In the Matter Of:

In Re: Pacific Energy & Mining Company

HEARING, DOCKET NO. 18-2602-01

December 18, 2018

Job Number: 513900

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Pacific Energy & Mining Company	)	Docket No. 18-2602-01
	)	HEARING

December 18, 2018
1:11 p.m.

Location: Public Service Commission
160 East 300 South, 4th Floor
Salt Lake City, UT 84111
(801) 530-6769

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

Job No. 513900

A P P E A R A N C E S

Presiding Officer:	Melanie A. Reif
For the Division of Public Utilities:	Patricia E. Schmid Justin Jetter Assistant Attorney General 160 East 300 South, Fifth Floor P.O. Box 140857 Salt Lake City, UT 84114-0857 (801) 366-0335 jjetter@agutah.gov pschmid@agutah.gov
For Pacific Energy & Mining Company:	Terry Spencer SPENCER & COLLIER, PLLC 140 West 9000 South, Suite 9 Sandy, UT 84070 801-566-1884 terry@spencerandcollier.com

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P R O C E E D I N G S

PRESIDING OFFICER REIF: All right. We are on the record. Welcome everyone. I am Melanie Reif. I am the presiding officer for this hearing. This hearing is the Pacific Energy & Mining Company matter. This is designated as Docket No. 18-2602-01, and this is the hearing scheduled for this date and time.

Let's start by taking appearances, and we'll start with the division please.

MS. SCHMID: Thank you. Patricia E. Schmid with the attorney general's office. Also with me is cocounsel, is Justin Jetter. The division's witness will be Jimmy Betham.

PRESIDING OFFICER REIF: Would you mind repeating his last name, please.

MS. SCHMID: Betham, B-E-T-H-A-M.

PRESIDING OFFICER REIF: Thank you very much.

MR. SPENCER: I'm Terry Spencer representing Pacific Energy & Mining, and I have with me Dan Green who is with Pacific Energy & Mining. And Tariq Ahmad is on the phone.

PRESIDING OFFICER REIF: Thank you very much, Mr. Spencer. Just to be sure, you'll want to make sure that your microphone is on. There's a little button

that will turn green when it is on.

MR. SPENCER: It's on.

PRESIDING OFFICER REIF: You need to be right in front of it so that it will pick you up, and --

MR. SPENCER: I will pull it closer, your Honor.

PRESIDING OFFICER REIF: Actually even closer because I couldn't pick you up on the mic.

MR. SPENCER: How about now?

PRESIDING OFFICER REIF: Nope.

MR. SPENCER: It has a green light.

MS. SCHMID: I always have to cup my hand around the light to tell if it's on or not.

MR. SPENCER: How is that?

PRESIDING OFFICER REIF: Still not picking up.

MR. SPENCER: Oh, okay. The light is brighter.

PRESIDING OFFICER REIF: That's much better.

MR. SPENCER: Okay.

PRESIDING OFFICER REIF: So be sure that your microphone is on when you speak. That will assist us in capturing this not only for the record but for our court reporter today.

MR. SPENCER: Okay.

PRESIDING OFFICER REIF: And for everyone in

the room to be able to hear as well as the gentlemen join us on the telephone.

MR. SPENCER: Okay.

PRESIDING OFFICER REIF: Okay. All right. So thank you for joining us. And Ms. Schmid, we'll let you go ahead and proceed.

MR. SPENCER: Good afternoon. Yesterday afternoon Pacific Energy & Mining company provided the division with two large books containing documents. The division has not had sufficient time to go through them completely. This afternoon, PEMC also passed out some, I believe, replacement pages for those books and we haven't had a chance to go through those.

What the division proposes is to continue with the hearing on the merits. So may the division please call its witness, Mr. Jimmy Betham.

PRESIDING OFFICER REIF: Just a moment, Ms. Schmid. Mr. Spencer, do you want to respond? And I also see that a copy of whatever you've given to the division has been copied to the commission as well as to the court reporter.

MR. SPENCER: What she stated was accurate.

PRESIDING OFFICER REIF: Okay.

MR. SPENCER: We originally gave her the materials several months ago. And it's taken me this

long to get them put together for this hearing.

PRESIDING OFFICER REIF: Okay. So you're ready --

MR. SPENCER: This is the second set.

PRESIDING OFFICER REIF: You're ready to move forward on the merits?

MR. SPENCER: We are ready to move forward, yes.

PRESIDING OFFICER REIF: Very good. Ms. Schmid, please go ahead.

MS. SCHMID: Thank you. The division would like to call Mr. Jimmy Betham as its witness.

PRESIDING OFFICER REIF: Mr. Betham, good afternoon. Would you like to take the witness stand. Okay.

MS. SCHMID: While he is going up there, I'd also like to note for the record that the division has placed a binder labeled Division of Public Utilities Exhibits for Hearing in front of Ms. Reif, given a copy to Mr. Spencer and Mr. Green who are in the hearing room today, and to the court reporter.

Mr. Betham will be making reference to these and we will be asking that they be admitted after they have been authenticated and discussed.

PRESIDING OFFICER REIF: Thank you.

MS. SCHMID: May Mr. Betham please be sworn.

PRESIDING OFFICER REIF: Absolutely. Mr. Betham, do you intend to tell the truth today?

THE WITNESS: Yes.

PRESIDING OFFICER REIF: Thank you.

JIMMY BETHAM,

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

DIRECT EXAMINATION

BY MS. SCHMID:

Q. Good afternoon, Mr. Betham.

A. Good afternoon.

Q. Could you please state your name, title, business address and employer for the record.

A. My name is Jimmy Betham. I'm a pipeline safety engineer. And I work at the -- this building which is 160 East 300 South, Salt Lake City, Utah. And I work for the Utah Pipeline Safety.

Q. And is Utah Pipeline Safety underneath the umbrella of the Utah Division of Public Utilities?

A. Yes.

Q. Could you please describe your educational background?

A. Yes. I pursue an engineering degree in civil and environmental engineering at Brigham Young

University, Provo campus.

Q. And when were you awarded those?

A. In 2003.

Q. Have you also taken some special pipeline safety courses?

A. Yes. As part --

Q. Would you please describe those?

A. As part of the job description, you're required to take 12 main courses to become a certified pipeline safety engineer for Utah Pipeline Safety. And those classes are held at Oklahoma City, Oklahoma.

Q. And who puts those classes on or sponsors those classes?

A. PHMSA, which is Pipeline Hazardous Material Safety and Administration.

Q. Have you been involved in this docket as part of your pipeline safety duties?

A. Yes.

Q. Now we'll turn to why we're here today. Normally we do a prefiled testimony, but we did not in this instance. So I am doing the traditional direct examination to get the facts on the record. Did PEMC -- was PEMC audited by the Division of Pipeline Safety in or around November of 2016?

A. Yes.

Q. What was audited?

A. During that inspection, we inspect their operation and maintenance procedures, records and also perform a field audit as far as how long or where their pipeline is out on the field.

Q. Who performed that audit on behalf of Pipeline Safety?

A. This inspection was assigned to my colleague, Chien Hwang, who performed the inspection.

Q. If you would please turn to your DPU hearing exhibit book, and look at what's been marked as DPU Exhibit 1. Do you recognize this letter?

A. Yes.

Q. Please describe it.

A. We had a discussion with Chien Hwang in regards to the results of his findings after the audit was complete. And the results of that audit we found 13 noncompliance issues that needed to be corrected.

Q. Is this the type of letter that Pipeline Safety would normally send out in the ordinary course of its business if it found deficiencies after an audit?

A. We would call this a post-inspection letter after we do the initial inspection. This is the findings that we would notify the operator that needs to be corrected or rectified.

Q. So that was done in the normal course of business?

A. Correct.

Q. Did you talk about this audit with Mr. Hwang?

A. Yes, I did.

Q. Is Mr. Hwang still employed by the Pipeline Safety section?

A. No, he's not.

Q. Who took over the responsibility for the audit after he left?

A. After Chien left, Chien Hwang left, I was -- resumed the responsibility of this inspection.

MS. SCHMID: With that, the division would like to move for the admission of what's been marked as DPU Exhibit No. 1.

MR. SPENCER: No objection.

PRESIDING OFFICER REIF: It's admitted.

MS. SCHMID: Thank you.

Q. (By Ms. Schmid) Let's discuss the contents of the letter, please. Could you please tell us about each noncompliance item that was found and then also what PEMC would have to do to cure it. So let's start with Deficiency No. 1.

A. So Deficiency No. 1 requires that the operator periodically review their O&M manuals. And during the

time of inspection, no documentation or records were found to be in compliance with this deficiency.

Q. What would PEMC have to do to correct the deficiency?

A. Normally the operator would have to review their plans to see if they need to make any alterations or changes to enhance the -- new procedures or procedures that are inadequate. You'd have to identify those, those changes and document those so that it can show as part of their reviews on an annual basis.

Q. Is the duty to comply an ongoing duty?

A. Correct.

Q. So PEMC could have conducted this sort of review and documented it; is that correct?

A. Yes.

Q. Turning to Deficiency No. 2, please describe it.

A. Deficiency No. 2 requires that the operator perform reviews of any abnormal conditions that have existed in the pipeline. And during that time, no documentations or records were provided at the time of the inspection.

Q. What would PEMC have had to do to cure the deficiency?

A. If they had any -- if their procedure told

them to respond to any abnormal condition or activities on the pipeline, those have to be documented and recorded as part of their maintenance program in their procedures.

Q. And if there were no abnormal procedures found, do pipeline companies ever say, nothing happened or anything like that?

A. That is correct.

Q. What about deficiency No. 3?

A. Deficiency No. 3 requires that the operator train their appropriate field personnel to know -- to be more knowledgeable about their emergency plan. And that training had to be documented and recorded. At the time of the inspection, none of those documents or records were provided at that time.

Q. But PEMC could have brought itself into compliance by doing that after the audit, documenting it and providing the information to Pipeline Safety?

A. Yes.

Q. Deficiency No. 4?

A. Deficiency No. 4 requires that an employee, that the operator review their employees' activities in time of emergency to know what they would do if there was an emergency situation or like a mock drill or type of a training, that they would have to do and how they

would respond.

And that needed to be documented and recorded. Those weren't provided at the time of the inspection.

Q. Could that have been cured in the same manner as the previous deficiencies?

A. Yes.

Q. No. 5?

A. No. 5 requires that the operator maintain a liaison with fire police and public officials. Basically this is to meet with them to allow the resources available in time of emergency, what the operator can do, what the responders can do, and to make a more efficient manner on how they respond to emergency.

And at the time of this inspection, we did not receive any documentation or record of that meeting ever happened.

Q. But it is something that PEMC could have done after?

A. Yes.

Q. No. 6?

A. No. 6 is a public awareness program that's required for the operator to notify municipalities, school districts, businesses, or residents along the pipeline that they deliver pipeline through a right of

way.

They were supposed to have that program installed to notify those entities and document and record that. And at the time of the inspection, that was not available.

Q. But as with the others, it's a continuing obligation and PEMC could have done it?

A. Yes.

Q. No. 7?

A. No. 7 is the public awareness again. And this is to have it in a non-English language that's understood in that area. For example, in Spanish. So if that's another nonspeaking population that needed to be addressed in like a pamphlet that needed to be submitted to those along the right of way. That was not provided at the time of the inspection.

Q. And that is something PEMC could have done later; is that correct?

A. Yes.

Q. No. 8?

A. No. 8 is just the effectiveness review for their public awareness program. How effective is their program? Are they reaching the involved parties along their pipeline? And that is -- that needs to be well documented as part of their -- as part of the operator

duties and responsibilities to running the pipeline, and that was not provided at the time of the inspection.

Q. No. 9?

A. No. 9 requires that the operator perform a leak survey along a transmission line. And this is done annually, not to exceed 15 months. And it's required to use approved equipment that will peak up -- that will pick up any gas leaks along the transmission pipeline. And at the time of the inspection, no records or documentation was available to review if they performed this procedure on their pipeline.

Q. And No. 8 and No. 9 could have been remedied by doing the inspections and documentations later; is that correct?

A. Yes.

Q. No. 11?

A. No. 11 is part of preventing accidental ignition. If there was any leak along the -- found along the gas line, the operator had to -- certain things according to their procedure to prevent any accidental ignition. So their -- as far as their procedures, they're supposed to document that that's been done, or record a record to show that that procedure is being followed.

Q. Twelve --

A. That wasn't provided at the time of inspection.

Q. Twelve?

A. Twelve was a request because they inherit this pipe -- they bought this pipeline from another company, they're required to have records of the construction reports as well as the welding records and the welders' qualification records when they performed the welds to put the pipeline together. And at the time of inspection, that was not available to us to inspect.

Q. And so those records would be records that would have done at the time of the operation of the pipeline; is that correct?

A. Yes.

Q. So either they existed, and PEMC could get them, or they weren't there?

A. Yeah.

Q. Those could not have been -- that deficiency could not have been corrected by doing it later because the pipeline was already in operation?

A. Yes. So I was told that they were trying to request those records.

Q. Thank you. Deficiency 13?

A. Deficiency 13 requires that a nondestructive testing record be kept with the pipeline, and this is in

conjunction with the welding, to test to see if the welds will hold and if they meet the -- if they meet specifications and if they were welded correctly. This nondestructive testing records is important to keep with the pipeline.

Q. And that would have been done at the time the pipeline was about to become operational or became operational?

A. Correct. Yes.

Q. Thank you. And apparently I skipped Deficiency No. 10. This is why I have help. Could we please go back to Deficiency No. 10.

A. Yes.

Q. Could you please tell us about it?

A. Deficiency No. 10 requires that the operator perform maintenance on their valves, especially their emergency valves to shut down the pipeline. And they're supposed to do this annually, and they're supposed to have a documentation and record that they did perform this procedure. And at the time of the inspection, they were not available to us.

Q. Did the November letter, Exhibit 1, ask PEMC to respond by a certain date?

A. Yes, they were supposed to respond by December 23rd, 2016.

Q. To the best of your knowledge, did PEMC respond by then?

A. I think we had communications to respond. I don't think we had any response at that deadline, no.

Q. Could you briefly describe the communications that Pipeline Safety had with PEMC? And I packaged these in our exhibit book. And so I'd ask you to look at what's been premarked as Exhibit Nos. 2, 3 and 4.

A. So --

Q. And then if you could briefly describe those.

A. After that post-inspection letter went out, we made several attempts to contact the operator, which is PEMC, to let them know that the deadline has passed and to identify that these items are still needed to be corrected. And the deficiencies are still outstanding.

Q. To the best of your knowledge, does what has been marked as Exhibit No. 2, Exhibit 3 and Exhibit 4 constitute the e-mails?

A. Yes. So Chien Hwang made an attempt to contact PEMC, and their replies were that they were in the process of working to get those deficiencies corrected.

MS. SCHMID: With that, the division would move for the admission of what's been premarked as Exhibit Nos. 2, 3 and 4.

MR. SPENCER: No objection.

PRESIDING OFFICER REIF: They're admitted.

Q. (By Ms. Schmid) After this correspondence and follow up with PEMC, did Pipeline Safety take any more actions?

A. Yes. In and around March 22nd, 2017, our office, Pipeline Safety, has tried to send out an e-mail to remind the operator, PEMC, that these outstanding items needed to be corrected and to remind them that Chien Hwang is no longer the pipeline safety engineer on this -- on this inspection. And that I resumed control of the inspection from thenceforth.

Q. And that would be what's represented by premarked Exhibit No. 5?

A. Yes.

MS. SCHMID: Division would like to move the admission of what's been remarked Exhibit No. 5.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) Did PEMC respond to this e-mail?

A. Yes.

Q. Could you please describe PEMC's response?

A. Their response came that they would reply back in April 1st in around 2017.

Q. Is that what's been -- is PEMC's response what

has been premarked as Exhibit No. 6 in the book?

A. Yes.

MS. SCHMID: With that, the division would like to move the admission of Exhibit No. 6.

MR. SPENCER: No objection.

PRESIDING OFFICER REIF: Admitted.

Q. (By Ms. Schmid) Did Utah Pipeline Safety take any further action?

A. After we didn't hear back from PEMC in April 1st, of 2017, we proceeded with a warning letter that was sent out on May 16th, 2017.

Q. Is that what has been premarked as Exhibit No. 7 in your book?

A. Yes.

MS. SCHMID: With that the division would like to move for the admission of Exhibit No. 7.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) Did PEMC respond?

A. The response was supposed to happen by May 24th, 2017, yes.

Q. Did PEMC respond during May, even though it perhaps missed that May 24th date?

A. They responded back -- replied back on May 25th, 2017, with the letter stating that they would correct those deficiencies on a certain date.

Q. Thank you. And is PEMC's response what has been premarked as Exhibit No. 8?

A. Yes.

MS. SCHMID: The Division would like to move for the admission of exhibit No. 8.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) Did Utah Pipeline Safety take further action?

A. Yes. We accepted those changes with pending of the corrections, that they would happen in June 30th, 2017, and July 31st, 2017. So a letter was written back to describe we would accept those changes with the pending of those dates that they proposed.

Q. Is Exhibit No. 9 Utah Pipeline Safety's response?

A. Yes.

MS. SCHMID: The division would like to move for the admission of Exhibit No. 9.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) Was a follow-up inspection conducted?

A. Before the follow-up inspection -- yes.

Q. Who performed that follow-up inspection for Pipeline Safety?

A. I did.

Q. And was that follow-up inspection conducted at the location of the pipeline?

A. It was conducted in Green River at their headquarters.

Q. What was the result of that follow-up inspection?

A. As a result of that inspection, only one item, which is Item 10 was corrected. But the rest of the other items were still pending or still outstanding.

Q. After that what did Pipeline Safety do?

A. Following that inspection, we wrote another warning letter stating that these changes needed to be corrected or the deficiencies need to be corrected, and we gave them a deadline to respond back by September 11, 2017.

Q. Is that correspondence what's been marked as Exhibit No. 10 in the book?

A. Yes.

MS. SCHMID: The division would like to move for the admission of Exhibit No. 10.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) Did the Division -- did Pipeline Safety take any further action?

A. Well, we received some more correspondence with PEMC in regards to Items 13 and 12 where they tried

to contact the previous contractor that did the nondestructive testing as well as the welders that performed the welding work on the pipeline.

Q. Is that e-mail correspondence included in the book as Exhibit No. 11?

A. Yes.

MS. SCHMID: The division would like to move for what's been premarked as Exhibit No. 11.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) After that what did Pipeline Safety do?

A. After we did not hear from them, we referred this to our Attorney General's Office.

Q. And what did the Attorney General's Office do?

A. They submitted a final warning letter, Corrective Action or Notice of Corrective Action Taken Required.

Q. Is that what is premarked as Exhibit No. 12 in the book?

A. Yes.

Q. Is there a due date for PEMC's response?

A. Yes.

Q. Do you know if PEMC responded by the due date?

A. No.

Q. You don't know or they did not? What a

terrible question I asked. I'm sorry. If you don't know, that of course is fine.

A. I don't know.

Q. That's perfect.

MS. SCHMID: The division would like to request that Exhibit 12 be admitted.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) After that, what did the A.G.'s office do?

A. After that the Attorney General's office submitted a request for agency action or notice for proposal violation and proposed civil penalties and proposed compliance order against PEMC.

Q. Is that what's been marked as Exhibit 13 in the book?

A. Yes.

MS. SCHMID: Division would like to request admission of Exhibit No. 13.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) Do you know if PEMC filed a response to the division's request for agency action?

A. Yes.

Q. Is that what has been marked as Exhibit 14 in the book?

A. I don't have that exhibit with me.

MR. SPENCER: I don't have Exhibit 14.

MS. SCHMID: Okay.

PRESIDING OFFICER REIF: Ms. Schmid, I likewise do not have Exhibit 14.

MR. SPENCER: If we can come back to that --

PRESIDING OFFICER REIF: Would you -- do you need to take a break?

MS. SCHMID: Yes, that would be lovely. Thank you.

PRESIDING OFFICER REIF: We will take -- would 15 minutes be adequate?

MS. SCHMID: Yes, thank you. I apologize.

PRESIDING OFFICER REIF: We will be in recess for 15 minutes.

(Recess from 1:38 p.m. to 1:56 p.m.)

PRESIDING OFFICER REIF: We're back on the record.

MS. SCHMID: Thank you. PEMC provided me clean copies of its response. I have had copies made for the hearing officer and for the witness. I have a copy, and PEMC has a copy; is that correct?

MR. SPENCER: That's correct.

MS. SCHMID: Thank you, so if we could mark --

PRESIDING OFFICER REIF: Ms. Schmid, one other thing. Does the court reporter have a copy as well?

She will need a copy.

MS. SCHMID: We will get her a copy right after the end of the hearing and -- if that's all right. Okay. Could that please be marked as Exhibit 14, and it's the PEMC May response.

PRESIDING OFFICER REIF: Ms. Schmid, I'm just assuming you want to keep things consistent with your prior marking.

MS. SCHMID: Yes.

PRESIDING OFFICER REIF: Would you like it to be DPU Exhibit?

MS. SCHMID: Thank you. Yes. Thank you.

PRESIDING OFFICER REIF: Thank you.

MS. SCHMID: With that, the division would like to move for what's been premarked as DPU Exhibit 14.

MR. SPENCER: No objection.

Q. (By Ms. Schmid) So Mr. Betham, excluding what PEMC provided yesterday afternoon and today, how many deficiencies remain from the November post-inspection letter?

A. No. 10 was corrected. So that leaves with one to nine and eleven to thirteen.

Q. What is Pipeline Safety asking the commission to do in this docket?

A. Pipeline Safety's requiring PEMC to cure the deficiencies within 30 to 60 days and to file it with the commission, the records that we are requesting to correct those deficiencies.

Q. And just to reiterate, could PEMC have corrected the deficiencies earlier between -- in the time between now and the date it received the inspection letter?

A. Yes.

Q. In conjunction with that, what else is Pipeline Safety requesting the commission to order PEMC to do?

A. Pipeline Safety is requesting to impose a civil penalty.

Q. Are you familiar with the statute that address penalties?

A. Yes.

Q. Are you familiar with the statutory limits established therein?

A. Yes.

Q. Could you please describe those? And actually, sorry. Before we do that, I should probably reference the statute itself. It would be 54-13-8. So if you could please describe what the statute says about the penalty amounts.

A. That the maximum civil penalty assessed under this section is -- may not exceed -- no more than a hundred thousand dollars for each violation for each day of the violation persists.

Q. And is there a total cap on the amount of the penalty?

A. The total maximum civil penalty is a million dollars.

Q. What is -- what penalty is Pipeline Safety asking the commission to impose in this case?

A. Can you restate the question again?

Q. Of course. What penalty amount is Pipeline Safety requesting the commission to impose upon PEMC in this case?

A. A hundred thousand.

Q. And can you give us some reasons why you believe that that is an appropriate amount?

A. It's important that public safety be the highest priority, not only for our office, but as well as PEMC, that they would operate the pipeline using techniques that do not pose a risk or risk to life or property.

Q. Is it also important that PEMC could have corrected these things but, except for No. 10 and possibly what PEMC provided yesterday and today, has

not?

A. Yes.

Q. Is there a third thing that Pipeline Safety is requesting from the commission?

A. Yes. Pipeline Safety is asking the commission to suspend the pipeline operations.

Q. And why is that?

A. It's -- the order that's listed in Title 54 and ruling 746-409-6B in regards to hazardous facility order. If any time the commission finds that a particular interstate pipeline is hazardous to human life or to property, then that order can be executed.

Q. And why does Pipeline Safety believe that it is appropriate for the commission to order PEMC to suspend operations?

A. Because we -- because the operator is operating with techniques that are hazardous to life and property.

Q. And what -- could you describe what those techniques are in your opinion?

A. For example, these deficiencies were on records and documentation. That's our indication to see that the operator has followed their procedures, and because we don't have those records and documentation, we just don't know the condition of this pipeline.

Q. Thank you very much.

MS. SCHMID: Mr. Betham is now available for cross examination and questions from the hearing officer.

PRESIDING OFFICER REIF: Mr. Spencer?

MR. SPENCER: Oh, I thought you were going to ask some questions. But I'd be happy to do it.

PRESIDING OFFICER REIF: Sure.

CROSS-EXAMINATION

BY MR. SPENCER:

Q. If you go to Exhibit No. 1. And looking at paragraph No. 1 in that exhibit, did -- in the answer that was provided by Pacific Energy & Mining, was that issue specifically addressed?

A. No.

Q. If you could look at what's been marked as DPU Exhibit No. 14, beginning on page 1, did you have a chance to review that particular filing?

A. Yes.

Q. Okay. And was 192.605 in paragraph No. 1, was that -- is that addressing your paragraph No. 1 in your Exhibit No. 1?

A. No. And because this is a procedural, which wasn't the question in the initial inspection, it's just that we required the records and documentation that

these reviews were done and that it's recorded on the approved procedure by PEMC.

Q. Do you know how many people are involved with PEMC, employees or independent contractors working for PEMC?

A. I don't know the exact number, but I do know at the time of the inspection, there were about three people that we knew that was part of the company.

Q. Okay. And you're correct on three. This involves three people. Okay. So I've got -- are you aware that one of those three doesn't have any connection other than looking at paperwork and answering questions? I am asking you, do you know how many people are actually at the pipeline site?

A. I was told that there was one that was on-site that performs the normal operation of the pipeline.

Q. Okay. And if I only have one person on-site or doing work on the pipeline, who is he supposed to train?

A. That training was supposed to come from your hierarchy of leadership from the company.

Q. It would be the one person training himself, wouldn't it? There are only three people involved and only one person on-site. I have exactly one person left.

A. At the time of the inspection --

Q. Who is he supposed to train?

A. At the time of the inspection, there was a compliance officer that was in charge of -- according to their procedure, in charge of handling that training with their field personnel.

Q. Well, if there's only one person who is a field -- who is field personnel which is that same compliance officer, that's what I'm saying. Does the state look at the issue that there's, in this particular case, that there's no one there to train?

A. Then that person needs to be trained according to the procedures.

Q. And you mentioned some training earlier in your testimony, someplace in Oklahoma. Can you reiterate the name of that company?

A. That company is a training and qualifications group. That's an extension of PHMSA.

Q. Spell PHMSA for me.

A. P-H -- Pipeline Hazardous Material Safety Association.

MS. SCHMID: Administration, perhaps?

A. Administration, yeah. Sorry.

Q. (By Mr. Spencer) Did you tell anyone at PMC that this is a place that they could obtain their

training?

A. This is only a training for pipeline safety inspectors. And training such for the individual operator field personnel would have to be other, other training facilities. But this training facility is only for pipeline safety inspectors.

Q. Did you in your interaction with PEMC ever provide the names of any other organizations that could provide the training that you're looking for?

A. We reference some industry standards that may assist the operator in finding resources to help them in compliance with this regulation.

Q. And I understand that because I was here at the last hearing. But did you ever provide PMC with the name of any organization that could provide the kind of training you're looking for?

A. I cannot recall the exact names, but...

Q. No, I'm just asking, did you ever provide any of those names to PEMC?

A. Yes.

Q. Okay. When did you do that and who did you speak to?

A. We spoke together where we had a group meeting here after the -- I don't remember the date that we did that.

MS. SCHMID: September perhaps? After the September hearing?

A. September, yes.

Q. (By Mr. Spencer) Okay. Anything -- any other -- did you give them any names specifically? Because I was at that meeting. I'm looking for a name.

A. I did reference a name of a resource that did -- that the operator could use as part of resource for them to help be in compliance with the regulation.

Q. Who is that?

A. I think I referenced her name, Jill.

Q. Does she work for a particular company?

A. She's a consultant that works to help with operators with providing manuals, providing assistance to help operators generate the report that's needed to help them become compliant.

Q. What kinds of things are you looking for under paragraph No. 1?

A. I'm looking mostly for documentation, the person's name, and the person that performed the specific task on that and to see if there was any changes that needed to be made to their procedures. The document provided a lot of the procedures that weren't in question. It was just the documentation and records that we were requiring.

Q. So the procedures were appropriate. You just needed documentation that they were followed?

A. Correct.

Q. Okay. I just wanted to make sure I was on the same page that you are.

A. Yeah.

Q. Go to paragraph No. 2 in Exhibit No. 1. What were you looking for on that one? And I can read in Italics at the bottom that you are looking for documentation. But what kind of documentation are you looking for to address paragraph C4 which is referenced in paragraph 2 of this letter?

A. Good. So that's in relation to abnormal operation. And in the procedure that you provided, it discusses any type of reduction in pressure, if it's 20 percent higher or 20 percent lower. And that's only one part of five of abnormal operations that you're supposed to review.

Q. Uh-huh.

A. And I can go over those. So in 192 Code 607C, it requires that an abnormal operation for transmission line, the manual required by this paragraph A of this section must include procedures for the following to provide safety when operating design limits have been exceeded.

And that's when responding to investigating and correcting the cause of unintended closures of valves or shutdowns, increase or decrease in pressure or flow rate outside normal operating limits, loss of communication, operation of any safety device and any other feasible malfunction of the component, deviation from normal operation or personal error which may result in a hazard to person or property.

With my discussions with the personnel with PEMC, I was told that the line was shut in several times due to water content issues, and because of that discussion, that's part of an abnormal operation which they had to document and record. And there was nothing in place in their procedure that documented and recorded that that was performed.

Q. Okay. Go on to paragraph No. 3. What were you looking for in that paragraph?

A. That paragraph is the training of your field personnel that respond to an emergency. A lot of your emergency plans, we approve of the procedure. But the training had to be recorded and documented to say that your field personnel person received the training of the emergency plan, how to respond, what numbers to call, and that it was documented as part of their annual training, or whatever procedure that's called out of how

often that training needed to take place.

Q. Go on to No. 4. What were you looking for there?

A. That is to review the employee's activities in relation to if there was an emergency, how effective their training was. This can be part of a tabletop training or any training that's required them to do a mockup. Like if there was a gas leak in the middle of your pipeline, how would you respond and react to that?

And then your effectiveness review would come back and say, this is how they responded. This is how they reacted to this incident and how can we better improve that process to limit our response time.

Q. And how do you do that when the person that's providing the training is the only person there to be trained?

A. There are consortiums that they can become a part of, part of other pipeline consortiums that you can be a part of their mock drills, and that they can team up with other pipeline operators that have those resources.

Q. Okay. So all right. I think I understand what you're looking for there. Go on to paragraph No. 5.

A. Paragraph No. 5 is an important aspect in your

emergency plan because you have to maintain the relationship as part of your liaison with fire, police and public officials. This pipeline is near Moab. So the nearest town that you have is Moab and Green River.

Q. How far away are those cities from the pipeline? Do you know?

A. Moab is about 30, 35 minutes, and Green River is about 45 to an hour travel.

Q. So there's no -- no one lives even close to this pipeline?

A. Yes. But they still need to have -- sorry. Restate the question now.

Q. I said so no one lives even close to this pipeline.

A. There are a few businesses that are within the vicinity of your safety buffer zone of the pipeline.

Q. Which businesses are those?

A. During our field inspection we did find Canvas Up Campground that kind of brushed near that safety buffer zone. We did find that there's a Moab airport. There is a gas station that's near that area. And because it's in Moab, there's a high volume of outdoor recreational vehicles that do come across the right of way of your pipeline.

Q. Okay. Go on to No. 6.

A. So No. 6 is part of the public awareness program. And this is to advise any nearby municipalities, school districts and businesses or residents along the pipeline. And that report is generated to see if you have any, anyone that lives within the vicinity of your pipeline.

Q. Okay.

A. Whether it be --

Q. So if anyone lives within the vicinity, you just identify that?

A. You have to identify that. That's what we are looking for.

Q. Okay. Go on to the next one.

A. No. 7?

Q. No. 7.

A. No. 7 is to conduct the program in English and other languages, non-English languages. That one we are looking to see what population that's nonspeaking. And I think we determined that to be Spanish. So we just have to make sure that when -- part of the public awareness program that we are submitting pamphlets in different language such as Spanish, to these what we call "stakeholder audience." Which could be --

Q. Is there any geographic limit to who stakeholders are?

A. Yes, there is generally in the county area or what we call a buffer zone along the pipeline to notify --

Q. And how wide is the buffer zone?

A. It depends on, your typical standard is 660 feet on both sides of the pipeline. That's the standard.

Q. And there are no persons -- no dwellings. You found some tents, correct?

A. Yeah. But this still remains in your county area. So you still have to look at county, people within that vicinity that need to be notified as part of your public awareness program.

Q. Go on to No. 9.

A. No. 9 is leak survey. And that needs to be conducted on an annual basis. Basically you have an approved equipment that measures the gas leak along the transmission line, and the record just needs to be kept up every year on what they find, and any leaks that are found have to be corrected.

Q. Okay. No. 10.

A. No. 10 is the valve maintenance. And that is to operate and maintain the valves once a year, not to exceed 15 months. And I think we spoke with PEMC, and they've hired a consultant or a contractor, which is

Cameron, to help maintain those valves an their behalf.

Q. Right.

A. And thy provided that record, and we did review it. And we found satisfactory.

Q. Okay. No. 11.

A. No. 11 is prevention of accidental ignition. This is to eliminate any ignition sources along the pipeline that could cause an explosion.

Q. Did you find that there were any ignition sources?

A. Well, in part of your procedures it requires you to do certain things. For example, having the hot work permit, any time you use an open flames or if you are doing repairs or alterations to the pipe, those hot work permits need to be maintained in order to provide safety and to eliminate any ignition sources.

Q. And 12 on the next page.

A. Twelve is required that the qualification of welders and also the welders' procedures that they use to weld the pipeline.

Q. Its original construction?

A. In its original construction, as-built.

Q. And I assume you're aware that PEMC didn't construct the pipeline?

A. Yes. And that's why we required the records

to go back and to see if they can request it from the previous operators who did install the line before they were -- before they acquired the pipeline.

Q. And No. 13.

A. No. 13 is that we also requested nondestructive testing or also radiographic film or what we call x-rays of the pipeline for each weld that was performed.

Q. And those again are documents that someone else would have generated in the past?

A. Those are documents that I think was done through MISTRAS at the time, and that's through one of the exhibits, the conversation that PEMC had with MISTRAS to try and retain those records.

MR. SPENCER: One second. That's all the questions I have.

PRESIDING OFFICER REIF: Thank you. We'll be in recess for about 10 minutes, and then we will continue with any questioning of the witness. So just give us a few moments, please.

MS. SCHMID: Thank you. I do have redirect.

PRESIDING OFFICER REIF: Yes.

MS. SCHMID: Thank you.

PRESIDING OFFICER REIF: We'll follow that as well.

(Recess from 2:20 p.m. to 2:31 p.m.)

EXAMINATION

BY PRESIDING OFFICER REIF:

Q. Thank you for that brief recess. And Mr. Betham, thank you for your testimony today. And I want to ask you a few questions, if I may, regarding the recommendation that the division is making in this matter considering the testimony that's been given and the cross-examination that's been given. And if this needs to be revised on redirect, we can certainly take that into consideration.

But at this point, we've come around to the point where the commission has questions. So on behalf of the commission, I'd like to ask for some clarification, and just a recap.

As I understand it, and please tell me if I am incorrect, as I understand it, what the commission is asking for today is an order requiring PEMC to cure the violations that have been identified within 60 days, a civil penalty of $100,000, and a suspension of the pipeline operation. Is that correct, sir?

A. Yes.

Q. Okay. I'd like to go back to the first issue which is the request to cure the violations within 60 days. So I want to make sure that I'm understanding the

timing of the intent in the request that you're making. So when this hearing is over, the commission will be reviewing the full record and the hearing transcript and will be deciding what to do. They'll be taking the matter under advisement.

And in doing so, it would be helpful for us to know if in fact your request to cure the violations and PEMC's presumed response to that request does in fact resolve your concerns. Does that change anything regarding the other issues regarding the fine, regarding the suspension?

So what I'm asking is, do you see this as a condition precedent, so to speak, of the remainder of your request? For example, do you foresee that the commission would be issuing an order requiring PEMC to respond to the issues that you've identified and for you to then respond indicating whether those responses from PEMC resolve your concerns?

And if so, does that change the rest of the recommendation and the rest of the recommendation being the $100,000 fine that has been proposed and the suspension of the pipeline operation?

A. With these deficiencies that have not been corrected, I would like them to be done as soon as possible. But to restate, 30 to 60 days as far as

correcting those issues. Just trying to give them some time because it is in Moab and resources are limited in there.

For example, within the past few years, a leak survey has not been performed, according to my knowledge, on that pipeline. And to find a contractor or to train somebody that's qualified to do that inspection along the line will take some time. And so that is requiring to correct those issues as soon as possible.

Q. Okay. So let me make sure that I'm understanding the first part of your recommendation. And I may have written this down incorrectly. And you may have just corrected me. But initially I wrote down your recommendation was that PEMC, the first part of your recommendation was that PEMC cure the violation within 60 days?

A. Thirty to sixty.

Q. Thirty to sixty days. Okay. I stand corrected. Thank you for clarifying that. Okay. So with respect to the remainder of your recommendation, assuming that PEMC does respond, how does that, if any way, affect the remainder of your recommendation?

A. Well, the issue that we find is to make good documentation records to identify that they have

followed their procedures. And because we don't have those records and documentation, we don't feel -- we just don't know how safe this pipeline is. And because of those very reasons, we deem it appropriate to fine that amount, because the safety of human life and property is at risk.

Does that help clarify or --

Q. It does help clarify. And inasmuch as you have offered to give them additional time to come into compliance, does that affect your -- I think what you're telling me is that you don't see a connection between maybe postponing those other parts of the recommendation.

A. Yes.

Q. Okay.

A. Yes.

Q. You do see a connection, or you don't see a connection?

A. Well, the -- these items have been outstanding for quite some time, and to postpone any correction is just increasing more risk of this pipeline to the public.

Q. Okay.

A. And because this is -- safety is at stake, we feel that in order for things to get done, that it

merits this type of civil penalty, with the addition that they correct these items within that time frame.

Q. Okay. And then one follow-up question related to the 30 to 60 days recommendation for PEMC to come into compliance with the issues that you have identified through your testimony today.

It appears that there may be -- or excuse me, that there are issues or issues that have yet to be determined whether or not they are obtainable or they are within the control of PEMC. How do you recommend the commission review those once we get a response from PEMC, if we do get a response?

A. With deficiencies, these are standard deficiencies that we do find, but a typical operator would correct those items as soon as possible because having it push on and on would not correct the issue. The issue is still uncorrected and outstanding.

And so we feel that enough time -- that there's a lot of time that have lapsed without any records that should be done on an annual basis. And if they're not done on an annual basis, then it becomes more risky as far as safety is concerned on this pipeline.

Q. Okay. I understand that. And I appreciate that. And just to clarify, I think in particular under

issues 12 and 13 --

A. Under those issues 12 and 13, the PEMC had -- have done their best to contact the previous contractors that have installed the pipeline that have performed the nondestructive testing. And because they got some of the records, we were able to review those items that they provided.

Q. So do you consider them in compliance of 12 and 13 or do you -- are you still waiting for further information?

A. We are still waiting to review those documents that were provided to us yesterday and some of it today.

Q. Okay. So based on the large amount of papers that were provided to the commission and provided to counsel for the division and your need to review those?

A. For Items 12 and 13, yes.

Q. Okay. You have yet to make a determination whether or not that has been satisfied.

A. No.

MS. SCHMID: I'm not -- if you could repeat the question. I was confused.

Q. (By Presiding Officer Reif) Okay.

A. Because we received those records, you're stating if they're in compliance or if that deficiency was corrected for 12 and 13.

Q. No. What I'm saying is that based on your inability or lack of time to review them in a timely fashion before this hearing, you have yet to make a determination of whether or not they are in compliance of 12 and 13.

A. Yes.

Q. Okay. Would there be other issues that you would be reviewing subsequent to this hearing other than 12 and 13, based on the materials that have been provided to you, in determining whether or not they'll satisfy the other remaining issues?

A. We still haven't received records or documentation that show that these deficiencies were corrected. Most of the material that we have received are more procedural that they have provided to us, for Pipeline Safety to review. But we were more concerned about the documentation and the records in relation to those procedures being followed.

Q. Okay. So other than Item 12 and 13 that have been identified in the DPU's exhibits, are there any other issues that you anticipate may be resolved as a result of what's been filed today?

A. Well, there were other inspections that were performed in 2017 and 2018. But for this time, I think we are focusing on the 2016 deficiencies.

Q. Okay.

A. At this time.

PRESIDING OFFICER REIF: Okay. Counsel, what I'm trying to get at is, would you need additional time to make that determination?

MS. SCHMID: PEMC provided a large series of documents and information yesterday after four and some today. What the division is concerned with and one reason why the division is seeking the penalty and suspension of operations is the large of amount of time between the November inspection letter showing the deficiencies and the time that these showed up on our desk.

So we can use additional time to look at these. But again, it is that gap that is making us ask for the penalty and the suspension of operations.

PRESIDING OFFICER REIF: Okay.

MS. SCHMID: If that helped.

PRESIDING OFFICER REIF: Okay. That covers my questions. And Counsel, if you would like to redirect.

MS. SCHMID: I do have just a few. Just a few redirect questions.

REDIRECT EXAMINATION

BY MS. SCHMID:

Q. So Mr. Betham, do you recall that you were

asked about whether the procedures were adequate by PEMC's counsel?

A. Yes.

Q. I believe that you answered that the procedures were adequate. Was that -- is that your understanding, or have you had a chance -- this is very leading -- or have you had a chance to review your answer?

A. As part of our standard inspection, we do review their procedures. And we found that their procedures were satisfactory according to the code of Part 192. What was deficiency that we found was that the records to demonstrate that they followed those procedures as part of their normal operation of the pipeline.

Q. Isn't it true, though, that there were some things, particularly with respect to public awareness requirements, that weren't in the procedure manual?

A. Yes.

Q. Okay. So some parts of the procedures were deficient; is that correct?

A. Yes.

Q. Okay.

A. And most of them were on the record side. They did provide a public awareness program and their

procedure. But there are records and documentation that needed to be done and kept in order for us to determine that their public awareness program was adequate.

Q. Do you recall that you were asked about how would one employee or how would one person out there document that he or she trained themselves? Do you have any further comments on that -- or was familiar with the procedures?

A. Yes. We -- even if they do have one employee that's working for them, the code does require that that one employee receive special training to allow that they have a good sound understanding of the emergency plan, of their operation and maintenance plan and any other plans that's tied to their qualifications to performing operations on these pipelines.

Q. Is it possible that the employee could review the procedures and then certify that he or she reviewed the procedures on a certain date?

A. You cannot certify yourself.

Q. You cannot, okay.

A. And as part of their, what we call the OQ qualification, you're required to receive classroom training. And as part of training in the classroom, you need to receive field training under a specific evaluator that's qualified to do a covered task on the

pipeline. And so you could not qualify yourself under the OQ rule.

Q. And we discussed that -- so is the division concerned with the gap, with the length of time between the November 2016 post-inspection letter and this information landing on its desk?

A. Because we don't have records for that time period, it's very concerning, because we don't know what the condition of the pipeline is. Maybe there is something that -- the reason why we look at records is to generally pick up those anomalies or those leaks that may be on the pipeline, for example leak survey. If a leak survey hasn't been done annually, how do we know that that pipeline is not leaking?

Q. And is the division concerned enough about that possibility, the lack of records, that it continues to ask for the $100,000 penalty and the suspension of operations?

A. Yes. Because we feel that that can be a hazard to people and life and property. Sorry.

Q. And one final question. Do you recall that you were asked whether or not anyone lived along the pipeline, and that series of questions?

A. I was asked that question. And --

Q. And do you have any knowledge of any pipeline

incidents where humans were injured or died as a result of a pipeline explosion or deficiency even though they didn't live right next to the pipeline?

A. So there was one such incident. It was in Carlsbad, New Mexico, where a group of family members camped near the pipeline. And because of corrosion issues that pipeline exploded, causing several fatalities of that pipeline incident.

Q. Thank you. Sorry. One follow-up. Was that family camping near there? Is that --

A. They were camping near that area.

MS. SCHMID: Thank you. Those are all my redirect questions.

PRESIDING OFFICER REIF: Thank you, Ms. Schmid. Ms. Schmid, I, in light of your redirect, I was wondering if you might address one other thing or if you would prefer, I could raise it. You have been very clear on what the division is requesting, and I think it would be helpful to get that confirmation from the witness.

And secondly, regarding the suspension issue, could you please ask the witness to elaborate on that. For example, are you asking for a certain time of suspension? Are you asking for a permanent suspension? Please help the commission understand what you are

requesting in that regard.

MS. SCHMID: So in order -- because to get to make this more clear and have it be the testimony of the witness, I will ask a few more redirect questions, if that's all right.

PRESIDING OFFICER REIF: Thank you, Ms. Schmid.

CONTINUED REDIRECT EXAMINATION

BY MS. SCHMID:

Q. What does the division want and why with regard to the penalty? And is the division's desire changed by the fact that a stack of documents landed on its desk yesterday and some today?

A. Restate the question, please.

Q. Of course. It was a terrible question. Does the division still want the commission to impose a penalty because of the time from the November letter to the time that perhaps PEMC has become compliant? Does the division want a penalty be imposed because of that time gap?

A. The time gap does play an issue into not knowing where the records are kept and how well these pipeline has been maintained by the operator. Or for example, PEMC. We're more concerned about the training of the individual that's performing the day-to-day

operation for this pipeline.

And if the individual is not trained in the emergency plan, executing a public awareness program, doing simple maintenance tasks such as a leak survey annually, those are individual factors that play in a big role of this pipeline, preventing an explosion.

And if all of those little increments of reviews on the pipeline, if that fails, and if that's not kept up to par, all those little mistakes can add up to into one major event.

Q. So we'll just assume, and this is a complete assumption, hypothetical. Assume that the documents that PEMC provided yesterday contain all the necessary documentation and all the records of training. Is the division still asking for a penalty because of the time that there was no documentation and no training?

A. Yes. Because what they provided us is more procedural type deal. They are not documentation or records that was done within that time period.

Q. And that's just -- you concluded that just from a cursory review because we got them so late yesterday --

A. Yes.

Q. -- and today? Again, if the hypothetical is that PEMC's, what they gave us yesterday and today makes

them fully compliant, is the division still concerned enough with PEMC's operational techniques that it is requesting a suspension?

A. Yes.

Q. And how long would the division suggest that suspension be? Indefinitely? Until the division has a chance to review the stuff that was given yesterday to see if it, by chance it does bring it into compliance? And if not, then have that suspension extended?

A. The suspension is merited enough time for them to get a personnel that's trained and to get the correct documentation and records in place to ensure us that this has been operated correctly, and that these pipeline techniques are appropriate and with the code or with the standard of Part 192.

Q. So PEMC, if the commission grants a suspension, PEMC can minimize the length of that suspension by doing the things you said; is that right?

A. Yes.

MS. SCHMID: Those are all my redirect questions.

PRESIDING OFFICER REIF: Thank you, Ms. Schmid. Does the division have anything further?

MS. SCHMID: The division has nothing further at this time.

PRESIDING OFFICER REIF: Okay. Thank you. Mr. Betham, thank you for your testimony today. You may be excused. I'd like you to remain, as you would likely, just in case we need to recall you. And Mr. Spencer, you may now call your witness or witnesses.

MR. SPENCER: I call Dan Green.

PRESIDING OFFICER REIF: Mr. Green, please come to the witness stand. Afternoon, sir. I am going to swear you in. Do you intend to tell the truth today?

THE WITNESS: Yes, I do.

PRESIDING OFFICER REIF: Thank you very much. And just a primer on the microphone. If you make sure that it's close to yourself and make sure that the green light is on when you're speaking. Thank you.

DAN GREEN,

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

DIRECT EXAMINATION

BY MR. SPENCER:

Q. Could you please state your name and business address for the record.

A. My name is Dan Green. And the business address in Reno is 3550 Barron Way, Suite 13A, Reno, Nevada, 89511.

Q. And whose business address is that? Is that

also Tariq's business address?

A. That's Pacific Energy & Mining.

Q. How are you related to Pacific Energy & Mining?

A. I am a -- currently I'm a consultant for Pacific Energy & Mining.

Q. And how long have you been a consultant for Pacific Energy & Mining?

A. About a year.

Q. Okay. And how long have you worked with this pipeline?

A. Since it was purchased in 2011.

Q. You said that you were with PEMC for a year. Were with you some other group that was related to this pipeline before that?

A. I was one of the purchasers.

Q. Okay. And what interest do you own in the pipeline?

A. Fifty percent.

Q. And who owns the other 50 percent?

A. JMD Resources.

Q. Have you ever been involved in a hearing before the Public Service Commission?

A. No.

Q. How many individuals are associated with PEMC

either as employees or as independent contractors?

A. There's three of us.

Q. And could you identify those three names?

A. Tariq Ahmad is president. I am a consultant. And Rodney Nugent is our field, field pumper, contractor.

Q. How often are you at the pipeline?

A. About once a month.

Q. How often is Rodney at the pipeline?

A. He's at the plant daily. And if there's any pipeline operations like shutting valves, he would -- he would be there.

Q. And how long has Rodney been doing that particular task?

A. Since 2011.

Q. Do you use outside contractors for other tasks associated with the pipeline?

A. Yes. We engage Anode Systems to perform, provide protection annually. We engage U.S. Water for corrosion control, corrosion monitoring. Internal corrosion. We've used Cameron for valve maintenance.

Q. And are all of these licensed entities with their own policies and procedures?

A. To my knowledge.

Q. Can you tell the commission what the pipeline

class is?

A. I believe it's Class 1.

Q. And what is the pipeline type?

A. I believe it's a Type A.

Q. Have you recently made any changes to either the class or the type?

A. Well, we've changed our maximum pressure a year ago from --

Q. From what to what?

A. From 800 psi to 750.

Q. And why was that done?

A. That's to bring us at a 40 percent of the maximum yield strength.

Q. And who made that suggestion? Was that you or someone else?

A. That was Mr. Betham.

Q. Okay. How many times have you met with Mr. Betham?

A. Three, maybe four times.

Q. Over what time period?

A. Since 2014, I believe.

Q. What was the purpose of those meetings?

A. Yearly audits.

Q. Has PEMC contacted an outside pipeline management company?

A. Yes.

Q. Who is that?

A. We contacted Pipeline Controls & Services. They are in the area.

Q. And is there a date when they are expected to take over management of this pipeline?

A. We're looking at first of the year.

Q. Okay. Until then who is responsible for the -- to oversee the pipeline for the next couple weeks?

A. It'd be myself and Mr. Nugent.

Q. What training have you received as it relates to pipelines? Strike that. Let's do this one first. What's your educational background?

A. I'm an engineer. Mineral engineering.

Q. And what training have you received related to pipeline operations?

A. I was going through an online study. However, I was told that I needed to have field certification or a field review. And I stopped the online study until I could find someone to give me the field certification. The --

Q. Have you asked the state in this case?

A. Yes, it was suggested that other pipelines in the area, could contact them.

Q. Have you made contact with other entities that have pipelines in the area?

A. Yes. I contacted Williams. I contacted Kinder Morgan. And I could not get anyone to agree to any kind of a training. They only train their own employees, not others.

Q. Have you informed the state that you are still looking for somebody to provide the training that they would like you to have?

A. Yes.

Q. And have they given you any suggestions on who to approach for that kind of training?

A. Not to my knowledge.

Q. Has a leakage survey been done on this pipeline?

A. We did a -- we walked the line with a handheld leak detector. It turns out it wasn't authorized DOT equipment. We did that last summer. And we found no indication of methane. We looked into buying equipment. The plant or the pipeline, as it is, loses money every month. And we looked for consultants to come and to do a leak survey, and we did find pipeline controls that have the equipment, and then they can come and do a yearly survey.

Q. Is that one of the things you are expecting

them to take over in January?

A. Yes.

Q. Just for my benefit, when is this pipeline built?

A. 2008.

Q. And who, who was -- from the government side, who was in charge of overseeing the pipeline in 2008?

A. I don't know if anyone was. It was built for Delta Petroleum. It was built by W.C. Striegel. In fact, I met Mr. Striegel on location. It was built as a gathering line. The right of way that was issued by the BLM specifically states it as a gathering line. Delta Petroleum to my knowledge had no plans of having this regulated by DOT when they built it.

Q. How did the state come to regulate the pipeline given those facts?

A. I don't know. I was not involved. I was -- we were notified to prepare manuals and that we'd have yearly audits.

Q. What steps have been taken or to make sure that cathodic protection is provided for the pipeline?

A. We engaged Anode Systems out of Grand Junction, I believe three, maybe four years ago, when we first took over the pipeline. And he did a review of the anode beds. We -- there were isolation

kits that we -- we put jumpers to make sure the whole pipeline was completely protected. And then he installed a rectifier at the plant that protects the pipeline.

Q. And who made the suggestions to do that?

A. Hans Schmoldt of Anode Systems.

Q. Does Anode Systems still have, have a working relationship with this pipeline?

A. They come out every year.

Q. And do they perform these same kind of cathodic tests?

A. Yes, they check every test station we have, and they write a report. And I believe the last time they were -- that they were out was February of this year.

Q. How often are you required to review the policies and procedures that you put together?

A. I believe it's every three months.

Q. Did you review the policies and procedures manual in the last couple of days?

A. Yes.

Q. And you had some corrections you wanted made; isn't that correct?

A. Yes.

Q. And do those -- does the policies and

procedures manual provide a step-by-step plan to address normal operations?

A. Yes.

Q. Is there a step-by-step plan to address abnormal operations?

A. Yes.

Q. Have there been any abnormal operations?

A. No.

Q. Now, earlier today it was mentioned that there was something that was used to take moisture from the pipeline. Do you know what that -- those are?

A. Yes. The, I believe the testimony was that there was water sitting in the bottom of our pipeline. That had been a suggestion by Williams because our water content had been higher than normal. We ran a scrubbing pig that would clean out any kind of debris or fluid in the pipeline including the valleys. And when the pig got to the end, it was -- there was very little moisture that came with it.

So there was, the thought that the envision of water pooling in the bottom of the pipe didn't exist. We run a pig every three months. And our -- where our moisture turned out was coming from was from a gas plant operated by Westco. They do not dehydrate their gas stream. Our gas is at one pound per thousand. They're

at seven pounds per thousand, which is the limit for Northwest. So we run a pig every quarter to make sure there isn't any liquids in the line.

Q. And have you reviewed the procedures in the policies and procedures manual related to the emergency plan?

A. Yes.

MS. SCHMID: Pardon me. If I may ask one question for clarification. May I? I'm not sure what policies and procedures manual he is referring to.

MR. SPENCER: The big book.

MS. SCHMID: Thank you. Okay. The one that we got yesterday.

MR. SPENCER: That's correct.

MS. SCHMID: Thank you.

Q. (By Mr. Spencer) Okay. Back to the question. Have you reviewed the manual as it relates to an emergency plan?

A. Yes.

Q. Has there ever been an emergency with this pipeline?

A. No.

Q. Have you or someone from PEMC contacted the Moab Fire Department as it relates to an emergency plan?

A. I sent them, I believe it was in May, a copy

of our emergency plan and our contact information.

Q. And did I also contact the Moab Fire Department?

A. Yes, it's my understanding you did.

Q. And has anyone contacted the Moab Police Department?

A. I did as well with the same information as, my understanding, as you did also.

Q. How far is it from the pipeline to Moab at the closest spot?

A. The end of our pipeline is approximately nine miles north of the edge of Moab.

Q. And did you talk to the Fire Department about having a -- an agreement with them as how to address an emergency incident?

A. I didn't. But my understanding is, they asked you -- or you asked them for an agreement and they declined.

Q. Who did you speak to at the police department, if you remember?

A. I just sent them notification to the Chief of Police.

Q. To Jim Winder?

A. I believe so. I did it in May. I --

Q. And with the fire department, did your

materials go to T.J. Brewer?

A. Could be. Like I said, I sent it out in May.

Q. Are there provisions to do an emergency drill in the manual?

A. Yes.

Q. And have you conducted such a drill?

A. No.

Q. Who is there to drill with besides yourself?

A. It would be Rodney Nugent. We have discussed the emergency procedure. But we don't do a physical drill in the field.

Q. When is the last time you talked about the procedures and how to address that?

A. It would have been last summer.

Q. And as it relates to public awareness, who did you contact, if anyone, other than public officials? Did you contact the local newspaper? The school district?

A. Just the mayors of Green River and Moab. But no, I did not contact a newspaper.

Q. Did you have my office contact both the newspaper and the school district?

A. I guess I did.

Q. And going on to the welder qualifications that was discussed earlier, did you attempt to get the

welding information related to this pipe from 2008?

A. What I have from the welding was, I have all of the x-ray, x-rays of every weld on the pipeline. Excuse me. I have inspection documents for every weld. They're signed off by the inspector. There was notes of deficient welds that were corrected.

What I don't have is the qualification of the individual welders. When I contacted Striegel, I talked to Bill. I do not remember his last name. But he's the president of the company. He said that they don't keep records that old, because this was constructed in 2008.

Q. So you did everything you could to get those records?

A. That's correct.

Q. Let's go on to nondestructive testing. Does PEMC have nondestructive testing records?

A. We have the test results of the x-rays. And it was conducted by a company out of Houston. I think it was H&G. Excuse me. I attempted to contact them. I found out that they were acquired by MISTRAS Company of Houston.

They looked for their records and they found no records to show the certification of the individuals that performed the nondestructive testing which would have been taking the x-rays. Even though I do have the

x-rays.

Q. Okay. Is this pipeline in a high-consequence area?

A. No.

Q. Let's go to Exhibit No. 1, the state's exhibits. I want to take you through these paragraphs and tell me what information you had provided as a response.

MS. SCHMID: Could you also ask him to say when he provided it.

MR. SPENCER: Yeah.

MS. SCHMID: Thank you.

Q. (By Mr. Spencer) Okay. Let's talk about paragraph No. 1, 192.605 B8. Did you respond to that in your answer to the complaint that was filed in this case, the 132 pages?

A. Yes. I attempted to provide what I thought the division was asking.

Q. What did you believe they were asking for?

A. They were ask -- I thought they were asking for a more detailed procedure. When Mr. Chien was doing the audit, he, he was looking for the language in the manual to explain the effectiveness of, and adequacy of the procedures. And that's what I was attempting to provide in my lengthy document.

Q. Have you reviewed the policies and procedures, either the current version or prior version, with Mr. Ahmad?

A. You ask me the -- restate that.

Q. Yeah, the policies and procedures in the big binder in front of you --

A. Yes.

Q. -- and its prior version --

A. Yes.

Q. -- did you discuss those with Mr. Ahmad?

A. Mr. Tariq Ahmad?

Q. Yeah, Tariq Ahmad?

A. Yes.

Q. And did you go over the normal operating procedures and the abnormal procedures?

A. Yes, we went through the deficiencies in the manual, and we worked to put together a response.

Q. And is the response your 132 pages?

A. Yes.

Q. And when did you provide that response?

A. That was May.

Q. Of what year?

A. This year.

Q. Go on to paragraph No. 2 in that same document. This is 192.605 C4. Would your answers be

any different than they were to paragraph No. 1?

A. It would be the same.

Q. Go on to paragraph No. 3. Emergency Plans, is B2. Did you also discuss emergency plans with Mr. Ahmad?

A. Yes.

Q. What -- have you discussed emergency plans with Mr. Nugent?

A. It was the same emergency. We would review the, our documents on what to do for an emergency.

Q. Okay. When's the last time you went over those with either Mr. Ahmad or Mr. Nugent?

A. It was this summer.

Q. Did you modify any of the procedures based on that meeting?

A. No.

Q. Go on to paragraph No. 4. 192.615, emergency Plans. Is it -- has there been an emergency with which to implement any plan?

A. No.

Q. Other than providing the policies and procedures, is there anything else that you could have done to ready Mr. Nugent for any potential emergencies?

A. No, just review the plan.

Q. Did you go over it step by step with Rodney or

with Mr. Nugent?

A. Yes.

Q. Go on to No. 5 on the next page, 192.615, paragraph C. You've already spoke about what you did to try and contact the city and etc., correct?

A. Correct.

Q. Go on to paragraph No. 6. Did you have a public awareness plan in the document that you filed in May of this year?

A. No.

Q. Has a plan been put together since that date?

A. Yes.

Q. And did that plan get put together by me?

A. Yes.

Q. Go on to No. 8. Oh, let me ask you one question on No. 7. Is that being -- is that plan being translated into Spanish so far as you know?

A. Well, my understanding when, during our audit was we were to see what languages other than English were in the area. And based on census, it was less 5 percent. So I never got a clear answer as to whether or not we still had to put any kind of public program in Spanish for less than 5 percent of the population.

Q. Okay. And who did you talk to about that?

A. Oh, Mr. Betham.

Q. Okay. And did he have any suggestion or recommendations as to what to do if there's only 5 percent of the population?

A. He said we needed to determine how many -- what percentage of the population is Spanish speaking. And I found after the meeting that it was less than 5 percent from census figures.

Q. Did you have a subsequent conversation with Mr. Betham about that?

A. I don't recall.

Q. Okay. Go on to No. 8. Skip that. Go on to No. 9, Leakage Survey. Is there anything else you want to add other than your prior testimony about leakage survey that was done and the ones that are planned for next year?

A. No. It was just, you know, we would walk the line with our little handheld tester, and Mr. Betham made it clear that this isn't adequate, and we were looking for a consultant that had the equipment. And it's been challenging for this area.

Q. Do you know why it's challenging? What were the road blocks, if any, if you know?

A. Well, the other operators are much larger companies that operate in different areas. Like Williams operates from, I believe, Texas all the way to

Washington State. So they have personnel and equipment that they can move around wherever their pipeline's at. Dominion, which used to be Questar, similar. They are quite a big operation.

So there isn't to my knowledge, local consultants that I could find that had necessary equipment for this.

Q. Is that why you contacted the entity that's going to come onboard in January?

A. We found him recently. And he made it clear that they do have the equipment. It's not -- you know, they bring it in when we do a leak test. I am not sure where the equipment's at, if it's in Louisiana or Georgia. But they do have that equipment to do a leak test that complies with DOT. They have DOT-certified pipeline operators. And we'd like to contract with them to manage the total management of the pipeline.

Q. And go on to No. 10, Valve Maintenance. And did you testify that somebody is doing that particular function as well?

A. We have Cameron that had provided maintenance. They come out and grease the valves. In addition to that, I went through -- after my last meeting with Mr. Betham, I went from each block valve set, opened and closed every valve, make sure it was operational.

Q. Have you done that with Rodney Nugent as well?

A. He has done it also, yes.

Q. When is the last time he did that, if you know?

A. It would have been probably in 2017.

Q. And will that company that's coming onboard next -- or in January, will they be taking over that function?

A. That would be my preference, to do total management of the pipeline.

Q. Go on to paragraph No. 11. Have you taken steps to minimize the danger of an accidental ignition?

A. Other than the revision of our procedural manual?

Q. Yeah, in addition to that.

A. Yeah. We, we do have our fire extinguishers. We operate the valves with a rubber mat to keep static from occurring. But we need to document that. That's our biggest problem.

Q. Yeah, go on to the next page. You've already given us all the information you have on 12 and 13, have you not?

A. Yes. I've provided everything we've got, you know, other than the actual x-rays. And I can provide x-rays.

MR. SPENCER: And I have two documents that they are not marked that we brought them as exhibits today. Is there a system to get those marked, your Honor? There were two loose documents that I handed out today.

PRESIDING OFFICER REIF: Certainly, sir. You can decide how you would like to mark them. But if you would like some assistants, I might suggest marking them PEMC Exhibit 1 through whatever you choose.

MR. SPENCER: Do you got a sticker?

PRESIDING OFFICER REIF: I do not.

MR. SPENCER: Okay.

PRESIDING OFFICER REIF: I do not.

MR. SPENCER: Is it okay to just write it at the bottom of the --

PRESIDING OFFICER REIF: Actually, at the top right-hand corner, if you have enough room, would be great.

MR. SPENCER: Right-hand corner.

PRESIDING OFFICER REIF: And if you would kindly provide a copy to --

MR. SPENCER: They've already got them.

PRESIDING OFFICER REIF: Okay. And the court reporter will need one as well as myself.

MR. SPENCER: And she got one of them, but not

the other one. We ran out of copies. But I'll get her one at the end of the hearing.

PRESIDING OFFICER REIF: Okay. It's essential that she does. Thank you.

Q. (By Mr. Spencer) Okay. I'm going to hand you what I've marked as PEHC Exhibit No. 2. It's the letter from August 30th, 2017. Do you got a copy there in front of you? These are the two loose documents that I put -- that I brought up there. Can you tell me what that document is?

PRESIDING OFFICER REIF: Excuse me, sir. Before you proceed, do I need a copy of that?

MR. SPENCER: No. He can explain what the -- what it is. I don't need an additional copy.

PRESIDING OFFICER REIF: Well, I need a copy.

MR. SPENCER: Oh, you need a copy?

PRESIDING OFFICER REIF: Did you give me a copy?

MR. SPENCER: Yeah, they should be up there, too.

PRESIDING OFFICER REIF: Could you please clarify the date? I'm not sure that that was accurately --

MR. SPENCER: This one is No. 2. That one is No. 1.

PRESIDING OFFICER REIF: Okay. So what date is he -- what date is he operating on? Just so everybody's on the same document.

THE WITNESS: August 30th, '17.

PRESIDING OFFICER REIF: Okay. Thank you.

Q. (By Mr. Spencer) Can you tell the court what that document is?

A. This was a letter I sent to Striegel, the contractor that constructed the pipeline.

Q. And what was the purpose of the letter?

A. To get the requested information on their welders' certification.

Q. And that's -- that was pursuant to a request by the state of Utah?

A. Yes.

Q. And you were -- you previously testified what the results were of that?

A. Yes.

MR. SPENCER: I would move to have PEMC Exhibit No. 2 entered into evidence.

MS. SCHMID: No objection.

A. This is also part of the overall response that I put together, the 132 page response.

Q. (By Mr. Spencer) Going to the other document which is a letter dated February 22nd, 2018, from

Anode Systems Company, do you have that one up there?

A. No.

Q. Okay. Here it is. Can you tell the commission what that document is?

A. It's a report for Anode Systems on our -- on the cathodic protection of our pipeline.

Q. And did you respond to all of the allegations that were listed in the Department of Public Safety's Exhibit No. 1, the paragraphs that we just went through?

A. Yes.

Q. Is that the response that you provided in May of 2018, the 132 pages?

A. Yes.

Q. And are -- is PEMC in the process of trying to gather the kind of documents that the state is looking for?

A. Yes.

Q. And you were short handed there for a while. Is that not correct? I wasn't involved in the case.

A. That is correct.

Q. Did you ever get back any specifics from your -- from the State of Utah based on your answer to the Public Service Commission's complaint? Did the State respond to you and say, "This is deficient. That's deficient"?

A. Of the 132 pages?

Q. After the 132 pages was submitted.

A. No. I got a notice that they were going to take everything to the commission.

Q. And finally, this, this pile of documents here, do you recognize those documents?

A. Yes.

Q. I'm going to have that marked as Exhibit No. 3. And that's the document you previously stated that you'd read through, correct?

A. Yes.

PRESIDING OFFICER REIF: Excuse me, sir. Just for clarification, the exhibit you're referring to is the --

MR. SPENCER: Is the binder.

PRESIDING OFFICER REIF: -- binder. Okay.

MR. SPENCER: I'm just going to mark it as a single exhibit.

PRESIDING OFFICER REIF: Sure. Just so we have that noted in the record and the court reporter is clear on that. Thank you very much.

MR. SPENCER: Yeah, and I would move to enter Exhibit No. 3.

MS. SCHMID: No objection.

MR. SPENCER: So I believe you have all of my

exhibits in, one, two and three, correct?

PRESIDING OFFICER REIF: I certainly do, yes, sir.

MR. SPENCER: Okay. No further questions.

PRESIDING OFFICER REIF: Ms. Schmid, do you have questions for the witness?

MS. SCHMID: I do.

CROSS-EXAMINATION

BY MS. SCHMID:

Q. Good afternoon. You mentioned hiring a DOT-operator-qualified company; is that correct?

A. Yes.

Q. Currently are you a DOT qualified operator?

A. No.

Q. Is Mr. Nugent?

A. No.

Q. Is Mr. Ahmad?

A. No.

Q. Let's turn to your -- PEMC's May response, which was admitted as DPU Exhibit -- as a DPU exhibit.

MR. SPENCER: Fourteen?

MS. SCHMID: Fourteen, thank you.

A. I don't have that in front of me.

MS. SCHMID: May I approach the witness?

PRESIDING OFFICER REIF: You may.

Q. (By Ms. Schmid) I have just handed you a copy of what has been marked and admitted as DPU Exhibit 14, and that is PEMC's May response to the agency action. Could we turn to -- oh, let's start with one. And that references CFR 192.605. There.

, is it true that you say you are going to add language to the PEMC procedural manual? And I think if we look at -- if you refresh your memory by looking at page 2 of that May document.

A. That's what I propose.

Q. Up above though does the -- does it state that documentation was needed?

A. No documentation is available to verify in this documentation.

Q. Did PEMC provide that documentation?

A. No.

Q. Turning to 2, which is 192.605, does it -- does your -- does PEMC's reply state that you will add certain documentation to its procedural manual? And what will be added is specified on pages 2, 3 and 4 of PEMC's response?

A. I added language. But we had had no abnormal operations. So I couldn't write a documentation of the effectiveness when we had had no abnormal operations.

Q. Okay. Turning to 3, which is 192.615,

Emergency Plans. Is it true that the reply states, and I'm just reading from page 5, "PEMC manager is currently taking an online course. Once completed, PEMC will need to engage a certified pipeline operator to train PEMC. This will be completed within 60 days."

A. I couldn't find a certified pipeline operator.

Q. So that, it wasn't done?

A. It has not been done.

Q. Turning to -- let's see. We'll skip that because you said there was no emergency. Turning to 5 which talks about emergency plans and liaisons, is it true that it says, "Within the next 30 days, PEMC will contact the following offices to discuss the pipeline public awareness program, identify the individuals as point of contact and follow up with a personal visit to the office"?

A. I submitted a plan.

Q. Yes. Did you provide document -- have you provided documentation to Utah Pipeline Safety verifying that you have contacted these people?

A. Yes. I sent a spreadsheet on an e-mail and showed a sample of the letters that went to everybody.

Q. Did you follow up with a personal visit to the office like you said you would?

A. No, I did not.

Q. Let's see.

A. I did try to get to the mayor in Green River. It was closed. The Green River Fire Department, they were -- it's a volunteer. And I couldn't find anyone to meet, and I left a message on their answering machine. Sheriff's department, I did go and they were closed. The woman that had run the office had passed away.

Q. Oh.

A. Cheryl, Cheryl Keeler -- Keener was her name. And so they -- they don't have an open office to go to meet.

Q. So you could -- okay. Just one second. Today your counsel requested admission of PEMC No. 1, and it was admitted. And that's the systems -- the letter from Anode Systems Company. Do you have that in front of you?

A. Yes.

Q. Can you tell me where cathodic protection was noted as a deficiency in the division's November 2016 letter?

A. I don't think that was a deficiency. I think it was just a -- providing that, that we had ongoing contractor.

MS. SCHMID: May we have just a moment?

PRESIDING OFFICER REIF: Yes. Are you asking

for a recess?

MR. JETTER: About five minutes, your Honor.

MS. SCHMID: Five minutes would be great.

PRESIDING OFFICER REIF: Very good. We will be in recess.

(Recess from 3:37 p.m. to 3:56 p.m.)

PRESIDING OFFICER REIF: So we'll be back on the record. And Ms. Schmid, I believe you were in process of questioning the witness.

Q. (By Ms. Schmid) Yes. Thank you. I have just one or possibly two more questions. So Mr. Green, just to verify and make sure the record is completely clear, is it true that the division's inspection that gave rise to this docket was November 1st through 4th, 2016? The initial -- the initial audit?

A. That sounds correct.

Q. And is it true that the -- that the division in November of 2016 provided PEMC with a post-audit letter that has been marked as Exhibit 1?

A. Yes.

Q. And is it true that the division filed its notice of agency action giving rise to this docket in April of 2018, subject to check? It would --

A. Which item?

Q. It would be Item 13 in the exhibit book, if

you have that.

A. Yes. I don't see a date.

Q. Will you accept, subject to check, that it was April 12th, 2018?

A. Yes.

Q. And is it true that PEMC filed its response in May of 2018?

A. Yes.

Q. And is it true that what has been marked as PEMC Exhibit 3 was just provided to the division yesterday afternoon and then supplemented with a few more pages today?

A. Yes.

MS. SCHMID: Thank you. Those are all my questions.

MR. SPENCER: I have a couple follow-ups, if I might, your Honor.

PRESIDING OFFICER REIF: Yes, sir. First I'd like to ask some questions on behalf of the commission. And then we'll go back to redirect, sir.

MR. SPENCER: Thank you.

EXAMINATION

BY PRESIDING OFFICER REIF:

Q. Thank you. Mr. Green, thank you for your testimony today, and thank you everyone. I realize this

has been a lengthy hearing. And nevertheless, I want to ask you what I believe is a really critical issue for the commission's consideration, given the recommendation from the division. And that recommendation, as you may recall, asked for a number of things including a suspension of the pipeline activity.

And what I would like to ask of you, sir, is considering that request, what can you do to assure the commission that a suspension is not necessary? And what I mean by that is, what can you -- what can you do to assure the commission that there -- the risks associated with the reasons why the suspension is being requested, that you have addressed or you are addressing in such a way that there is no concern there?

A. Well, first off, we are -- because of the training, when we first took over this pipeline, myself and Mr. Ahmad, we've been in the oil industry since the early eighties. We've conducted oil and gas operations. We took over this pipeline as a gathering line. It was always known to Delta and the federal government that it was a gathering line. It wasn't until later that the DOT took over the oversight of regulations.

We, we've operated gathering lines for 40 years. Thirty -- well, whatever, since 1979. And to be -- it wasn't until my follow-up audit with Mr. Betham

that I found out that we needed to have certification as an operator.

When we met with Mr. Chien, I believe that's his name, he just looked for paperwork. And it wasn't until met with Mr. Betham the next year that he said, you have to be certified not only with a course, but also with field training by a certified pipeline operator.

I immediately looked for one. When I say immediately, I made phone calls. Nobody returns phone calls. They, you know, time went on. I kept trying to get ahold of them. We finally found a potential operator that is located in -- that has an office in Grand Junction and Durango, Colorado. And they can provide, my understanding is, all DOT management for our pipeline.

I've already taken the individual to the field. We have driven the whole pipeline, showed him what the issues are. They have the equipment to do the leak test. And we would immediately engage him as soon as I get a response to my request for a quote.

He came back and asked for the pipeline maps for his management to review. I expect to get a final, make a final decision with this individual and this company by the end of the week, and we would engage them

as soon as -- as quickly as humanly possible. And the priority, of course, would be the leak detection. They would bring up the equipment and run the length of the pipeline to ensure that there are no leaks.

I'm out there in Green River at least once a month, sometimes twice a month. I go to our block valves. I test our valves. I know we don't have leaks at the valves. I don't believe we have leaks along the line. It's a fairly new line. But we have to have that documented with the certified leak detection operator.

But yeah. It's this whole pipeline issue, it all started out as a gathering line. And the person that was originally managing this is no longer with the organization. And it was dropped in my lap. I, you know, I was trying to keep up with what was requested without having a strong background in the procedural and the, you know, writing these manuals. I'm an engineer. I'm not a English major.

But we have tried to comply with their request. We've tried to understand it. We've asked for direction on what we need, and we were told, "Well, it's your responsibility to figure it out. We just review it." And that's been our biggest frustration through this whole exercise.

And we were given a DOT site. So we signed up

for the DOT site. And all it is, is it explains the regs, and it gives reasons why the regs. But it doesn't really address how to write these manuals and how to correct what we had already done.

Now, granted, the recordkeeping, if nothing happens, it's hard for me to keep records for abnormal operations, that sort of thing. But I guess back to your original question -- I know I'm drifting. But -- yeah, we recognize that there's a -- the leak test has to be done. And we know that Mr. Nugent doesn't have any backup for if there's an emergency.

And we need to bring in a person in the area that can respond and help him in the time of an emergency, and also with our DOT regulations and requirements. That's what we're trying to get under contract immediately.

Q. Mr. Green, I'd like to circle back and just rephrase my question a bit. And I do have some other questions too related to the things that you've already testified about.

But back to the issue which is the issue of suspension that the division is requesting, and that issue will be examined by the commission based on the testimony and the record as a whole in this docket. What can you do to assure the commission that you are

operating a safe pipeline today?

A. Well, like I said, we, we conduct our outside cathodic review. We conduct outside valve maintenance. We bring in an outside corrosion control for internal corrosion. We run a cleaning pig every quarter to make sure there's no liquids, there's no bacteria. And we operate in a safe manner.

We're -- we've been in this business, so we know what causes flames. We carry our fire extinguisher, our safety gear. And we, we haven't had any leaks. We haven't had any emergencies. It's not saying it never will happen. But we recognize we have to put down a baseline for the leak detection to show that there is no leaks and then continue forward.

But that's number one priority and bringing a pipeline -- certified pipeline individual to review our procedures and have as backup is what we're in the process of doing.

Q. Mr. Green, as a follow-up to your reference earlier to the Pipeline Controls & Services, I believe that was the a name of a company; is that correct?

A. Yes.

Q. And is that the company that you are referring to in your responses to my questions about the company that you are hoping to have an arrangement with?

A. Yes.

Q. So you're not currently contracted with that company?

A. No. He's -- we don't have a formal quote for him. We met with him. He's -- I reviewed all of the issues that we have to address, and him and his company claims to be able to handle it. And I am -- once he gives me a quote, I'll get all the background information to forward to the division.

Q. Okay. One other thing I wanted to ask you about, sir, is regarding what has been marked as DPU Exhibit No. 14, and this is the rather voluminous response from PEMC. It's the 132 page document. Do you have a copy of that in front of you, sir?

A. Yes.

Q. I'm going to direct you to page 7 of that document, please. And I would just like to get some clarification. On this page, and you've testified to this issue to some extent already, about what you've done to notify, excuse me, entities in the area. And to follow up on what is listed here, have you had any contact with the BLM?

A. Concerning?

Q. Concerning the issue of emergency plans?

A. No. I haven't contacted them.

Q. Have you contacted the Department of Transportation?

A. Other than --

Q. -- for purposes of your emergency plan?

A. Oh, on this list?

Q. Regardless of the list. It's possible that I imagine you might have forgotten to put it there. But I'm asking you, have you contacted the DOT as part of your emergency planning?

A. No. But it's in our manual. We do have -- had that updated. But at the time this is what I had. We had listed in the manual, and this is where I sent the notices along with the -- on Item 6. I've sent those out also.

Q. Okay. Is the BLM also addressed in your manual that you just referenced?

MR. SPENCER: I can answer that for you. No, it's not.

PRESIDING OFFICER REIF: Okay.

THE WITNESS: We can put that in.

PRESIDING OFFICER REIF: Okay. Mr. Green, thank you for your testimony today. I don't have any further questions, so Mr. Spencer, if you would like to do redirect at this time, you are welcome to do so.

REDIRECT EXAMINATION

BY MR. SPENCER:

Q. Thank you. Just for clarification, you mentioned that it was originally a gathering line. Can you tell the commission what a gathering line is, as opposed to a transmission line?

PRESIDING OFFICER REIF: Counsel, I don't think that line of questioning is going to be helpful. We have had an order on this issue, and we understand that there is a position on the history of the -- of the line. We have an order that was issued on August 9th.

And while you're not precluded from asking that question, I just want to make very clear that we're very clear on what a gathering line is. We're very clear on what a transmission line is, and we have an order in place defining this as not a gathering line.

MR. SPENCER: Then I'll skip that line of questioning.

Q. (By Mr. Spencer) Is there a court order that exists on shutting this line in?

A. Yes.

Q. And which district issued that order?

A. It's Moab.

Q. And do you know the name of the judge?

A. I believe it's Judge Anderson which retired this last summer.

Q. And are there other people that put gas into this line besides you?

A. Westco.

Q. And Westco is the one that obtained that order?

A. Yes.

Q. So that would make it difficult to shut the line in even on a temporary basis?

A. It would be my understanding.

Q. Given the fact that PEMC only consists of three people, have you done your best to comply with the requests made by the pipeline safety folks at the state?

A. Yes. With our limited resources and the remoteness of the area, it's been very, very difficult.

Q. And on the issue of training, is there anything else that you know to do in order to obtain the necessary training?

A. I know I will finish my coursework, which I've held off until I know I have someone that can immediately give me a field test. I'm looking for that field person. I believe that the company that we're looking to engage, I'll go ahead and get my certification with them.

MR. SPENCER: Nothing further, your Honor.

PRESIDING OFFICER REIF: Thank you, sir. Is

there anything else to come before the commission today?

MR. SPENCER: I have one more witness.

PRESIDING OFFICER REIF: Oh, yes.

MR. SPENCER: I want to call Mr. Ahmad.

PRESIDING OFFICER REIF: Okay. Great, and we have Mr. Ahmad on the telephone. Mr. Ahmad, are you still with us?

MR. AHMAD: Yes.

PRESIDING OFFICER REIF: Okay. Great. Thank you so much. I'll go ahead and swear in now. Mr. Ahmad, do you intend to tell the truth?

MR. AHMAD: Yes.

PRESIDING OFFICER REIF: Thank you. Please proceed, Mr. Spencer.

TARIQ AHMAD,

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

DIRECT EXAMINATION

BY MR. SPENCER:

Q. Could you state your name and business address for the record.

A. Tariq Ahmad. 3550 Barron Way, Suite 13A, Reno, Nevada, 89511.

Q. And Mr. Ahmad, could you tell me how you are related to PEMC?

A. I'm the president of Pacific Energy & Mining Company.

Q. And what's your educational background?

A. I have a bachelor of science degree in petroleum engineering. I have taken industry courses in petroleum engineering, reservoir engineering, production engineering, drilling engineering and pipeline design and --

COURT REPORTER: Pipeline design and? I didn't hear the last --

Q. (By Mr. Spencer) Supplement that last piece of your course work. We didn't catch --

A. Pipeline designs and operations.

Q. And how often do you visit this particular pipeline?

A. Normally I visit it once a month, but lately it's been, I haven't been there for a few months.

Q. And what kinds of things do you do related to the pipeline when you're near the pipeline?

A. Well, I start off at the well, and we drive from the well to the plant. And I check for all the pressures to make sure that the inlet pressure and the outlet pressure on the well and the plant are pretty close. That would show us if there was a leak in the gathering lines.

Then I examine the plant itself to make sure there are no leaks, and I check the -- there is an anode thing there that sends current down the pipeline. I also check, make sure all the pipeline areas are properly grounded so there is no -- of any sparking.

Q. And have you ever had --

A. And I also --

Q. Go ahead. I thought you were done. Go ahead.

A. No. I also drive by the pipeline to make sure that there are no leaks. And if there were any leaks, we would see a sudden pressure drop. And I have gone all the way from the beginning of the pipeline, end where Northwest Pipeline there. And I examine both the input and output, as well as all the valves from the beginning 'til the end.

Q. Now, Mr. Green, when he testified, talked about his contact with Pipeline Controls and Service Company. Have you had any contacts with them?

A. Yes. The one last one that Mr. Green found, I had given him the name and phone number for that person to contact. I have also talked various other operators, both oil and gas operating companies, and some of the pipeline companies.

In reference to the operating companies, what they operate is gathering lines and-- which end up

directly into Northwest Pipeline or Questar. So none of those companies are regulated. In reference to Questar or Northwest pipelines, they only do their own operations and only take the gas in once it meets their qualities.

Q. What do you have, if anything, to do with the oversight of the valves that Cameron Company was maintaining?

A. Well, I make sure that the tests that they run are proper and they're certified. We depend on contractors who are certified to do their work.

Q. And how about your contact, if any, with Anode Systems on cathodic protection?

A. Yes. With Anode Systems, I was with them a couple of times when we initially hired them. And they sent us a yearly report on how they have done their testing.

Q. And what about U.S. Water on the corrosion control issues? What contact have you had with them?

A. A sample was sent in to them to check the quality of the water, what was in it.

Q. That dropped off at the end. Can you say that one more time?

A. We send them samples and get the analysis back.

Q. And when is the last time that was done?

A. I think it was done about a year ago.

Q. Okay. And when -- and dealing with the issue with Pipeline Controls and Service, have you talked to them about the timing of the takeover of the management of the pipeline?

A. No. I have not. But I have discussed it with Mr. Green. And Mr. Green said it would be sometime beginning of next year.

Q. Have you had a chance to review the procedures manual in this case?

A. Yes.

Q. Have you provided any input on any of the items that were found to be noncompliant in the DPU Exhibit No. 1? I realize you can't see it, but I assume you've seen the letter, the initial letter.

A. Yes. You know, initially when, when the letters were sent by the pipeline people, I had discussed it with Mr. Green. And when we came back and forth, the issue basically was, in my understanding, that there was issues with language within the manual.

In reference to the records, we have the records, and I think they were either provided to them or they saw them down in Green River.

As I recall, the first time I met Mr. Betham

was in 2013 when he met me at the plant. At that time I thought he was with the Utah DEQ. He visited the plant and looked around and then left. At no time did I know that he was with something called Pipeline Safety. And then after that, the only thing I was told was there was some manuals that had to be made. And the manual was made.

And whatever objections the division had -- I specifically remember asking Mr. Betham a couple of times, what exactly is the issue with this manual. His answer every time was, this is not my job to tell you. You need to go figure it out yourself. And it's hard for me to figure out what's in his mind.

But in reference to what we have done over the time since the last hearing when the division actually told Mr. Spencer what they wanted in the manual, that's the first time I've ever heard the division even giving advice on what should be in the manual. And based on that is how this manual was made and the answers were given.

Q. Are you willing in the future to do whatever is necessary to make the state happy on the noncompliance issues?

A. Absolutely. I mean, I -- if Mr. Betham had told us this deficiency can be repaired in this fashion,

this would have been done three years ago.

Q. Has there ever been an emergency associated with this pipeline?

A. Never. And I want to make -- told one more thing clear. Every single day we have a person go out there, and he checks the input pressure. And we also have the downstream pressure from Northwest pipeline. And those pressures are within the range that we have. And if there was any leak whatsoever, we would know about it because the pressure drop. So we check it every single day.

Q. Who does that?

A. So -- Rodney Nugent. And we check it with Northwest Pipeline. Because we can check with where the downstream pressure is. And we know what our upstream pressure is at the plant. That's done every day, and it's written down every day. So I have a message sent to me every day that gives me what the production is, what the pressures are. Based on that is how we make our decision.

There is also an emergency number that is written down at different locations on the pipeline, so if there is any issue we would be called immediately by the sheriff's office. There was an issue -- nothing to do with the pipeline. There was some smell someplace

over by the plant, which had nothing to do with that.

But somebody did call that 800 number. And then the sheriff called us from there. And we also received a text message. And within half an hour, we were there to make sure that there was nothing wrong with our side of the pipeline. And it was -- it had nothing to do with the pipeline. It was, I don't know, some dead cow or something.

But I'm just trying to explain that we have procedures in place that if there is an issue, somebody can call the emergency number. From the emergency number we get a text message and a phone call. And the same people call the sheriff's department. And so we, we are made aware of it within a -- within half an hour or so. And in our -- and once that's happened, we were there within half an hour. So I think we are pretty much up to date on this.

And my experience since 1979, in operating a natural gas pipeline, I have never had an accident or a leak any one of the pipelines we operated. And the reason for that is we always inspected our lines. And -- because losing a line to us is an economic loss. So there is no reason for us to not maintain our pipeline.

So in this case, we are really, really careful

on this because we have a court order in Moab that forces us to keep this line in production because the other operator, Westco, is producing about 1400 barrels of oil a day. And if the pipeline is shut down, both the BLM and SITLA uses the royalties. And the field can't produce without shipping the natural gas off.

And finally, the total amount of natural gas that goes through this pipeline is about 200 MCF per day, which is less than an average well in Uintah County. So there's hardly any gas in this pipeline. We don't have that much gas.

But whatever goes through there, we make sure it gets to the other end. We are on top of things, and I can assure the commission that us operating the pipelines has been in a safe manner. There have been no accidents. There have been nothing that would -- that we did, that anybody has said that has happened to this line.

This pipeline is pretty new. It was built in 2008. It's almost 10 years old. It was fully tested to 1400 psi when it was first built. And we are operating it at, I think the answer was 70 percent of the maximum pressure, which is not at the 1500, but at a thousand pounds. We're running about 650 pounds, so...

So I think to assure the commission that, you

know, for the -- since 2013 that we have operated it, it has been operated safely. There have been no incidents whatsoever. And with the experience that I have and Dan had, and since 2013 that Rodney has been in Green River. We have made sure that everything is running smoothly, and if there is -- we haven't had any issues. So I don't know how to explain that.

I mean, one of the things like Dan was saying, in the manual itself, the division was concerned about the language on if something happens, how do you suppose to do something. Nothing's happened. I don't know how to answer that. But I think with the experience that we have on this pipeline, we have run it safely. And we have every intention of running it safely until we get the contractor to take it over.

Q. Question for you, Mr. Ahmad. Have you had any contact related to this pipeline with the Bureau of Land Management?

A. Yes. The Bureau of Land Management absolutely knows about this pipeline. They have looked at it. They were the ones to approve the Westco's line into this pipeline. So they're aware that this pipeline is there.

I think one of their volume techs who comes and inspects the stuff that we have, the wells, also

looks at this. And the Bureau of Land Management real estate department which does the right-of-ways, they drove by this pipeline to inspect the right of ways itself.

And one of the things they had for extending the right of way, which is, this single pipeline comes from the Northwest Pipeline interconnect all the way to the wells themselves. It's on a single right of way. So we had asked for an extension of the right of way by another three miles.

So the BLM inspector drove through the pipeline, and at one of the wells there was an extra joint of pipe sitting there, and they ordered us to remove that extra joint. So the BLM absolutely knows about this pipeline. We have contacted them. I think Dan was probably --

COURT REPORTER: Excuse me, sir.

THE WITNESS: But I know that we have letters to the BLM about the pipe.

Q. (By Mr. Spencer) Mr. Ahmad, hold on one second.

COURT REPORTER: Mr. Ahmad, there is -- you are kind of cutting in and out, and I missed part of what you said.

THE WITNESS: Which part?

COURT REPORTER: So can you start back over when you said, "The BLM absolutely knows about this pipeline. We have contacted them."

A. Yes. The Bureau of Land Management office in Moab was -- we requested them to extend our right of way from our well, which is in Section 32, I think about four miles from the plant, into Section 36. So this right of way not only covers the main pipeline, but it also covers the gathering line, as this was a single right of way to begin with as a gathering line.

So when we asked them to extend the right of way, the BLM inspector drove on this right of way from Northwest Pipeline all the way where we were asking for a new right of way, extension of the right of way. And one of the things they wrote to us was there was an extra joint of pipe sitting by our well, 32-42-1A and asked us to remove that in reference to their inspection.

So point I'm making is, the BLM office in Moab clearly knows about this pipe.

Q. (By Mr. Spencer) Mr. Ahmad, how about any contact with the Department of Transportation?

A. We contacted the Moab -- I think the department in Moab that takes care of roads. And they know about the pipeline as well because we had to ask

them and get a permit to repair one of the gathering lines. As they had to shut down the road so we could repair one of the lines going to one of the wells.

And also we call them regularly to -- for them to come and clear all the roads from Northwest Pipeline all the way to the wells.

Q. Is there anything else you want the commission to know?

A. I just wanted the commission to know that since 2013, we have operated this pipeline in a safe manner, and we have had no issues with the line or anyone else associated with this line. We went to the -- to Westco, and our concern was that some of their water that could come into their line might be corrosive.

That's the reason Westco went to District Court and got an order for us that we cannot shut the line in. And they also proved to us that none of their line is contaminated, and it will not contaminate the main line. So there is no questions of deterioration of the pipeline within 10 years.

We are operating it at about 60 percent of the authorized line pressure. We check the pressures every single day. And we have all the safety stuff in place. So I think the commission should also consider the

experience that myself and Dan have had since '79, and experience that myself and Dan and Rodney have since 2013 on this particular pipeline.

If there were any issues and we weren't safe, there would have been issues on this pipeline, and obviously there nothing ever happened. Just to satisfy the state, we are going out of our way to hire an outside third-party contractor to run and maintain this line.

Finally, I got one more thing to say. The line itself, as I said, only runs about 300 -- 200 or 300 MCF per day, out of which ours is only about 50 MCF per day. The pipeline is run at a loss by us because we are at a court order. We were hoping to drill some more wells and increase production, and that hasn't happened.

So at the amount of gas that is going through this line, is so minimal. I mean it's less than an average well, like I said, up in Uintah Basin. And they're all run on gathering lines, and they haven't had any issues. And we haven't had any issues. It's not like we're running pipeline with 50 million feet of gas going through it.

This pipeline would, if we were to, for example, slow it down, it wouldn't take hardly maybe a couple of hours for the pressure to drop so fast that

there is hardly any gas in it. And we'd know it.

Q. Thank you.

A. That's all I have.

MR. SPENCER: Thank you, Mr. Ahmad. I have no further questions.

PRESIDING OFFICER REIF: Thank you.

Ms. Schmid.

CROSS-EXAMINATION

BY MS. SCHMID:

Q. I do have some cross-examination questions. Mr. Ahmad, good afternoon. I am the attorney for Division of Public Utilities and Pipeline Safety section. Are you a qualified -- are you a qualified operator under the DOT rules and regular --

A. What?

Q. Are you a qualified pipeline operator? Have you gotten your Up Quals, as they're commonly called, from DOT?

A. Ma'am, the answer to that question is a little complicated.

Q. It should be a yes or no. But please explain.

A. Yeah, I will explain. Initially like I said, I have operated pipelines since 1979. This pipeline, I wasn't even told about the DOT thing until last year that somebody had to be pipeline whatever this thing is

called.

Since 2013, when Mr. Betham was there, he could have told us in 2013 that you have to go get this DOT operator qualification. Nobody did that. And now you're coming out and telling us that you have to be DOT. Well, if you had told us in 2013, five years ago, we would have been able to find somebody and get ourselves qualified.

I've asked over and over again, how do you get this qualification thing? And nobody is able to answer that question.

Q. So to bring it back, are you yourself currently operator qualified under the DOT?

A. I have no idea with that.

Q. Okay. Let's turn now to what was marked as DPU Exhibit No. 1. That's the November 2016 letter from Pipeline Safety to Dan Green. Would it surprise you that the terms "no documentation was available to verify, needs documentation," is present in --

A. Is that the letter written by Mr. Chien?

Q. Yes.

A. Okay. The problem is this. Mr. -- I was told by Mr. Green that somebody by the name of Mr. Chien showed up at the place. He wanted to see documentation sitting on a desk in Green River, Utah.

I said, "Hey most of this documentation is sitting here in Reno. Why would you have most of this stuff there?" For example, like x-rays. X-rays are sitting in the Reno, Nevada, at the head office. Not at some office in Green River, Utah.

So Mr. Chien or -- only thing I was told he is interested in is looking at paperwork. And all he had to do was pick up the phone, give me a call, say, "Hey, this is what I need." Nobody did that.

Q. I will object to your qualification or to your characterization because I don't believe that it is reflected in the record. But --

A. But it's reflected to what I'm saying. What I'm saying is evidence.

Q. If everything was sitting in Reno, why did it take two years to get the x-rays to the Division of Pipeline -- to the division?

A. Do they have x-rays?

Q. You -- I thought you just said all the documentation was sitting on --

A. I didn't say that --

Q. -- your desk in Reno.

A. That's right. Did they ask me to give them x-rays?

Q. They asked you for the documentation that's

required under the CFR. Have you read the CFR?

A. Yes, I have read the CFR. I have told -- like I said three times, Mr. Chien, all he had to do was to pick up the telephone and say, "Hey, this is what I need." I never got anything from Mr. Chien. We tried to contact him on what he's asking. But most of the stuff that I was told that he was so concerned about was, one, this paperwork, that these things should be sitting in Green River, Utah.

And then on this manual problem how the English language should be written. Because I can tell you this, with the Department of Environmental Quality, Bureau of Land Management, Division Oil Gas and Mining, if there is an issue, just pick up the telephone, send me an e-mail, and you can contact any one of them. We get back to them very, very fast and give them whatever documents they need, whatever forms they need.

I have never had an agency that has been non-helpful on what exactly they want from us.

Q. Mr. Tariq, turning to what's been marked as Exhibit 1, do you see that you are copied on that letter from Mr. Chien?

A. But like I said --

Q. That's no.

A. We tried on --

Q. Please just answer the question.

A. -- numerous occasions. But I don't know. I don't see Exhibit 1 in front of me.

Q. So you talked about doing leak surveys, and you have said that you have read the CFR. If we turn to the violation No. 9.

A. Ma'am, let me get that. You keep on talking telling me these violations. 90 percent of your violations are recordkeeping violations. There is nothing in those violations that says that there was a leak someplace, that says that there was -- there's an ignition source or that the pipeline in fact is being operated in an unsafe condition.

Q. But isn't it true that the regulations require documentation? Isn't it true that's required?

A. Documentation. I don't know how many times I am going to tell you that. I said, Mr. Chien -- I called him. I asked him, "Hey, what am I supposed to do with this? What -- you need to help me to get this thing resolved."

Mr. Chien not only didn't help us. A year -- two months later he was gone out of your department. So it's like --

Q. Nonetheless --

A. -- I'm asking for help. Hold on. So I'm

asking for help from an agency. The very least you guys can do is answer the phone and tell me, "Hey, this is what you need to do."

MS. SCHMID: I would ask the commission to look at the record of correspondence and response from PEMC that has been admitted.

Q. (By Ms. Schmid) Turning now to Violation No. 9, Transmission Lines, it says in the CFR that leakage surveys of a transmission line must be conducted at intervals not exceeding 15 months. But at least once each calendar year. However --

A. Yeah, we have done that.

Q. -- in the case of a transmission line which transports gas in conformity with 192.625 without an odor or odorant, leakage surveys using leak detector equipment must be conducted."

A. We have done that.

Q. Is the gas in your pipeline odorized?

A. If you go over there and you can open up the valve, you will smell that gas.

Q. I believe that odorized is a technical term that means that mercaptan has been added to it. It normally is done at the distribution level. Has the gas in your pipeline been mercaptanized?

A. Like I said -- like I said, gas is odorized so

people can see there is a leak. They can smell it.

Q. And that is your testimony?

A. The gas in this -- the gas in this case has a smell. You can smell from at least half a mile away.

Q. And that is your testimony?

A. Yeah, my testimony is, yeah, you can smell this gas.

Q. Is it your testimony that the BLM is in charge of Pipeline Safety?

A. My testimony is that, like you were asked originally was the BLM contacted. My answer was, the BLM is fully aware of this pipeline.

Q. Are you aware that pipeline safety is within the purview of the federal Pipeline and Hazardous Materials Administration?

A. For interstate pipeline, yes.

Q. And for intrastate. That's a legal question, so I will withdraw that question.

A. I don't know. I can't really -- okay.

Q. You said that you checked the pressure every day.

A. Yes.

Q. Are those pressures recorded?

A. Yes.

Q. Have those pressures been provided to the

division?

A. The division's never asked for them.

Q. Is it your --

A. If they asked for it, I got a spreadsheet, and I can send it to you in five minutes.

Q. But you haven't yet; is that correct?

A. Like I said, nobody's asked for it.

MS. SCHMID: With that, I have no more questions.

PRESIDING OFFICER REIF: Thank you, Ms. Schmid. Thank you, Mr. Ahmad. Mr. Ahmad, would you please hold the line. We are going to take a 10 minute recess, and we will be back shortly. Thank you.

MR. SPENCER: Ma'am, if I could, just before you leave, I'm not going to call any other witnesses. So just 10 minute break, but I just wanted to let you know.

PRESIDING OFFICER REIF: I understand. I understand. And we'll be back in 10 minutes. Thank you.

(Recess from 4:51 p.m. to 4:57 p.m.)

PRESIDING OFFICER REIF: We're back on the record. Thank you very much, Mr. Ahmad, for your testimony thus far. We're at the point where the commission gets to ask questions, and I have one

question for you, please. And it is this: Do you know whether Mr. Nugent drives the line every day?

THE WITNESS: Mr. Nugent drives the line periodically, at least once a week. I know that he has to go out to the Westco interconnect to check to make sure everything is okay. But the pressures are checked every single day.

PRESIDING OFFICER REIF: Thank you, Mr. Ahmad. I do not have any further questions. And your counsel will be able to ask on redirect. And I'm afraid I jumped in. I understand there may be a motion pending. Ms. Schmid, do you want to address that at the end, or do you want to let the testimony continue and then --

MS. SCHMID: Why don't I address that at the end.

PRESIDING OFFICER REIF: Okay. Very good. Just don't let me forget, please. Mr. Spencer, do you have any redirect?

MR. SPENCER: I have no redirect, your Honor.

PRESIDING OFFICER REIF: Okay.

MR. SPENCER: No redirect, your Honor.

PRESIDING OFFICER REIF: Okay. Thank you very much. So the testimony is finished, and Mr. Spencer, you have no third witness.

MR. SPENCER: I was going to call the state,

but I don't believe that will be necessary.

PRESIDING OFFICER REIF: Okay.

MS. SCHMID: In that case may I make my motion?

PRESIDING OFFICER REIF: You may. You may, please.

MS. SCHMID: PEMC's witnesses and counsel have referenced a decision involving the other company that puts gas into this line. Apparently the decision was by a Judge Anderson. I would like to request that the commission order PEMC to provide the commission and the division with a copy of that decision so we can take administrative notice of it.

PRESIDING OFFICER REIF: Mr. Spencer, do you have a response? And just before you add your response, it's my understanding that Ms. Schmid is referring to the decision of Judge Anderson out of the Moab District, and I think the company she's referring to is Westco. And it refers to the shutting in of the line.

MR. SPENCER: Yeah, I have learned about that while we're here today. But I will get a copy of it, and I will provide that to the commission.

PRESIDING OFFICER REIF: Okay. Can we have a more defined time line on when you are going to do that?

MR. SPENCER: Ten days?

PRESIDING OFFICER REIF: Is that acceptable?

MS. SCHMID: That is acceptable.

PRESIDING OFFICER REIF: Okay. Thank you very much. We'll look forward to that.

MR. SPENCER: And may I ask a question?

PRESIDING OFFICER REIF: Yes, sir, you may.

MR. SPENCER: Is the state going to get that document to you after I provide it to them, or do I need to provide it directly to you as well?

PRESIDING OFFICER REIF: You should file it with the commission, and you can attach a certificate of service which would be normal procedure.

MR. SPENCER: Right.

PRESIDING OFFICER REIF: And that certificate of service would, you would be indicating that you have provided a copy of it to the division. So if there are any questions, please, if that's not clear, just let me know.

MR. SPENCER: I believe that is clear, your Honor.

PRESIDING OFFICER REIF: Okay. Okay. Very good. All right. With that, I think our hearing is concluded. We appreciate the testimony that's been given. It will be very helpful to the commission. We'll take the matter under advisement and issue an

order in due course. Thank you. And have a good rest of your day.

MS. SCHMID: Thank you.

MR. AHMAD: Thank you.

(The hearing concluded at 5:02 p.m.)

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, numbered 5 through 125 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 27th day of December, 2018.

Teri Hansen Cronenwett, CRR, RMR
License No. 91-109812-7801

My commission expires:
January 19, 2019

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