 422:12 432:3 436:10 438:22 442:20 443:10 446:9 449:7 450:3 457:12	339:21,25 340:4 353:22 354:11,12 357:13 360:22 364:10 384:16 389:15 391:8 393:19 400:10,15,19 401:25 404:17 405:3 415:4,20 418:14 422:2, 12 423:19 428:23 440:9, 10 447:1,11 448:18,20 449:7,11 452:25	375:25 408:5  <b>operates</b> 321:14  <b>operating</b> 344:6,16 345:16,24 347:3 357:6 396:5 408:1  <b>operation</b> 324:11 325:13 343:24 344:1 346:3,9 347:22 372:23 411:10 424:5  <b>operational</b> 322:21 323:4 327:24 333:1  <b>operations</b> 319:6 347:1,2 353:3 356:22 411:13  <b>opinion</b> 313:1 346:4 362:25 389:19 392:24 414:15  <b>opportunities</b> 318:20 334:21,23 453:14	455:15  <b>opportunity</b> 329:13,20 338:4 368:7 406:1 430:16  <b>opposed</b> 400:20  <b>opposition</b> 424:7  <b>optimization</b> 318:24  <b>option</b> 310:12 315:12,17,18 323:22,24 325:9 326:23 327:19 328:10 331:19,21 346:6 365:15, 22,25 375:15 377:22 392:12 397:14 398:9 416:9 440:15 442:2,24 446:24 449:11  <b>optionality</b> 323:9  <b>options</b> 320:22 321:9, 13 322:4,11,
<b>officially</b> 408:24				
<b>offset</b> 394:22				
<b>often</b> 410:14 446:12,16				
<b>Oil</b> 390:22				
<b>Oklahoma</b> 318:9				
<b>older</b> 382:2				
<b>on-system</b> 300:19 322:4 325:9 326:23 327:7 328:5, 10,12 347:15 369:18 416:9 441:22		<b>open</b> 361:23 386:23 405:14,17,19 406:1,7,17 428:21		
<b>once</b> 381:10, 12 383:13 399:9	<b>one-on-one</b> 406:4	<b>opening</b> 322:12 324:19 331:9 386:7		
<b>one</b> 307:7 308:20 310:17 314:24 315:23 327:22 330:12 337:4, 8,9,21,25	<b>ongoing</b> 324:23 339:6	<b>operate</b> 324:9,17 328:18 408:14		
	<b>online</b> 454:3	<b>operated</b> 324:14 355:15		
	<b>only</b> 306:10 321:14 323:17,23			

24 323:21 326:17 328:13,25 331:12,14,18 343:5 370:17, 24 373:2,9,23 375:11 397:19,25 398:2,8,11 399:21 415:12 440:22,24 441:3 442:14, 21 443:18 446:15 447:7 449:24	434:21  <b>ourselves</b> 440:7  <b>outage</b> 416:20,21  <b>outages</b> 307:12 452:25 453:3, 12 454:8  <b>outcome</b> 388:22 442:25  <b>outcry</b> 424:3  <b>outlays</b> 391:4  <b>outlet</b> 303:4, 16  <b>outlined</b> 374:4  <b>outperformed</b> 388:9,11  <b>output</b> 450:23  <b>outset</b> 361:8  <b>outside</b> 321:16	327:16 448:14 449:11  <b>over</b> 312:25 328:8,18 332:4 333:3 338:18,23 346:1,8,12 347:6 351:25 353:12 354:19,21 382:12 385:2 386:20 389:25 395:10 396:17 397:24 399:12 406:11 456:11  <b>overlooked</b> 375:15  <b>overly</b> 442:12  <b>oversight</b> 346:25  <b>Overthrust</b> 305:3 306:6, 17  <b>overwhelming</b> 346:6,19  <b>own</b> 324:8 328:13,18	332:17 361:18 407:16 408:10 436:21 443:16 448:8 449:8 451:10 454:18 455:2, 4,5  <b>owned</b> 410:25 413:19 449:4  <b>owners</b> 324:15  <b>ownership</b> 331:25 332:9, 11,12,20  <b>owning</b> 346:1  <b>owns</b> 449:8  <hr/> <b>P</b> <hr/> <b>p.m.</b> 419:5 457:24  <b>pack</b> 327:7  <b>package</b> 302:12  <b>pain</b> 380:25	<b>paper</b> 442:18  <b>papers</b> 445:1  <b>paperwork</b> 448:19  <b>Paradox</b> 306:6  <b>paragraph</b> 391:3  <b>parameters</b> 396:6  <b>paraphrase</b> 377:7,10  <b>parent</b> 373:15  <b>Park</b> 455:1 456:2  <b>part</b> 302:10, 24,25 304:16 305:20,21 315:18 340:23 350:18 361:19 392:20,21 422:23 423:20 433:15,25 443:14 446:18
--	---	---	--	---

<b>partially</b> 302:24	<b>Partners</b> 318:22 319:3	353:19 382:22 390:25 422:15	302:2 321:23 326:9 339:19 343:7 344:2 346:11,15	339:14
<b>participant</b> 405:6	<b>party</b> 317:2 320:2 321:2 322:16 328:25 331:17 380:18 392:6 401:14 407:11,12,17, 23 408:2 409:3,23 414:1,6 427:16 430:14 432:11 436:25 438:1 442:22,23 444:18,23 457:19	<b>patterns</b> 365:10	<b>peek</b> 396:1	<b>performed</b> 388:24 389:2
<b>participate</b> 302:3 322:24 431:15,20 432:1 448:6, 13		<b>pay</b> 308:12 311:24 313:3 365:15,19,21 410:9	<b>penalties</b> 340:15 361:20 362:1 363:23 364:4 365:2 366:7	<b>period</b> 336:21 338:18,23 397:24 453:10
<b>participating</b> 351:24		<b>payers</b> 322:10 410:8	<b>penalty</b> 365:15,20,21	<b>periods</b> 347:17 361:22 362:1
<b>participation</b> 379:22		<b>peak</b> 301:14, 20,23 308:2, 3,24 309:4,12 313:5 320:16 322:5,9,20,22 323:13,16 329:18 335:25 337:23 338:8, 9,15,22 339:1 345:14 346:7, 20 347:9,11, 17,18,25 384:24,25 385:4 394:18 423:24 428:9, 11,16,17,18, 22,25 450:1 456:8	<b>people</b> 333:25 383:18 386:22,24 388:6 403:6 407:3 437:5,7 440:4,5 442:5 443:4,6 444:5 447:6 448:17, 20	<b>Permission</b> 390:17
<b>particular</b> 321:7 335:14 352:8 420:7 438:4 453:18 456:4	<b>party's</b> 432:9		<b>per-unit</b> 354:14,17	<b>permitting</b> 323:3 344:15 345:16,24 347:1 349:3, 5,7,8,10,14 350:3,7
<b>particularly</b> 444:21 448:1	<b>Paskett</b> 436:14			<b>permutations</b> 382:25 406:9
<b>parties</b> 317:8 368:8 369:8 373:19 385:14 403:1 406:24 423:20 445:17 448:15	<b>Paskett's</b> 351:19 353:18,20			<b>person</b> 402:9
<b>partner</b> 322:25	<b>passed</b> 372:12		<b>percent</b> 309:2 346:17 352:4 391:6,12 394:18 436:25 439:5 449:18,20 450:5	<b>personally</b> 358:5 442:9
	<b>passing</b> 337:13	<b>peakers</b> 385:1		<b>perspective</b> 338:14 376:1 434:22 437:2 449:25 450:17
	<b>past</b> 306:17, 18 336:9	<b>peaking</b>	<b>perfect</b> 338:4	

<p><b>pertains</b> 326:23 338:20,21</p> <p><b>pertinent</b> 325:14 343:14</p> <p><b>PHMSA</b> 350:12</p> <p><b>Phoenix</b> 334:25</p> <p><b>phone</b> 381:25</p> <p><b>physically</b> 327:22 363:14 381:24</p> <p><b>Piceance</b> 306:6,11</p> <p><b>piece</b> 395:19</p> <p><b>pipe</b> 332:5 333:3 387:4 389:25 390:10,13 391:22 412:2 433:13 435:12,15</p> <p><b>pipeline</b> 303:12 304:14,25 305:4,5,6,10,</p>	<p>15 306:15,16, 21 308:20,21 311:14,18,20, 23 312:10,13 319:4 323:3 324:13,17 326:19 327:6 328:14,15 332:13 334:22 338:21 343:5 346:8 354:4,7 372:17,18,25 382:13 387:19 391:5, 10,15,19 394:20,22 396:7 408:20 409:8 417:4 418:8 423:12 444:16 450:10,12 453:17,20 454:23 455:7, 25</p> <p><b>pipelines</b> 304:8,13,23 305:8 308:17 312:14,15,16, 17,19,21,24, 25 313:8,13 327:19 328:19 346:21 353:25 354:9, 22 399:4</p> <p><b>piping</b> 325:24 389:11 392:13</p>	<p><b>Pivotal</b> 343:20 344:4</p> <p><b>Pivotal's</b> 343:22,24 344:8</p> <p><b>place</b> 326:3 334:24 366:8</p> <p><b>places</b> 303:11 386:2,4</p> <p><b>placing</b> 438:22</p> <p><b>plan</b> 382:15, 17</p> <p><b>planned</b> 360:22 456:13</p> <p><b>planning</b> 343:25 347:15 422:9 428:2 429:19 454:18</p> <p><b>plans</b> 343:22 427:25 454:25</p> <p><b>plant</b> 303:2,4, 16 307:12 335:1 347:18 361:1,10 385:9 393:17</p>	<p>424:4,5,7</p> <p><b>plants</b> 303:18 304:6 314:7, 11 343:21 455:18</p> <p><b>Platt</b> 382:1,3 386:16,25</p> <p><b>play</b> 306:10</p> <p><b>player</b> 403:24</p> <p><b>playing</b> 451:21</p> <p><b>pleasure</b> 418:19</p> <p><b>plugged</b> 388:4</p> <p><b>plus</b> 351:9,11 389:25 449:21</p> <p><b>point</b> 303:2 314:3 316:8, 15 317:5 332:14,17 342:4 351:15 358:16 360:8 361:8 369:2 386:18 388:8 389:6 391:9 392:5 397:4,6 398:6 404:12</p>	<p>405:2 406:14 418:23 434:23,24 435:18 437:9 444:1 445:16 449:6</p> <p><b>points</b> 303:9 325:7 326:1 335:15,16,17 381:3 389:12 392:14 436:3 445:19 457:16</p> <p><b>policy</b> 426:21</p> <p><b>populated</b> 424:4</p> <p><b>portfolio</b> 395:7 440:18</p> <p><b>portion</b> 339:21 363:10</p> <p><b>portions</b> 332:13</p> <p><b>portrayed</b> 301:9</p> <p><b>portraying</b> 306:14</p> <p><b>pose</b> 432:24 433:1</p>
---	---	--	---	---

<b>poses</b> 328:16	428:9 429:7 448:11	407:15	440:15	<b>presumably</b> 305:8 448:16
<b>position</b> 328:17 347:6, 21 360:19 369:25 405:20 407:8 431:7,8 436:20 447:23 449:17 456:5	<b>potentially</b> 313:22 357:14 399:3, 5	<b>preference</b> 416:8	<b>presentation</b> 300:25 301:6 328:20 347:14 387:20	<b>pretty</b> 341:11 385:10 446:2
<b>positive</b> 329:12	<b>power</b> 335:1 343:13 350:23 446:12 447:3, 9	<b>preferences</b> 417:14	<b>presentations</b> 373:14	<b>prevent</b> 357:17,23 410:5
<b>possibility</b> 341:9,10,12 433:11	<b>practices</b> 424:1 456:10	<b>preferred</b> 332:14 346:6, 10	<b>presented</b> 301:1 303:22 305:21 321:8 387:21 397:20 422:13 429:9 435:10 453:9 454:10	<b>previous</b> 336:4
<b>possible</b> 306:21 307:12 344:1 373:12 404:10 453:11,25 454:9	<b>Pratt</b> 305:13	<b>prefile</b> 359:22	<b>previously</b> 300:13	<b>price</b> 308:8, 12 311:24 313:3 372:1, 10,12 384:13, 15
<b>possibly</b> 380:24 446:24	<b>preapproval</b> 360:20 374:3 448:1	<b>prefiled</b> 322:1,2,17 323:19 325:8 326:7 344:20 345:2 361:17	<b>previously</b> 300:13	<b>prices</b> 310:1, 7 371:12
<b>potential</b> 324:24 334:15 356:21 371:17 412:23 414:22 422:22 424:3	<b>precedent</b> 336:25 337:10	<b>premium</b> 410:9	<b>presents</b> 440:17	<b>priced</b> 310:7
	<b>preceding</b> 337:1,2	<b>prepare</b> 319:12 344:22	<b>prices</b> 440:17	<b>prices</b> 310:1, 7 371:12
	<b>precise</b> 328:5	<b>prepared</b> 360:15 369:13 380:23 421:7 427:1,20 431:11	<b>prices</b> 440:17	<b>primarily</b> 318:19 341:22
	<b>precisely</b> 412:25	<b>present</b> 321:11 421:10 427:23	<b>pressure</b> 327:7,11,23 329:8 371:8 387:2 455:4,5	<b>primary</b> 327:14 341:22 391:5
	<b>preface</b> 398:1		<b>pressures</b> 335:21 372:16 376:12,14 387:13,23 388:12,13 450:9	<b>principal</b> 305:24
	<b>preferable</b>			



<p>318:17 359:13</p> <p><b>principles</b> 307:11</p> <p><b>prior</b> 303:1 316:15 318:16 327:17 343:18 344:9, 17 364:25 426:18,19</p> <p><b>privy</b> 335:3</p> <p><b>probabilities</b> 451:1,7</p> <p><b>probability</b> 341:13 381:11 451:3</p> <p><b>probably</b> 306:9 382:24 390:5 418:22 431:25 432:21 449:5 457:10</p> <p><b>probe</b> 397:15 398:15 399:2</p> <p><b>problem</b> 310:11,21 356:5 365:6 394:10,16 410:16 422:1,</p>	<p>7,12,24 425:13,16 439:20 441:10,11 449:18 450:19 452:21</p> <p><b>problems</b> 341:23 439:7 440:1 453:20 456:6</p> <p><b>procedures</b> 442:19</p> <p><b>proceed</b> 320:9 325:18 425:12</p> <p><b>proceeding</b> 301:17 321:2 340:6 360:3 361:12 370:5 420:7 421:8 422:4,6 423:20 424:10 426:25 427:2 433:11 434:12,14 441:2,18 443:12 453:9</p> <p><b>proceedings</b> 343:15</p> <p><b>process</b> 310:9 328:22</p>	<p>329:3 331:15 335:3,5,6,9 336:8 339:1 383:8,9 423:21 428:2 429:19 443:9, 16,25 444:9 445:13,14 446:23 447:5 451:16</p> <p><b>processed</b> 303:5</p> <p><b>processing</b> 302:23 319:7 455:18</p> <p><b>Procurement</b> 421:15 452:15</p> <p><b>producing</b> 305:24 306:3</p> <p><b>product</b> 382:2</p> <p><b>production</b> 341:24 370:10 372:3</p> <p><b>professional</b> 318:14,15 343:11,12 359:15</p> <p><b>profiles</b> 387:3</p>	<p><b>project</b> 320:22,24 321:5,9,12,25 323:1 325:8, 15,19 328:9 333:7 335:1, 11,14 413:18 418:10 445:7 449:9 450:25</p> <p><b>projects</b> 334:18 335:19 418:9 450:18,22</p> <p><b>proliferation</b> 320:19</p> <p><b>pronounce</b> 418:15</p> <p><b>pronounced</b> 418:13</p> <p><b>proof</b> 421:16 452:16 456:17</p> <p><b>properly</b> 323:20 387:6 393:16 423:18</p> <p><b>properties</b> 355:16</p> <p><b>proposal</b> 301:17</p>	<p>309:24 314:17 322:6, 13 323:16 324:21 326:9 329:2 331:24 333:22 334:4 336:21,22 339:18,21 340:3,9,14,24 387:7 448:24</p> <p><b>proposals</b> 323:7,12,15</p> <p><b>proposed</b> 322:7 326:24 327:8 332:19 339:4 344:1 347:7,8 355:8 360:20,21 361:10,15,24 362:2 363:7, 21 370:6,9,13 371:2,7,20,25 372:14 373:2, 25 374:1 375:19 381:23 384:2 397:1 428:16 429:18 452:22 453:4</p> <p><b>proposes</b> 345:10</p> <p><b>proposing</b> 353:17</p> <p><b>proprietary</b> 325:3 334:16</p>
---	--	--	--	--

336:11 337:13  <b>protect</b> 357:12 410:3  <b>prove</b> 404:8,9 454:10  <b>proven</b> 321:14,18 323:23  <b>provide</b> 302:21 326:9 329:22 333:22 336:12 347:8 369:21 381:20 383:23 387:2 389:15 397:2 400:19 402:10 403:20 406:18 414:1 422:2,5,22 423:8 428:19 429:5 432:10 437:24 446:8 450:8,25 451:12 452:8 455:4,11,19 456:22 457:10  <b>provided</b> 316:6,7,11 324:20 329:1 351:13	369:22 370:21 382:22 387:23 422:12 423:9 429:7,14 446:15  <b>provider</b> 409:25 412:24 417:21 444:23  <b>providers</b> 327:20 414:6, 22,25  <b>provides</b> 442:7 445:22  <b>providing</b> 370:1 381:8 423:24 431:9 450:4 456:8  <b>provision</b> 370:14  <b>provisions</b> 341:3 362:2 366:6  <b>prudent</b> 328:23 350:9 363:8 405:18  <b>public</b> 300:4	321:8,10 330:8 359:20 368:3,6 370:6 371:14 373:25 375:21 379:23 381:2 384:3 424:3,7 426:21 437:13 443:15 456:23  <b>publication</b> 390:24 448:17  <b>publicly</b> 334:25  <b>published</b> 448:16  <b>purchase</b> 303:2,10,11, 15 308:16 309:16 311:20 315:7, 15 316:15 325:21 370:24  <b>purchased</b> 302:5,19,22 303:3,15  <b>purchases</b> 302:2,3 305:9 308:4,23	309:19,23,25 310:23 450:2  <b>purchasing</b> 309:7,9 326:5  <b>purported</b> 370:25  <b>purpose</b> 320:13 345:8 365:13 385:8 397:20 413:23 423:24 438:12,14 456:8  <b>purposes</b> 338:9 382:20 437:1  <b>pursue</b> 420:5 428:14  <b>pursued</b> 435:3 442:15  <b>push</b> 439:18  <b>put</b> 301:24 336:21 346:16 355:12 357:15 371:8 381:19 433:25 443:7 449:25	454:11  <b>puts</b> 456:4  <b>putting</b> 310:19 446:17 456:10 <hr/> <b>Q</b> <hr/> <b>quantities</b> 322:8  <b>quantity</b> 302:22 361:25 363:21 364:6 366:7 383:14 399:20  <b>Questar</b> 303:12 304:9, 14 305:9,15 372:17,25 453:20 454:23  <b>question</b> 302:1,20 304:12,15 309:21 310:18 312:9 315:23 335:9 338:3 339:13 356:21 365:5 377:20 386:23 388:1
--	--	---	--	---

<p>397:16 398:6, 16,17,18 401:22 402:6, 7,11,17,18 403:4,15 410:6 417:12 418:12 432:23,25 433:2,17 434:10 435:7 436:12 437:4, 10 438:8 441:12 442:23 445:6</p> <p><b>questioned</b> 324:10</p> <p><b>questions</b> 303:8,24 307:15,18 315:20 316:17,19,20, 22 329:25 330:5,6,9,15 331:5 334:5, 8,13 337:17 340:12 348:15,16,19, 20,22,23 356:13,16,18 362:6,9,10, 12,13,15,16 366:11,14,19, 20,22 368:23 374:12,13,15, 16,18 377:2 378:7,12,14 380:6 385:13, 15,17,18,20 413:6,11</p>	<p>415:5,7,8,24 416:1,3,5 424:15,17,18, 20,23,25 425:17,20 427:7 429:22, 24,25 430:2, 4,6,8 441:14 447:14,16,17, 19 448:3,10 451:24 452:1, 2,4 456:25 457:1,3</p> <p><b>quite</b> 364:4, 20</p> <p><b>quote</b> 333:15 444:7</p> <p><b>quotes</b> 394:23</p> <p><b>quotient</b> 380:25</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>raised</b> 315:24 351:15 393:12 430:20</p> <p><b>ran</b> 408:5 411:22 440:6 443:13</p> <p><b>range</b> 363:5</p>	<p>450:2,4</p> <p><b>ranked</b> 368:20</p> <p><b>rare</b> 321:16</p> <p><b>ratable</b> 338:18</p> <p><b>rate</b> 319:9 322:10 351:22 352:3 371:18 410:8 423:4</p> <p><b>rate-making</b> 322:15</p> <p><b>rates</b> 356:2 371:8,13,16 391:6</p> <p><b>Rather</b> 373:7</p> <p><b>ration</b> 308:7</p> <p><b>rationale</b> 428:8</p> <p><b>rationalizatio n</b> 422:4 429:3</p> <p><b>reach</b> 401:1</p> <p><b>reached</b></p>	<p>306:22 400:5</p> <p><b>reaches</b> 455:16</p> <p><b>reaching</b> 401:5 431:19</p> <p><b>read</b> 316:12 339:14 345:19 351:1, 4,5,18,20 353:17,20 376:7 377:7 390:25 394:23 395:15,19,23 396:8 397:4,6 400:23,25 408:15 410:13 411:2 444:2 445:5</p> <p><b>ready</b> 323:1 325:9,11 326:6 331:1 419:7 431:4,5</p> <p><b>real</b> 381:10 389:21 437:4</p> <p><b>realistically</b> 442:15</p> <p><b>reality</b> 447:24 448:4</p> <p><b>realize</b> 397:5</p>	<p><b>realized</b> 340:1</p> <p><b>really</b> 354:24 355:22 356:5 384:6,17 385:3,4 386:8 406:2 412:3 417:2,3 418:15 431:18 434:5 436:5,11 439:20 444:10 451:19 452:23 453:19,21,25 455:21</p> <p><b>reason</b> 312:21 317:3 333:6 340:6 358:9 365:8 385:1 391:17 401:16 402:10,19 403:10 418:16 422:6 434:13 436:3 443:1</p> <p><b>reasonable</b> 310:1 370:11, 15 374:2 381:22 382:4, 15 397:14 404:10 412:17 416:22 421:18 442:3 449:13,16</p>
---	---	---	--	--

451:11 452:17,18	<b>received</b> 305:7 373:21	443:20	356:12 366:16 378:9 413:9,10,12 415:5	389:21 427:8
<b>reasonably</b> 324:10	<b>receives</b> 312:12 448:9	<b>recommending</b> 425:6	<b>reduced</b> 307:9	<b>refused</b> 377:15
<b>reasons</b> 327:24 373:2 416:7,11 417:25 421:22 424:8	<b>receiving</b> 304:24 305:1 406:9	<b>recommends</b> 371:15 421:12 424:9 452:12	<b>reducing</b> 450:15	<b>refuses</b> 363:11
<b>rebuilding</b> 412:7	<b>recent</b> 395:13 452:24	<b>record</b> 320:10 321:6,8,10 331:2 359:8 368:1,11 369:3 375:4 379:12 380:12 395:12 419:7, 21 426:9 428:6 431:20 456:15	<b>reduction</b> 450:18	<b>reg</b> 394:15
<b>rebuttal</b> 345:9 351:4,5,20 353:20 359:22 360:9 361:7 368:13 420:12	<b>recently</b> 326:12 422:11 428:20 440:3		<b>redundancy</b> 455:4,19	<b>regard</b> 331:11 353:18 444:1
<b>recall</b> 311:9 435:13	<b>recess</b> 330:17,24,25 375:2 419:4,5	<b>recount</b> 454:6	<b>redundant</b> 453:15	<b>regarding</b> 343:4 344:1 347:6,21 360:20 364:18 396:23
<b>recalled</b> 300:13	<b>recharging</b> 321:25	<b>recross</b> 307:17 415:6	<b>refer</b> 300:24 305:12 320:10 325:8	<b>regardless</b> 385:6 390:15 395:11
<b>receipt</b> 325:25 335:15,16	<b>recollection</b> 381:14	<b>RECROSS- EXAMINATION</b> 307:19 415:9	<b>referencing</b> 368:11	<b>regards</b> 328:1 329:10
<b>receive</b> 310:9 347:25 365:16,20,22 384:13 414:21 445:2, 3	<b>recommend</b> 361:12	<b>redacted</b> 380:17	<b>referred</b> 301:12 339:5	<b>regulator</b> 349:18
	<b>recommendation</b> 339:11 421:21 425:5 443:22	<b>redirect</b> 300:8,15 316:1 334:9	<b>referring</b> 303:7 337:22 339:1	<b>regulators</b> 329:14 350:10 351:14 447:8
	<b>recommendations</b> 369:24		<b>reflect</b> 303:15	<b>regulatory</b> 318:25 319:5,
			<b>reflected</b>	

<p>10 323:2 326:13,16 346:25 347:14 350:13 395:6 428:6 429:12</p> <p><b>reject</b> 442:16</p> <p><b>relate</b> 339:11</p> <p><b>related</b> 303:24 306:20 337:24 429:18 433:4 452:25 453:2</p> <p><b>relates</b> 301:20 302:18 331:24 406:23</p> <p><b>relationship</b> 329:13 454:10</p> <p><b>relative</b> 321:4 387:15 392:22 393:17 410:6 440:20</p> <p><b>relatively</b> 324:12</p> <p><b>relevant</b></p>	<p>328:1 429:9, 17 433:11 434:17,20 435:8,9 437:16</p> <p><b>reliability</b> 301:24 309:22 313:7 320:16 321:18,23 322:5,9,22 323:13,16,17 328:16 329:5, 18 335:25 338:10,16 339:3,9,12, 18,20 340:4 343:6 345:14 346:20 347:16,20,25 349:21 373:20 398:9 402:10 407:13,15 410:3 411:15 417:1 421:20 422:11,24 423:8 425:11 428:4,19,23 436:15 437:2, 19,24 438:4, 8,15,16,19, 21,23 439:8, 11,12,16 445:21,25 446:1 449:19, 21 451:19 452:20,24 453:22 455:11</p>	<p><b>reliable</b> 322:4 329:15 397:2 437:21</p> <p><b>reliance</b> 436:25</p> <p><b>relied</b> 304:9</p> <p><b>rely</b> 307:10 308:23 309:23 310:2 313:8 399:12 407:16 414:5 416:23 429:13</p> <p><b>relying</b> 309:1, 4 310:22 313:9 401:4 450:1</p> <p><b>remain</b> 321:1 342:2 368:25 380:8</p> <p><b>remainder</b> 344:19 397:12</p> <p><b>remaining</b> 419:4 444:3</p> <p><b>remains</b> 364:24</p> <p><b>remarkable</b> 321:16</p>	<p>442:25 446:2</p> <p><b>remedies</b> 422:19 453:24</p> <p><b>remedy</b> 371:3</p> <p><b>remember</b> 312:1 408:15</p> <p><b>remote</b> 371:1 433:5,13</p> <p><b>removed</b> 342:4</p> <p><b>renewable</b> 320:19</p> <p><b>repeat</b> 313:10</p> <p><b>rephrase</b> 377:21</p> <p><b>reported</b> 426:24</p> <p><b>REPORTER</b> 317:10 345:18,21</p> <p><b>repowering</b> 335:1</p> <p><b>represent</b></p>	<p>346:16</p> <p><b>represented</b> 448:5</p> <p><b>representing</b> 432:3</p> <p><b>request</b> 300:5 302:13,14 312:3,5 316:5 323:6 329:1 333:21 339:16 358:4, 5,8 370:6 374:4 375:20, 22 421:13 423:17 424:10 429:11 434:3 452:13</p> <p><b>requested</b> 326:8,12</p> <p><b>requests</b> 323:11 372:22</p> <p><b>require</b> 320:20 326:13 347:2 371:7 398:2 405:5 408:19</p> <p><b>required</b> 324:11 326:20 335:12 412:9,</p>
---	---	--	---	---

<p>13 421:15 429:6 452:14 457:13</p> <p><b>requirement</b> 370:8 371:5 374:9 400:2,4 404:5 415:14 449:12,13</p> <p><b>requirements</b> 322:20 328:25 329:4, 7,11,19 337:23 345:14 346:7 347:18 349:4, 6,10,14,23 350:3,7,11,13 352:20 370:3, 7 373:5 374:3 381:6 383:19 392:24 404:4 413:18,21 414:2,3 449:3,5 451:18</p> <p><b>requires</b> 327:9 449:8</p> <p><b>requiring</b> 346:25</p> <p><b>research</b> 318:18</p> <p><b>researching</b> 398:7</p>	<p><b>reserving</b> 309:14</p> <p><b>reservoirs</b> 321:21</p> <p><b>residential</b> 377:17,19 378:1,4</p> <p><b>residents</b> 438:3,4 440:9</p> <p><b>resolve</b> 322:5 329:18 454:20</p> <p><b>resolved</b> 453:13 454:9</p> <p><b>resolving</b> 338:9</p> <p><b>resort</b> 416:18</p> <p><b>resource</b> 300:6 309:22 321:15,16 328:6 370:3, 9,21 371:2 376:4,19 384:3 388:9 389:1 395:7 404:13 409:3 410:25 411:1 412:6 421:15, 18,19 422:9 423:3,19</p>	<p>427:25 435:17 439:8, 19 444:18 445:8 448:2 449:17 452:15,18,19</p> <p><b>resources</b> 320:18,19 328:11 343:19 344:9 346:16,17 350:24 352:23 373:8 384:20 386:14 387:16,17 407:12 439:11,12</p> <p><b>respect</b> 301:8 420:20 449:2 453:8</p> <p><b>respond</b> 337:21 345:9 361:7 376:7 424:14 429:22 448:20,23,24 454:20 455:22</p> <p><b>responded</b> 323:6 338:25</p> <p><b>responding</b> 320:23 338:13</p>	<p><b>response</b> 302:13,17 305:11 312:5 313:15 316:5, 6,7 322:14,21 323:11 331:16 340:9 372:22 375:21 376:8 377:22</p> <p><b>responses</b> 324:23 375:20 383:20,22 398:19 400:19,25 401:4 405:4</p> <p><b>responsibility</b> 360:25 361:19 420:4</p> <p><b>responsible</b> 343:23 344:17 361:18</p> <p><b>responsive</b> 398:20 399:11</p> <p><b>restate</b> 402:22</p> <p><b>restrict</b> 377:16,18,25 378:2,5</p>	<p><b>restriction</b> 361:25 363:21</p> <p><b>restrictions</b> 372:4</p> <p><b>result</b> 370:9, 14 374:1 421:17,19 452:17,18</p> <p><b>resulted</b> 453:12</p> <p><b>results</b> 423:21</p> <p><b>retail</b> 370:11 421:18 452:18</p> <p><b>return</b> 329:3 333:23 419:2</p> <p><b>reveal</b> 340:21</p> <p><b>revenue</b> 373:16</p> <p><b>review</b> 304:19 351:6 368:7 369:21 375:20,24 399:15 427:24</p> <p><b>reviewed</b></p>
---	--	---	---	---

<p>301:16 303:9 350:18 373:23 375:10 386:16 436:16</p> <p><b>reviewing</b> 349:19</p> <p><b>revised</b> 340:3</p> <p><b>RFP</b> 328:21, 22 335:3,5,9 337:23 338:8, 25 339:2,7,12 347:10 374:9 383:12,20 392:24 394:3 398:20 401:3, 25 402:13 403:2 404:7, 23,25 406:24, 25 411:19 412:1,2,4,6, 15 413:22 414:16 415:20 417:17 418:3 423:18,19,21 441:13,17,19, 20,21 443:1,5 444:9 446:9, 10,20 448:4, 13,16,19 449:8,10 450:21 451:20</p> <p><b>RFPS</b> 336:5,8</p>	<p>337:22 338:6, 13 383:16 384:4,12 398:19 399:11,12 401:1,4,12 402:25 412:8 413:3 417:14 418:5 446:11 448:23,25</p> <p><b>rights</b> 326:5</p> <p><b>rights-of-way</b> 325:21</p> <p><b>rise</b> 391:8</p> <p><b>risk</b> 313:20 320:16,17 321:4 328:16 346:25 347:1 384:6,7,15,18 407:19,20,25 409:9,11 410:6,8,10,12 414:8 421:20 436:18 439:1 440:13,16 449:23 450:14,15,18, 23 451:18 452:20</p> <p><b>risks</b> 320:20, 23 341:5 354:7 407:12, 22,25 408:2 409:2 417:3,6 424:3 437:3,</p>	<p>22 439:3,10 440:18 444:17 454:18</p> <p><b>risky</b> 308:22 309:24 417:9 440:15</p> <p><b>River</b> 305:3,4 306:5 453:18 454:25 455:1, 3</p> <p><b>River's</b> 450:12</p> <p><b>robust</b> 335:6 382:20 446:23</p> <p><b>Rocky</b> 455:14</p> <p><b>role</b> 343:23 344:9,13,17</p> <p><b>roles</b> 319:2 343:19</p> <p><b>Romanette</b> 434:13</p> <p><b>room</b> 317:3 355:12 358:10 362:21 367:5 372:21 413:14</p>	<p><b>Rose</b> 455:1 456:2</p> <p><b>Rough</b> 303:18</p> <p><b>roughly</b> 391:9</p> <p><b>round</b> 445:17</p> <p><b>rounds</b> 445:18</p> <p><b>Ruby</b> 455:7 456:2</p> <p><b>rule</b> 341:12</p> <p><b>run</b> 308:10 388:6 433:9</p> <p><b>running</b> 339:7 392:17 408:18</p> <p><b>rupture</b> 450:10</p> <p><b>Russell</b> 330:2 348:14,16 358:17 359:4 360:8,14 362:5 366:16, 17 367:3,9 374:20,21 385:19,20 424:19,20</p>	<p>430:1,2 431:23,24 432:18,22 457:5,7</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>Sabin</b> 305:17 307:18,20 312:6,9 315:19 330:10,12,19 331:4,7 334:7 348:25 349:2 356:10 362:11,13 385:22,24 390:17,20,21 392:4,9 413:8 415:7,10,24, 25 424:21 430:3,15 431:1,5 433:23 434:4, 7 436:1,2 447:21 457:12,15,20</p> <p><b>safe</b> 322:4 328:1 329:15 353:16 354:12 355:4 417:2</p> <p><b>safety</b> 344:5, 13,14 345:16, 24 349:20 350:11 353:13 424:6</p>
---	---	--	--	--

<p><b>said</b> 315:13 327:17 336:12 364:21 382:9 388:4,24 400:1,9 402:21 404:18 407:2 410:13,15 420:21 432:1, 2 437:7 439:14,15 441:21,23</p> <p><b>sake</b> 401:10</p> <p><b>sales</b> 343:24 360:22 361:15</p> <p><b>salt</b> 321:15,16 323:10,23 324:9 328:2 329:16 332:15 341:7 344:10,12 345:11 346:5, 23 356:3,22, 25 357:3,4 359:10 390:1 424:4</p> <p><b>same</b> 307:11 349:20 365:13,14 368:21,23,25 373:5 380:6,8 393:20 409:9 427:7,8 437:22 439:3,</p>	<p>17 443:6 444:12</p> <p><b>San</b> 306:25 343:9</p> <p><b>Sand</b> 306:6</p> <p><b>Saratoga</b> 455:3 456:3</p> <p><b>sat</b> 403:6</p> <p><b>satellite</b> 435:5</p> <p><b>satisfied</b> 370:24 374:3</p> <p><b>satisfies</b> 395:6</p> <p><b>save</b> 322:10 330:21</p> <p><b>saw</b> 353:24 382:23 383:2 385:7 387:21, 22 401:18 416:21</p> <p><b>say</b> 302:17 306:24 307:24 309:19 311:6 338:8 341:8, 12,14 342:2</p>	<p>352:11 354:10,11 356:8 364:7 383:5 385:10 388:11 389:18 390:3 394:14 395:5, 25 396:23,25 397:12 398:12 400:16 406:20 407:14 408:24 411:6 412:3 417:5 418:3 432:19 435:6,18 437:15 440:13,14 442:12,14 443:1,5 444:20</p> <p><b>saying</b> 309:17 314:21 387:11 393:19 439:9 440:16 444:12</p> <p><b>says</b> 302:20, 25 303:6 305:11 312:11 368:19 376:10,15 391:4 404:2, 3,21 412:19 434:16</p>	<p><b>scale</b> 396:2 450:8</p> <p><b>scenario</b> 363:13 413:25</p> <p><b>scenarios</b> 382:7</p> <p><b>schedule</b> 310:8 323:25 436:10</p> <p><b>scheduled</b> 358:7 361:22, 24 363:20 364:5 371:19</p> <p><b>School</b> 318:9</p> <p><b>Schultz</b> 342:11,12,17, 22,24 348:2 358:5</p> <p><b>Schultz's</b> 348:9</p> <p><b>Science</b> 318:10</p> <p><b>scope</b> 322:23 324:24</p> <p><b>scrambling</b> 453:25</p>	<p><b>screen</b> 305:22</p> <p><b>search</b> 397:24 422:1 452:21</p> <p><b>searched</b> 404:16</p> <p><b>season</b> 312:13 315:9 405:14,17,19 406:2,17</p> <p><b>seasonal</b> 314:25 315:10</p> <p><b>seasons</b> 406:7</p> <p><b>second</b> 300:4 316:12 357:11 361:16 376:17 387:25 391:1 422:10 437:9</p> <p><b>secondary</b> 370:25</p> <p><b>Secondly</b> 320:21 326:22 381:23</p> <p><b>secret</b> 306:10</p>
---	---	---	--	---



<b>Section</b> 370:4	382:20	328:5 343:5 352:20,24 360:22	456:22	455:25
<b>sectors</b> 343:13	<b>send</b> 382:13 406:25 417:18,23 441:21 443:5	361:15 363:17 371:14 386:14 397:19 398:9	<b>services</b> 300:9 302:4 319:4 322:7 326:3,20 329:18,21 330:5 343:7 346:21 347:7, 23 370:10,14 414:6 419:10 420:2 421:12 426:13 452:11	<b>several</b> 302:10 323:7 325:7 336:9 337:2 352:10 383:22 390:25 398:23 421:22 436:13
<b>secure</b> 456:21	<b>send-out</b> 371:22 372:2, 5	416:18 438:13 454:24		
<b>seek</b> 383:12 399:11	<b>sending</b> 435:15 443:6	<b>served</b> 319:2 371:2 394:19 435:16 438:13		<b>severed</b> 450:12
<b>seeking</b> 373:8 448:1	<b>senior</b> 318:21 319:2,9 343:15,18	<b>service</b> 300:4 303:24 322:15 323:25 324:4 325:10 326:4 327:6,8,10, 12,18 335:14, 20,23 336:6 346:13 361:4 362:3 365:16, 20,23 372:10 374:2 381:20 383:4,14,20, 23 384:5 386:11 394:10 395:5 397:3 399:10 400:20 402:5, 16 403:20 405:4 406:9 413:4 414:2, 18 415:23 417:25 418:1 423:16 428:4	<b>Services'</b> 419:8	<b>shale</b> 314:8
<b>seem</b> 383:5 405:4 446:18	<b>sense</b> 336:17		<b>servicing</b> 433:4 435:12	<b>share</b> 376:9 384:9
<b>seems</b> 336:15 377:25 386:23 433:9 439:13 442:10 448:24	<b>sent</b> 333:25 402:25 441:20 444:6		<b>set</b> 408:7 414:16 417:12 420:17	<b>shared</b> 372:20
<b>seen</b> 308:10 331:10 339:2 413:3 448:23	<b>sentence</b> 316:12 397:12		<b>setting</b> 454:16	<b>shareholders</b> 423:2
<b>select</b> 372:3 437:12	<b>September</b> 359:23 420:13,14,17, 18		<b>settle</b> 381:11 382:18	<b>shaving</b> 301:23 337:24 347:9, 11 384:24,25 385:5 428:9, 11
<b>selected</b> 373:4	<b>seriously</b> 437:20 438:24		<b>settled</b> 398:10	<b>shifting</b> 428:8 429:3
<b>selecting</b> 373:2	<b>serve</b> 300:22		<b>seven</b> 400:15, 20 422:15 453:10	<b>shippers</b> 324:24 333:6
<b>selection</b>				

334:15,19	352:11	<b>shut</b> 365:8	322:14	376:11 453:1, 5 455:23
<b>shoes</b> 310:20	360:25 365:8	<b>shutoff</b> 361:4	380:16	
	368:20 374:4, 7 376:13		404:22	<b>six</b> 426:21
<b>shooting</b>	381:19	<b>side</b> 446:12	415:15 429:7	
353:5	396:15 404:1		432:17	<b>size</b> 327:6
	412:4 414:12	<b>sign</b> 336:16	447:24	338:21 344:2
<b>short</b> 338:23	418:1 419:22	<b>signal</b> 365:3	448:14	357:2 390:12
360:15 363:4	440:13 446:6		<b>since</b> 339:7	399:9
370:23	451:12,15		396:18	<b>sized</b> 396:2
	<b>shouldn't</b>	<b>significant</b>	429:12 447:8	
<b>short-term</b>	313:18	322:23 323:8	<b>single</b> 442:2	<b>sizes</b> 381:18
311:7 371:6		333:16 349:4		<b>skeptical</b>
421:20	<b>shovel</b> 323:1	371:12 390:2	<b>sir</b> 317:11	422:6 429:1
452:19	325:9,11	392:15 398:7	345:18	
	326:6	445:14	395:23	<b>skipping</b>
<b>shortening</b>	<b>show</b> 305:24	<b>significantly</b>	399:24	396:17
324:5	370:13	324:5 346:24	<b>sit</b> 330:17	
	416:15,19	372:11	<b>sites</b> 382:18	<b>Skull</b> 306:5
<b>shortfall</b>	453:21	442:22		<b>slide</b> 301:8
381:7,15,25	456:12	<b>similar</b>	<b>siting</b> 424:3	307:21,23
382:10 450:7		303:24 324:3		328:20
451:2 453:11	<b>showed</b>	336:5 341:3	<b>sitting</b> 375:14	422:13
454:12	388:21	344:2 417:15		435:14,15
455:23	<b>showing</b>	<b>Similarly</b>	<b>situated</b>	438:6 453:19
456:20	364:19	361:2	454:22	<b>slides</b> 371:1
	422:15	<b>simple</b>	<b>situation</b>	
<b>shortfalls</b>	442:18	304:12	362:25 363:1, 2 364:23	<b>slower</b>
422:19,23	<b>shows</b> 301:10	324:12	410:14 440:7	345:19
428:25 453:8, 13,25 454:7, 9,11	305:14 306:5, 15,16,17	<b>simplified</b>	446:14	<b>smack</b> 388:5
	404:23	305:14	455:25 456:5	
<b>should</b>	421:25 428:6	<b>simply</b>	<b>situations</b>	<b>small</b> 354:25
319:20				
330:17				
331:20				
349:19				

<b>smart</b> 437:7	394:16 402:10 410:16 412:4, 16,17 422:1 428:17,18,22 436:15 437:21,24 438:9,15,17, 21 439:13 441:10 443:2 445:22 446:1 447:10 454:4	<b>someone</b> 354:7	<b>sought</b> 343:16	20
<b>snap</b> 395:8		<b>something</b> 307:7 313:18 354:2 363:5 381:19 416:23 417:2, 8 432:1,12 450:9 451:20 456:12	<b>source</b> 301:22 327:24 389:18 405:16 407:16	<b>speak</b> 366:1 430:24
<b>Snarr</b> 300:11, 16 305:19,23 307:14 311:3 312:4,7 315:23 316:2, 16 317:1 330:4,6 348:18,20 366:13,14 374:14,16 385:17,18 419:9,19 421:1,7 424:13 425:21,22 426:7 427:13, 19,20 429:21, 23 430:12 431:14,15,22 452:6,8,11 456:24	<b>solutions</b> 422:20,22 425:12,14 439:22 441:22 442:7 446:17 454:1	<b>sometimes</b> 301:12 384:12 436:4	<b>sourced</b> 335:12 398:11	<b>speaking</b> 328:14 405:22
<b>so-called</b> 403:17	<b>solve</b> 394:10, 11,16 399:4 439:20 449:18 450:6 454:13	<b>Somewhat</b> 390:23	<b>sources</b> 301:10,14 302:5,18 311:4 313:9 373:16 393:21 410:7 423:6 436:25 439:6 440:8, 19 455:8	<b>specific</b> 323:7,11,12 336:2 355:14 369:24 370:7 373:7 374:9 398:10 399:14 414:16 415:23 418:10 434:9
<b>sole</b> 423:23 456:7	<b>solved</b> 453:23	<b>somewhere</b> 450:1	<b>sourcing</b> 407:23 409:2	<b>specifically</b> 301:13 302:11 325:10 329:4 331:22 349:16 376:10 394:14 402:1 425:8
<b>solely</b> 429:14	<b>solving</b> 338:22	<b>sorry</b> 301:25 305:6,17 306:8 313:10 345:20 352:18 377:19 379:19 386:12 388:2 393:10 396:15 400:22 411:23	<b>south</b> 306:18 353:1 359:10	<b>specifications</b> 329:10
<b>solicitations</b> 448:10	<b>somebody</b> 308:11 387:1 443:2	<b>sort</b> 310:24 365:9,10,12 444:9 449:12	<b>southern</b> 305:3 388:8	<b>specificity</b> 425:9
<b>solution</b> 392:11	<b>somehow</b> 328:16		<b>Southwest</b> 308:14,15 456:5	<b>specifics</b> 335:3 383:3 391:20
			<b>space</b> 318:16,	

<b>speculating</b> 365:10,12	352:22	335:10 342:23 343:9 350:3,11 359:7,10,20 368:1 379:10 419:20 426:8 456:15	351:23,25 397:17 428:21	<b>still</b> 300:10 340:22 390:15 407:9 428:21 444:14,15,16
<b>spell</b> 379:11, 21 419:22	<b>stack</b> 301:12, 20,22 309:2, 15 456:11,13		<b>static</b> 357:11	
<b>spelled</b> 379:18	<b>stand</b> 358:18 395:17,18 396:10 397:8	<b>stated</b> 322:12 324:19,22,23 328:11 347:13 397:2 424:9 428:13	<b>station</b> 382:12	<b>Stoner</b> 382:3
<b>spend</b> 386:1 434:8	<b>standard</b> 324:13 325:2 350:12 384:2		<b>stations</b> 423:13	<b>stops</b> 313:18
<b>spent</b> 349:4 398:7 433:12, 13 444:4		<b>statement</b> 320:11 322:12 324:19 325:7 331:10 333:14 386:17 393:25 394:9 395:17,18 396:10 397:8 400:23 415:16,17 424:12 430:16 431:9, 12,25 432:12 433:22 434:1 451:23 452:6, 9 457:5	<b>status</b> 340:14	<b>storage</b> 314:6 318:22 319:8 320:22 321:12,15,18, 20 323:10,24 324:2,3,7,9, 12,17,25 325:15,22 327:19 328:1, 4 329:16,17 332:1,5,13, 18,21,23 336:4 337:7 338:14 341:3 343:5 344:11, 14 345:11,12 346:5,10,13, 17,18,24 349:8 354:5 357:10,18,19, 23 370:24 371:20 383:5, 14 384:22 386:12 392:22 402:5 411:10,12,20 423:14 428:10 451:4
<b>Spindletop</b> 344:12	<b>standards</b> 355:4		<b>statute</b> 404:7 412:19 434:11 438:25 443:10 447:12	
<b>spoke</b> 349:7	<b>standpoint</b> 407:15 440:13		<b>statute's</b> 437:10	
<b>spot</b> 302:2 308:4,16,23 309:7,16,19, 20,23,25 310:3,4,7,22 311:23 450:2	<b>Star</b> 305:3		<b>statutory</b> 433:7	
<b>spread</b> 415:12 455:16	<b>start</b> 433:21		<b>stay</b> 358:7,9	
<b>SR</b> 319:15 320:1 344:24	<b>started</b> 338:12,13 401:13		<b>stems</b> 422:24	
<b>SRV</b> 318:18	<b>starting</b> 395:2,23	<b>statements</b> 432:10 435:20,22	<b>step</b> 404:8	
<b>Stabilis</b>	<b>startup</b> 343:20	<b>states</b> 314:12 321:15 323:24 329:4	<b>steps</b> 326:3	
	<b>state</b> 317:23 318:11		<b>stick</b> 401:22	<b>store</b> 325:22

372:7 381:21	<b>study</b> 350:19 417:24	445:17	<b>Sugar</b> 342:25	374:10 380:23 386:7, 8 396:24 421:8,10 427:20 429:20
<b>Strategies</b> 359:12,21	<b>sub</b> 304:5	<b>subscribe</b> 377:3	<b>suggest</b> 314:20 364:12 388:23 400:11 413:2 451:14	<b>summer</b> 372:1
<b>straw</b> 439:17	<b>subcommitte e</b> 426:24	<b>subsequent</b> 340:9	<b>suggested</b> 387:17 416:13 451:13 453:6	<b>super</b> 337:8
<b>stream</b> 357:14	<b>subject</b> 311:11,12 327:10 340:17 347:14 349:23 361:20 363:22 396:6 409:4 432:11 437:22 438:1, 2 439:3,24,25	<b>subsidiary</b> 318:4	<b>suggesting</b> 313:7 389:7 441:4	<b>superior</b> 347:24
<b>Street</b> 359:10 379:16		<b>substantial</b> 364:4 365:2 374:25 442:18	<b>suggestion</b> 445:24	<b>supervision</b> 327:3
<b>stretch</b> 332:5 333:3		<b>substantially</b> 393:1 448:25 449:23	<b>suggests</b> 361:2 377:23 402:13 429:18	<b>supplement</b> 356:20
<b>stretching</b> 431:19	<b>submission</b> 420:22 427:1	<b>successful</b> 406:8	<b>Suite</b> 318:1 359:10 379:16	<b>supplemente d</b> 441:1
<b>strewn</b> 455:14	<b>submit</b> 438:19 443:15 447:4, 11 456:23 457:15	<b>such</b> 320:15 344:5 350:13 364:23 365:25 370:25 381:24 396:3 423:4,14 431:8 452:16		<b>supplier</b> 364:15 418:2
<b>strictly</b> 338:16			<b>summarize</b> 430:21	<b>suppliers</b> 311:22
<b>structure</b> 446:10	<b>submits</b> 443:8		<b>summary</b> 302:21 320:7 345:6 360:15 362:4 369:13 373:24	<b>supplies</b> 300:19,20,21 301:20 302:6 304:14,24 305:7 306:25 307:3 314:25 326:25 328:2 383:18
<b>structured</b> 398:21	<b>submitted</b> 303:23 436:9 441:2 443:14, 22	<b>suffered</b> 394:20		
<b>studies</b> 324:20,21 336:11 337:14 417:21	<b>submitting</b>	<b>sufficient</b> 397:13 423:20 429:5		

<p>384:10 409:10 415:2 418:8 453:17</p> <p><b>supply</b> 301:11,12,20, 22 306:22 307:5,8,24 308:9 309:15, 22 310:22 311:14 312:24 313:4, 5,9,20,23 314:19,23 315:11 320:16,17 321:23 322:5, 8,21 323:13, 15,17 325:23 326:9 327:5, 7,10,15,21,24 328:8 329:5, 11,18 331:17 335:25 338:10,16 339:3,9,12, 18,20 340:4 343:6 345:13 346:6,19 347:20,25 353:16 361:6, 18,22 362:1,4 363:3,4 364:19 370:21 371:3 373:19 376:11 381:9, 21 383:7,12 394:6,20 396:1 398:9 399:3 404:9 405:15,16,22</p>	<p>407:3,13 409:9 411:6, 21,25 412:5 414:6,13 416:15,18,19 422:11,15,19, 23,24 423:8, 13,24 428:23, 24 438:15 439:5,7 442:4,7 450:7,9 452:24 453:2, 8,22,25 454:7,18,19 455:11,13,15, 16,19 456:8, 11,12,19,21</p> <p><b>supplying</b> 306:4</p> <p><b>support</b> 304:13 305:8 324:21 369:25 377:16 420:22 429:11,12 455:4</p> <p><b>supported</b> 346:9</p> <p><b>supporting</b> 422:3</p> <p><b>supports</b> 423:17</p>	<p><b>suppose</b> 432:4</p> <p><b>supposed</b> 404:2</p> <p><b>surface</b> 391:21</p> <p><b>surrebuttal</b> 319:15 322:2, 17 344:23 368:13,18,24 369:3,6,23 376:8 377:12 379:25 380:7, 12,15 420:16</p> <p><b>surrounding</b> 404:24</p> <p><b>surrounds</b> 386:22</p> <p><b>suspect</b> 365:24 441:22 445:18</p> <p><b>swear</b> 317:14 342:13 358:21 367:16 378:25 419:12 425:24</p> <p><b>sworn</b> 300:14</p>	<p>317:20 342:19 359:2 367:12,22 378:21 379:6 419:17 426:5</p> <p><b>Synergy</b> 382:2,4</p> <p><b>system</b> 300:23 306:12 323:13 326:9 327:1 328:7 347:16 354:7 361:22 372:15,17 373:13 382:1 387:3,4,5,19, 24 388:4,8, 15,18,20 389:10,11,19 392:14 393:15 396:2 408:20 411:8 413:19 415:14 416:10 417:1, 8 423:7 436:24 437:23 444:15 445:23 449:4 453:18 454:15,21 455:5,9,10 456:21</p> <p><b>systems</b> 372:19 416:10</p>	<p>451:15</p> <hr/> <p><b>T</b></p> <hr/> <p><b>table</b> 438:9</p> <p><b>tailored</b> 444:9</p> <p><b>take</b> 310:8 311:15 328:17 330:17,23 331:25 351:19 364:22 371:21 373:10 374:23 382:14,16 386:7,17 387:3,11 389:19,24 391:20 392:9 404:8,13 405:14,19,20 408:9 410:12 411:18 412:20 418:21 434:18 450:21 457:21</p> <p><b>taken</b> 349:19 360:19 446:6</p> <p><b>takes</b> 310:10 436:20</p>
--	--	--	---	---

<p><b>taking</b> 334:24 370:6 411:8 417:25 418:1, 22</p> <p><b>talk</b> 331:9,23 353:13 355:5 382:1 397:5 403:17 406:22 408:6 411:12 437:17 440:12 442:6</p> <p><b>talked</b> 375:18 403:7 435:11 437:18 438:7 439:21</p> <p><b>talking</b> 300:19 310:6 313:13,14 314:17 315:1, 3,4,5,6,10 317:12 349:5 354:24 390:13 391:14 392:12,13,15, 25 403:18 407:13 416:20 430:25 432:16 438:8 442:4 444:4 456:10</p> <p><b>talks</b> 353:21</p> <p><b>tank</b> 350:23</p>	<p><b>tanks</b> 371:20, 24 372:4</p> <p><b>target</b> 340:1 365:14</p> <p><b>tariff</b> 362:2 364:22 366:4, 6 444:22</p> <p><b>TCF</b> 346:12 354:3,21</p> <p><b>team</b> 402:20 403:9 405:24</p> <p><b>tech</b> 300:25</p> <p><b>technical</b> 307:23 368:3 422:14 435:11,14</p> <p><b>technically</b> 313:24 384:23</p> <p><b>telling</b> 392:19</p> <p><b>tells</b> 414:11</p> <p><b>temperature</b> 381:10</p> <p><b>temperatures</b> 341:6 356:22</p>	<p><b>ten</b> 339:23 450:25</p> <p><b>Tender</b> 374:12</p> <p><b>term</b> 412:15</p> <p><b>terms</b> 312:4 316:6 322:23 327:10 363:25 438:16 451:12</p> <p><b>terrestrial</b> 343:22</p> <p><b>tested</b> 389:1</p> <p><b>testified</b> 300:14 317:20 342:19 350:15 351:13 359:2 367:22 371:22 379:6 403:5 404:19 419:17 423:23 426:5 448:9 449:3</p> <p><b>testifies</b> 360:23</p> <p><b>testify</b> 435:10 449:15</p>	<p><b>testifying</b> 320:13,21</p> <p><b>testimony</b> 301:16 302:9 311:5,9 312:2 316:24 319:13,15,17 320:7,24 321:3,10 322:1,2,18 323:14,20 325:8 326:7 327:21 339:15 340:2, 5 342:6 344:20,23 345:2,4,7,9, 15,23 346:23 348:5,9 349:5 350:17 351:1, 4,5,6,13,19, 20 353:18,20 357:25 359:22,25 360:2,3,6,10, 14,19,23 361:7,8,17 362:22 366:25 368:7, 14,19,25 369:3,13,23 370:1 376:8 377:3,6 378:16 379:25 380:7, 13,14,16,23 385:11 386:15,18 394:9,13,14, 24,25 395:2 396:20,21</p>	<p>397:17,22 399:16,17,25 400:8,24 401:19 402:20,24 405:2,21 408:10 409:1 410:24 413:17 414:21 416:8 418:17 420:6, 9,12,13,16,22 421:8,23 425:20 427:1, 4,11,14,21 430:10,20 432:2 433:3 436:18,21 439:2 441:2 442:17 444:2, 3 445:5,17,18 448:8 450:11 451:7,9</p> <p><b>Texas</b> 342:25 344:12 352:22 359:18</p> <p><b>than</b> 310:17 313:8 314:24 318:15 323:2 324:16 338:16,21 340:18 341:14 343:12 350:9 353:11,16 354:9,22 357:4,6 363:6 372:11 373:7</p>
---	--	---	---	---

<p>382:3 391:12 393:1 394:18 398:2 400:24 406:24 407:16 408:1 417:3,5 418:9 426:16 428:13 434:3 440:14,19 447:6 449:19, 20,24 451:3 456:5</p> <p><b>their</b> 300:9,22 314:1 336:23 337:11 344:6 347:21 361:6, 18,21 363:20 364:19 365:7, 9 366:4 384:20,23 403:8 415:14 416:8,11 454:21 456:13,17,21</p> <p><b>theme</b> 447:22</p> <p><b>themselves</b> 431:9</p> <p><b>theoretically</b> 389:7 398:8</p> <p><b>thereabouts</b> 333:18</p> <p><b>thereby</b> 328:13</p>	<p><b>therefore</b> 373:22 423:3</p> <p><b>thereto</b> 344:21 380:14</p> <p><b>thing</b> 354:12 355:5 366:5 384:15 386:20 394:1, 7 396:19</p> <p><b>things</b> 350:22 382:18 384:12 396:17 406:11 407:7 408:8 417:9 420:20 431:19 438:6 444:12 446:12 447:25 453:7</p> <p><b>thinking</b> 439:13 441:6 442:3</p> <p><b>third</b> 322:16 328:25 331:17 361:23 382:19 394:7 407:11,12,16, 23 408:2 409:3,22 414:1,6 422:21 436:25 438:1</p>	<p>444:18,23</p> <p><b>thorough</b> 328:24</p> <p><b>thoroughly</b> 423:9 455:21</p> <p><b>thought</b> 381:8 382:15 411:19 434:9</p> <p><b>thoughts</b> 431:13,23 433:1</p> <p><b>thousand</b> 392:19</p> <p><b>thousands</b> 314:2 357:17</p> <p><b>threaten</b> 456:22</p> <p><b>threats</b> 454:9, 21</p> <p><b>three</b> 310:21 359:20 382:24 444:25</p> <p><b>threshold</b> 336:23</p> <p><b>through</b></p>	<p>302:23 319:9 335:4 365:16 369:5,7 380:15 381:4 382:7 389:25 392:13 396:19 402:1 408:8 427:25 435:12 439:2, 18 442:19 443:13,16 451:17 454:18,19 455:15,22,23 456:19</p> <p><b>throughout</b> 320:11 441:1 447:24</p> <p><b>throwing</b> 433:18 434:2 449:13</p> <p><b>thumbnail</b> 426:17</p> <p><b>tied</b> 335:23 399:13 402:4 455:2</p> <p><b>tigers</b> 318:12</p> <p><b>time</b> 324:5 325:19 326:8 327:15 330:17,21 335:13 338:23 344:4</p>	<p>346:1,8 347:6 349:4 352:9 353:22 354:21 357:5 365:4 380:5, 11 383:2,7 384:24 385:2 389:24 398:7 399:12 406:11 407:24 412:5, 6 414:7 417:7 423:21 428:14 432:16 442:8 445:14,15 447:6</p> <p><b>timeframe</b> 395:11</p> <p><b>timeline</b> 333:18</p> <p><b>timely</b> 329:15</p> <p><b>times</b> 310:13 325:7 336:9 354:18,21 390:25</p> <p><b>timing</b> 432:17</p> <p><b>Tina</b> 310:20</p> <p><b>today</b> 319:18 320:13,21 346:11 355:20 356:7</p>
---	---	---	---	---



360:15 366:25 370:1 375:14,18 385:25 388:20 418:18 420:23 425:21 427:8, 11 437:19	<b>totally</b> 333:24	344:11	394:11 398:18 400:11 410:3, 5 416:17 418:20 432:7 438:13 440:4	<b>twofold</b> 320:14
<b>together</b> 336:21 381:19 443:10	<b>towards</b> 418:22	<b>trillion</b> 346:12 354:3	<b>turn</b> 301:5 364:8 391:1 396:20 410:14 435:20	<b>type</b> 331:21 335:23 336:6 337:4 346:3 370:16 383:12 414:18 448:17
<b>told</b> 339:23	<b>Townsend</b> 358:18,19,25 359:5,9 362:6,9 367:4	<b>troubled</b> 383:21	<b>Tucson</b> 456:6	<b>types</b> 346:3 349:17 352:7 450:22
<b>tomorrow</b> 355:21,24 356:8	<b>Townsend's</b> 360:9	<b>troubling</b> 451:17	<b>turning</b> 303:21	<b>typical</b> 315:7 336:14 357:6
<b>took</b> 394:8 401:11 436:21	<b>traces</b> 357:15	<b>true</b> 307:2 309:13 327:17 339:8 351:16 383:24 413:3 415:13	<b>turns</b> 321:19	<b>typically</b> 335:9 336:19 357:2,9
<b>tool</b> 382:5,6 386:25	<b>traditional</b> 321:20	<b>truly</b> 394:3	<b>Twenty</b> 355:25	<hr/> <b>U</b> <hr/>
<b>tools</b> 362:3	<b>transmission</b> 353:25	<b>truth</b> 300:14 317:15,20 342:13,19 358:22 359:2 367:17,22 379:1,6 419:12,17 425:25 426:5	<b>two</b> 303:13 316:8 333:17, 18 346:3 349:10,17 357:1 368:18, 22 376:19 382:24 384:19 392:25 394:23 400:7 402:25 410:19 415:7, 15 444:4 445:18 448:25 451:9 454:24	<b>U.S.</b> 343:17 352:2 371:9
<b>top</b> 309:3 391:3 438:20	<b>transport</b> 325:25	<b>try</b> 364:1 381:3 387:4 392:14 407:18 415:12 432:5, 20 454:1		<b>UAE</b> 348:16 358:17 359:25 360:18 367:2 385:20 431:24 457:7
<b>topic</b> 384:1	<b>transportatio</b> <b>n</b> 319:7 360:24 361:3, 12,16,17,19 362:3 363:2, 11 385:2 423:16			<b>Uh-huh</b> 353:14 391:13
<b>total</b> 391:10 456:2	<b>travel</b> 327:5	<b>trying</b> 336:17 393:12		
	<b>traveled</b> 314:1			
	<b>Triangle</b>			

393:13	<b>understand</b> 306:3 331:24, 25 333:24 354:1 355:7 377:19 389:17 390:14 394:5 401:3 402:3 403:16 404:17 405:20,24 407:8 410:5 425:5 439:16	357:16	443:17	356:2,5
<b>Uintah</b> 306:7, 8		<b>unforeseen</b> 376:10	<b>unrelated</b> 336:8	<b>usage</b> 307:12 361:5 365:9 377:16 378:5
<b>ultimate</b> 326:18 417:1		<b>unfortunately</b> 383:18 405:15	<b>until</b> 309:13, 15 321:3 336:13 340:4 373:21 435:16	<b>use</b> 301:19 309:15,20 363:12 364:11 371:14 372:8 376:3,18 382:2,11,12, 17 394:15,17 410:15 423:15 439:8
<b>ultimately</b> 339:24 363:24		<b>uniformity</b> 446:15	<b>unusual</b> 364:20 422:8	453:14 454:19 455:23
<b>unable</b> 340:16 384:5	<b>understandin g</b> 300:20 301:9,19 328:24 335:22 344:7 382:5 402:24 407:21 417:13 422:18 453:23	<b>unique</b> 352:12	<b>unwilling</b> 364:8	
<b>unacceptable</b> 328:16		<b>uniquely</b> 454:22	<b>up-front</b> 440:21	<b>used</b> 304:6 313:25 314:3 349:9 371:23 376:13 381:6 394:21 395:11 429:10
<b>under</b> 300:10 310:5 323:25 327:2 340:16 350:3 352:25 363:19 364:5, 22 372:14 376:4,19,22 395:7 416:9 434:12 450:3 457:22	<b>understands</b> 389:21	<b>unit</b> 354:8,21	<b>upgrade</b> 455:2	
		<b>United</b> 314:12 321:15 323:24 351:23,24	<b>upgraded</b> 388:14	
	<b>understood</b> 324:14 386:15 392:1 432:22	<b>University</b> 318:10,11 343:10 359:18,19 426:20	<b>upgrading</b> 456:3	<b>users</b> 330:1 348:15 358:15 377:17
<b>underground</b> 314:6 344:10, 14 345:11 346:5,10,13, 17,18 349:8 357:9,19,23 384:22 392:22 411:9, 12 423:14 451:4	<b>undertook</b> 412:6 443:9	<b>unless</b> 348:7 358:8 432:1 447:14	<b>upstream</b> 439:20 454:19 455:20,24	<b>uses</b> 343:22 429:8
	<b>unduly</b> 456:22	<b>unlike</b> 327:18	<b>upward</b> 371:8	<b>using</b> 301:11 370:24 382:5 385:9 388:20
	<b>uneconomic</b>	<b>unrefuted</b>	<b>urban</b> 355:22	

<p>392:16 407:12 417:14 418:5 444:15</p> <p><b>usually</b> 310:2 314:25 372:2 395:9 446:13</p> <p><b>Utah</b> 300:6 311:8 318:1 330:1 348:15 350:3,11 358:15 359:20 368:6, 11 369:17 370:4,8 371:5,11 372:15,16,24 373:18 374:2, 7 375:5 376:6,24 379:23 381:2 390:3 421:15 426:20 428:1 438:3 440:9 442:5 452:15</p> <p><b>Utah's</b> 363:4 373:15</p> <p><b>utilities</b> 320:14,20 330:8 343:21 346:8,21 359:20 368:3, 6 379:24 381:3</p> <p><b>Utilities'</b></p>	<p>375:21</p> <p><b>utility</b> 319:11 322:15 346:1 352:20 353:3, 10 363:9 370:10 373:16 374:2 420:1 423:1 426:14 443:15</p> <p><b>utility's</b> 345:13 346:6</p> <p><b>utility-built</b> 346:22</p> <p><b>utilize</b> 324:13 428:2</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>vacation</b> 364:15</p> <p><b>valley</b> 328:3 332:15 424:4, 6</p> <p><b>valuable</b> 328:23</p> <p><b>value</b> 365:15, 22,25 384:17 407:19 410:7</p>	<p><b>valve</b> 363:15</p> <p><b>valves</b> 361:4 408:6</p> <p><b>vaporization</b> 345:13 381:18</p> <p><b>vaporize</b> 372:7</p> <p><b>vaporizing</b> 408:7</p> <p><b>various</b> 303:9 304:2 319:2 343:18 373:1 398:8 439:5 454:19</p> <p><b>Vastag</b> 419:10,11,15, 22 421:7 424:13 425:21</p> <p><b>vastly</b> 444:10</p> <p><b>Vegas</b> 334:25</p> <p><b>verify</b> 330:14 337:5,11</p> <p><b>version</b> 305:14</p> <p><b>versus</b></p>	<p>346:14,21 416:9 435:16 449:19</p> <p><b>vetted</b> 444:25 445:1</p> <p><b>via</b> 326:14 423:6</p> <p><b>viability</b> 445:6</p> <p><b>viable</b> 323:23 414:25 445:4</p> <p><b>vice</b> 318:3,21 343:15 376:5</p> <p><b>Virginia</b> 344:19</p> <p><b>virtue</b> 415:11</p> <p><b>volume</b> 335:11,12,13 354:6</p> <p><b>volumes</b> 357:4,9 382:11</p> <p><b>voluntarily</b> 363:11</p> <p><b>Voluntary</b> 300:6</p>	<p><b>vulnerabilities</b> 436:24</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>W-o-r-c-e-s-t-e-r</b> 379:18</p> <p><b>wait</b> 310:11 327:4</p> <p><b>waive</b> 444:20</p> <p><b>walk</b> 335:4</p> <p><b>want</b> 315:22 330:13 331:8 332:16 333:13 349:3 353:13 354:19 355:5, 6 356:19 386:1 389:15, 20 391:2 394:8 395:19 396:25 397:17 398:12,25 399:2 400:16 401:10 406:22 407:7 408:8 411:13, 17 416:14 423:2 425:4 433:21,23,24, 25 437:9,17 440:7 441:12 446:25 447:2,</p>
---	--	--	---	--

<p>4 452:6 457:5,10</p> <p><b>wanted</b> 331:23 373:10 432:24 436:6 439:15 444:1 457:16</p> <p><b>wanting</b> 308:6 448:10</p> <p><b>wants</b> 370:15 422:8 431:1 433:19</p> <p><b>Ware</b> 421:23 425:23,24 426:3,10 427:14 429:21 430:11</p> <p><b>warranted</b> 370:12</p> <p><b>Wasatch</b> 328:3 388:6 454:8,25 455:6</p> <p><b>Wash</b> 306:6</p> <p><b>water</b> 341:21 342:3 357:14</p> <p><b>way</b> 326:5</p>	<p>327:17 328:12 336:20 339:9 346:16 365:14 371:23 386:2 388:24 389:2 393:19 415:20 432:8, 14 435:4 454:11</p> <p><b>ways</b> 414:17</p> <p><b>weather</b> 370:22 376:11 381:8 395:9,10,13 454:11</p> <p><b>weeds</b> 436:4</p> <p><b>weigh</b> 447:12</p> <p><b>weighting</b> 449:20</p> <p><b>wellhead</b> 341:15,20,21 356:25 357:3, 16,17,18 451:4</p> <p><b>wellheads</b> 357:1</p> <p><b>wells</b> 357:8 414:12</p>	<p>455:12</p> <p><b>went</b> 315:13 382:21 397:23 401:12 403:5 404:23 413:3 418:8 442:19 446:3,22</p> <p><b>West</b> 352:22</p> <p><b>western</b> 314:9 321:15 323:24</p> <p><b>Westpro</b> 372:3</p> <p><b>Wexpro</b> 303:24 304:3, 9</p> <p><b>whatever</b> 301:24 349:18 350:7, 10 354:20 363:23 364:22 394:20 403:8 431:21</p> <p><b>Wheelwright</b> 367:12,14,20, 25 368:2 369:4,12 374:12 375:5, 9,18 376:18 378:17</p>	<p><b>whenever</b> 327:9 431:1</p> <p><b>whereby</b> 329:4</p> <p><b>wherever</b> 387:1</p> <p><b>whether</b> 311:13,16,19 312:12 327:21 350:6 356:4 365:5, 25 370:8 381:23 382:19 384:1 403:12 404:15,16 406:17,18 414:24 417:20 418:21 431:7, 8 432:4 434:18,20 435:8 437:11, 13 443:24,25</p> <p><b>while</b> 382:22 389:18 437:1 441:8 453:6</p> <p><b>White</b> 305:4 316:21,22 334:12,14 335:2 336:3, 10 337:16 356:17,18 366:18,20 378:11,12</p>	<p>416:4,5 425:1,2,4,17 430:7,8 435:24,25 446:11 447:18,19 452:1,2 457:2,3</p> <p><b>whoever</b> 387:7</p> <p><b>whole</b> 399:18 417:24 443:11 446:7</p> <p><b>whom</b> 318:2 343:1 359:11</p> <p><b>whomever's</b> 336:23</p> <p><b>wide</b> 442:9</p> <p><b>will</b> 300:8 303:8 309:24, 25 310:1 320:10 321:22 322:5, 9,19 323:19 325:3 326:12, 24 327:4,5,8 328:5,6,7 330:21 332:19 339:15 340:2 347:7 352:9 357:16 362:6 370:1,9,14</p>
---	---	---	---	---

<p>371:7,8,13, 21,22 372:2, 14 373:17 374:1 375:4 379:13 385:2 397:1 401:1 409:9 412:7 416:15 421:17,19 434:9 435:13 437:5 439:12 441:4 444:3, 19,20 445:12, 13,16,18,20 448:19 452:17 457:21</p> <p><b>willing</b> 308:12 311:10 430:17,23 431:15</p> <p><b>window</b> 449:14</p> <p><b>winter</b> 302:21 312:13 314:25 315:2, 8</p> <p><b>wiping</b> 328:13</p> <p><b>wish</b> 432:20</p> <p><b>withdraw</b> 302:1</p>	<p><b>withdrawals</b> 325:24 341:7 356:23 357:6</p> <p><b>within</b> 316:4 323:4 363:5 396:5 415:14 442:2 447:3,9</p> <p><b>without</b> 327:16 334:16 422:17 436:23 453:23</p> <p><b>witness</b> 300:9,13 317:13,16,19 334:20 335:8 336:7,19 337:20 338:2 339:13 340:10,17,25 341:2,8,16,19 342:8,14,16, 18 345:20,22 356:24 358:2, 20,23 359:1 367:1,8,15, 18,21 378:18, 21,24 379:2,5 390:18 400:1 416:12,25 417:17 418:7, 14,19 419:8, 10,13,16 421:23 423:22 425:3, 10,23 426:1,4 435:9 442:23</p>	<p><b>witness's</b> 448:8</p> <p><b>witnesses</b> 317:6 367:3 371:22 413:18 419:3, 4 429:15 436:13 449:14 451:10</p> <p><b>wondering</b> 336:15 354:10</p> <p><b>Worcester</b> 379:16,18 418:12</p> <p><b>words</b> 331:15 338:24 417:3 428:24</p> <p><b>work</b> 329:14 337:12 350:5 375:9 383:17 387:18 389:18,19 397:19 398:13 426:11,13</p> <p><b>worked</b> 343:18 359:19 385:10 411:20 418:4 426:15,21</p>	<p><b>working</b> 338:13 346:13 379:14 415:1 456:19</p> <p><b>worried</b> 416:15</p> <p><b>worse</b> 361:4</p> <p><b>worth</b> 433:2</p> <p><b>worthy</b> 436:7</p> <p><b>wrap</b> 406:22</p> <p><b>write</b> 335:5</p> <p><b>written</b> 316:7 338:9 457:22</p> <p><b>wrong</b> 399:8 436:19</p> <p><b>wrote</b> 333:15</p> <p><b>Wyoming</b> 311:8</p> <hr/> <p><b>Y</b></p> <hr/> <p><b>yards</b> 414:13</p> <p><b>year</b> 314:24</p>	<p>322:10 347:12,13 393:9 426:16 428:15 433:5 450:3</p> <p><b>year-round</b> 321:22</p> <p><b>yearly</b> 321:19</p> <p><b>years</b> 312:25 318:15 333:18 343:12 351:23,25 352:5 353:7, 12,19 354:13, 19 355:25 356:1 359:21 373:17 382:22 395:11,13 397:24 405:25 422:16 426:21 428:6 429:4 444:4 453:10 454:15</p> <p><b>yesterday</b> 300:10,17 301:1 303:22, 23 305:13,21 310:19 311:5 314:11 316:24 362:21 414:21</p>
--	--	--	---	---

**yesterday's**

413:14

**yet** 433:6,10

434:20

**yourself**

310:19 350:2

443:5

---

**Z**

---

**zero** 450:14