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PUBLIC SERVICE COMMISSION OF UTAH

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In the Matter of  
  
PACIFIC ENERGY & MINING COMPANY.

AFFIDAVIT OF TARIQ AHMAD

Docket No.: 18-2602-01

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STATE OF NEVADA        )  
                                      :SS  
COUNTY OF WASHOE    )

I, Tariq Ahmad, make and execute this Affidavit based on my own personal knowledge:

1. I am over the age of 18 years, and am competent to testify in a court of law.
2. I have called Mr. Jimmy Bethan at least 35 times since Last June and left him messages at his office.
3. Each of the Notices of Probable Violation received by Pacific Energy, the operator of the Pipeline clearly states:

***“If you have any questions concerning this inspection or the compliance process you may contact me at 801 580 6286 ...”***

Over the last twelve months, I have not received a return call from, Mr. Betham or anyone from the Division. May 25, 2018 Mr. Betham sent an email stating:

***Tariq,***

***As this proceeding is now before the Commission, you will need to contact Patricia Schmid at 801-366-0380 with any questions concerning the proceedings.***

4. On January 2, 2019 I received a Notice of Probable Violation listing 5 items. The letter listed items 4 and 5 as being carryover from 2016. The Divisions letter was clear, there were only two remaining violations from 2016. Divisions letter did not refer to any other items which required responses other than the two carry over items from 2016.

5. On March 22, 2019 I received a response to my letter of January 3, 2019. The again confirmed two carryover items from 2016. Divisions letter confirmed that there were only two violations from 2016.

6. The March 22, 2019 letter from the Division referred to two carryover violations from 2016. Admitted on violation as being cured and two remaining. I responded to this letter on April 5, 2019.

7. Both the January 2, 2019 and the March 22, 2019 listed two carry over items from 2016. There is no other reading to this letter. My response to these letters addressed these issues.

8. The hearing in 2018 listed a number of violations. The letters by the Division were read by me to mean that all the violations were cured except for two remaining violations.

9. My repeated calls to the Division were not returned, nor was I informed by the Division that the Letters dated January 2, 2019 and March 22, 2019 did not mean that the 2016 violations were cured.

10. I called the Division on April 15, 2019, left a message for Mr. Betham on his phone number, I did not get a phone call back.

11. I called the Division and talked to the person who answered the telephone, she informed me that there is confusion and misunderstanding between the letters sent by Mr. Betham, and the Commission order, listing 11 violations from 2016.

12. The Division representative further informed me that the Division did not mean to represent that there were only 2 violations from 2016 as listed in Mr. Betham's letters dated January 2, 2019 and March 22, 2019.

13. The Division representative informed me to address the items listed in the Commission's order and send them to Jimmy Bethan.

14. Again, I requested the person to have Mr. Betham call me to go over the issues. I did not receive a call.

15. As instructed by the Division representative, On April 17, 2019 I sent a letter to Mr. Betham, addressing the 11 items listed in the Commission's order. I informed Mr. Betham in my email that I have tried to contact him and was not successful.

16. I received a response email, wherein Mr. Betham stated "he is reviewing my letter and will get back to me"

17. On April 29, 2019, rather than calling me to discuss the matter as stated in each of the letters from the Division, Mr. Betham sent me an email stating "Our lawyer has filed a Motion"

18. The letters from the Division offering guidance and answering of questions is not supported by the actions of the Division.

19. I have reviewed the response sent by the Division, this response states that "my letter was not supported by Affidavits or declarations"

20. I have never been asked by the Division that I need to submit documents with Declarations.

21. It is not a requirement that documents submitted to the Division be filed with a declaration.

22. None of the letters from the Division asks for details to be submitted under a declaration. Each of the responses that the Division accepted and reviewed did not include any declarations.

23. In an interview with the news media Division has represented that it has offered to help Pacific Energy to comply. The Division has never answered a phone call to go over the issues. Rather, as item 2 above Mr. Betham representing the Division, refused to call back but referred me to Division attorney.

24. I requested an interpretation from:

Zach Barrett  
Director, State Programs - PHP50  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
3700 S. MacArthur Blvd  
Suite B  
Oklahoma City, OK 73179-7612

I requested Mr. Barrett to inform us as to the qualifications required of the inspector.

On March 19, 2019 I received an email from Mr. Barrett

*Mr. Al Zadeh and Mr. Jimmy Betham completed the PHMSA-PL3311 Assessment Evaluation for Operator Qualification (OQ) Seminar which satisfies the requirement for Part C item 2(a) of our Program Evaluation. PHMSA has since replaced the Seminar with PL3322 Evaluation of Operator Qualification(OQ) Programs Course. Because Mr. Zadeh and Mr. Betham completed PL3311, they are not required to take and have not taken PL3322.*

*Thank you for your interest in pipeline safety.*

*On March 21, 2019 Mr. Barret via email stated:*

*Chien Hwang did not complete the PHMSA-PL3311 or the PHMSA-PL3322. He did however complete the PHMSA-PL3 OQ Operator Qualification WBT Course on 1/19/2016. The PL3322 course was required for an inspector to lead an OQ inspection for CY2016 and forward – if an inspector had previously taken the PL3311 course they were not required to take the PL3322 course. The only mandatory training requirement to lead OQ inspections was the WBT prior to CY2016.*

25. I reviewed the letter from Division counsel and the requirements from the United States Government and determined that Mr. Chien Hwang did not complete PL3322 course, which was a requirement for an inspector for CY2016 forward. . He did not have this qualification.

26. During my testimony to the commission, I testified that the records for the Pipeline are located in Reno, Nevada and will be sent to Green River, Utah.

27. The required records have been sent to Greenriver, Utah.

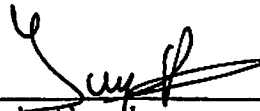
28. Mr. Dan Green and Rodney Nugent are Operator qualified.

29. I never requested the Division to regulate the Gathering System.

30. Division had my letters dated January 2, 2019 and March 22, 2019 and did not provide the same to the Commission.

31. The documents submitted by me to the division are true and correct to the best of my knowledge and belief.

THE AFFIDANT FURTHER SAYETH NOT.

  
\_\_\_\_\_  
Tariq Ahmad  
N.D.L. # . . . 32 00765043

On the 6<sup>th</sup> day of May 2019, personally appeared before me, the undersigned notary, Tariq Ahmad, the signer of the foregoing Affidavit who duly acknowledged to me that he signed the same voluntarily and for its stated purpose.

  
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NOTARY PUBLIC

