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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Pacific Energy & Mining)	Docket No.
Company)	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

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I N D E X

Witness	Page
JIMMY BETHAM	
Direct Examination by Ms. Schmid	9
Cross-Examination by Mr. Spencer	32
Examination by Hearing Officer Reif	45
Redirect Examination by Ms. Schmid	52
DAN GREEN	
Direct Examination by Mr. Spencer	60
Cross-Examination by Ms. Schmid	85
Examination by Presiding Officer Reif	90

1	Redirect Examination by Mr. Spencer	98
2	TARIQ AHMAD	
3	Direct Examination by Mr. Spencer	100
4	Cross-Examination by Ms. Schmid	114

5
6

E X H I B I T S

8	No.	Description	Page Marked
9	DPU 1	11-21-16, UTPS Post-Inspection Letter from Chien Hwang to Dan Green	12
10	DPU 2	E-mails starting with 1-5-17, between Chien Hwang and Dan Green	20
11	DPU 3	E-mails, 2-2-17, between Dan Green to Chien Hwang	20
12	DPU 4	E-mail, 2-2-17, from Chien Hwang to Dan Green	20
13	DPU 5	E-mail, 3-22-17, from Connie Hendricks to Dan Green, PHMSA Annual Report Submission Overdue & 2016	21
14	DPU 6	E-mail, 3-22-17, from Dan Green to Connie Hendricks	22
15	DPU 7	Warning Letter, 5-16-1, from Jimmy Betham to Dan Green	22
16	DPU 8	Letter, 5-25-17, from Dan Green to Jimmy Betham	23
17	DPU 9	Letter, 6-23-17, from Jimmy Betham to Dan Green	23
18	DPU 10	Warning Letter, 8-14-17, from Jimmy Betham to Dan Green	24
19	DPU 11	E-mails ending with 9-6-17, from Jimmy Betham to Connie Hendricks	25

			Page 4
1	DPU 12	Letter, 1-5-18, from Patricia Schmid to Dan Green	26
2			
3	DPU 13	In the Matter of Pacific Energy & Mining Company, Request for Agency Action	26
4			
5	DPU 14	PEMC's Response to Agency Action	28
6			
7	PEMC 1	Letter, 2-22-18, from Hans Schmoldt, Anode Systems Company to Dan Green	85
8			
9	PEMC 2	Letter, 8-30-17, from Dan Green to Cinda, WC Striegel	82
10			
11	PEMC 3	Binder, Procedural Manual for Operations, Maintenance & Emergencies	84
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 December 18, 2018

1:11 p.m.

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

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

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

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

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

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

18 PRESIDING OFFICER REIF: Thank you very much.

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

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

1 that will turn green when it is on.

2 MR. SPENCER: It's on.

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

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

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

9 MR. SPENCER: How about now?

10 PRESIDING OFFICER REIF: Nope.

11 MR. SPENCER: It has a green light.

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

14 MR. SPENCER: How is that?

15 PRESIDING OFFICER REIF: Still not picking up.

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

18 PRESIDING OFFICER REIF: That's much better.

19 MR. SPENCER: Okay.

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

24 MR. SPENCER: Okay.

25 PRESIDING OFFICER REIF: And for everyone in

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

3 MR. SPENCER: Okay.

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

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

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

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

22 MR. SPENCER: What she stated was accurate.

23 PRESIDING OFFICER REIF: Okay.

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

1 long to get them put together for this hearing.

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

4 MR. SPENCER: This is the second set.

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

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

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

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

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

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

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

25 PRESIDING OFFICER REIF: Thank you.

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

2 PRESIDING OFFICER REIF: Absolutely.

3 Mr. Betham, do you intend to tell the truth today?

4 THE WITNESS: Yes.

5 PRESIDING OFFICER REIF: Thank you.

6 JIMMY BETHAM,

7 was called as a witness, and having been first duly

8 sworn to tell the truth, testified as follows:

9 DIRECT EXAMINATION

10 BY MS. SCHMID:

11 Q. Good afternoon, Mr. Betham.

12 A. Good afternoon.

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

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

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

21 A. Yes.

22 Q. Could you please describe your educational
23 background?

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

1 University, Provo campus.

2 Q. And when were you awarded those?

3 A. In 2003.

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

6 A. Yes. As part --

7 Q. Would you please describe those?

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

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

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

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

18 A. Yes.

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

25 A. Yes.

1 **Q. What was audited?**

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

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

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

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

13 A. Yes.

14 **Q. Please describe it.**

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

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

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

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

3 A. Correct.

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

5 A. Yes, I did.

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

8 A. No, he's not.

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

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

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

16 MR. SPENCER: No objection.

17 PRESIDING OFFICER REIF: It's admitted.

18 MS. SCHMID: Thank you.

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

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

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

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

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

11 **Q. Is the duty to comply an ongoing duty?**

12 A. Correct.

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

15 A. Yes.

16 **Q. Turning to Deficiency No. 2, please describe**
17 **it.**

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

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

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

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

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

8 A. That is correct.

9 **Q. What about deficiency No. 3?**

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

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

19 A. Yes.

20 **Q. Deficiency No. 4?**

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

1 would respond.

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

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

6 A. Yes.

7 **Q. No. 5?**

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

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

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

20 A. Yes.

21 **Q. No. 6?**

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

1 way.

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

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

8 A. Yes.

9 **Q. No. 7?**

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

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

19 A. Yes.

20 **Q. No. 8?**

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

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

3 **Q. No. 9?**

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

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

15 A. Yes.

16 **Q. No. 11?**

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

25 **Q. Twelve --**

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

3 **Q. Twelve?**

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

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

14 A. Yes.

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

17 A. Yeah.

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

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

23 **Q. Thank you. Deficiency 13?**

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

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

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

9 A. Correct. Yes.

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

13 A. Yes.

14 **Q. Could you please tell us about it?**

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

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

24 A. Yes, they were supposed to respond by December
25 23rd, 2016.

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

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

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

9 A. So --

10 **Q. And then if you could briefly describe those.**

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

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

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

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

1 MR. SPENCER: No objection.

2 PRESIDING OFFICER REIF: They're admitted.

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

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

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

15 A. Yes.

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

18 MR. SPENCER: No objection.

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

21 A. Yes.

22 Q. Could you please describe PEMC's response?

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

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

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

2 A. Yes.

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

5 MR. SPENCER: No objection.

6 PRESIDING OFFICER REIF: Admitted.

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

9 A. After we didn't hear back from PEMC in April
10 1st, of 2017, we proceeded with a warning letter that
11 was sent out on May 16th, 2017.

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

14 A. Yes.

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

17 MR. SPENCER: No objection.

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

19 A. The response was supposed to happen by May
20 24th, 2017, yes.

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

23 A. They responded back -- replied back on May
24 25th, 2017, with the letter stating that they would
25 correct those deficiencies on a certain date.

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

3 A. Yes.

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

6 MR. SPENCER: No objection.

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

9 A. Yes. We accepted those changes with pending
10 of the corrections, that they would happen in June 30th,
11 2017, and July 31st, 2017. So a letter was written back
12 to describe we would accept those changes with the
13 pending of those dates that they proposed.

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

16 A. Yes.

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

19 MR. SPENCER: No objection.

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

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

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

25 A. I did.

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

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

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

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

10 **Q. After that what did Pipeline Safety do?**

11 A. Following that inspection, we wrote another
12 warning letter stating that these changes needed to be
13 corrected or the deficiencies need to be corrected, and
14 we gave them a deadline to respond back by September 11,
15 2017.

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

18 A. Yes.

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

21 MR. SPENCER: No objection.

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

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

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

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

6 A. Yes.

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

9 MR. SPENCER: No objection.

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

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

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

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

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

20 A. Yes.

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

22 A. Yes.

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

24 A. No.

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

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

3 A. I don't know.

4 Q. That's perfect.

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

7 MR. SPENCER: No objection.

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

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

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

16 A. Yes.

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

19 MR. SPENCER: No objection.

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

22 A. Yes.

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

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

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

2 MS. SCHMID: Okay.

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

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

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

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

10 PRESIDING OFFICER REIF: We will take -- would
11 15 minutes be adequate?

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

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

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

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

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

22 MR. SPENCER: That's correct.

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

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

1 She will need a copy.

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

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

9 MS. SCHMID: Yes.

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

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

13 PRESIDING OFFICER REIF: Thank you.

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

17 MR. SPENCER: No objection.

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

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

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

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

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

9 A. Yes.

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

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

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

17 A. Yes.

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

20 A. Yes.

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

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

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

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

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

11 A. Can you restate the question again?

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

15 A. A hundred thousand.

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

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

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

1 not?

2 A. Yes.

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

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

7 **Q. And why is that?**

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

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

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

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

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

1 Q. Thank you very much.

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

5 PRESIDING OFFICER REIF: Mr. Spencer?

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

8 PRESIDING OFFICER REIF: Sure.

9 CROSS-EXAMINATION

10 BY MR. SPENCER:

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

15 A. No.

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

19 A. Yes.

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

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

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

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

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

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

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

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

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

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

1 A. At the time of the inspection --

2 **Q. Who is he supposed to train?**

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

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

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

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

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

19 **Q. Spell PHMSA for me.**

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

22 MS. SCHMID: Administration, perhaps?

23 A. Administration, yeah. Sorry.

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

1 training?

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

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

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

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

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

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

20 A. Yes.

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

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

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

3 A. September, yes.

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

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

10 Q. Who is that?

11 A. I think I referenced her name, Jill.

12 Q. Does she work for a particular company?

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

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

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

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

3 A. Correct.

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

6 A. Yeah.

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

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

19 **Q.** Uh-huh.

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

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

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

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

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

1 often that training needed to take place.

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

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

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

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

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

22 **Q. Okay. So all right. I think I understand**
23 **what you're looking for there. Go on to paragraph No.**
24 **5.**

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

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

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

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

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

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

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

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

17 **Q. Which businesses are those?**

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

25 **Q. Okay. Go on to No. 6.**

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

7 **Q. Okay.**

8 A. Whether it be --

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

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

13 **Q. Okay. Go on to the next one.**

14 A. No. 7?

15 **Q. No. 7.**

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

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

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

4 **Q. And how wide is the buffer zone?**

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

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

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

14 **Q. Go on to No. 9.**

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

21 **Q. Okay. No. 10.**

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

1 Cameron, to help maintain those valves an their behalf.

2 **Q. Right.**

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

5 **Q. Okay. No. 11.**

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

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

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

17 **Q. And 12 on the next page.**

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

21 **Q. Its original construction?**

22 A. In its original construction, as-built.

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

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

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

4 **Q. And No. 13.**

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

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

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

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

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

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

22 PRESIDING OFFICER REIF: Yes.

23 MS. SCHMID: Thank you.

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

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

2 EXAMINATION

3 BY PRESIDING OFFICER REIF:

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

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

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

22 A. Yes.

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

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

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

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

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

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

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

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

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

18 A. Thirty to sixty.

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

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

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

7 Does that help clarify or --

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

14 A. Yes.

15 **Q. Okay.**

16 A. Yes.

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

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

23 **Q. Okay.**

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

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

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

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

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

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

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

1 **issues 12 and 13 --**

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

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

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

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

16 A. For Items 12 and 13, yes.

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

19 A. No.

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

22 **Q. (By Presiding Officer Reif) Okay.**

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

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

6 A. Yes.

7 Q. Okay. Would there be other issues that you
8 would be reviewing subsequent to this hearing other than
9 12 and 13, based on the materials that have been
10 provided to you, in determining whether or not they'll
11 satisfy the other remaining issues?

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

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

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

1 Q. Okay.

2 A. At this time.

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

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

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

17 PRESIDING OFFICER REIF: Okay.

18 MS. SCHMID: If that helped.

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

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

23 REDIRECT EXAMINATION

24 BY MS. SCHMID:

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

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

3 A. Yes.

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

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

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

19 A. Yes.

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

22 A. Yes.

23 Q. Okay.

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

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

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

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

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

19 A. You cannot certify yourself.

20 **Q. You cannot, okay.**

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

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

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

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

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

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

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

24 A. I was asked that question. And --

25 Q. And do you have any knowledge of any pipeline

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

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

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

11 A. They were camping near that area.

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

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

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

1 requesting in that regard.

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

6 PRESIDING OFFICER REIF: Thank you,
7 Ms. Schmid.

8 CONTINUED REDIRECT EXAMINATION

9 BY MS. SCHMID:

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

14 A. Restate the question, please.

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

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

1 operation for this pipeline.

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

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

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

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

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

23 A. Yes.

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

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

4 A. Yes.

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

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

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

19 A. Yes.

20 MS. SCHMID: Those are all my redirect
21 questions.

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

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

1 also Tariq's business address?

2 A. That's Pacific Energy & Mining.

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

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

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

9 A. About a year.

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

12 A. Since it was purchased in 2011.

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

16 A. I was one of the purchasers.

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

19 A. Fifty percent.

20 Q. And who owns the other 50 percent?

21 A. JMD Resources.

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

24 A. No.

25 Q. How many individuals are associated with PEMC

1 **either as employees or as independent contractors?**

2 A. There's three of us.

3 **Q. And could you identify those three names?**

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

7 **Q. How often are you at the pipeline?**

8 A. About once a month.

9 **Q. How often is Rodney at the pipeline?**

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

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

15 A. Since 2011.

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

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

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

24 A. To my knowledge.

25 **Q. Can you tell the commission what the pipeline**

1 **class is?**

2 A. I believe it's Class 1.

3 **Q. And what is the pipeline type?**

4 A. I believe it's a Type A.

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

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

9 **Q. From what to what?**

10 A. From 800 psi to 750.

11 **Q. And why was that done?**

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

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

16 A. That was Mr. Betham.

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

19 A. Three, maybe four times.

20 **Q. Over what time period?**

21 A. Since 2014, I believe.

22 **Q. What was the purpose of those meetings?**

23 A. Yearly audits.

24 **Q. Has PEMC contacted an outside pipeline**
25 **management company?**

1 A. Yes.

2 Q. Who is that?

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

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

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

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

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

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

15 A. I'm an engineer. Mineral engineering.

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

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

23 Q. Have you asked the state in this case?

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

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

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

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

10 A. Yes.

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

13 A. Not to my knowledge.

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

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

25 **Q. Is that one of the things you are expecting**

1 **them to take over in January?**

2 A. Yes.

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

5 A. 2008.

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

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

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

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

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

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

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

5 Q. And who made the suggestions to do that?

6 A. Hans Schmoldt of Anode Systems.

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

9 A. They come out every year.

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

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

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

18 A. I believe it's every three months.

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

21 A. Yes.

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

24 A. Yes.

25 Q. And do those -- does the policies and

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

3 A. Yes.

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

6 A. Yes.

7 Q. Have there been any abnormal operations?

8 A. No.

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

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

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

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

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

7 A. Yes.

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

11 MR. SPENCER: The big book.

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

14 MR. SPENCER: That's correct.

15 MS. SCHMID: Thank you.

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

19 A. Yes.

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

22 A. No.

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

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

1 of our emergency plan and our contact information.

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

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

5 Q. And has anyone contacted the Moab Police
6 Department?

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

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

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

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

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

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

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

23 Q. To Jim Winder?

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

25 Q. And with the fire department, did your

1 materials go to T.J. Brewer?

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

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

5 A. Yes.

6 Q. And have you conducted such a drill?

7 A. No.

8 Q. Who is there to drill with besides yourself?

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

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

14 A. It would have been last summer.

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

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

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

23 A. I guess I did.

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

1 **welding information related to this pipe from 2008?**

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

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

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

14 A. That's correct.

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

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

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

1 x-rays.

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

4 A. No.

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

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

11 MR. SPENCER: Yeah.

12 MS. SCHMID: Thank you.

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

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

19 Q. What did you believe they were asking for?

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

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

4 A. You ask me the -- restate that.

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

7 A. Yes.

8 Q. -- and its prior version --

9 A. Yes.

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

11 A. Mr. Tariq Ahmad?

12 Q. Yeah, Tariq Ahmad?

13 A. Yes.

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

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

18 Q. And is the response your 132 pages?

19 A. Yes.

20 Q. And when did you provide that response?

21 A. That was May.

22 Q. Of what year?

23 A. This year.

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

1 any different than they were to paragraph No. 1?

2 A. It would be the same.

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

6 A. Yes.

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

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

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

13 A. It was this summer.

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

16 A. No.

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

20 A. No.

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

24 A. No, just review the plan.

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

1 with Mr. Nugent?

2 A. Yes.

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

6 A. Correct.

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

10 A. No.

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

12 A. Yes.

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

14 A. Yes.

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

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

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

25 A. Oh, Mr. Betham.

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

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

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

10 A. I don't recall.

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

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

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

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

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

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

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

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

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

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

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

2 A. He has done it also, yes.

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

5 A. It would have been probably in 2017.

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

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

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

13 A. Other than the revision of our procedural
14 manual?

15 Q. Yeah, in addition to that.

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

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

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

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

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

10 MR. SPENCER: Do you got a sticker?

11 PRESIDING OFFICER REIF: I do not.

12 MR. SPENCER: Okay.

13 PRESIDING OFFICER REIF: I do not.

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

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

19 MR. SPENCER: Right-hand corner.

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

22 MR. SPENCER: They've already got them.

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

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

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

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

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

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

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

15 PRESIDING OFFICER REIF: Well, I need a copy.

16 MR. SPENCER: Oh, you need a copy?

17 PRESIDING OFFICER REIF: Did you give me a
18 copy?

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

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

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

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

4 THE WITNESS: August 30th, '17.

5 PRESIDING OFFICER REIF: Okay. Thank you.

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

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

10 **Q. And what was the purpose of the letter?**

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

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

15 A. Yes.

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

18 A. Yes.

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

21 MS. SCHMID: No objection.

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

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

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

2 A. No.

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

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

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

10 A. Yes.

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

13 A. Yes.

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

17 A. Yes.

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

20 A. That is correct.

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

1 A. Of the 132 pages?

2 Q. After the 132 pages was submitted.

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

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

7 A. Yes.

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

11 A. Yes.

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

15 MR. SPENCER: Is the binder.

16 PRESIDING OFFICER REIF: -- binder. Okay.

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

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

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

24 MS. SCHMID: No objection.

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

1 exhibits in, one, two and three, correct?

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

4 MR. SPENCER: Okay. No further questions.

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

7 MS. SCHMID: I do.

8 CROSS-EXAMINATION

9 BY MS. SCHMID:

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

12 A. Yes.

13 Q. Currently are you a DOT qualified operator?

14 A. No.

15 Q. Is Mr. Nugent?

16 A. No.

17 Q. Is Mr. Ahmad?

18 A. No.

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

21 MR. SPENCER: Fourteen?

22 MS. SCHMID: Fourteen, thank you.

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

24 MS. SCHMID: May I approach the witness?

25 PRESIDING OFFICER REIF: You may.

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

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

10 A. That's what I propose.

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

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

15 Q. Did PEMC provide that documentation?

16 A. No.

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

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

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

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

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

7 Q. So that, it wasn't done?

8 A. It has not been done.

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

17 A. I submitted a plan.

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

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

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

25 A. No, I did not.

1 **Q. Let's see.**

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

8 **Q. Oh.**

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

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

17 A. Yes.

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

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

24 MS. SCHMID: May we have just a moment?

25 PRESIDING OFFICER REIF: Yes. Are you asking

1 for a recess?

2 MR. JETTER: About five minutes, your Honor.

3 MS. SCHMID: Five minutes would be great.

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

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

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

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

16 A. That sounds correct.

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

20 A. Yes.

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

24 A. Which item?

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

1 you have that.

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

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

5 A. Yes.

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

8 A. Yes.

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

13 A. Yes.

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

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

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

21 MR. SPENCER: Thank you.

22 EXAMINATION

23 BY PRESIDING OFFICER REIF:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **operating a safe pipeline today?**

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

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

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

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

22 A. Yes.

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

1 A. Yes.

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

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

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

15 A. Yes.

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

23 A. Concerning?

24 Q. Concerning the issue of emergency plans?

25 A. No. I haven't contacted them.

1 **Q. Have you contacted the Department of**
2 **Transportation?**

3 A. Other than --

4 **Q. -- for purposes of your emergency plan?**

5 A. Oh, on this list?

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

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

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

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

19 PRESIDING OFFICER REIF: Okay.

20 THE WITNESS: We can put that in.

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

25 REDIRECT EXAMINATION

1 BY MR. SPENCER:

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

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

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

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

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

20 A. Yes.

21 Q. And which district issued that order?

22 A. It's Moab.

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

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

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

3 A. Westco.

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

6 A. Yes.

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

9 A. It would be my understanding.

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

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

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

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

24 MR. SPENCER: Nothing further, your Honor.

25 PRESIDING OFFICER REIF: Thank you, sir. Is

1 there anything else to come before the commission today?

2 MR. SPENCER: I have one more witness.

3 PRESIDING OFFICER REIF: Oh, yes.

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

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

8 MR. AHMAD: Yes.

9 PRESIDING OFFICER REIF: Okay. Great. Thank
10 you so much. I'll go ahead and swear in now.

11 Mr. Ahmad, do you intend to tell the truth?

12 MR. AHMAD: Yes.

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

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

18 DIRECT EXAMINATION

19 BY MR. SPENCER:

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

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

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

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

3 **Q. And what's your educational background?**

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

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

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

13 A. Pipeline designs and operations.

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

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

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

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

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

6 **Q. And have you ever had --**

7 A. And I also --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 A. Yes.

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

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

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

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

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

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

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

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

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

1 this would have been done three years ago.

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

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

12 **Q. Who does that?**

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

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

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

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

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

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

25 So in this case, we are really, really careful

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

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

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

19 This pipeline is pretty new. It was built in
20 2008. It's almost 10 years old. It was fully tested to
21 1400 psi when it was first built. And we are operating
22 it at, I think the answer was 70 percent of the maximum
23 pressure, which is not at the 1500, but at a thousand
24 pounds. We're running about 650 pounds, so...

25 So I think to assure the commission that, you

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

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

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

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

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

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

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

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

17 COURT REPORTER: Excuse me, sir.

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

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

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

25 THE WITNESS: Which part?

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

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

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

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

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

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

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

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

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

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

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

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

1 experience that myself and Dan have had since '79, and
2 experience that myself and Dan and Rodney have since
3 2013 on this particular pipeline.

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

10 Finally, I got one more thing to say. The
11 line itself, as I said, only runs about 300 -- 200 or
12 300 MCF per day, out of which ours is only about 50 MCF
13 per day. The pipeline is run at a loss by us because we
14 are at a court order. We were hoping to drill some more
15 wells and increase production, and that hasn't happened.

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

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

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

2 **Q. Thank you.**

3 A. That's all I have.

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

6 PRESIDING OFFICER REIF: Thank you.

7 Ms. Schmid.

8 CROSS-EXAMINATION

9 BY MS. SCHMID:

10 **Q. I do have some cross-examination questions.**

11 **Mr. Ahmad, good afternoon. I am the attorney for**

12 **Division of Public Utilities and Pipeline Safety**

13 **section. Are you a qualified -- are you a qualified**

14 **operator under the DOT rules and regular --**

15 A. What?

16 **Q. Are you a qualified pipeline operator? Have**

17 **you gotten your Up Quals, as they're commonly called,**

18 **from DOT?**

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

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

22 A. Yeah, I will explain. Initially like I said,

23 I have operated pipelines since 1979. This pipeline, I

24 wasn't even told about the DOT thing until last year

25 that somebody had to be pipeline whatever this thing is

1 called.

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

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

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

14 A. I have no idea with that.

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

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

21 **Q. Yes.**

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

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

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

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

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

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

18 A. Do they have x-rays?

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

21 A. I didn't say that --

22 **Q. -- your desk in Reno.**

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

25 **Q. They asked you for the documentation that's**

1 **required under the CFR. Have you read the CFR?**

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

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

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

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

23 A. But like I said --

24 **Q. That's no.**

25 A. We tried on --

1 **Q. Please just answer the question.**

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

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

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

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

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

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

24 **Q. Nonetheless --**

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

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

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

7 Q. (By Ms. Schmid) Turning now to Violation No.
8 9, Transmission Lines, it says in the CFR that leakage
9 surveys of a transmission line must be conducted at
10 intervals not exceeding 15 months. But at least once
11 each calendar year. However --

12 A. Yeah, we have done that.

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

17 A. We have done that.

18 Q. Is the gas in your pipeline odorized?

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

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

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

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

2 **Q. And that is your testimony?**

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

5 **Q. And that is your testimony?**

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

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

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

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

16 A. For interstate pipeline, yes.

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

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

20 **Q. You said that you checked the pressure every
21 day.**

22 A. Yes.

23 **Q. Are those pressures recorded?**

24 A. Yes.

25 **Q. Have those pressures been provided to the**

1 **division?**

2 A. The division's never asked for them.

3 **Q. Is it your --**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 PRESIDING OFFICER REIF: Okay.

21 MR. SPENCER: No redirect, your Honor.

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

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

1 but I don't believe that will be necessary.

2 PRESIDING OFFICER REIF: Okay.

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

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

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

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

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

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

25 MR. SPENCER: Ten days?

1 PRESIDING OFFICER REIF: Is that acceptable?

2 MS. SCHMID: That is acceptable.

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

5 MR. SPENCER: And may I ask a question?

6 PRESIDING OFFICER REIF: Yes, sir, you may.

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

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

13 MR. SPENCER: Right.

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

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

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

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

3 MS. SCHMID: Thank you.

4 MR. AHMAD: Thank you.

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

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C E R T I F I C A T E

STATE OF UTAH)
COUNTY OF SALT LAKE)

THIS IS TO CERTIFY that the foregoing proceedings were taken before me, Teri Hansen Cronenwett, Certified Realtime Reporter, Registered Merit Reporter and Notary Public in and for the State of Utah.

That the proceedings were reported by me in Stenotype, and thereafter transcribed by computer under my supervision, and that a full, true, and correct transcription is set forth in the foregoing pages, 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

Exhibits	EXHIBIT-DPU12 4:1	104:15 115:16 117:21 118:3	18:23,24 24:25 26:14, 18 44:4,5 50:1,2,9,16, 25 51:5,9,19 79:21 89:25	18-2602-01 1:3 5:7
EXHIBIT-ODPU1 3:9	EXHIBIT-DPU13 4:2	1-5-17 3:10		192 37:20 53:12 59:15
EXHIBIT-ODPU2 3:10	EXHIBIT-DPU14 4:4	1-5-18 4:1	132 73:16 74:18 82:23 83:12 84:1,2 96:13	192.605 32:20 73:14 74:25 86:5,17
EXHIBIT-ODPU3 3:12	EXHIBIT-PEMC1 4:6	10 3:23 19:11, 12,15 24:8, 17,20 28:22 30:24 42:21, 22 44:18	13A 60:23 100:22	192.615 75:17 76:3 86:25
EXHIBIT-ODPU4 3:13	EXHIBIT-PEMC2 4:7	78:18 108:20 112:21 121:12,16,19	14 4:4 26:23 27:1,4 28:4, 16 32:17 86:2 96:12	192.625 119:14
EXHIBIT-ODPU5 3:15	EXHIBIT-PEMC3 4:9	100 3:3		1979 91:24 107:18 114:23
EXHIBIT-ODPU6 3:17	\$	11 3:24 17:16, 17 24:14 25:5,8 43:5,6 79:11	1400 108:3,21	1:11 5:1
EXHIBIT-ODPU7 3:18	\$100,000 45:20 46:21 55:17	11-21-16 3:9	140857 2:6	1:38 27:15
EXHIBIT-ODPU8 3:20	1	114 3:4	15 17:6 27:11, 14 42:24 119:10	1:56 27:15
EXHIBIT-ODPU9 3:21	1 3:9 4:6 11:12 12:15, 23,24 19:22 32:11,12,17, 20,21,22 36:18 37:7	12 3:9 4:1 10:9 24:25 25:18 26:6 43:17 50:1,2, 8,16,25 51:5, 9,19 79:21	1500 108:23	1st 21:24 22:10 89:14
EXHIBIT-DPU10 3:23	63:2 73:5,14 75:1 80:9 81:25 83:9 88:13 89:19	12th 90:4	160 9:17	2
EXHIBIT-DPU11 3:24		13 4:2 11:17	16th 22:11	2 3:10 4:7 13:16,18 20:8,17,25 37:7,12 74:24 81:6,24 82:20
			17 82:4	
			18 1:7 5:1	

86:9,17,20	24 23:11 24:15 51:24 79:5 81:7	<u>3</u>	3:37 89:6	50 61:20 113:12,21
2-2-17 3:12, 13		3 3:12 4:9	3:56 89:6	513900 1:14
2-22-18 4:6	2018 1:7 5:1 51:24 82:25 83:12 89:23 90:4,7	14:9,10 20:8, 17,25 38:16 75:3 84:9,23 86:20,25 90:10	<u>4</u>	52 2:21
20 3:11,12,14 37:15,16	21 3:16	3-22-17 3:15, 17	4 3:13 14:20, 21 20:8,17,25 39:2 75:17 86:20	54 31:8
200 108:8 113:11	22 3:17,19	30 29:2 40:7 46:25 49:4 87:12	40 63:12 91:23	54-13-8 29:23
2003 10:3	22nd 21:6 82:25	300 1:9 2:5 9:17 113:11, 12	45 2:20 40:8	5:02 125:5
2008 66:5,7 72:1,11 108:20	23 3:20,22	30th 23:10 81:7 82:4	4:51 121:21	<u>6</u>
2011 61:12 62:15	23rd 19:25	31st 23:11	4:57 121:21	6 3:17 15:21, 22 22:1,4 40:25 41:1 76:7 97:13
2013 105:1 109:1,4 112:10 113:3 115:2,3,6	24 3:23	32 2:19 111:6	4th 1:9 89:14	6-23-17 3:21
2014 63:21	24th 22:20,22	32-42-1A 111:16	<u>5</u>	60 2:23 29:2 45:19,24 46:25 47:17 49:4 87:5 112:22
2016 3:16 10:24 19:25 51:25 55:5 88:19 89:14, 18 115:16	25 3:25	35 40:7	5 3:15 15:7,8 21:14,17 39:24,25 76:3,20,23 77:2,6 87:2, 10	607C 37:20
2017 21:6,24 22:10,11,20,	25th 22:24	3550 60:23 100:22	5-16-1 3:18	650 108:24
	26 4:1,3	36 111:7	5-25-17 3:20	660 42:5
	28 4:4			
	2:20 45:1			
	2:31 45:1			

7	82 4:8	A	accidents 108:16	77:13 86:6,18 123:15
7 3:18 16:9,10 22:13,16 41:14,15,16 76:16 96:16	84 4:10	A.g.'s 26:9	according 17:20 34:4,12 47:5 53:11	added 86:20, 22 119:22
70 108:22	84070 2:11	able 7:1 50:6 96:7 115:7,10 122:10	accurate 7:22	addition 49:1 78:22 79:15
746-409-6B 31:9	84111 1:10	abnormal 13:19 14:1,5 37:13,17,21 38:12 68:5,7 74:15 86:22, 24 94:6	accurately 81:23	additional 48:9 52:4,14 81:14
750 63:10	84114-0857 2:6	above 86:11	acquired 44:3 72:20	address 9:14 29:15 37:11 56:16 60:21, 23,25 61:1 68:1,4 70:14 71:13 94:3 96:6 100:20 122:12,14
79 113:1	85 2:24 4:6	absolutely 9:2 105:24 109:19 110:14 111:2	across 40:23	addressed 16:14 32:14 91:13 97:15
8	9	accept 23:12 90:3	action 4:3,4 22:8 23:8 24:23 25:16 26:11,21 86:3 89:22	addressing 32:21 91:13
8 3:20 16:20, 21 17:12 23:2,5 76:15 77:11	9 2:10,18 3:21 17:3,4,12 23:14,18 42:14,15 77:12 118:6 119:8	acceptable 124:1,2	actions 21:5	adequacy 73:23
8-14-17 3:23	9-6-17 3:24	accepted 23:9	activities 14:1,22 39:4	adequate 27:11 53:1,5 54:3 77:18
8-30-17 4:7	90 2:25 118:8	accident 107:19	activity 91:6	Administratio n 10:15 34:22,
800 63:10 107:2	9000 2:10	accidental 17:17,21 43:6 79:12	actual 79:24	
801 366-0335 2:7	98 3:1		actually 6:7 29:22 33:14 80:16 105:15	
801 530-6769 1:10	9th 98:10		add 58:9	

23 120:15	52:7 77:6 78:23 84:2 105:5 124:8	75:5,12 85:17 91:17 100:4, 6,8,11,12,15, 22,24 109:16 110:20,22 111:21 114:4, 11 121:11,23 122:8 125:4	along 15:24 16:15,23 17:5,8,18,19 41:4 42:2,17 43:7 47:8 55:22 93:8 97:13	amounts 29:25
administrative 123:13	afternoon 7:7,8,11 8:14 9:11,12 28:19 60:8 85:10 90:11 114:11	ahold 92:12	already 18:20 76:4 79:20 80:22 92:17 94:4,19 96:19	analysis 103:24
admission 12:14 20:24 21:17 22:4,16 23:5,18 24:20 26:18 88:13	again 16:10 30:11 44:9 52:15 58:24 115:9	airport 40:20	also 5:12 7:11,19 8:17 10:4 11:3 12:21 30:23 43:19 44:5,6 61:1 70:2,8 73:9 75:4 79:2 82:22 92:7 94:14 97:14,15 102:4,7,9,21 106:6,21 107:3 109:25 111:9 112:4, 18,25	and-- 102:25
admitted 8:23 12:17 21:2 22:6 26:6 85:20 86:2 88:14 119:6	against 26:13	all 5:3 7:4 28:3 39:22 44:15 56:12 57:5 58:7,9, 13,14 59:20 62:22 72:2 77:25 79:21 83:7 84:25 90:14 92:15 93:12 94:1 96:5 101:21 102:4,12,14 110:7 111:13 112:5,6,24 113:19 114:3 116:7,19 117:3 124:22	annual 3:15 13:10 38:24 42:16 49:20, 21	Anderson 98:24 123:10, 17
advice 105:18	agency 4:3,4 26:11,21 86:3 89:22 117:18 119:1		annually 17:6 19:18 55:13 58:5 62:19	
advise 41:2	ago 7:25 63:8 66:23 104:2 106:1 115:6		anode 4:6 62:18 66:22, 25 67:6,7 83:1,5 88:15 102:2 103:13, 14	
advisement 46:5 124:25	agree 65:4		alterations 13:6 43:14	anomalies 55:11
affect 47:23 48:10	agreement 70:14,17	allegations 83:7	always 6:12 91:20 107:21	another 16:13 18:5 24:11 110:10
afraid 122:10	ahead 7:6 8:10 99:22 100:10 102:8	allow 15:10 54:11	amount 30:5, 12,17 48:5 50:13 52:10 108:7 113:16	answering 33:12 88:5
after 8:23 11:16,21,23 12:10,11 14:17 15:19 20:11 21:3 22:9 24:10 25:10,12 26:8,10 28:3 35:24 36:1	Ahmad 3:2 5:21 62:4 74:3,10,11,12	almost 108:20		

answers 74:25 105:19	65:12 85:24	95:25	28:7 47:22	11:1
anticipate 51:21	appropriate 14:11 30:17 31:14 37:1 48:4 59:14	as-built 43:22	assumption 58:12	audits 63:23 66:19
anybody 108:17	approve 38:20 109:21	aspect 39:25	assure 91:8, 11 94:25 108:14,25	August 81:7 82:4 98:10
anyone 34:24 41:5,9 55:22 65:4 66:8 70:5 71:16 88:4 112:12	approved 17:7 33:2 42:17	assessed 30:1	attach 124:11	authenticated 8:24
anything 14:7 36:4 46:9 59:23 75:22 77:12 99:16 100:1 103:6 112:7 117:5	approximatel y 70:11	assigned 11:8	attempt 20:19 71:25	authorized 65:17 112:23
apologize 27:12	April 21:24 22:9 89:23 90:4	assist 6:21 35:11	attempted 72:19 73:17	available 15:11 16:5 17:10 18:10 19:21 32:2 86:13 115:18
apparently 19:10 123:9	area 16:12 40:21 42:1,11 56:11 64:4,25 65:2 73:3 76:20 77:20 94:12 96:20 99:14	assistance 36:14	attempting 73:24	average 108:9 113:18
appearances 5:9	Assistant 2:5	assistants 80:8	attempts 20:12	awarded 10:2
appears 49:7	areas 77:24 102:4	associated 61:25 62:17 91:11 106:2 112:12	attorney 2:5 5:12 25:13,14 26:10 114:11	aware 33:11 43:23 107:14 109:22 120:12,13
appreciate 49:24 124:23	around 6:13 10:24 21:6,24 45:12 78:2 105:3	Association 34:21	audience 41:23	awareness 15:22 16:10, 22 41:1,21 42:13 53:17, 25 54:3 58:3 71:15 76:8 87:14
approach	arrangement	assume 43:23 58:11, 12 104:15	audit 11:4,6, 16,17,21 12:4,9 14:17 73:22 76:18 89:15 91:25	
		assuming	audited 10:23	

away 40:5 88:7 120:4	barrels 108:3	44:2,3 51:3 61:15,23 81:12 100:1 121:14 123:15	99:2	84:15,16
<hr/> B <hr/>	Barron 60:23 100:22		best 20:1,16 50:3 99:11	bit 94:18
B-E-T-H-A-M 5:17	based 50:13 51:1,9 75:14 76:20 83:22 94:23 105:18 106:19	begin 111:10	Betham 2:17 3:19,20,21, 23,25 5:14,17 7:16 8:12,13, 22 9:1,3,6,11, 15 28:18 32:2 45:5 52:25 60:2 63:16,18 76:25 77:9,17 78:24 91:25 92:5 104:25 105:9,24 115:2	BLM 66:12 96:22 97:15 108:5 110:11, 14,19 111:2, 12,19 120:8, 11,12
B2 75:4		beginning 32:17 102:12, 15 104:9		
B8 73:14	baseline 95:13	behalf 11:6 43:1 45:13 90:19		block 78:24 93:6
bachelor 101:4	basically 15:10 42:16 104:20	being 17:24 46:20 51:18 76:16 91:12 118:12		blocks 77:22
back 19:12 21:23 22:9,23 23:11 24:14 27:5,16 39:11 44:1 45:23 69:16 83:21 89:7 90:20 92:22 94:7, 17,21 103:25 104:19 111:1 115:12 117:16 121:13,19,22	Basin 113:18	believe 7:12 30:17 31:13 53:4 63:2,4, 21 66:23 67:13,18 68:12 69:25 70:24 73:19 77:25 84:25 89:8 91:2 92:3 93:8 95:20 98:24 99:21 116:11 119:21 123:1 124:19	better 6:18 39:12	book 11:11 20:7 22:1,13 24:17 25:5,19 26:15,24 69:11 89:25
background 9:23 64:14 93:16 96:8 101:3	basis 13:10 42:16 49:20, 21 99:8		between 3:10,12 29:6, 7 48:11 52:11 55:4	books 7:9,12
backup 94:11 95:17	became 19:7		big 58:6 69:11 74:5 78:4	both 42:6 71:21 102:13, 22 108:4
bacteria 95:6	become 10:9 19:7 36:16 39:17 57:18		biggest 79:19 93:23	bottom 37:9 68:13,21 80:15
	becomes 49:21		Bill 72:9	bought 18:5
	beds 66:25	benefit 66:3	binder 4:9 8:18 74:6	Box 2:6
	before 1:1 23:22 29:22	besides 71:8		break 27:7

121:16	Bureau 109:17,19 110:1 111:4 117:13	38:25 60:16 100:16 105:4 106:23 107:3 114:17 115:1 118:18	capturing 6:22 care 111:24	certain 17:19 19:23 22:25 43:12 54:18 56:23 86:19
Brewer 71:1				
brief 45:4	business 9:14 11:21 12:2 60:20, 22,25 61:1 95:8 100:20	calls 92:10,11	careful 107:25	certainly 45:10 80:6 85:2
briefly 20:5, 10		came 21:23 68:19 92:22 104:19	Carlsbad 56:5	certificate 124:11,14
Brigham 9:25	businesses 15:24 40:15, 17 41:3	Cameron 43:1 62:21 78:21 103:7	carry 95:9	certification 64:19,21 72:23 82:12 92:1 99:23
brighter 6:17			case 30:10,14 34:11 60:4 64:23 73:16 83:19 104:11 107:25 119:13 120:3 123:3	certified 1:12 10:9 87:4,6 92:6,7 93:10 95:16 103:10, 11
bring 59:8 63:12 78:12 93:3 94:12 95:4 115:12	button 5:25 buying 65:19	camped 56:6		
bringing 95:15	C	Campground 40:19	catch 101:12	certify 54:17, 19
brought 14:16 80:2 81:9	C4 37:11 74:25	camping 56:10,11	catholic 66:21 67:11 83:6 88:18 95:3 103:13	CFR 86:5 117:1,2 118:5 119:8
brushed 40:19	calendar 119:11	campus 10:1	cause 38:2 43:8	challenging 77:20,21
buffer 40:16, 20 42:2,4	call 7:16 8:12 11:22 38:23 41:23 42:2 44:7 54:21 60:5,6 100:4 107:2,11,12, 13 112:4 116:8 121:15 122:25	can't 104:15 108:6 120:19	causes 95:9	chance 7:13 32:18 53:6,7 59:7,8 104:10
building 9:16		cannot 35:17 54:19,20 112:17	causing 56:7	change 46:9,
built 66:4,8,9, 10,14 108:19, 21	called 9:7	Canvas 40:18	census 76:20 77:7	
		cap 30:5		

19	23 116:6 117:3,5,22 118:17,21	10:11,12,13	53:11 54:10 59:14	57:16 59:16 61:23 62:25 83:4 84:4 90:19 91:9,11 94:23,25 98:4 100:1 108:14, 25 112:7,9,25 119:4 121:25 123:11,22 124:11,24
changed 57:12 63:7	choose 80:9	classroom 54:22,23	colleague 11:8	
changes 13:7,9 23:9, 12 24:12 36:22 63:5	Cinda 4:8	clean 27:19 68:16	COLLIER 2:10	
characterization 116:11	circle 94:17	cleaning 95:5	Colorado 92:14	commission's 83:23 91:3
charge 34:4,5 66:7 120:8	cities 40:5	clear 56:18 57:3 76:21 77:18 78:10 84:21 89:12 98:12,13,14 106:5 112:5 124:17,19	come 27:5 33:20 39:10 40:23 45:12 48:9 49:4 60:8 65:21,23 66:15 67:9 78:9,22 100:1 112:5,14	commonly 114:17
check 67:12 89:23 90:3 101:21 102:2, 4 103:20 106:10,13,14 112:23 122:5	city 1:10 2:6 9:17 10:11 76:5	clearly 111:20	comes 109:24 110:6	communication 38:5
checked 120:20 122:6	civil 9:24 26:12 29:14 30:1,7 45:20 49:1	close 40:9,13 60:13 101:24	coming 68:23 79:6 115:5	communications 20:3,5
checks 106:6	claims 96:7	closed 78:25 88:3,6	comments 54:7	companies 14:6 77:24 102:22,23,24 103:2
Cheryl 88:9	clarification 45:15 69:9 84:13 96:18 98:2	closer 6:5,7	commission 1:1,9 7:20 28:24 29:3,11 30:10,13 31:4,5,10,14 45:13,14,17 46:2,15 49:11 50:14 56:25	company 1:3 2:10 4:3,6 5:6 7:8 18:5 33:8, 21 34:16,17 36:12 63:25 72:10,18,20 79:6 83:1 85:11 88:15 92:25 95:21, 23,24 96:3,6 99:21 101:2
Chief 70:21	clarify 48:7,8 49:25 81:22	closest 70:10		
Chien 3:9,11, 12,13 11:9,15 12:11 20:19 21:10 73:21 92:3 115:20,	clarifying 47:20	closures 38:2		
	class 63:1,2,6	cocounsel 5:13		
	classes	code 37:20		

102:18 103:7 123:8,18	38:6	confirmation 56:19	constitute 20:18	110:15 111:3, 23 120:11
complaint 73:15 83:23	concern 91:14 112:13	conformity 119:14	construct 43:24	contacts 102:18
complete 11:17 58:11	concerned 49:22 51:16 52:8 55:4,15 57:24 59:1 109:9 117:7	confused 50:21	constructed 72:11 82:9	contain 58:13
completed 87:3,5	concerning 55:8 96:23,24	conjunction 19:1 29:10	construction 18:6 43:21,22	containing 7:9
completely 7:11 67:2 89:12	concerns 46:9,18	connection 33:12 48:11, 17,18	consultant 36:13 42:25 61:5,7 62:4 77:19	contaminate 112:19
compliance 13:2 14:17 26:13 34:4,9 35:12 36:9 48:10 49:5 50:8,24 51:4 59:8	concluded 58:20 124:23 125:5	Connie 3:15, 17,25	consultants 65:21 78:6	contaminated 112:19
compliant 36:16 57:18 59:1	condition 14:1 31:25 46:13 55:9 118:13	consider 50:8 112:25	contact 20:12,20 25:1 50:3 64:25 65:1 70:1,2 71:16,17,20, 21 72:19 76:5 87:13,15 96:22 102:17, 21 103:12,19 109:17 111:22 117:6, 15	content 38:11 68:15
complicated 114:20	conditions 13:19	consideration 45:11 91:3	contact 20:12,20 25:1 50:3 64:25 65:1 70:1,2 71:16,17,20, 21 72:19 76:5 87:13,15 96:22 102:17, 21 103:12,19 109:17 111:22 117:6, 15	contents 12:19
complies 78:15	conduct 41:16 95:2,3	considering 45:8 91:8	contact 20:12,20 25:1 50:3 64:25 65:1 70:1,2 71:16,17,20, 21 72:19 76:5 87:13,15 96:22 102:17, 21 103:12,19 109:17 111:22 117:6, 15	continue 7:14 44:19 95:14 122:13
comply 13:11 93:19 99:11	conducted 13:13 23:21 24:1,3 42:16 71:6 72:18 91:18 119:9, 16	consistent 28:7	contact 20:12,20 25:1 50:3 64:25 65:1 70:1,2 71:16,17,20, 21 72:19 76:5 87:13,15 96:22 102:17, 21 103:12,19 109:17 111:22 117:6, 15	CONTINUED 57:8
component		consists 99:10	contacted 63:24 64:3 65:3 69:23 70:5 72:8 78:8 87:20 96:25 97:1,8	continues 55:16
		consortiums 39:17,18		continuing 16:6
				contract

78:16 94:16	18 86:1 96:14 123:12,21 124:16	corrections 23:10 67:22	93:2 101:12 125:1	32:9 45:9 85:8 114:8,10
contracted 96:2	corner 80:17, 19	Corrective 25:16	courses 10:5, 9 101:5	cup 6:12
contractor 25:1 42:25 47:6 62:6 82:9 88:23 109:15 113:8	correct 12:3 13:3,12,14 14:8 16:18 17:14 18:13 19:9 22:25 27:21,22 29:4 33:9 37:3 42:9 45:21 47:9 49:2,15, 16 53:21 59:11 67:23 69:14 72:14 76:5,6 83:19, 20 84:10 85:1,11 89:16 94:4 95:21 121:6	correctly 19:3 59:13	coursework 99:18	cure 12:22 13:23 29:1 45:18,24 46:7 47:16
contractors 33:4 50:3 62:1,16 103:11	corrected 11:18,25 18:19 20:15, 22 21:9 24:8, 13 28:22 29:6 30:24 42:20 46:24 47:14, 20 50:25 51:14 72:6	corresponde ce 21:3 24:16, 24 25:4 119:5	court 6:22 7:21 8:21 27:25 80:23 82:6 84:20 98:18 101:9 108:1 110:17, 22 111:1 112:17 113:14	cured 15:4
control 21:11 49:10 62:20 95:4 103:19	corrosive 112:15	corrosion 56:6 62:20,21 95:4,5 103:18	covered 54:25	current 74:2 102:3
controls 64:3 65:22 95:20 102:17 104:4	counsel 50:15 52:3,20 53:2 88:13 98:6 122:9 123:7	corrosive 112:15	covers 52:19 111:8,9	currently 61:5 85:13 87:2 96:2 115:13
conversation 44:13 77:8	county 42:1, 10,11 108:10	corrosive 112:15	cow 107:8	cursory 58:21
copied 7:20 117:21	couple 64:9 67:20 90:16 103:15 105:9 113:25	corrosive 112:15	critical 91:2	cutting 110:23
copies 27:19 81:1	course 11:20 12:1 26:2 30:12 57:15 87:3 92:6	corrosive 112:15	Cronenwett 1:12	<hr/> D <hr/>
copy 7:19 8:19 27:21,25 28:1,2 69:25 80:21 81:7, 12,14,15,16,	correcting 38:2 47:1	corrosive 112:15	cross 32:3	daily 62:10
	correction 48:20	corrosive 112:15	cross- examination 2:19,24 3:4	Dan 2:22 3:9, 11,12,14,15, 17,19,20,22, 23 4:1,6,7 5:20 60:6,15, 22 109:3,8 110:16 113:1, 2 115:17

danger 79:12	dealing 104:3	20,21 18:18, 23,24 19:11, 12,15 50:24	118:22	detection 93:2,10 95:13
date 5:8 19:23 22:22, 25 25:21,23 29:7 35:24 54:18 64:5 76:11 81:22 82:1,2 90:2 107:17	debris 68:16	53:12 56:2 88:19,21 105:25	depend 103:10	detector 65:17 119:15
dated 82:25	December 1:7 5:1 19:24	deficient 53:21 72:6 83:24,25	depends 42:5	deterioration 112:20
dates 23:13	decide 80:7	defined 123:24	DEQ 105:2	determination 50:17 51:4 52:5
day 30:3 106:5,11,16, 17,18 108:4,9 112:24 113:12,13 120:21 122:2, 7 125:2	deciding 46:4	defining 98:15	describe 9:22 10:7 11:14 13:16 20:5,10 21:22 23:12 29:21,24 31:19	determine 54:2 77:4
day-to-day 57:25	decision 92:24 106:20 123:8,9,12,17	degree 9:24 101:4	description 3:8 10:8	determined 41:19 49:9
days 29:2 45:19,25 46:25 47:17, 19 49:4 67:20 87:5,12 123:25	declined 70:18	dehydrate 68:24	design 37:24 101:7,9	determining 51:10
dead 107:8	decrease 38:3	deliver 15:25	designated 5:7	deviation 38:6
deadline 20:4,13 24:14	deem 48:4	Delta 66:9,12 91:20	designs 101:13	device 38:5
deal 58:18	deficiencies 11:21 15:5 20:15,21 22:25 24:13 28:20 29:2,4, 6 31:21 46:23 49:13,14 51:13,25 52:12 74:16	demonstrate 53:13	desire 57:11	died 56:1
	deficiency 12:23,24 13:2,4,16,18, 24 14:9,10,	department 69:24 70:3,6, 13,19,25 83:8 88:3,6 97:1 107:13 110:2 111:22,24 117:12	desk 52:13 55:6 57:13 115:25 116:22	different 41:22 75:1 77:24 106:22
			detailed 73:21	difficult 99:7, 14
				direct 2:18,23

<p>3:3 9:9 10:21 60:18 96:16 100:18</p> <p>direction 93:21</p> <p>directly 103:1 124:9</p> <p>discuss 12:19 74:10 75:4 87:13</p> <p>discussed 8:24 55:3 71:9,25 75:7 104:7,19</p> <p>discusses 37:15</p> <p>discussion 11:15 38:12</p> <p>discussions 38:9</p> <p>distribution 119:23</p> <p>district 71:18, 22 98:21 112:16 123:17</p> <p>districts</p>	<p>15:24 41:3</p> <p>division 2:4 5:10 7:9,10, 14,15,20 8:11,17,18 9:20 10:23 12:13 20:23 21:16 22:3,15 23:4,17 24:19,22 25:7 26:5,17 28:14 45:7 50:15 52:8,9 55:3, 15 56:18 57:10,16,19 58:15 59:1,5, 6,23,24 73:18 89:17,21 90:10 91:4 94:22 96:9 105:8,15,17 109:9 114:12 116:16,17 117:13 121:1 123:12 124:16</p> <p>division's 5:13 26:21 57:11 88:19 89:13 121:2</p> <p>docket 1:3 5:7 10:16 28:25 89:14, 22 94:24</p> <p>document 13:9 16:3</p>	<p>17:22 36:23 38:13 54:6 73:25 74:25 76:8 79:18 81:10 82:3,7, 24 83:4 84:9 86:9 87:18 96:13,17 124:8</p> <p>documentatio n 13:1 15:16 17:10 19:19 31:22,24 32:25 36:19, 24 37:2,10 47:25 48:2 51:13,17 54:1 58:14,16,18 59:12 86:12, 13,14,15,19, 23 87:19 115:18,19,24 116:1,20,25 118:15,16</p> <p>documentatio ns 13:21 17:13</p> <p>documented 13:14 14:2,13 15:2 16:25 38:14,21,24 93:10</p> <p>documenting 14:17</p> <p>documents</p>	<p>7:9 14:14 44:9,11 50:11 52:7 57:12 58:12 72:4 75:10 80:1,4 81:8 83:15 84:5,6 117:17</p> <p>dollars 30:3,8</p> <p>Dominion 78:3</p> <p>done 12:1 15:18 16:7,17 17:5,23 18:12 19:6 33:1 44:11 46:24 48:25 49:20, 21 50:3 54:2 55:13 58:19 63:11 65:14 75:23 77:14 79:1,2 87:7,8 94:4,10 96:20 99:11 102:8 103:16 104:1, 2 105:14 106:1,16 119:12,17,23</p> <p>DOT 65:17 66:14 78:15 85:13 91:22 92:15 93:25 94:1,14 97:8 114:14,18,24 115:4,6,13</p> <p>DOT- 85:10</p>	<p>DOT- CERTIFIED 78:15</p> <p>down 19:17 47:13,14 95:13 102:3 104:24 106:17,22 108:4 112:2 113:24</p> <p>downstream 106:7,15</p> <p>DPU 3:9,10, 12,13,15,17, 18,20,21,23, 24 4:1,2,4 11:10,11 12:15 28:11, 15 32:16 85:20 86:2 96:11 104:14 115:16</p> <p>DPU's 51:20</p> <p>drifting 94:8</p> <p>drill 14:24 71:3,6,8,11 113:14</p> <p>drilling 101:7</p> <p>drills 39:19</p> <p>drive 101:20</p>
--	--	---	--	--

102:9	42:8	effectiveness 16:21 39:10 73:23 86:24	94:11,14 96:24 97:4,9 106:2,21 107:11	32:13 61:2,3, 6,8 101:1
driven 92:18	E			engage 62:18,19 87:4 92:20,25 99:22
drives 122:2, 3	e-mail 3:13, 15,17 21:7,20 25:4 87:21 117:15	efficient 15:13	employed 12:6	engaged 66:22
drop 102:11 106:10 113:25	e-mails 3:10, 12,24 20:18	eighties 91:18	employee 14:21 54:5,9, 11,16	engineer 9:16 10:10 21:10 64:15 93:17
dropped 93:14 103:22	each 12:20 30:3 44:7 78:24 119:11	either 18:15 62:1 63:5 74:2 75:12 104:23	employee's 39:4	engineering 9:24,25 64:15 101:5,6,7
drove 110:3, 11 111:12	earlier 29:6 34:14 68:9 71:25 95:20	elaborate 56:22	employees 33:4 62:1 65:6	English 41:16 76:19 93:18 117:11
due 25:21,23 38:11 125:1	early 91:18	eleven 28:23	employees' 14:22	enhance 13:7
duly 9:7 60:16 100:16	East 1:9 2:5 9:17	eliminate 43:7,16	employer 9:14	enough 49:18 55:15 59:2,10 80:17
Durango 92:14	economic 107:22	emergencies 4:10 75:23 95:11	end 28:3 68:18 70:11 81:2 92:25 102:12,15,25 103:22 108:13 122:12,15	ensure 59:12 93:4
during 11:2 12:25 13:20 22:21 40:18 76:18	edge 70:12	emergency 14:12,23,24 15:11,14 19:17 38:19, 20,23 39:5 40:1 54:12 58:3 69:5,18, 20,24 70:1,15 71:3,10 75:3, 4,7,9,10,17, 18 87:1,10,11	ending 3:24	enter 84:22
duties 10:17 17:1	educational 9:22 64:14 101:3		Energy 1:3 2:9 4:2 5:6, 20,21 7:8	entered 82:20
duty 13:11	effective 16:22 39:5			entities 16:3
dwellings				

62:22 65:1 96:20	even 6:7 22:21 40:9,13 54:9 56:2 72:25 99:8 105:17 114:24	35:17	excluding 28:18	115:16 117:21 118:3
entity 78:8		exactly 33:24 105:10 117:19	excuse 49:7 72:4,19 81:11 84:12 96:20 110:17	exhibits 8:19 44:13 51:20 73:6 80:2 85:1
environmental I 9:25 117:12	event 58:10	examination 2:18,20,21, 23,25 3:1,3 9:9 10:22 32:3 45:2 52:23 57:8 60:18 90:22 97:25 100:18	excused 60:3	exist 68:21
envision 68:20	every 42:19 65:20 67:9, 12,18 68:22 69:2 72:3,4 78:25 95:5 105:11 106:5, 11,16,17,18 109:14 112:23 120:20 122:2, 7	examine 102:1,13	executed 31:12	existed 13:20 18:15
equipment 17:7 42:17 65:18,19,23 77:19 78:1,7, 11,14 92:19 93:3 119:16		examined 94:23	executing 58:3	exists 98:19
equipment's 78:13	everybody 87:22	example 16:12 31:21 43:12 46:14 47:4 55:12 56:23 57:24 113:24 116:3	exercise 93:24	expect 92:23
error 38:7	everybody's 82:3		exhibit 11:11, 12 12:15 19:22 20:7,8, 17,25 21:14, 17 22:1,4,12, 16 23:2,5,14, 18 24:17,20 25:5,8,18 26:6,14,18, 23,25 27:1,4 28:4,11,16 32:11,12,17, 22 37:7 73:5 80:9 81:6 82:20 83:9 84:8,13,18,23 85:20 86:2 89:19,25 90:10 96:12 104:15	expected 64:5
especially 19:16	everyone 5:4 6:25 90:25	exceed 17:6 30:2 42:24		expecting 65:25
essential 81:3	everything 72:12 79:23 84:4 109:5 116:15 122:6	exceeded 37:25		experience 107:18 109:3, 12 113:1,2
established 29:19	evidence 82:20 116:14	exceeding 119:10		explain 73:23 81:13 107:9 109:7 114:21, 22
estate 110:2	exact 33:6	except 30:24		explains 94:1
evaluator 54:25				exploded 56:7

explosion 43:8 56:2 58:6	57:12 66:10 99:10 118:12	120:14	51:22 73:15 76:8 89:21 90:6	fire 15:9 40:2 69:24 70:2, 13,25 79:16 88:3 95:9
extend 111:5, 11	factors 58:5	feel 48:2,25 49:18 55:19	filing 32:18	first 9:7 45:23 47:12,15 60:16 64:7,13 66:24 90:18 91:15,16 100:16 104:25 105:17 108:21
extended 59:9	facts 10:22 66:16	feet 42:6 113:21	film 44:6	
extending 110:5	fails 58:8	few 40:15 44:20 45:6 47:4 52:21 57:4 90:11 101:17	final 25:15 55:21 92:23, 24	
extension 34:18 110:9 111:14	familiar 29:15,18 54:7	field 11:4,5 14:11 34:6,8 35:4 38:18,22 40:18 54:24 62:5 64:19, 20,21 71:11 92:7,18 99:20,21 108:5	finally 84:5 92:12 108:7 113:10	five 37:17 89:2,3 115:6 121:5
extent 96:19	family 56:5, 10		find 40:18,20 42:19 43:9 47:6,24 49:14 64:21 65:22 78:6 87:6 88:4 115:7	flames 43:13 95:9
extinguisher 95:10	far 11:4 17:21 40:5 46:25 49:22 70:9 76:17 121:24	Fifth 2:5	finding 35:11	Floor 1:9 2:5
extinguishers 79:16	fashion 51:3 105:25	Fifty 61:19	findings 11:16,24	flow 38:4
extra 110:12, 14 111:16	fast 113:25 117:16	figure 93:22 105:12,13	finds 31:10	fluid 68:16
F	fatalities 56:8	figures 77:7	fine 26:2 46:10,21 48:4	focusing 51:25
facilities 35:5	feasible 38:6	file 29:2 124:10	finish 99:18	folks 99:12
facility 31:9 35:5	February 67:14 82:25	filed 26:20	finished 122:23	follow 21:4 44:24 87:15, 23 96:21
fact 46:7,8	federal 91:20			follow-up

<p>23:20,22,23 24:1,5 49:3 56:9 91:25 95:19</p> <p>follow-ups 90:16</p> <p>followed 17:24 31:23 37:2 48:1 51:18 53:13</p> <p>following 24:11 37:23 87:13</p> <p>follows 9:8 60:17 100:17</p> <p>forces 108:2</p> <p>foresee 46:14</p> <p>forget 122:17</p> <p>forgotten 97:7</p> <p>formal 96:4</p> <p>forms 117:17</p> <p>forward 8:6,7 95:14 96:9 124:4</p>	<p>found 11:17, 21 12:21 13:2 14:6 17:18 42:9,20 43:4 53:10,12 65:18 72:20, 22 77:6 78:10 92:1,12 102:19 104:14</p> <p>four 52:7 63:19 66:23 111:7</p> <p>Fourteen 85:21,22</p> <p>frame 49:2</p> <p>front 6:4 8:19 74:6 81:8 85:23 88:15 96:14 118:3</p> <p>frustration 93:23</p> <p>full 46:3</p> <p>fully 59:1 108:20 120:12</p> <p>function 78:20 79:8</p> <p>further 22:8</p>	<p>23:8 24:23 50:9 54:7 59:23,24 85:4 97:23 99:24 114:5 122:9</p> <p>future 105:21</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gap 52:15 55:4 57:20,21</p> <p>gas 17:8,19 39:8 40:21 42:17 68:23, 24,25 91:18 99:1 102:22 103:4 107:19 108:6,7,10,11 113:16,21 114:1 117:13 119:14,18,20, 23,25 120:3,7 123:9</p> <p>gather 83:15</p> <p>gathering 66:11,12 91:19,21,23 93:12 98:3,4, 13,15 101:25 102:25 111:9, 10 112:1 113:19</p> <p>gave 7:24</p>	<p>24:14 58:25 89:13</p> <p>gear 95:10</p> <p>General 2:5</p> <p>general's 5:12 25:13,14 26:10</p> <p>generally 42:1 55:11</p> <p>generate 36:15</p> <p>generated 41:5 44:10</p> <p>gentlemen 7:1</p> <p>geographic 41:24</p> <p>Georgia 78:14</p> <p>get all 96:8</p> <p>give 30:16 36:5 44:20 47:1 48:9 64:21 81:17 99:20 116:8, 23 117:16</p>	<p>given 7:19 8:19 45:8,9 59:7 65:11 66:16 79:21 91:3 93:25 99:10 102:20 105:20 124:24</p> <p>gives 94:2 96:8 106:18</p> <p>giving 89:22 105:17</p> <p>goes 108:8, 12</p> <p>gone 102:11 118:22</p> <p>good 7:7 8:9, 13 9:11,12 37:13 47:24 54:12 85:10 89:4 114:11 122:16 124:22 125:1</p> <p>gotten 114:17</p> <p>government 66:6 91:20</p> <p>Grand 66:23 92:14</p> <p>granted 94:5</p>
--	--	--	---	--

grants 59:16	H	happy 32:7 105:22	27:20 28:3 32:3 35:14 36:2 46:2,3 51:3,8 61:22 81:2 91:1 105:15 124:22 125:5	high 40:22
grease 78:22	H&g 72:19	hard 94:6 105:12		high-consequence 73:2
great 80:18 89:3 100:5,9	half 107:4,14, 16 120:4	hardly 108:10 113:24 114:1		higher 37:16 68:15
green 2:22 3:9,11,12,14, 15,17,19,20, 22,23 4:1,6,7 5:20 6:1,11 8:20 24:3 40:4,7 60:6,7, 13,15,22 71:19 88:2,3 89:11 90:24 93:5 94:17 95:19 97:21 102:16,19 104:8,19,24 109:4 115:17, 23,25 116:5 117:9	hand 6:12 81:5	having 9:7 43:12 49:16 60:16 66:13 70:14 93:16 100:16	held 10:11 99:19	highest 30:19
	handed 80:4 83:18 86:1	hazard 38:8 55:20	help 19:11 35:11 36:9, 13,15,16 43:1 48:7,8 56:25 94:13 118:19, 21,25 119:1	himself 33:22
	handheld 65:16 77:17	hazardous 10:14 31:9, 11,17 34:20 120:14	helped 52:18	hire 113:7
	handle 96:7	head 116:4	helpful 46:6 56:19 98:7 124:24	hired 42:25 103:15
	handling 34:5	headquarters 24:4	Hendricks 3:15,17,25	hiring 85:10
	Hans 4:6 67:6	hear 7:1 22:9 25:12 101:10	here 10:19 35:13,24 83:3 84:6 96:21 116:2 123:21	history 98:9
grounded 102:5	Hansen 1:12	heard 105:17	Hey 116:1,8 117:4 118:18 119:2	hold 19:2 110:20 118:25 121:12
group 34:18 35:23 56:5 61:14	happen 22:19 23:10 95:12	hearing 1:4 2:20 5:5,8 7:15 8:1,19, 20 11:10	hierarchy 33:21	Honor 6:6 80:4 89:2 90:17 99:24 122:19,21 124:20
guess 71:23 94:7	happened 14:6 15:17 107:15 108:17 109:11 113:6, 15			hoping 95:25 113:14
guys 119:1	happens 94:6 109:10			hot 43:12,14

hour 40:8 107:4,14,16	49:5 51:20	inadequate 13:8	33:4 62:1	initially 47:14 103:15 104:17 114:22
hours 113:25	identify 13:8 20:14 41:10, 11 47:25 62:3 87:14	incident 39:12 56:4,8 70:15	indicating 46:17 124:15	injured 56:1
Houston 72:18,21	ignition 17:18,21 43:6,7,9,16 79:12 118:12	incidents 56:1 109:2	indication 31:22 65:19	inlet 101:22
However 64:18 119:11	imagine 97:7	include 37:23	individual 35:3 57:25 58:2,5 72:8 92:17,24 95:16	input 102:14 104:13 106:6
human 31:11 48:5	immediately 92:9,10,20 94:16 99:20 106:23	included 25:4	individuals 61:25 72:23 87:14	inspect 11:2 18:10 110:3
humanly 93:1	implement 75:19	including 68:17 91:5	industry 35:10 91:17 101:5	inspected 107:21
humans 56:1	important 19:4 30:18,23 39:25	incorrect 45:17	information 14:18 50:10 52:7 55:6 70:1,7 72:1 73:7 79:21 82:11 96:9	inspection 11:2,8,9,23 12:12 13:1,22 14:14 15:3,15 16:4,16 17:2, 9 18:2,10 19:20 21:11, 12 23:20,22, 23 24:1,6,7, 11 29:7 32:24 33:7 34:1,3 40:18 47:8 52:11 53:9 72:4 89:13 111:18
hundred 30:3,15	impose 29:13 30:10,13 57:16	incorrectly 47:13	informed 65:7	
Hwang 3:9, 11,12,13 11:9,15 12:4, 6,11 20:19 21:10	imposed 57:19	increase 38:3 113:15	inherit 18:4	
hypothetical 58:12,24	improve 39:13	increasing 48:21	initial 11:23 32:24 89:15 104:16	inspections 17:13 51:23
<hr/> I <hr/>	inability 51:2	increments 58:7		inspector
idea 115:14		Indefinitely 59:6		
identified 45:19 46:16		independent		

72:5 110:11 111:12	95:4	issue 32:14 34:10 45:23 47:24 49:16, 17 56:21 57:21 91:2 93:11 94:21, 23 96:19,24 98:8 99:15 104:3,20 105:10 106:23,24 107:10 117:14 124:25	21:9 24:9,25 48:19 49:2,15 50:6,16 104:14	joint 110:13, 14 111:16
inspectors 35:3,6	interstate 31:11 120:16	57:21 91:2 93:11 94:21, 23 96:19,24 98:8 99:15 104:3,20 105:10 106:23,24 107:10 117:14 124:25	<hr/> J <hr/>	judge 98:23, 24 123:10,17
inspects 109:25	intervals 119:10	issued 66:11 98:10,21	January 66:1 78:9 79:7	July 23:11
install 44:2	into 14:16 45:11 48:9 49:5 57:21 58:10 59:8 65:19 76:17 82:20 99:1 103:1 109:21 111:7 112:14 123:9	issues 11:18 38:11 46:10, 16 47:1,9 49:5,8 50:1,2 51:7,11,21 56:7 92:19 96:6 103:19 104:21 105:23 109:6 112:11 113:4, 5,20	Jetter 2:4 5:13 89:2	jumped 122:11
installed 16:3 50:4 67:3	intrastate 120:17	issuing 46:15	Jill 36:11	jumpers 67:1
instance 10:21	investigating 38:1	issues 11:18 38:11 46:10, 16 47:1,9 49:5,8 50:1,2 51:7,11,21 56:7 92:19 96:6 103:19 104:21 105:23 109:6 112:11 113:4, 5,20	Jim 70:23	Junction 66:23 92:14
intend 9:3 60:9 100:11	involved 10:16 16:23 33:3,23 61:22 66:17 83:19	issuing 46:15	Jimmy 2:17 3:18,20,21, 23,24 5:14 7:16 8:12 9:6, 15	June 23:10
intent 46:1	involves 33:10	issuing 46:15	jjetter@ agutah.gov 2:7	Justin 2:4 5:13
intention 109:14	involving 123:8	issuing 46:15	JMD 61:21	<hr/> K <hr/>
interaction 35:7	isolation 66:25	issuing 46:15	job 1:14 10:8 105:11	Keeler 88:9
interconnect 110:7 122:5	items 20:14	issuing 46:15	join 7:2	Keener 88:9
interest 61:17		issuing 46:15	joining 7:5	keep 19:4 28:7 72:10 79:17 93:15 94:6 108:2 118:7
interested 116:7		issuing 46:15		kept 18:25 42:18 54:2 57:22 58:9
internal 62:20		issuing 46:15		

92:11	L	last 5:16 35:14 65:18 67:13,20 71:12,14 72:9 75:11 78:23 79:3 98:25 101:10,11 102:19 104:1 105:15 114:24	leaking 55:14	118:7 121:16 122:13,17 124:17
kind 35:15 37:10 40:19 65:5,12 67:10 68:16 76:22 83:15 110:23	labeled 8:18		leaks 17:8 42:19 55:11 93:4,7,8 95:11,14 102:2,10	letter 3:9,18, 20,21,23 4:1, 6,7 11:12,19, 22 12:20 19:22 20:11 22:10,24 23:11 24:12 25:15 28:21 29:8 37:12 52:11 55:5 57:17 81:6 82:8,10,25 88:14,20 89:19 104:16 115:16,20 117:21
Kinder 65:4	Lake 1:10 2:6 9:17	late 58:21	learned 123:20	
kindly 80:21		later 16:18 17:13 18:19 91:21 118:22	least 93:5 119:1,10 120:4 122:4	
kinds 36:17 101:18	Land 109:17, 19 110:1 111:4 117:13	lately 101:16	leave 121:15	
kits 67:1	landed 57:12	leadership 33:21	leaves 28:22	
knew 33:8	landing 55:6	leak 17:5,18 39:8 42:15,17 47:4 55:12,13 58:4 65:17,22 78:12,14 92:20 93:2,10 94:9 95:13 101:24 106:9 107:20 118:4, 11 119:15 120:1	left 12:10,11 33:25 88:5 105:3	letters 87:22 104:18 110:18
knowing 57:22	language 16:11 41:22 73:22 86:7,22 104:21 109:10 117:11	leading 53:7	legal 120:17	level 119:23
knowledge 20:1,16 47:6 55:25 62:24 65:13 66:13 78:5	languages 41:17 76:19		length 55:4 59:17 93:3	liaison 15:9 40:2
knowledgeable 14:12	lap 93:14		lengthy 73:25 91:1	liaisons 87:11
known 91:20	lapsed 49:19		less 76:20,23 77:6 108:9 113:17	licensed 62:22
knows 109:20 110:14 111:2, 20	large 7:9 50:13 52:6,10	leakage 65:14 77:12,13 119:8,15	let 7:5 20:13 47:11 76:15	life 30:21 31:12,17 48:5 55:20
	larger 77:23			

<p>light 6:11,13, 16 56:15 60:14</p> <p>like 8:12,14, 17 12:14 14:7,24 16:14 21:16 22:4,15 23:4,17 24:19 25:7 26:5,17 28:10,15 39:8 45:14,23 46:24 52:20 60:3 62:11 65:9 71:2 77:24 78:16 80:7,8 87:24 90:19 91:7 94:17 95:2 96:17 97:23 109:8 113:18, 21 114:22 116:3 117:2, 23 118:23 119:25 120:10 121:7 123:10</p> <p>likely 60:4</p> <p>likewise 27:4</p> <p>limit 39:13 41:24 69:1</p> <p>limited 47:2 99:13</p> <p>limits 29:18</p>	<p>37:24 38:4</p> <p>line 17:5,19 37:22 38:10 42:18 44:2 47:8 65:16 66:11,12 69:3 77:17 91:19, 21 93:9,12 98:3,4,5,7,10, 13,14,15,16, 19 99:2,8 107:22 108:2, 18 109:21 111:9,10 112:11,12,14, 18,19,20,23 113:9,11,17 119:9,13 121:12 122:2, 3 123:9,19,24</p> <p>lines 91:23 101:25 102:25 107:21 112:2, 3 113:19 119:8</p> <p>liquids 69:3 95:6</p> <p>list 97:5,6</p> <p>listed 31:8 83:8 96:21 97:12</p> <p>little 5:25</p>	<p>58:7,9 68:18 77:17 114:19</p> <p>live 56:3</p> <p>lived 55:22</p> <p>lives 40:9,13 41:5,9</p> <p>local 71:17 78:5</p> <p>located 92:13</p> <p>location 1:9 24:2 66:10</p> <p>locations 106:22</p> <p>long 8:1 11:4 59:5 61:7,10 62:13</p> <p>longer 21:10 93:13</p> <p>looked 65:19, 21 72:22 92:4,9 105:3 109:20</p> <p>looking 32:11 33:12 35:9,16 36:6,17,19 37:8,9,11</p>	<p>38:17 39:2,23 41:12,18 64:7 65:8 73:22 77:19 83:15 86:8 99:20,22 116:7</p> <p>looks 110:1</p> <p>loose 80:4 81:8</p> <p>loses 65:20</p> <p>losing 107:22</p> <p>loss 38:4 107:22 113:13</p> <p>lot 36:23 38:19 49:19</p> <p>Louisiana 78:13</p> <p>lovely 27:8</p> <p>lower 37:16</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>machine 88:5</p> <p>made 20:12, 19 27:19</p>	<p>36:22 63:5,14 65:1 67:5,22 77:18 78:10 92:10 99:12 105:6,7,19 107:14 109:5</p> <p>main 10:9 111:8 112:20</p> <p>maintain 15:8 40:1 42:23 43:1 107:23 113:8</p> <p>maintained 43:15 57:23</p> <p>maintaining 103:8</p> <p>maintenance 4:9 11:3 14:3 19:16 42:22 54:13 58:4 62:21 78:18, 21 95:3</p> <p>major 58:10 93:18</p> <p>make 5:24 13:6 15:12 37:4 41:20 45:25 47:11, 24 50:17 51:3 52:5 57:3 60:12,13 66:20 67:1</p>
---	--	---	---	---

69:2 78:25 89:12 92:24 95:5 98:12 99:7 101:22 102:1,4,9 103:9 105:22 106:4,19 107:5 108:12 122:5 123:3	112:11 manual 4:9 37:22 53:18 67:20 68:1 69:5,10,17 71:4 73:23 74:17 79:14 86:7,19 97:10,12,16 104:11,21 105:6,10,16, 18,19 109:9 117:10 manuals 12:25 36:14 66:18 93:17 94:3 105:6 many 28:19 33:3,13 61:25 63:17 77:4 118:16 maps 92:22 March 21:6 mark 27:23 80:7 84:17 marked 3:8 11:11 12:14 20:17 24:16 26:14,23 28:4 32:16 80:2,3 81:6 84:8 86:2 89:19	90:9 96:11 115:15 117:20 marking 28:8 80:8 mat 79:17 material 10:14 34:20 51:14 materials 7:25 51:9 71:1 120:15 matter 4:2 5:6 45:8 46:5 124:25 maximum 30:1,7 63:7, 13 108:22 may 7:15 9:1 22:11,19,21, 22,23 28:5 30:2 35:10 38:7 45:6 47:13,14 49:7 51:21 55:12 60:2,5 69:8,9, 25 70:24 71:2 74:21 76:9 83:11 85:19, 24,25 86:3,9 88:24 90:7 91:4 122:11	123:3,5 124:5,6 maybe 48:12 55:9 63:19 66:23 113:24 mayor 88:2 mayors 71:19 MCF 108:8 113:12 mean 91:10 105:24 109:8 113:17 means 119:22 measures 42:17 meet 15:10 19:2 88:5,11 meeting 15:16 35:23 36:6 75:15 77:6 78:23 meetings 63:22 meets 103:4	Melanie 2:2 5:4 members 56:5 memory 86:8 mentioned 34:14 68:9 85:10 98:3 mercaptan 119:22 mercaptanize d 119:24 Merit 1:12 merited 59:10 merits 7:15 8:6 49:1 message 88:5 106:17 107:4,12 met 63:17 66:10 92:3,5 96:5 104:25 105:1 methane 65:19
--	---	---	---	--

Mexico 56:5	32:13 61:2,4, 6,8 101:1 117:13	68:10,18,23	most 51:14 53:24 116:1,2 117:6	11,20 60:20, 22 72:9 88:9 92:4 95:21 98:23 100:20 102:20 115:23
mic 6:8		moment 7:17 88:24		
microphone 5:25 6:21 60:12	minute 121:12,16	moments 44:20	mostly 36:19	
middle 39:8	minutes 27:11,14 40:7 44:18 89:2,3 121:5,19	money 65:20	motion 122:11 123:4	names 35:8, 17,19 36:5 62:3
might 56:16 80:8 90:17 97:7 112:14	missed 22:22 110:23	monitoring 62:20	move 8:5,7 12:14 20:24 21:16 22:4,16 23:4,17 24:19 25:7 28:15 78:2 82:19 84:22	natural 107:19 108:6, 7
mile 120:4	mistakes 58:9	month 62:8 65:21 93:6 101:16		near 40:3,19, 21 56:6,10,11 101:19
miles 70:12 110:10 111:7	MISTRAS 44:12,14 72:20	months 7:25 17:6 42:24 67:18 68:22 101:17 118:22 119:10	much 5:18,23 6:18 32:1 60:11 77:23 84:21 100:10 107:17 108:11 121:23 122:23 124:4	nearby 41:2
million 30:7 113:21	Moab 40:3,4, 7,20,22 47:2 69:24 70:2,5, 9,12 71:19 98:22 108:1 111:5,19,23, 24 123:17	more 14:12 15:13 21:4 24:24 30:2 48:21 49:22 51:15,16 57:3,4,24 58:17 73:21 89:11 90:12 100:2 103:23 106:4 113:10, 14 121:8 123:24		nearest 40:4
mind 5:15 105:13			municipalities 15:23 41:3	necessary 58:13 78:6 91:9 99:17 105:22 123:1
Mineral 64:15			must 37:23 119:9,16	need 6:3 13:6 24:13 27:7 28:1 40:11 42:12 43:15 50:15 52:4 54:24 60:4 79:18 80:24 81:12,14,15, 16 87:3 93:21 94:12 105:12 116:9 117:5,
minimal 113:17	mock 14:24 39:19			
minimize 59:17 79:12	mockup 39:8		N	
Mining 1:3 2:10 4:3 5:6, 20,21 7:8	modify 75:14	Morgan 65:4	name 5:16 9:13,15 34:16 35:15 36:6,7,	
	moisture			

17 118:19 119:3 124:8	nine 28:23 70:11	normal 12:1 33:16 38:4,7 53:14 68:2,15 74:14 124:12	notice 25:16 26:11 84:3 89:22 123:13	38:23
needed 11:18 15:2 16:13,14 20:14 21:9 24:12 36:15, 22 37:2 39:1 54:2 64:19 77:4 86:12 92:1	nobody 92:10 115:4,10 116:9	normally 10:20 11:20 13:5 101:16 119:23	notices 97:13	numerous 118:2
needs 11:24 16:24 34:12 42:15,18 45:10 115:19	nobody's 121:7	north 70:12	notification 70:21	<hr/> O <hr/>
Nevada 60:24 100:23 116:4	non-english 16:11 41:17	Northwest 69:2 102:13 103:1,3 106:7,14 110:7 111:13 112:5	notified 42:12 66:18	O&m 12:25
never 76:21 95:12 106:4 107:19 117:5, 18 121:2	non-helpful 117:19	Nos 20:8,25	notify 11:24 15:23 16:3 42:3 96:20	object 116:10
new 13:7 56:5 93:9 108:19 111:14	noncomplian ce 11:18 12:21 105:23	note 8:17	November 10:24 19:22 28:20 52:11 55:5 57:17 88:19 89:14, 18 115:16	objection 12:16 21:1,18 22:5,17 23:6, 19 24:21 25:9 26:7,19 28:17 82:21 84:24
newspaper 71:17,20,22	noncompliant 104:14	noted 84:20 88:19	Nugent 62:5 64:11 71:9 75:8,12,23 76:1 79:1 85:15 94:10 106:13 122:2, 3	objections 105:8
next 41:13 43:17 56:3 64:9 76:3 77:15 79:7,20 87:12 92:5 104:9	nondestructiv e 18:24 19:4 25:2 44:6 50:5 72:15, 16,24	notes 72:5	number 33:6 91:5 95:15 102:20 106:21 107:2, 11,12	obligation 16:7
	none 14:14 103:1 112:18	nothing 14:6 38:13 59:24 94:5 99:24 106:24 107:1, 5,7 108:16 113:6 118:10	numbers	obtain 34:25 99:16
	Nonetheless 118:24	Nothing's 109:11		obtainable 49:9
	nonspeaking 16:13 41:18			obtained 99:4
				obviously 113:6
				occasions

<p>118:2</p> <p>occurring 79:18</p> <p>odor 119:15</p> <p>odorant 119:15</p> <p>odorized 119:18,21,25</p> <p>off 72:5 91:15 99:19 101:20 103:22 108:6</p> <p>offered 48:9</p> <p>office 5:12 21:7 25:13,14 26:9,10 30:19 71:21 87:16, 24 88:7,10 92:13 106:24 111:4,19 116:4,5</p> <p>officer 2:2,20, 25 5:3,5,15, 18,23 6:3,7, 10,15,18,20, 25 7:4,17,23 8:2,5,9,13,25 9:2,5 12:17 21:2 22:6 27:3,6,10,13, 16,20,24</p>	<p>28:6,10,13 32:4,5,8 34:4, 9 44:17,22,24 45:3 50:22 52:3,17,19 56:14 57:6 59:22 60:1,7, 11 80:6,11, 13,16,20,23 81:3,11,15, 17,21 82:1,5 84:12,16,19 85:2,5,25 88:25 89:4,7 90:18,23 97:19,21 98:6 99:25 100:3, 5,9,13 114:6 121:10,18,22 122:8,16,20, 22 123:2,5, 14,23 124:1, 3,6,10,14,21</p> <p>offices 87:13</p> <p>officials 15:9 40:3 71:16</p> <p>often 39:1 62:7,9 67:16 101:14</p> <p>oil 91:17,18 102:22 108:4 117:13</p> <p>Oklahoma 10:11 34:15</p>	<p>old 72:11 108:20</p> <p>on-site 33:15, 17,24</p> <p>onboard 78:9 79:6</p> <p>once 42:23 49:11 62:8 87:3 93:5 96:7 101:16 103:4 107:15 119:10 122:4</p> <p>one 24:7 27:24 28:22 33:11,15,17, 22,24 34:7,11 37:8,16 40:9, 13 41:13,17 44:12,15 49:3 52:8 54:5,9, 11 55:21 56:4,9,16 58:10 61:16 64:13 65:25 68:25 69:8,12 76:15 80:24, 25 81:1,2,24 83:1 85:1 86:4 88:12 89:11 92:9 95:15 96:10 99:4 100:2 102:19 103:23 106:4 107:20 109:8, 24 110:5,12,</p>	<p>20 111:15 112:1,3 113:10 117:8, 15 121:25</p> <p>ones 77:14 109:21</p> <p>ongoing 13:11 88:22</p> <p>online 64:18, 20 87:3</p> <p>only 6:22 24:7 30:19 33:17,23,24 34:7 35:2,5 37:16 39:15 65:5 77:2 92:6 99:10 103:3,4 105:5 111:8 113:11, 12 116:6 118:21</p> <p>open 43:13 88:10 119:19</p> <p>opened 78:24</p> <p>operate 30:20 42:23 77:24 79:17 95:7 102:25</p> <p>operated 59:13 68:24</p>	<p>91:23 107:20 109:1,2 112:10 114:23 118:13</p> <p>operates 77:25</p> <p>operating 31:17 37:24 38:4 74:14 82:2 95:1 102:22,24 107:18 108:14,21 112:22</p> <p>operation 11:3 18:12,20 33:16 37:14, 21 38:5,7,12 45:21 46:22 53:14 54:13 58:1 78:4</p> <p>operational 19:7,8 59:2 78:25</p> <p>operations 4:9 31:6,15 37:17 52:10, 16 54:15 55:18 62:11 64:17 68:2,5, 7 86:23,24 91:18 94:7 101:13 103:4</p>
--	---	---	--	--

<p>operator 11:24 12:24 13:5,18 14:10,22 15:8,12,23 16:25 17:4,19 19:15 20:12 21:8 31:16,23 35:4,11 36:8 49:14 57:23 85:13 87:4,6 92:2,8,13 93:10 108:3 114:14,16 115:4,13</p> <p>operator-qualified 85:11</p> <p>operators 36:14,15 39:20 44:2 77:23 78:16 102:21</p> <p>opinion 31:20</p> <p>opposed 98:5</p> <p>OQ 54:21 55:2</p> <p>order 26:13 29:11 31:8, 10,12,14 43:15 45:18 46:15 48:25 54:2 57:2</p>	<p>98:8,10,15, 18,21 99:5,16 108:1 112:17 113:14 123:11 125:1</p> <p>ordered 110:13</p> <p>ordinary 11:20</p> <p>organization 35:15 93:14</p> <p>organizations 35:8</p> <p>original 43:21,22 94:8</p> <p>originally 7:24 93:13 98:3 120:11</p> <p>others 16:6 65:6</p> <p>ourselves 115:8</p> <p>outdoor 40:22</p> <p>outlet 101:23</p> <p>output 102:14</p>	<p>outside 38:4 62:16 63:24 95:2,3,4 113:8</p> <p>outstanding 20:15 21:8 24:9 48:19 49:17</p> <p>over 12:9 37:20 46:2 63:20 64:6 66:1,24 74:14 75:11,25 79:7 91:16,19,22 105:14 107:1 109:15 111:1 115:9 119:19</p> <p>overall 82:22</p> <p>Overdue 3:16</p> <p>oversee 64:9</p> <p>overseeing 66:7</p> <p>oversight 91:22 103:7</p> <p>own 61:17 62:23 65:5 103:3</p> <p>owns 61:20</p>	<p style="text-align: center;">P</p> <hr/> <p>P-H 34:20</p> <p>p.m. 1:7 5:1 27:15 45:1 89:6 121:21 125:5</p> <p>P.O. 2:6</p> <p>Pacific 1:3 2:9 4:2 5:6, 20,21 7:8 32:13 61:2,3, 6,8 101:1</p> <p>packaged 20:6</p> <p>pages 7:12 73:16 74:18 83:12 84:1,2 86:20 90:12</p> <p>pamphlet 16:14</p> <p>pamphlets 41:21</p> <p>papers 50:13</p> <p>paperwork 33:12 92:4 116:7 117:8</p>	<p>par 58:9</p> <p>paragraph 32:12,20,21 36:18 37:7, 11,12,22 38:16,17,18 39:23,25 73:14 74:24 75:1,3,17 76:4,7 79:11</p> <p>paragraphs 73:6 83:9</p> <p>Pardon 69:8</p> <p>part 10:6,8,16 13:10 14:3 16:25 17:17 33:8 36:8 37:17 38:12, 24 39:6,18,19 40:2 41:1,20 42:12 43:11 47:12,15 53:9,12,14 54:21,23 59:15 82:22 97:8 110:23, 25</p> <p>particular 31:11 32:18 34:10 36:12 49:25 62:14 78:19 101:14 113:3</p> <p>particularly</p>
---	---	--	--	--

53:17	43:23 44:13	people 33:3,	22:22 34:22	persons 42:8
parties 16:23	45:18 46:15,	8,10,13,23	36:1 57:18	petroleum
parts 48:12	18 47:15,16,	42:11 55:20	period 55:8	66:9,13
53:20	22 49:4,10,12	87:20 99:1,11	58:19 63:20	101:5,6
passed 7:11	50:2 52:6	104:18	periodically	PHMSA 3:15
20:13 88:7	57:18,24	107:13 120:1	12:25 122:4	10:14 34:18,
past 44:10	58:13 59:16,	percent 37:16	permanent	19
47:4	17 61:13,25	61:19,20	56:24	phone 5:22
Patricia 2:4	63:24 69:23	63:12 76:21,	permit 43:13	92:10 102:20
4:1 5:11	72:16 80:9	23 77:3,7	112:1	107:12 116:8
peak 17:7	82:19 83:14	108:22	permits 43:15	119:2
PEHC 81:6	86:7,15 87:2,	112:22 118:8	persists 30:4	physical
PEMC 4:6,7,9	3,4,12 88:13	percentage	person 33:17,	71:10
7:11 10:22,23	89:18 90:6,10	77:5	22,24 34:7,12	pick 6:4,8
12:22 13:3,	96:13 99:10	perfect 26:4	36:20 38:8,22	17:8 55:11
13,23 14:16	100:25 119:6	perform 11:4	39:14,15 54:5	116:8 117:4,
15:18 16:7,17	123:11	13:19 17:4	93:12 94:12	14
18:15 19:22	PEMC's 4:4	19:16,19	99:21 102:20	picking 6:15
20:1,6,13,20	21:22,25 23:1	62:18 67:10	106:5	piece 101:11
21:4,8,19	25:21 46:8	performed	person's	pig 68:16,17,
22:9,18,21	53:2 58:25	11:6,9 17:10	36:20	22 69:2 95:5
24:25 25:23	59:2 85:19	18:8 23:23	personal 38:7	pile 84:5
26:13,20	86:3,18,21	25:3 36:20	87:15,23	pipe 18:5
27:18,21	123:7	38:15 44:8	personnel	43:14 68:21
28:5,19 29:1,	penalties	47:5 50:4	14:11 34:6,8	72:1 110:13,
5,11 30:13,	26:12 29:16	51:24 72:24	35:4 38:9,19,	19 111:16,20
20,23,25	penalty	performing	22 59:11 78:1	pipeline 9:15,
31:14 33:2,4,	29:14,25	54:14 57:25		
5 35:7,19	30:1,6,7,9,12	performs		
38:10 42:24	45:20 49:1	33:16		
	52:9,16 55:17	perhaps		
	57:11,17,19			
	58:15			
	pending 23:9,			
	13 24:9			
	122:11			

18,19 10:4, 10,14,17,23 11:5,6,19 12:6 13:20 14:2,6,18 15:25 16:24 17:1,8,11 18:5,9,13,20, 25 19:5,7,17 20:6 21:4,7, 10 22:7 23:7, 14,24 24:2, 10,23 25:3,10 28:24 29:1, 11,13 30:9, 12,20 31:3,5, 6,11,13,25 33:14,16,18 34:20 35:2,6 39:9,18,20 40:3,6,10,14, 16,24 41:4,6 42:2,6 43:8, 20,24 44:3,7 45:21 46:22 47:6 48:3,21 49:23 50:4 51:16 53:15 55:1,9,12,14, 23,25 56:2,3, 6,7,8 57:23 58:1,6,8 59:14 61:11, 15,18 62:7,9, 11,17,25 63:3,24 64:3, 6,9,17 65:15, 20,22 66:3,7, 16,21,24 67:2,4,8 68:11,13,17 69:21 70:9,11	72:3 73:2 78:16,17 79:10 82:9 83:6 87:4,6, 13,19 91:6, 16,19 92:7, 16,18,22 93:4,11 95:1, 16,20 99:12 101:7,9,13, 15,19 102:3, 4,9,12,13,17, 23 103:1 104:4,6,18 105:4 106:3, 7,14,22,25 107:6,7,19,24 108:4,8,10,19 109:13,17,20, 22 110:3,6,7, 12,15 111:3, 8,13,25 112:5,10,21 113:3,5,13, 21,23 114:12, 16,23,25 115:17 116:17 118:12 119:18,24 120:9,12,13, 14,16 pipeline's 78:2 pipelines 54:15 64:13, 24 65:2 103:3 107:20 108:15	114:23 place 34:25 38:14 39:1 59:12 98:15 107:10 112:24 115:24 placed 8:18 plan 14:12 38:23 40:1 54:12,13 58:3 68:1,4 69:6, 18,24 70:1 75:19,24 76:8,11,13,16 87:17 97:4 planned 77:14 planning 97:9 plans 13:6 38:20 54:14 66:13 75:3,4, 7,18 87:1,11 96:24 plant 62:10 65:20 67:3 68:23 101:21, 23 102:1 105:1,2 106:16 107:1 111:7	play 57:21 58:5 PLLC 2:10 PMC 34:24 35:14 point 45:12, 13 87:15 111:19 121:24 police 15:9 40:2 70:5,19, 22 policies 62:23 67:17, 19,25 69:5,10 74:1,5 75:21 pooling 68:21 population 16:13 41:18 76:23 77:3,5 pose 30:21 position 98:9 possibility 55:16 possible 46:25 47:10	49:15 54:16 93:1 97:6 possibly 30:25 89:11 post-audit 89:18 post-inspection 3:9 11:22 20:11 28:20 55:5 postpone 48:20 postponing 48:12 potential 75:23 92:12 pound 68:25 pounds 69:1 108:24 precedent 46:13 precluded 98:11 prefer 56:17
--	---	--	--	--

<p>preference 79:9</p> <p>prefiled 10:20</p> <p>premarked 20:8,24 21:14 22:1,12 23:2 25:8,18 28:15</p> <p>prepare 66:18</p> <p>present 115:19</p> <p>president 62:4 72:10 101:1</p> <p>presiding 2:2, 25 5:3,5,15, 18,23 6:3,7, 10,15,18,20, 25 7:4,17,23 8:2,5,9,13,25 9:2,5 12:17 21:2 22:6 27:3,6,10,13, 16,24 28:6, 10,13 32:5,8 44:17,22,24 45:3 50:22 52:3,17,19 56:14 57:6 59:22 60:1,7, 11 80:6,11, 13,16,20,23 81:3,11,15, 17,21 82:1,5</p>	<p>84:12,16,19 85:2,5,25 88:25 89:4,7 90:18,23 97:19,21 98:6 99:25 100:3, 5,9,13 114:6 121:10,18,22 122:8,16,20, 22 123:2,5, 14,23 124:1, 3,6,10,14,21</p> <p>pressure 37:15 38:3 63:7 101:22, 23 102:11 106:6,7,10, 15,16 108:23 112:23 113:25 120:20</p> <p>pressures 101:22 106:8, 19 112:23 120:23,25 122:6</p> <p>presumed 46:8</p> <p>pretty 101:23 107:16 108:19</p> <p>prevent 17:20</p> <p>preventing</p>	<p>17:17 58:6</p> <p>prevention 43:6</p> <p>previous 15:5 25:1 44:2 50:3</p> <p>previously 82:16 84:9</p> <p>primer 60:12</p> <p>prior 28:8 74:2,8 77:13</p> <p>priority 30:19 93:2 95:15</p> <p>probably 29:22 79:5 110:16</p> <p>problem 79:19 115:22 117:10</p> <p>procedural 4:9 32:23 51:15 58:18 79:13 86:7,19 93:16</p> <p>procedure 13:25 17:11, 20,24 19:20</p>	<p>33:2 34:5 37:14 38:14, 20,25 53:18 54:1 71:10 73:21 124:12</p> <p>procedures 11:3 13:7,8 14:4,5 17:22 31:23 34:13 36:22,23 37:1,23 43:11,19 48:1 51:18 53:1,5, 10,11,14,20 54:8,17,18 62:23 67:17, 19 68:1 69:4, 5,10 71:13 73:24 74:1,5, 15 75:14,22 95:17 104:10 107:10</p> <p>proceed 7:6 81:12 100:14</p> <p>proceeded 22:10</p> <p>process 20:21 39:13 83:14 89:9 95:18</p> <p>produce 108:6</p> <p>producing</p>	<p>108:3</p> <p>production 101:6 106:18 108:2 113:15</p> <p>program 14:3 15:22 16:2, 22,23 41:2, 16,21 42:13 53:25 54:3 58:3 76:22 87:14</p> <p>proper 103:10</p> <p>properly 102:5</p> <p>property 30:22 31:12, 18 38:8 48:6 55:20</p> <p>proposal 26:12</p> <p>propose 86:10</p> <p>proposed 23:13 26:12, 13 46:21</p> <p>proposes 7:14</p>
---	--	--	---	--

protected 67:2	120:25 124:16	61:12	115:4,10 116:10	114:19 115:11 118:1 120:17,18 122:1 124:5
protection 62:19 66:21 83:6 88:18 103:13	providing 14:18 36:14 39:15 75:21 88:22	purchasers 61:16	qualifications 34:17 54:14 71:24	questioning 44:19 89:9 98:7,17
protects 67:3	provisions 71:3	purposes 97:4	qualified 47:7 54:25 85:13 114:13,16 115:8,13	questions 32:3,7 33:13 44:16 45:6,13 52:20,22 55:23 56:13 57:4 59:21 85:4,6 89:11 90:15,19 94:19 95:24 97:23 112:20 114:5,10 121:9,25 122:9 124:17
proved 112:18	Provo 10:1	pursuant 82:13	qualify 55:1	
provide 35:8, 9,14,15,18 37:24 43:15 53:25 62:19 65:8 68:1 73:17,25 74:20 79:24 80:21 86:15 87:18 92:15 123:11,22 124:8,9	pschmid@ agutah.gov 2:8	pursue 9:24	qualities 103:5	
	psi 63:10 108:21	purview 120:14	quality 103:21 117:12	
	public 1:1,9 2:4 8:18 9:20 15:9,22 16:10,22 30:18 40:3 41:1,20 42:13 48:22 53:17, 25 54:3 58:3 61:23 71:15, 16 76:8,22 83:8,23 87:14 114:12	push 49:16	Quals 114:17	quickly 93:1
provided 7:8 13:21 14:15 15:3 16:16 17:2 18:1 27:18 28:19 30:25 32:13 36:23 37:14 43:3 50:7,12, 14 51:10,15 52:6 58:13,17 66:21 73:7,10 78:21 79:23 83:11 87:19 89:18 90:10 104:13,23	pull 6:5	put 8:1 18:9 67:1,17 74:17 76:11,13,22 81:9 82:23 95:13 97:7,20 99:1	quarter 69:2 95:5	quite 48:20 78:4
	pumper 62:5	puts 10:12 123:9	Questar 78:3 103:1,2	quote 92:21 96:4,8
	purchased	qualification 18:8 43:18 54:22 72:7	question 26:1 30:11 32:24 36:24 40:12 49:3 50:21 55:21,24 57:14,15 69:9,16 76:16 94:8,18 98:12 109:16	<hr/> R <hr/>
		Q		radiographic 44:6
				raise 56:17

ran 68:15 81:1	reason 52:9 55:10 107:21, 23 112:16	49:10	32:25 36:24 43:25 44:14 47:25 48:2 49:20 50:6,23 51:12,17 53:13 54:1 55:7,10,16 57:22 58:14, 19 59:12 72:11,13,16, 22,23 94:6 104:22,23	105:14 111:17
range 106:8	reasons 30:16 48:4 91:12 94:2	recommendat ion 45:7 46:20 47:12, 15,16,21,23 48:13 49:4 91:3,4		referenced 36:11 37:11 97:16 123:8
rate 38:4				references 86:5
rather 96:12	recall 35:17 52:25 54:4 55:21 60:4 77:10 91:5 104:25	recommendat ions 77:2		referred 25:12
reaching 16:23		record 5:4 6:22 8:17 9:14 10:22 15:16 16:4 17:23 18:25 19:19 27:17 38:13 42:18 43:3 46:3 53:24 60:21 84:20 89:8,12 94:24 100:21 116:12 119:5 121:23	recreational 40:23	referring 69:10 84:13 95:23 123:16, 18
react 39:9	recap 45:15		rectified 11:25	refers 123:19
reacted 39:12	receive 15:16 54:11,22,24		rectifier 67:3	reflected 116:12,13
read 37:8 84:10 117:1,2 118:5	received 24:24 29:7 38:22 50:23 51:12,14 64:12,16 107:4	recorded 14:3,13 15:2 33:1 38:14,21 120:23	redirect 2:21 3:1 44:21 45:10 52:20, 22,23 56:13, 15 57:4,8 59:20 90:20 97:24,25 122:10,18,19, 21	refresh 86:8
reading 87:2				regard 57:1, 11
ready 8:3,5,7 75:23	recently 63:5 78:10	recordkeepin g 94:5 118:9	reduction 37:15	regarding 45:6 46:10 56:21 96:11
real 110:1	recess 27:13, 15 44:18 45:1,4 89:1,5, 6 121:13,21	records 11:3 13:1,21 14:14 17:9 18:6,7,8, 11,22 19:4 29:3 31:22,24	reference 8:22 29:23 35:10 36:7 95:19 102:24 103:2 104:22	Regardless 97:6
realize 90:25 104:15	recognize 11:12 84:6 94:9 95:12			regards 11:16 24:25 31:9
really 91:2 94:3 107:25 120:19	recommend			
Realtime 1:12				

Registered 1:12	56:14 57:6 59:22 60:1,7, 11 80:6,11, 13,16,20,23 81:3,11,15, 17,21 82:1,5 84:12,16,19 85:2,5,25 88:25 89:4,7 90:18,23 97:19,21 98:6 99:25 100:3, 5,9,13 114:6 121:10,18,22 122:8,16,20, 22 123:2,5, 14,23 124:1, 3,6,10,14,21	60:3	repaired 105:25	represented 21:13
regs 94:2		remainder 46:13 47:21, 23	repairs 43:14	representing 5:19
regular 114:14		remaining 51:11	repeat 50:20	request 4:3 18:4,22 26:6, 11,17,21 44:1 45:24 46:1,7, 8,14 82:13 91:8 92:21 93:20 123:10
regularly 112:4		remains 42:10	repeating 5:16	requested 44:5 82:11 88:13 91:12 93:15 111:5
regulate 66:15		remarked 21:17	rephrase 94:18	requesting 29:3,11,13 30:13 31:4 56:18 57:1 59:3 94:22
regulated 66:14 103:2		remedied 17:12	replacement 7:12	requests 99:12
regulation 35:12 36:9	reiterate 29:5 34:16	remember 35:24 70:20 72:9 105:9	replied 22:23	require 54:10 118:14
regulations 91:22 94:14 118:14	related 49:3 61:3,14 64:16 69:5 72:1 94:19 100:25 101:18 109:17	remind 21:8,9	replies 20:20	required 10:9 15:23 17:6 18:6 25:17 32:25 37:22 39:7 43:18,25 54:22 67:16 117:1 118:15
Reif 2:2,20,25 5:3,4,15,18, 23 6:3,7,10, 15,18,20,25 7:4,17,23 8:2, 5,9,13,19,25 9:2,5 12:17 21:2 22:6 27:3,6,10,13, 16,24 28:6, 10,13 32:5,8 44:17,22,24 45:3 50:22 52:3,17,19	relates 64:12 69:17,24 71:15	remoteness 99:14	report 3:15 36:15 41:4 67:13 83:5 103:16	
	relation 37:13 39:5 51:17	remove 110:14 111:17	reporter 1:12 6:23 7:21 8:21 27:25 80:24 84:20 101:9 110:17, 22 111:1	
	relationship 40:2 67:8	Reno 60:23 100:23 116:2, 4,15,22	reports 18:7	
	remain 28:20	repair 112:1,3		

<p>requirements 53:18 94:15</p> <p>requires 12:24 13:18 14:10,21 15:8 17:4 18:24 19:15 37:21 43:11</p> <p>requiring 29:1 36:25 45:18 46:15 47:9</p> <p>reservoir 101:6</p> <p>residents 15:24 41:4</p> <p>resolve 46:9, 18</p> <p>resolved 51:21 118:20</p> <p>resource 36:7,8</p> <p>resources 15:11 35:11 39:21 47:2 61:21 99:13</p> <p>respect 47:21 53:17</p>	<p>respond 7:18 14:1 15:1,13 19:23,24 20:2,3 21:19 22:18,21 24:14 38:19, 23 39:9 46:16,17 47:22 73:14 83:7,24 94:13</p> <p>responded 22:23 25:23 39:11</p> <p>responders 15:12</p> <p>responding 38:1</p> <p>response 4:4 20:4 21:22, 23,25 22:19 23:1,15 25:21 26:21 27:19 28:5 39:13 46:8 49:11,12 73:8 74:17, 18,20 82:22, 23 83:11 85:19 86:3,21 90:6 92:21 96:13 119:5 123:15</p> <p>responses 46:17 95:24</p>	<p>responsibiliti es 17:1</p> <p>responsibility 12:9,12 93:22</p> <p>responsible 64:8</p> <p>rest 24:8 46:19,20 125:1</p> <p>restate 30:11 40:12 46:25 57:14 74:4</p> <p>result 24:5,7 38:7 51:22 56:1</p> <p>results 11:16, 17 72:17 82:17</p> <p>resumed 12:12 21:11</p> <p>retain 44:14</p> <p>retired 98:24</p> <p>returns 92:10</p> <p>review 12:25 13:5,14 14:22 16:21 17:10</p>	<p>32:18 37:18 39:4,10 43:4 49:11 50:6, 11,15 51:2,16 53:7,10 54:16 58:21 59:7 64:20 66:25 67:16,19 75:9,24 92:23 93:22 95:3,16 104:10</p> <p>reviewed 54:17 69:4,17 74:1 96:5</p> <p>reviewing 46:3 51:8</p> <p>reviews 13:10,19 33:1 58:8</p> <p>revised 45:10</p> <p>revision 79:13</p> <p>right-hand 80:17,19</p> <p>right-of-ways 110:2</p> <p>rise 89:13,22</p> <p>risk 30:21 48:6,21</p>	<p>risks 91:11</p> <p>risky 49:22</p> <p>River 24:3 40:4,7 71:19 88:2,3 93:5 104:24 109:4 115:25 116:5 117:9</p> <p>road 77:22 112:2</p> <p>roads 111:24 112:5</p> <p>Rodney 62:5, 9,13 71:9 75:25 79:1 106:13 109:4 113:2</p> <p>role 58:6</p> <p>room 7:1 8:20 80:17</p> <p>royalties 108:5</p> <p>rubber 79:17</p> <p>rule 55:2</p> <p>rules 114:14</p>
---	---	--	--	--

<p>ruling 31:9</p> <p>run 68:22 69:2 88:7 93:3 95:5 103:9 109:13 113:8,13,19</p> <p>running 17:1 108:24 109:5, 14 113:21</p> <p>runs 113:11</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safe 48:3 95:1,7 108:15 112:10 113:4</p> <p>safely 109:2, 13,14</p> <p>safety 9:16, 18,19 10:5, 10,15,17,23 11:7,20 12:7 14:18 20:6 21:4,7,10 22:7 23:7,24 24:10,23 25:11 28:24 29:11,13 30:9,13,18 31:3,5,13 34:20 35:2,6 37:24 38:5 40:16,19</p>	<p>43:16 48:5,24 49:22 51:16 87:19 95:10 99:12 105:4 112:24 114:12 115:17 120:9, 13</p> <p>Safety's 23:14 29:1 83:8</p> <p>said 40:13 59:18 61:13 71:2 72:10 77:4 87:10,24 92:5 95:2 104:8 108:17 110:24 111:2 113:11,18 114:22 116:1, 19 117:3,23 118:5,17 119:25 120:20 121:7</p> <p>Salt 1:10 2:6 9:17</p> <p>same 15:4 34:8 37:5 67:10 70:7 74:24 75:2,9 82:3 107:13</p> <p>sample 87:22 103:20</p> <p>samples</p>	<p>103:24</p> <p>Sandy 2:11</p> <p>satisfactory 43:4 53:11</p> <p>satisfied 50:18</p> <p>satisfy 51:11 113:6</p> <p>saw 104:24</p> <p>say 14:6 38:21 39:11 73:9 83:24 86:6 92:9 103:22 113:10 116:8, 21 117:4</p> <p>saying 34:9 51:1 95:12 109:8 116:13, 14</p> <p>says 29:24 87:12 118:10, 11 119:8</p> <p>scheduled 5:8</p> <p>Schmid 2:4, 18,21,24 3:4</p>	<p>4:1 5:11,17 6:12 7:5,7,18 8:10,11,16 9:1,10 12:13, 18,19 20:23 21:3,16,19 22:3,7,15,18 23:4,7,17,20 24:19,22 25:7,10 26:5, 8,17,20 27:2, 3,8,12,18,23, 24 28:2,6,9, 12,14,18 32:2 34:22 36:1 44:21,23 50:20 52:6, 18,21,24 56:12,15 57:2,7,9 59:20,23,24 69:8,12,15 73:9,12 82:21 84:24 85:5,7, 9,22,24 86:1 88:24 89:3,8, 10 90:14 114:7,9 119:4,7 121:8,11 122:12,14 123:3,7,16 124:2 125:3</p> <p>Schmoldt 4:6 67:6</p> <p>school 15:24 41:3 71:17,22</p> <p>science 101:4</p>	<p>scrubbing 68:15</p> <p>second 8:4 44:15 88:12 110:21</p> <p>secondly 56:21</p> <p>section 12:7 30:2 37:23 111:6,7 114:13</p> <p>seeking 52:9</p> <p>seen 104:16</p> <p>send 11:20 21:7 103:24 117:14 121:5</p> <p>sends 102:3</p> <p>sent 22:11 69:25 70:21 71:2 82:8 87:21 97:12, 13 103:16,20 104:18 106:17</p> <p>September 24:14 36:1,2, 3</p> <p>series 52:6</p>
--	--	--	---	---

55:23	11 124:10	since 61:12 62:15 63:21 76:11 91:17, 24 105:15 107:18 109:1, 4 112:10 113:1,2 114:23 115:2	87:9 98:16	sometimes 93:6
service 1:1,9 61:23 83:23 102:17 104:4 124:12,15	show 13:10 17:23 51:13 72:23 95:13 101:24		skipped 19:10	soon 46:24 47:9 49:15 92:20 93:1
Services 64:3 95:20	showed 52:12 87:22 92:18 115:24	single 84:18 106:5,11 110:6,8 111:9 112:24 122:7	slow 113:24	sorry 26:1 29:22 34:23 40:11 55:20 56:9
set 8:4 78:24	showing 52:11		smoothly 109:5	sort 13:13 94:7
seven 69:1		sir 45:21 60:8 80:6 81:11 84:12 85:3 90:18,20 91:7 96:11,14 99:25 110:17 124:6	somebody 47:7 65:8 78:19 107:2, 10 114:25 115:7,23	sound 54:12
several 7:25 20:12 38:10 56:7	shut 19:17 38:10 99:7 108:4 112:2, 17		someone 44:9 63:15 64:21 69:23 99:19	sounds 89:16
sheriff 107:3	shutdowns 38:3	site 33:14 93:25 94:1		source 118:12
sheriff's 88:6 106:24 107:13	shutting 62:11 98:19 123:19	SITLA 108:5	someplace 34:15 106:25 118:11	sources 43:7, 10,16
shipping 108:6		sitting 68:13 110:13 111:16 115:25 116:2, 4,15,20 117:9		South 1:9 2:5, 10 9:17
short 83:18	side 53:24 66:6 107:6		something 15:18 16:17 55:10 68:10 105:4 107:8 109:10,11	Spanish 16:12 41:19, 22 76:17,23 77:5
shortly 121:13	sides 42:6	situation 14:24		sparking 102:5
should 29:22 49:20 81:19 105:18 112:25 114:21 117:8,	signed 72:5 93:25	sixty 47:18,19	sometime 104:8	speak 6:21
	similar 78:3	skip 77:11		
	simple 58:4			

35:22 46:13 70:19	5,22 28:17 32:5,6,10 34:24 36:4 44:15 60:5,6, 19 69:11,14, 16 73:11,13 80:1,10,12, 14,19,22,25 81:5,13,16, 19,24 82:6, 19,24 84:15, 17,22,25 85:4,21 90:16,21 97:17,23 98:1,16,18 99:24 100:2, 4,14,19 101:11 105:16 110:20 111:21 114:4 121:14 122:17,19,21, 23,25 123:14, 20,25 124:5, 7,13,19	stake 48:24 stakeholder 41:23 stakeholders 41:25 stand 8:14 47:19 60:8 standard 42:5,7 49:13 53:9 59:15 standards 35:10 start 5:9,10 12:22 86:4 101:20 111:1 started 93:12 starting 3:10 state 9:13 34:10 60:20 64:23 65:7 66:15 78:1 82:14 83:15, 22,24 86:11, 18 99:12 100:20 105:22 113:7 122:25 124:7 state's 73:5	stated 7:22 84:9 states 66:12 87:1 static 79:17 stating 22:24 24:12 50:24 station 40:21 67:12 statute 29:15, 23,24 statutory 29:18 step 75:25 step-by-step 68:1,4 steps 66:20 79:12 sticker 80:10 still 6:15 12:6 20:14,15 24:9 40:11 42:10, 11 49:17 50:9,11 51:12 57:16 58:15 59:1 65:7	67:7 76:22 100:7 stopped 64:20 stream 68:25 strength 63:13 Striegel 4:8 66:9,10 72:8 82:8 Strike 64:13 strong 93:16 study 64:18, 20 stuff 59:7 109:25 112:24 116:3 117:7 subject 89:23 90:3 Submission 3:16 submitted 16:15 25:15 26:11 84:2 87:17
speaking 60:14 77:5				
special 10:4 54:11				
specific 36:21 54:24				
specifically 32:14 36:5 66:12 105:9				
specifications 19:3				
specifics 83:21				
specified 86:20				
Spell 34:19	spoke 35:23 42:24 76:4			
Spencer 2:9, 10,19,23 3:1, 3 5:19,24 6:2, 5,9,11,14,16, 19,24 7:3,18, 22,24 8:4,7, 20 12:16 21:1,18 22:5, 17 23:6,19 24:21 25:9 26:7,19 27:1,	sponsors 10:12 spot 70:10 spreadsheet 87:21 121:4 stack 57:12			

submitting 41:21	101:11	94:22	10:4 25:16 66:20 79:11 92:17 101:5	62:16
subsequent 51:8 77:8	supplemente d 90:11	swear 60:9 100:10	takeover 104:5	team 39:19
such 35:3 41:22 56:4 58:4 71:6 91:13	suppose 109:10	sworn 9:1,8 60:17 100:17	takes 111:24	technical 119:21
sudden 102:11	supposed 16:2 17:22 19:18,24 22:19 33:18, 20 34:2 37:17 118:18	system 80:3	taking 5:9 46:4 72:25 79:7 87:3	techniques 30:21 31:17, 20 59:2,14
sufficient 7:10	surprise 115:17	systems 4:6 62:18 66:22 67:6,7 83:1,5 88:14,15 103:13,14	talk 12:4 70:13 73:13 76:24	techs 109:24
suggest 59:5 80:8	survey 17:5 42:15 47:5 55:12,13 58:4 65:14,22,24 77:12,14	<hr/> T <hr/>	talked 71:12 72:8 102:16, 21 104:4 118:4	telephone 7:2 100:6 117:4, 14
suggested 64:24		T.J. 71:1	talking 118:7	telling 48:11 115:5 118:8
suggestion 63:14 68:14 77:1	surveys 118:4 119:9, 15	tabletop 39:6	talks 87:11	temporary 99:8
suggestions 65:11 67:5	suspend 31:6,15	take 8:14 10:9 21:4 22:7 23:7 24:23 27:7,10 39:1 45:10 47:8 64:6 66:1 68:10 73:6 84:4 103:4 109:15 113:24 116:16 121:12 123:12 124:25	Tariq 3:2 5:21 62:4 74:11,12 100:15,22 117:20	Ten 123:25
Suite 2:10 60:23 100:22	suspension 45:20 46:11, 22 52:10,16 55:17 56:21, 24 59:3,6,9, 10,17,18 91:6,9,12		Tariq's 61:1	tents 42:9
summer 65:18 71:14 75:13 98:25		taken 7:25	task 36:21 54:25 62:14	Teri 1:12
Supplement			tasks 58:4	term 119:21
				terms 115:18
				terrible 26:1 57:15

<p>Terry 2:9 5:19</p> <p>terry@spencerandc ollier.com 2:12</p> <p>test 19:1 67:12 72:17 78:12,15 92:20 93:7 94:9 99:20</p> <p>tested 108:20</p> <p>tester 77:17</p> <p>testified 9:8 60:17 82:16 94:20 96:18 100:17 102:16</p> <p>testify 78:19</p> <p>testimony 10:20 34:15 45:5,8 49:6 57:3 60:2 68:12 77:13 90:25 94:24 97:22 120:2, 5,6,8,10 121:24 122:13,23 124:23</p> <p>testing 18:25</p>	<p>19:4 25:2 44:6 50:5 72:15,16,24 103:17</p> <p>tests 67:11 103:9</p> <p>Texas 77:25</p> <p>text 107:4,12</p> <p>than 30:2 33:12 51:8,19 68:15 71:16 75:1,21 76:19,23 77:6,13 79:13,24 97:3 108:9 113:17</p> <p>their 11:2,4 12:25 13:6, 10,25 14:3, 11,12,22 16:22,24,25 17:11,20,21 19:16 20:20 21:23 24:3 31:23 34:5,6, 25 36:22 38:14,24 39:6,19 43:1 48:1 50:3 53:10,14,25 54:3,13,14,21 62:23 65:5 68:24 72:22 78:2 82:11 88:5 93:19</p>	<p>103:3,4,11,16 109:24 111:17 112:13,14,18</p> <p>themselves 54:6 110:8</p> <p>thenceforth 21:12</p> <p>therein 29:19</p> <p>thing 27:25 31:3 56:16 94:7 96:10 102:3 105:5 106:5 113:10 114:24,25 115:10 116:6 118:20</p> <p>things 17:20 28:7 30:24 36:17 43:12 48:25 53:17 59:18 65:25 91:5 94:19 101:18 108:13 109:8 110:5 111:15 117:8</p> <p>third 31:3 122:24</p> <p>third-party 113:8</p>	<p>thirteen 28:23</p> <p>Thirty 47:18, 19 91:24</p> <p>thought 32:6 68:20 73:17, 20 102:8 105:2 116:19</p> <p>thousand 30:3,15 68:25 69:1 108:23</p> <p>three 33:7,9, 10,11,23 62:2,3 63:19 66:23 67:18 68:22 85:1 99:11 106:1 110:10 117:3</p> <p>through 7:10, 13 15:25 44:12 49:6 64:18 73:6 74:16 78:23 80:9 83:9 84:10 89:14 93:23 108:8, 12 110:11 113:16,22</p> <p>thy 43:3</p> <p>tied 54:14</p> <p>til 102:15</p>	<p>time 5:8 7:10 13:1,20,21 14:13,15,23 15:3,11,15 16:4,16 17:2, 9 18:1,9,12 19:6,20 29:7 31:10 33:7 34:1,3 39:13 43:13 44:12 47:2,8 48:9, 20 49:2,18,19 51:2,24 52:2, 4,10,12,14 55:4,7 56:23 57:17,18,20, 21 58:15,19 59:10,25 63:20 67:13 71:12 75:11 79:3 92:11 94:13 97:11, 24 103:23 104:1,25 105:1,3,11, 15,17 123:24</p> <p>timely 51:2</p> <p>times 38:10 63:17,19 103:15 105:10 117:3 118:16</p> <p>timing 46:1 104:5</p> <p>title 9:13 31:8</p>
---	--	--	---	---

<p>today 6:23 8:21 9:3 10:19 28:19 30:25 45:5,18 49:6 50:12 51:22 52:8 57:13 58:24, 25 60:2,9 68:9 80:3,5 88:12 90:12, 25 95:1 97:22 100:1 123:21</p> <p>together 8:1 18:9 35:23 67:17 74:17 76:11,13 82:23</p> <p>told 13:25 18:21 33:15 38:10 64:19 93:21 105:5, 16,25 106:4 114:24 115:3, 6,22 116:6 117:2,7</p> <p>took 12:9 66:24 91:16, 19,22</p> <p>top 80:16 108:13</p> <p>total 30:5,7 78:17 79:9 108:7</p> <p>town 40:4</p>	<p>traditional 10:21</p> <p>train 14:11 33:19 34:2,11 47:7 65:5 87:4</p> <p>trained 34:12 39:16 54:6 58:2 59:11</p> <p>training 14:13,25 33:20,22 34:5,14,17 35:1,2,3,5,9, 16 38:18,21, 22,25 39:1,6, 7,15 54:11, 23,24 57:24 58:14,16 64:12,16 65:5,8,12 91:16 92:7 99:15,17</p> <p>transcript 46:3</p> <p>translated 76:17</p> <p>transmission 17:5,8 37:21 42:18 98:5,14 119:8,9,13</p> <p>Transportatio n 97:2 111:22</p>	<p>transports 119:14</p> <p>travel 40:8</p> <p>tried 21:7 24:25 93:19, 20 117:5,25</p> <p>true 53:16 86:6 87:1,12 89:13,17,21 90:6,9 118:14,15</p> <p>truth 9:3,8 60:9,17 100:11,17</p> <p>try 44:14 76:5 88:2</p> <p>trying 18:21 47:1 52:4 83:14 92:11 93:15 94:15 107:9</p> <p>turn 6:1 10:19 11:10 85:19 86:4 115:15 118:5</p> <p>turned 68:23</p> <p>turning 13:16 86:17,25 87:9,10</p>	<p>117:20 119:7</p> <p>turns 65:17</p> <p>Twelve 17:25 18:3,4 43:18</p> <p>twice 93:6</p> <p>two 7:9 80:1,4 81:8 85:1 89:11 116:16 118:22</p> <p>type 11:19 14:24 37:15 49:1 58:18 63:3,4,6</p> <p>typical 42:5 49:14</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S. 62:19 103:18</p> <p>Uh-huh 37:19</p> <p>Uintah 108:9 113:18</p> <p>umbrella 9:20</p> <p>uncorrected 49:17</p>	<p>under 30:1 36:17 46:5 49:25 50:2 54:24 55:1 94:15 114:14 115:13 117:1 124:25</p> <p>underneath 9:19</p> <p>understand 35:13 39:22 45:16,17 49:24 56:25 93:20 98:8 121:18,19 122:11</p> <p>understandin g 45:25 47:12 53:6 54:12 70:4,8,16 76:18 92:15 99:9 104:20 123:16</p> <p>understood 16:12</p> <p>unintended 38:2</p> <p>University 10:1</p> <p>unsafe 118:13</p>
--	---	--	--	--

<p>until 59:6 64:8,20 91:21,25 92:5 99:19 109:14 114:24</p> <p>updated 97:11</p> <p>upstream 106:15</p> <p>use 17:7 36:8 43:13,19 52:14 62:16</p> <p>used 62:21 68:10 78:3</p> <p>uses 108:5</p> <p>using 30:20 119:15</p> <p>UT 1:10 2:6, 11</p> <p>Utah 1:1 9:17, 18,19,20 10:10 22:7 23:7,14 82:14 83:22 87:19 105:2 115:25 116:5 117:9</p> <p>Utilities 2:4 8:18 9:20 114:12</p>	<p>UTPS 3:9</p> <hr/> <p>V</p> <hr/> <p>valleys 68:17</p> <p>valve 42:22 62:21 78:18, 24,25 95:3 119:20</p> <p>valves 19:16, 17 38:3 42:23 43:1 62:11 78:22 79:17 93:7,8 102:14 103:7</p> <p>various 102:21</p> <p>vehicles 40:23</p> <p>verify 86:13 89:12 115:19</p> <p>verifying 87:19</p> <p>version 74:2, 8</p> <p>vicinity 40:16 41:6,9 42:12</p> <p>violation</p>	<p>26:12 30:3,4 47:16 118:6 119:7</p> <p>violations 45:19,24 46:7 118:8,9,10</p> <p>visit 87:15,23 101:14,16</p> <p>visited 105:2</p> <p>volume 40:22 109:24</p> <p>voluminous 96:12</p> <p>volunteer 88:4</p> <hr/> <p>W</p> <hr/> <p>W.C. 66:9</p> <p>waiting 50:9, 11</p> <p>walk 77:16</p> <p>walked 65:16</p> <p>want 5:24 7:18 28:7 45:6,25</p>	<p>57:10,16,19 73:6 77:12 91:1 98:12 100:4 106:4 112:7 117:19 122:12,13</p> <p>wanted 37:4 67:22 96:10 105:16 112:9 115:24 121:16</p> <p>warning 3:18, 23 22:10 24:12 25:15</p> <p>Washington 78:1</p> <p>water 38:11 62:19 68:13, 14,21 103:18, 21 112:14</p> <p>way 16:1,15 40:24 47:23 60:23 66:11 77:25 91:14 100:22 102:12 110:6, 7,8,9 111:5,8, 10,12,13,14 112:6 113:7</p> <p>ways 110:3</p> <p>WC 4:8</p>	<p>week 92:25 122:4</p> <p>weeks 64:10</p> <p>welcome 5:4 97:24</p> <p>weld 43:20 44:7 72:3,4</p> <p>welded 19:3</p> <p>welder 71:24</p> <p>welders 25:2 43:19 72:8</p> <p>welders' 18:7 43:19 82:12</p> <p>welding 18:7 19:1 25:3 72:1,2</p> <p>welds 18:8 19:2 72:6</p> <p>wells 109:25 110:8,12 112:3,6 113:15</p> <p>went 20:11 74:16 75:11 78:23,24 83:9 87:22 92:11</p>
--	--	---	--	---

112:12,16	whole 67:1 92:18 93:11, 24 94:24	24 47:4,17 49:2,10 58:19 87:5,12 104:21 106:8 107:4,14,16 112:21 120:13	worked 61:10 74:17	Y
West 2:10			working 20:21 33:4 54:10 67:7	year 42:19,23 61:9,13 63:8 64:7 67:9,15 74:22,23 76:9 77:15 92:5 104:2,9 114:24 118:21 119:11
Westco 68:24 99:3,4 108:3 112:13,16 122:5 123:18	wide 42:4	without 49:19 93:16 108:6 119:14	works 36:13	
Westco's 109:21	will 5:14 6:1, 4,5,21 8:22, 23 17:7 19:2 27:10,13 28:1,2 44:18 46:2,4 47:8 57:4 79:6,7 80:24 86:18, 20 87:3,5,12 89:4 90:3 94:23 95:12 99:18 112:19 114:22 116:10 119:20 120:18 121:13 122:10 123:1, 21,22 124:24	witness 2:16 5:13 7:16 8:12,14 9:4,7 27:20 44:19 56:20,22 57:4 60:5,8,10,16 82:4 85:6,24 89:9 97:20 100:2,16 110:18,25 122:3,24	write 67:13 80:14 86:23 94:3	yearly 63:23 65:24 66:19 103:16
whatever 7:19 38:25 80:9 91:24 105:8,21 108:12 114:25 117:16,17		witnesses 60:5 121:15 123:7	writing 93:17	years 47:4 66:23 91:24 106:1 108:20 112:21 115:6 116:16
whatsoever 106:9 109:3		woman 88:7	written 23:11 47:13 106:17, 22 115:20 117:11	
When's 75:11	Williams 65:3 68:14 77:25		wrong 107:5	yesterday 7:7 28:19 30:25 50:12 52:7 57:13 58:13, 22,25 59:7 69:13 90:11
wherever 78:2	willing 105:21	wondering 56:16	wrote 24:11 47:14 111:15	
whether 41:8 46:17 49:9 50:18 51:4,10 53:1 55:22 76:21 122:2	Winder 70:23	work 9:16,18 25:3 33:18 36:12 43:13, 15 101:12 103:11	x-ray 72:3	yet 49:8 50:17 51:3 121:6
while 8:16 83:18 98:11 123:21	withdraw 120:18		x-rays 44:7 72:3,17,25 73:1 79:24,25 116:3,16,18, 24	yield 63:13
	within 29:2 40:15 41:6,9 42:12 45:19,		X	Young 9:25
				yourself

54:19 55:1
60:13 71:8
105:12
115:12

Z

zone 40:16,20
42:2,4