

In the Matter Of:

In Re: DEU - Special Contract with Fleet Saver for RNGT Service

HEARING, DOCKET NO. 19-057-11

June 18, 2019

Job Number: 544717

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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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IN THE MATTER OF:)
)Docket No. 19-057-11
APPLICATION OF DOMINION)Administrative Law Judge:
ENERGY UTAH FOR APPROVAL OF)Michael Hammer
A SPECIAL CONTRACT WITH)
FLEET SAVER, LLC, FOR RNGT)HEARING
SERVICE,)
)
)

June 18, 2019
9:01 a.m.

LOCATION:
PUBLIC SERVICE COMMISSION
160 East 300 South, Room 451
Salt Lake City, Utah 84111

* * *

Karen Christensen
- Registered Professional Reporter -
- Certified Shorthand Reporter -

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A P P E A R A N C E S

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I N D E X

WITNESS

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KELLY MENDENHALL

BY MS. CLARK (Direct Examination)

5

DAVID WILLIAMS

BY MS. SCHMID (Direct Examination)

10

BÉLA VASTAG

BY MR. MOORE (Direct Examination)

14

1 June 18, 2019

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

3 HEARING OFFICER: Let's go on the record,
4 please.

5 Good morning. This is the time and place
6 noticed for the Hearing in the Application of Dominion
7 Energy Utah for Approval of a Special Contract with
8 Fleet Saver, LLC, for RNGT Service. It's Commission
9 Docket No. 19-057-11. My name is Michael Hammer, and I
10 am the Commission's designated presiding officer.

11 Let's go ahead and take appearances,
12 beginning with the applicant, please.

13 MS. CLARK: Thank you. I am Jennifer Clark
14 I'm counsel for the applicant and Kelly B. Mendenhall is
15 here on behalf of Dominion Energy Utah. He will serve
16 as the company's witness.

17 MS. SCHMID: Good morning. Patricia E.
18 Schmid with the Utah Attorney General's Office for the
19 Division of Public Utilities. With me at counsel table
20 is David Williams, who will serve as the Division's
21 witness in this matter.

22 MR. MOORE: Robert Moore, AG's office,
23 counsel for the Office of Consumer Services. With me is
24 Béla Vastag from the office. He will be our witness
25 today.

1 HEARING OFFICER: All right. Are there any
2 preliminary matters before we begin?

3 MS. CLARK: Only one. As the Commission is
4 aware, the contract at issue in this docket is
5 confidential and some of Mr. Mendenhall's testimony was
6 also confidential. He has prepared a summary that does
7 not include confidential information. If any of the
8 questions from the parties or the Commission would
9 prompt him to disclose such information, we'll alert you
10 so that we can move into a confidential session. We'll
11 make that motion. Thanks.

12 HEARING OFFICER: Fine. And it works for me
13 if all the witnesses want to remain seated at counsels'
14 table today. Any objection?

15 (No audible response.)

16 HEARING OFFICER: All right. Go ahead,
17 Ms. Clark.

18 MS. CLARK: The Company calls
19 Mr. Mendenhall.

20 HEARING OFFICER: Mr. Mendenhall, do you
21 swear to tell the truth?

22 MR. MENDENHALL: Yes.

23 KELLY MENDENHALL,
24 called as a witness by and on behalf of the Company,
25 having been first duly sworn, was examined and testified

1 as follows:

2 DIRECT EXAMINATION

3 BY MS. CLARK:

4 Q. Please state your name and business address
5 for the record.

6 A. My name is Kelly Mendenhall, and my business
7 address is 333 South State Street, Salt Lake City, Utah.

8 Q. And what position do you hold with the
9 Company?

10 A. I'm the Director of Regulatory and Pricing.

11 Q. Mr. Mendenhall, in this docket the Company
12 has filed an application, your direct testimony, with
13 accompanying Exhibits 1.1 through 1.8, and also reply
14 comments dated June 11th, 2019.

15 Were these documents all prepared by you or
16 under your direction?

17 A. Yes, they were.

18 Q. Do you adopt their contents as your testimony
19 today?

20 A. Yes, I do.

21 MS. CLARK: The Company moves for the
22 admission of the application and Exhibits 1.0 through
23 1.8 and its reply comments dated June 11th, 2019.

24 HEARING OFFICER: They're admitted.

25 MS. CLARK: Thank you.

1 **Q. (BY MS. CLARK) Mr. Mendenhall, would you**
2 **please summarize the relief the Company seeks in this**
3 **docket?**

4 A. Certainly. In Docket 19-057-11, Dominion
5 Energy Utah is proposing to enter into a special contract
6 with Fleet Saver, LLC. The contract will allow Fleet
7 Safer to transport and sell renewable natural gas at the
8 Dominion Energy NGV stations in Utah. The contract term
9 is for five years. And the contract can be found in DEU
10 Confidential Exhibit 1.2, which I'll refer to a little
11 bit later.

12 This contract will be beneficial to both
13 Dominion and its NGV customers because over the past
14 several years, the Company has experienced a reduction in
15 usage at its NGV stations. This has resulted in excess
16 capacity at our stations, and it's put the Company in the
17 position where it would either need to increase the pump
18 price at these stations in the next general rate case or
19 subsidize the rate by charging other classes. And the
20 Company would prefer not to do either of these options.

21 What the Fleet Saver contract does is it
22 provides another solution to this problem, because as
23 Fleet Saver brings its renewable natural gas to our
24 stations, it will provide additional demand with no
25 additional costs to customers. And what this will do is

1 keep the rate at a reasonable level for NGV customers
2 going forward without having to create a sudden subsidy.

3 On May 28th, 2019, the Division of Public
4 Utilities filed comments recommending approval in this
5 docket. In their comments they discussed three issues
6 that I will address individually.

7 First, the DPU recommended some minor
8 agreement language to make clear that each approved
9 receipt point serves as an alternate receipt point. And
10 the reason why no alternate receipt points were noted in
11 the contract is because Fleet Saver did not ask for any
12 alternate receipt points.

13 But, in the future, this could be easily
14 remedied, if Fleet Saver decides they want alternate
15 receipt points. It can just be -- this can be done with
16 a simple amendment to the contract. So I think that
17 issue is fairly easy to resolve.

18 The second issue that DPU raises was with
19 respect to the indemnity language. If you'll turn to
20 Section 13 of the DEU Confidential Exhibit 1.02. If you
21 go to the last sentence of Section 13, that sentence
22 reads, "The provisions of paragraph 13 are supplemental
23 to and in addition to those indemnity provisions set
24 forth in Section 5.07 of the Tariff."

25 And the Division recommends adding language

1 after the end of that sentence that says "which
2 provisions are hereby adopted as part of this agreement."

3 Upon reviewing the Division's proposals, the
4 Company doesn't think that additional language is
5 necessary, and the reason why is if you look at paragraph
6 14, under Applicable Law, it states, "Except as expressly
7 set forth herein, this agreement shall be governed by and
8 construed in accordance with Utah law, the tariff, and
9 any applicable rules and regulations of the Commission,
10 and to the extent that tariff or any applicable rules or
11 regulations of the Commission conflict with or are
12 inconsistent with this agreement now or in the future,
13 the tariff commission rules and regulations shall
14 control."

15 So we believe that we have adequate indemnity
16 language in the contract. If this were a normal tariff
17 filing, we'd have no problem making the change, but
18 because we don't feel like these changes are substantive,
19 we prefer not to open the contract and have to have it
20 re-signed. So that would be our preference. Of course,
21 if the Commission feels it necessary, we will do it, but
22 that is our preference.

23 The last thing that the Division raised or
24 recommended was that the Company would file a report
25 after the first year showing the actual Fleet Saver

1 amount at each station, the maximum hourly usage at each
2 station, and complaints by normal CNG customers regarding
3 usage at these stations. And the Company is amenable to
4 that proposal and would be happy to provide that report
5 after a year.

6 On June 11th, 2019, the Office of Consumer
7 Services filed reply comments recommending approval of
8 the contract, and they also recommended the submission of
9 the report that the Division recommended. And, as I
10 mentioned, we're happy to do that.

11 And so the Company believes the contract is
12 just and reasonable and in the public interest, and we
13 respectfully request that the Commission approve the
14 contract. And that concludes my summary.

15 MS. CLARK: Mr. Mendenhall is available for
16 cross-examination and Commission questions.

17 HEARING OFFICER: Ms. Schmid?

18 MS. SCHMID: No questions. Thank you.

19 HEARING OFFICER: Mr. Moore?

20 MR. MOORE: No questions. Thank you.

21 HEARING OFFICER: Mr. Mendenhall, are there
22 time constraints within which we're operating here, a
23 date by certain which the contract would need to be
24 approved?

25 THE WITNESS: I think ideally if we could

1 have it approved by July 1st, that would be great. It's
2 120 days from the approval date of the Commission, is
3 when the contract goes into effect. And so I think that
4 would give both Fleet Saver and Dominion Energy Utah --
5 a July 1st approval date would give us time to get
6 things in order and ready to go.

7 HEARING OFFICER: Thank you. I don't have
8 any additional questions.

9 Any other witnesses, Ms. Clark?

10 MS. CLARK: No. Thank you.

11 HEARING OFFICER: Ms. Schmid?

12 MS. SCHMID: Thank you. The Division calls
13 Mr. David Williams as its witness. May he please be
14 sworn?

15 HEARING OFFICER: Mr. Williams, do you swear
16 to tell the truth?

17 MR. WILLIAMS: Yes.

18 HEARING OFFICER: Thank you.

19 DAVID WILLIAMS,
20 called as a witness by and on behalf of the Division of
21 Public Utilities, having been first duly sworn, was
22 examined and testified as follows:

23 DIRECT EXAMINATION

24 BY MS. SCHMID:

25 Q. Please state your full name, title, employer,

1 **and business address for the record.**

2 A. My name is David Williams. I'm a utility
3 analyst for the Utah Division of Public Utilities, and
4 the business address is 160 East 300 South, fourth floor,
5 Salt Lake City, Utah.

6 Q. In conjunction with your employment at the
7 Division, did you prepare or cause to be prepared the
8 May 28th, 2019, recommendation filed by the Division in
9 this docket?

10 A. Yes.

11 Q. Do you have any changes or corrections to
12 this document?

13 A. We have some minor changes. The basic
14 content of the recommendation remains the same, but the
15 Division has some changes to our recommendations based on
16 clarifications made by Dominion after the Division filed
17 its comments.

18 Q. Will you include those clarifications in your
19 summary?

20 A. Yes.

21 MS. SCHMID: With that, the Division
22 requests the admission of its recommendation dated
23 May 28th, 2019, in this docket.

24 HEARING OFFICER: It's admitted.

25 Q. (BY MS. SCHMID) Would you please deliver

1 **your summary?**

2 A. Yes. In this docket, Dominion filed an
3 application with the Commission seeking approval of a
4 contract with Fleet Saver, LLC, involving renewable
5 natural gas transportation.

6 Under the contract, Fleet Saver will collect
7 biogas from landfills, process it into pipeline-quality
8 methane and use the Dominion pipeline system to mix the
9 landfill methane with Dominion's other natural gas.
10 Dominion's natural gas vehicle stations would then sell
11 compressed natural gas to vehicles from companies who
12 have contracted with Fleet Saver. Dominion feels that
13 capturing this landfill biomethane and delivering it to
14 the Dominion system has environmental benefits because,
15 otherwise, the gas might be partially released into the
16 atmosphere.

17 Dominion also believes that the Fleet Saver
18 contract will help ease upward pressure on compressed
19 natural gas prices by creating more volume in the natural
20 gas vehicle program.

21 The Division agrees with Dominion that absent
22 the enactment of the Fleet Saver program or cross-class
23 subsidy, compressed natural gas rates for natural gas
24 vehicles will likely increase significantly in the next
25 rate case. The Fleet Saver volume should help mitigate

1 this rate increase. The Division agrees that the
2 proposed agreement has little downside, as rate base will
3 not be increased, and the administrative fee should
4 mitigate the basic costs of the program.

5 Originally, the Division recommended some
6 minor agreement language changes that, first, made clear
7 what alternate receipt points would be used; and, second,
8 incorporated indemnity language from Section 5.07 of the
9 tariff. The Division also recommended a report after the
10 first year of operation detailing Fleet Saver usage by
11 NGV stations and detailing any customer complaints about
12 Fleet Saver usage of the stations. Dominion clarified and
13 addressed these issues in informal conversations with the
14 Division and in its reply comments.

15 With regard to the alternate receipt points,
16 Dominion represented that Dominion and Fleet Saver have
17 agreed to waive the need for alternate receipt points;
18 therefore, we rescind our recommendation on this issue.
19 Dominion's reply comments also clarify the indemnity
20 language and the Division agrees that the tariff language
21 is sufficiently incorporated into the proposed agreement.

22 Finally, in its reply comments, Dominion
23 agreed to file a report as recommended by the Division.

24 **Q. With the clarifications you just made and**
25 **updates you presented, do you adopt the recommendation as**

1 **your testimony?**

2 A. Yes.

3 MS. SCHMID: Thank you. Mr. Williams is now
4 available for cross-examination and questions from the
5 Commission.

6 HEARING OFFICER: Ms. Clark?

7 MS. CLARK: The company has no questions.
8 Thank you.

9 HEARING OFFICER: Mr. Moore.

10 MR. MOORE: No questions. Thank you.

11 HEARING OFFICER: And I have none.

12 No other witnesses, Ms. Schmid?

13 MS. SCHMID: No other witnesses.

14 HEARING OFFICER: Mr. Moore?

15 MR. MOORE: The Company calls Béla Vastag
16 and asks that he be sworn.

17 HEARING OFFICER: Mr. Vastag, do you swear
18 to tell the truth?

19 MR. VASTAG: Yes.

20 BÉLA VASTAG,
21 called as a witness by and on behalf of the Office of
22 Consumer Services, having been first duly sworn, was
23 examined and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. MOORE:

1 **Q. Please state your name and where you are**
2 **employed.**

3 A. My name is Béla Vastag, B-E-L-A V-A-S-T-A-G,
4 and I am employed by the Office of Consumer Services.

5 **Q. In your capacity with the Office, have you**
6 **worked on the issues presented in Docket 190-057-11?**

7 A. Yes.

8 **Q. Did you participate in the drafting and**
9 **filing of the Office's June 11, 2019, reply comments in**
10 **this docket?**

11 A. Yes.

12 **Q. Do you have any changes you'd like to make to**
13 **the June 11th reply comments?**

14 A. No.

15 **Q. Do you adopt these comments as your testimony**
16 **today?**

17 A. Yes.

18 MR. MOORE: The Office asks for admission of
19 the comments as Mr. Vastag's testimony.

20 HEARING OFFICER: They're admitted.

21 **Q. (BY MR. MOORE) Have you prepared a statement**
22 **concerning the issues presented in the June 11th**
23 **comments?**

24 A. Yes, very brief statement.

25 **Q. Please proceed.**

1 A. The Office of Consumer Services supports the
2 Company's application; therefore, the Office recommends
3 that the Commission approve the Fleet Saver contract
4 because it could provide new volumes to NGV stations and
5 mitigate an increase in NGV rates in the Company's next
6 general rate case.

7 And we also recommend the Commission require
8 DEU to submit a one-year operations report, as described
9 by the Division in their initial comments and as agreed
10 to by the Company in their reply comments.

11 That concludes my statement.

12 MR. MOORE: Mr. Vastag is available for
13 cross and questions from the Hearing Officer.

14 HEARING OFFICER: Any questions?

15 MS. CLARK: The Company has no questions.

16 MS. SCHMID: The Division has no questions.

17 Thank you.

18 HEARING OFFICER: And I have none. Is there
19 anything before we adjourn?

20 MS. CLARK: Nothing. Thank you.

21 HEARING OFFICER: Thank you, everyone.

22 MS. SCHMID: Thank you.

23 (The hearing was concluded at 9:15 a.m.)

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C E R T I F I C A T E

STATE OF UTAH)
)ss.
COUNTY OF SALT LAKE)

This is to certify that the foregoing proceedings were taken before me, KAREN CHRISTENSEN, a Registered Merit Reporter, a Registered Professional Reporter, and Notary Public in and for the State of Utah.

That the proceedings were reported by me in stenotype and thereafter caused by me to be transcribed into typewriting.

That a full, true and correct transcription of said proceedings so taken and transcribed to the best of my ability is set forth in the foregoing pages, numbered 3 through 16, 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 Taylorsville, Utah, this 30th day of June 2019.



Karen Christensen, RMR
My Commission Expires:
February 15, 2020

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