

In the Matter Of:

In Re: DEU's Transponder Replacement Program and Request for Waiver of PSC Rule

HEARING, DOCKET NO. 19-057-25

December 05, 2019

Job Number: 591447

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

Informational Filing of)	Docket No. 19-057-25
Dominion Energy Utah)	
Concerning the Transponder)	HEARING
Replacement Program and)	
Request for a Waiver of)	
Applicable Commission)	
Rules)	

December 5, 2019
9:00 a.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. 591447

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1	I N D E X	Page 3
2	Witness	Page
3	KELLY MENDENHALL	
4	Direct Examination by Ms. Clark	5
5		
6	JEFFREY S. EINFELDT	
7	Direct Examination by Ms. Schmid	10
8		
9	MICHELE BECK	
10	Direct Examination by Mr. Moore	12
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 December 5, 2019

9:00 a.m.

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

3 PRESIDING OFFICER HAMMER: Good morning,
4 everyone. This is the time and place noticed for a
5 hearing in the matter of the Informational Filing of
6 Dominion Energy Utah Concerning the Transponder
7 Replacement Program and Request for a Waiver of
8 Applicable Commission Rules.

9 It's commission Docket No. 19-057-25. My name
10 is Michael Hammer, and I'm the commission's designated
11 presiding officer. Let's take appearances, please,
12 beginning with Dominion.

13 MS. CLARK: Thank you. My name is Jennifer
14 Clark. I am counsel for Dominion Energy Utah, and I
15 have with me Kelly Mendenhall.

16 MR. JETTER: Good morning. I am Justin Jetter
17 with the Utah Attorney General's Office, and I am here
18 this morning representing the Utah Division of Public
19 Utilities. With me at counsel table is division witness
20 Jeff Einfeldt.

21 MR. MOORE: Robert Moore representing the
22 Office of Consumer Services. With me is Michele Beck,
23 director of the Office of Consumer Services.

24 PRESIDING OFFICER HAMMER: Thank you. Is
25 there anything before we begin taking testimony? I have

1 no objection to the witnesses remaining seated at
2 counsel table this morning. And go ahead, Ms. Clark.

3 MS. CLARK: Thank you. The company calls
4 Kelly B. Mendenhall.

5 PRESIDING OFFICER HAMMER: Mr. Mendenhall, do
6 you swear to tell the truth?

7 THE WITNESS: Yes.

8 KELLY MENDENHALL,
9 was called as a witness, and having been first duly
10 sworn to tell the truth, testified as follows:

11 DIRECT EXAMINATION

12 BY MS. CLARK:

13 Q. Mr. Mendenhall, will you state your name,
14 title and business address for the record?

15 A. Yes. My name is Kelly B. Mendenhall. I'm the
16 director of regulatory and pricing for Dominion Energy
17 Utah, and my address is 333 South State Street, Salt
18 Lake City, Utah.

19 Q. Mr. Mendenhall was the informational filings
20 and request for waiver of commission rules, along with
21 the accompanying DEU Exhibits 1 through 4, were those
22 prepared by you or under your direction?

23 A. Yes, they were.

24 Q. Do you adopt the contents of those documents
25 as your testimony today?

1 A. Yes, I do.

2 MS. CLARK: The company moves for the
3 admission of the informational filing and accompanying
4 exhibits, DEU Exhibit 1 through DEU Exhibit 4.

5 PRESIDING OFFICER HAMMER: They are admitted.

6 **Q. (By Ms. Clark) Mr. Mendenhall, can you**
7 **summarize the settlement stimulation that's been**
8 **submitted in this docket?**

9 A. Sure. So maybe the easiest way to do this is
10 just to walk through the paragraphs, the terms and
11 conditions. I can just give a little bit of background
12 on each one of them. So if you turn to page 2 of the
13 settlement stipulation, if we start in paragraph 5.

14 So the -- this paragraph requests that two of
15 the commission rules -- well, two of the Utah codes be
16 waived until September 30th, 2020. The one is Utah Code
17 R746-200-4B. That really talks about the requirement
18 that the company try to read meters actually every two
19 months. And then rule number, or code number
20 R746-320-8A through C, That talks about back bills and
21 the fact that there should be no back bills after three
22 months.

23 So due to the situation that we are having
24 right now with the transponder battery problems and the
25 large amounts of failures, the company is having

1 difficult time meeting these two rules. And so for this
2 finite period of time, until September 30th, 2020, we
3 are asking for a waiver as part of the stipulation.

4 We -- the reason why we think that's in the
5 public interest is, it gives us the ability to use some
6 of the resources that would have been used to read those
7 meters or try to keep up with those meter reads to
8 actually replace transponders, which really is solving
9 the problem and helps to put this to -- this to rest in
10 a quicker fashion. So that's why that paragraph is in
11 there.

12 If we move to paragraph 6, this kind of goes
13 along with that. The company is in the process of
14 replacing all of the transponders on its system, and as
15 part of the stipulation, company agrees that we will
16 have that replacement done by September 30th, of 2020.
17 If for any reason that schedule changes, we will have to
18 come before the commission and ask for an extension, but
19 as of right now, the company's committed to make that
20 deadline.

21 Paragraph 7, the parties have agreed that the
22 company will go back and review any informal complaints
23 made to the division. And just for your knowledge,
24 there's been about 19 related to the transponder issue.
25 And we would go back and review any that have extended

1 past six months.

2 So that would be a situation where a customer
3 had their bill estimated for seven, eight, nine, months,
4 and we would prorate the amount that was underestimated
5 over six months and give it back to -- or give a refund
6 to customers for that amount, and that refund would be
7 at shareholders' expense.

8 So of those 19, I believe there's about eight
9 that fall into that category of being longer than six
10 months. And we have gone back and done just kind of a
11 preliminary calculation, and it's -- it ends up being
12 about \$900 total for those customers. And we have
13 already worked with some of those customers, and if this
14 stipulation is approved, we would go back and complete
15 the refunds for the remainder of those customers.

16 Moving on to paragraph 8, the parties agree
17 that the company will pay a \$500 penalty. That one is
18 pretty straightforward.

19 Paragraph No. 9, the company plans to provide
20 quarterly updates to the commission, both about the
21 status of the transponder replacement program; you know,
22 how much, how far along we are, how many more we have to
23 replace, as well as the status of how many meters have
24 been estimated each month.

25 So we anticipate we'll do that quarterly until

1 the program is complete, and then we will make one final
2 filing with the commission to let them know the final
3 status and whether -- we believe that this will solve
4 the estimated meter read issue and we won't have, you
5 know, customers that have a three, four, five, six month
6 estimate after that. So we will report on that as well
7 as part of that final report.

8 Paragraph 10 talks about the company
9 committing in future instances where it becomes aware of
10 a need for a waiver of a rule to come in and ask
11 permission rather than come in and ask for forgiveness,
12 and so we have used this docket as a case study in staff
13 meeting with all of the department heads as a learning
14 experience so going forward they understand the rules.
15 They realize there may be situations where we need some
16 flexibility, that we come to the commission.

17 So that's kind of a summary of this settlement
18 stipulation, and for the reasons I have outlined, we --
19 the company believes it's just, reasonable and in the
20 public interest and recommends that the commission
21 approve the stipulation. And that concludes my summary.

22 MS. CLARK: Mr. Mendenhall is available for
23 cross-examination and commission questions.

24 PRESIDING OFFICER HAMMER: Mr. Jetter?

25 MR. JETTER: I have no questions, thank you.

1 PRESIDING OFFICER HAMMER: Mr. Moore?

2 MR. MOORE: No questions, thank you.

3 PRESIDING OFFICER HAMMER: And I have none.

4 Thank you, Mr. Mendenhall.

5 THE WITNESS: Thank you.

6 PRESIDING OFFICER HAMMER: No other witnesses,

7 Ms. Clark?

8 MS. CLARK: No, no other witnesses, thanks.

9 PRESIDING OFFICER HAMMER: Mr. Jetter?

10 MR. JETTER: Thank you. The division would

11 like to call and have sworn in Jeff Einfeldt.

12 PRESIDING OFFICER HAMMER: Mr. Einfeldt, do

13 you swear to tell the truth?

14 THE WITNESS: Yes.

15 JEFFREY S. EINFELDT,

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

17 sworn to tell the truth, the whole truth, and nothing

18 but the truth, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. JETTER:

21 **Q. Mr. Einfeldt, would you please state your name**
22 **and occupation for the record.**

23 A. My name is Jeffrey S. Einfeldt. I am a
24 utility analyst for the Division of Public Utilities.

25 **Q. Thank you. And have you had an opportunity to**

1 review the filings in this docket as well as the
2 settlement stipulation?

3 A. Yes, I have.

4 Q. And do you have a brief summary of the
5 division's position?

6 A. Yes, I do. Dominion Energy is requesting a
7 waiver of application of applicable commission rules and
8 its related tariff regarding timely meter reading and
9 related billing. An abnormally high transponder failure
10 rate has caused the company to estimate certain
11 individual customer gas usage for periods in excess of
12 two months allowed pursuant to rule. The unusually high
13 failure rate has also led to catch-up bills, possibly in
14 excess of what the rules allow.

15 DPU originally recommended denial of the
16 company's request in DPU's response to the commission
17 action request. The parties have since met to discuss a
18 settlement that resulted in the settlement stipulation
19 presented to the commission for consideration today.

20 The division believes the settlement
21 stipulation is just, reasonable, and in the public
22 interest. The division recommends the commission
23 approve this settlement stipulation. And that's the end
24 of my comments.

25 MR. JETTER: Thank you. I have no further

1 questions. Mr. Einfeldt is available for cross or
2 questions from the commission.

3 PRESIDING OFFICER HAMMER: Ms. Clark?

4 MS. CLARK: We have no questions, thanks.

5 PRESIDING OFFICER HAMMER: Mr. Moore?

6 MR. MOORE: No questions. Thank you.

7 PRESIDING OFFICER HAMMER: Mr. Jetter, you
8 have no other witnesses?

9 MR. JETTER: No other witnesses.

10 PRESIDING OFFICER HAMMER: Mr. Moore?

11 MR. MOORE: Before I call Michele Beck, I
12 would ask for the parties to stipulate that our October
13 31 comments be introduced into evidence.

14 MS. CLARK: No objection.

15 MR. JETTER: No objection.

16 PRESIDING OFFICER HAMMER: They are admitted.

17 MR. MOORE: The office calls Michele Beck and
18 asks for her to be sworn in.

19 PRESIDING OFFICER HAMMER: Ms. Beck, do you
20 swear to tell the truth?

21 THE WITNESS: Yes.

22 MICHELE BECK,
23 was called as a witness, and having been first duly
24 sworn to tell the truth, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. MOORE:

2 Q. What is your name and occupation?

3 A. Michele Beck, and I am the director of the
4 Office of Consumer Services.

5 Q. In your capacity as director of the Office of
6 Consumer Services, did you participate in the drafting
7 and filing of the office's October 31th, 2019, comments?

8 A. Yes.

9 Q. Do you participate in the negotiations leading
10 to the November 14th, 2019, settlement stipulation in
11 this docket?

12 A. Yes.

13 Q. Have you read and signed the November 14th
14 settlement stipulation?

15 A. Yes.

16 Q. In your opinion is the settlement just and
17 reasonable in results and the public interest?

18 A. Yes.

19 Q. Do you have a statement you would like to
20 make?

21 A. I do. So I just am here to support the
22 settlement. But in doing so, I want to say that I did
23 very much appreciate the collaboration that we had with
24 the company, and of course the division, after the
25 informational filing was made.

1 And I want to draw special attention to
2 paragraph 10, which is the commitment for potential
3 future events and just express my, my hope and optimism
4 that in fact this commitment will lead to earlier
5 disclosure and ultimate solutions if anything like this
6 happens again.

7 The way that this particular issue unfolded
8 did cause quite a bit of frustration, as we had to sort
9 of see bits and pieces of it in different dockets and
10 arenas. And so this commitment is very important to the
11 office, and as I said, does give us some optimism for
12 how things would be handled in the future.

13 Paragraphs 5 through 9 as described by
14 Mr. Mendenhall closely matched the proposal that we put
15 forward in comments, so we do specifically endorse them
16 as being in the public interest and overall request that
17 the settlement be approved as it is just and reasonable
18 in result and in the public interest.

19 MR. MOORE: I have no further questions.
20 Director Beck is available for cross-examination and
21 direct questions from the hearing officer.

22 PRESIDING OFFICER HAMMER: Ms. Clark?

23 MS. CLARK: We have no questions.

24 PRESIDING OFFICER HAMMER: Mr. Jetter?

25 MR. JETTER: I have no questions.

1 PRESIDING OFFICER HAMMER: And I have none.

2 Is there anything else before we adjourn?

3 MS. CLARK: No, thank you.

4 PRESIDING OFFICER HAMMER: All right. The
5 commission thanks the parties for their work in
6 cooperating and putting together this settlement. Have
7 a nice day.

8 (The hearing concluded at 9:13 a.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 3 through 12 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 20th day of December, 2019.



Teri Hansen Cronenwett, CRR, RMR
License No. 91-109812-7801

My commission expires:
January 19, 2023

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\$	16	7	A	agree 8:16
	3			agreed 7:21
\$500 8:17		7 7:21	a.m. 4:1 15:8	agrees 7:15
\$900 8:12	300 2:5,15	8	ability 7:5	ahead 5:2
1	30th 6:16 7:2, 16	8 8:16	abnormally 11:9	all 7:14 9:13 15:4
1 5:21 6:4	31 12:13	801 324-5392 2:11	accompanyin g 5:21 6:3	allow 11:14
10 3:6 9:8 14:2	31th 13:7	801 324-5935 2:11	action 11:17	allowed 11:12
12 3:9	333 5:17	801 366-0335 2:6	actually 6:18 7:8	along 5:20 7:13 8:22
140857 2:5,15	4	801 366-0353 2:16	address 5:14, 17	already 8:13
14th 13:10,13	4 5:21 6:4	84114-0857 2:6,16	adjourn 15:2	also 11:13
160 2:5,15	45433 2:10	84145-0433 2:10	admission 6:3	amount 8:4,6
19 7:24 8:8	5		admitted 6:5 12:16	amounts 6:25
19-057-25 4:9	5 3:4 4:1 6:13 14:13	9	adopt 5:24	analyst 10:24
2	5th 2:5,15		after 6:21 9:6 13:24	anticipate 8:25
2 6:12	6	9 8:19 14:13	again 14:6	anything 4:25 14:5 15:2
2019 4:1 13:7, 10	6 7:12	9:00 4:1		appearances
2020 6:16 7:2,		9:13 15:8		

4:11	B	billing 11:9	catch-up 11:13	11:24 12:13 13:7 14:15
applicable 4:8 11:7	back 6:20,21 7:22,25 8:5, 10,14	bills 6:20,21 11:13	category 8:9	commission 4:8,9 5:20 6:15 7:18 8:20 9:2,16, 20,23 11:7, 16,19,22 12:2 15:5
application 11:7	background 6:11	bit 6:11 14:8	cause 14:8	
appreciate 13:23	battery 6:24	bits 14:9	caused 11:10	
approve 9:21 11:23	Beck 3:8 4:22 12:11,17,19, 22 13:3 14:20	both 8:20	certain 11:10	commission's 4:10
approved 8:14 14:17	becomes 9:9	Box 2:5,10,15	changes 7:17	commitment 14:2,4,10
arenas 14:10	before 4:25 7:18 12:11 15:2	brief 11:4	City 2:6,10,16 5:18	committed 7:19
asks 12:18	begin 4:25	business 5:14	Clark 2:8 3:4 4:13,14 5:2,3, 12 6:2,6 9:22 10:7,8 12:3,4, 14 14:22,23 15:3	committing 9:9
Assistant 2:4, 14	beginning 4:12	calculation 8:11	closely 14:14	company 5:3 6:2,18,25 7:13,15,22 8:17,19 9:8, 19 11:10 13:24
attention 14:1	being 8:9,11 14:16	call 10:11 12:11	code 6:16,19	
Attorney 2:4, 14 4:17	believe 8:8 9:3	called 5:9 10:16 12:23	codes 6:15	company's 7:19 11:16
available 9:22 12:1 14:20	believes 9:19 11:20	calls 5:3 12:17	collaboration 13:23	complaints 7:22
aware 9:9	bill 8:3	capacity 13:5	come 7:18 9:10,11,16	complete 8:14 9:1
		case 9:12	comments	
		C		

Concerning 4:6	11:11	direction 5:22	DPU's 11:16	Energy 2:8,9 4:6,14 5:16 11:6
concluded 15:8	customers 8:6,12,13,15 9:5	director 4:23 5:16 13:3,5 14:20	drafting 13:6	estimate 9:6 11:10
concludes 9:21	D	disclosure 14:5	draw 14:1	estimated 8:3,24 9:4
conditions 6:11	day 15:7	discuss 11:17	due 6:23	events 14:3
consideration 11:19	deadline 7:20	division 2:4 4:18,19 7:23 10:10,24 11:20,22 13:24	E	every 6:18
Consumer 2:14 4:22,23 13:4,6	December 4:1	division's 11:5	each 6:12 8:24	everyone 4:4
contents 5:24	denial 11:15	docket 4:9 6:8 9:12 11:1 13:11	earlier 14:4	evidence 12:13
cooperating 15:6	department 9:13	dockets 14:9	easiest 6:9	Examination 3:4,6,9 5:11 10:19 12:25
counsel 4:14, 19 5:2	described 14:13	documents 5:24	East 2:15	excess 11:11, 14
course 13:24	designated 4:10	Dominion 2:8,9 4:6,12, 14 5:16 11:6	eight 8:3,8	Exhibit 6:4
cross 12:1	DEU 5:21 6:4	done 7:16 8:10	Einfeldt 3:5 4:20 10:11, 12,15,21,23 12:1	exhibits 5:21 6:4
cross-examination 9:23 14:20	different 14:9	DPU 11:15	end 11:23	expense 8:7
customer 8:2	difficult 7:1		endorse 14:15	experience 9:14
	direct 3:4,6,9 5:11 10:19 12:25 14:21		ends 8:11	express 14:3

extended 7:25	five 9:5	4:17	helps 7:9	14:7
extension 7:18	flexibility 9:16	give 6:11 8:5 14:11	here 4:17 13:21	<hr/> J <hr/>
<hr/> F <hr/>	Floor 2:5,15	gives 7:5	high 11:9,12	Jeff 4:20 10:11
fact 6:21 14:4	follows 5:10 10:18 12:24	goes 7:12	hope 14:3	Jeffrey 3:5 10:15,23
failure 11:9, 13	forgiveness 9:11	gone 8:10	<hr/> I <hr/>	Jennifer 2:8 4:13
failures 6:25	forward 9:14 14:15	Good 4:3,16	important 14:10	Jennifer. clark@ dominionener gy. 2:12
fall 8:9	four 9:5	<hr/> H <hr/>	individual 11:11	Jetter 2:4 4:16 9:24,25 10:9,10,20 11:25 12:7,9, 15 14:24,25
far 8:22	frustration 14:8	Hammer 2:2 4:3,10,24 5:5 6:5 9:24 10:1, 3,6,9,12 12:3, 5,7,10,16,19 14:22,24 15:1,4	informal 7:22	
fashion 7:10	further 11:25 14:19	handled 14:12	informational 4:5 5:19 6:3 13:25	
fax 2:11	future 9:9 14:3,12	happens 14:6	instances 9:9	jjetter@ agutah.gov 2:7
filing 4:5 6:3 9:2 13:7,25	<hr/> G <hr/>	having 5:9 6:23,25 10:16 12:23	interest 7:5 9:20 11:22 13:17 14:16, 18	Justin 2:4 4:16
filings 5:19 11:1	gas 11:11	heads 9:13	into 8:9 12:13	<hr/> K <hr/>
final 9:1,2,7	General 2:4, 14	hearing 4:5 14:21 15:8	introduced 12:13	keep 7:7
finite 7:2	General's		issue 7:24 9:4	Kelly 3:3 4:15
first 5:9 10:16 12:23				

5:4,8,15	13:25	4:22 12:11, 17,22 13:3	need 9:10,15	4:17,22,23 12:17 13:4,5 14:11
kind 7:12 8:10 9:17	make 7:19 9:1 13:20	month 8:24 9:5	negotiations 13:9	office's 13:7
knowledge 7:23	many 8:22,23	months 6:19, 22 8:1,3,5,10 11:12	Nelson 2:8	officer 2:2 4:3,11,24 5:5 6:5 9:24 10:1, 3,6,9,12 12:3, 5,7,10,16,19 14:21,22,24 15:1,4
<hr/> L <hr/>	matched 14:14	Moore 2:14 3:9 4:21 10:1, 2 12:5,6,10, 11,17 13:1 14:19	nice 15:7	one 6:12,16 8:17 9:1
Lake 2:6,10, 16 5:18	matter 4:5	more 8:22	nine 8:3	opinion 13:16
large 6:25	maybe 6:9	morning 4:3, 16,18 5:2	none 10:3 15:1	opportunity 10:25
lead 14:4	meeting 7:1 9:13	move 7:12	nothing 10:17	optimism 14:3,11
leading 13:9	Mendenhall 3:3 4:15 5:4, 5,8,13,15,19 6:6 9:22 10:4 14:14	moves 6:2	noticed 4:4	originally 11:15
learning 9:13	met 11:17	Moving 8:16	November 13:10,13	outlined 9:18
led 11:13	meter 7:7 9:4 11:8	much 8:22 13:23	number 6:19	over 8:5
let 9:2	meters 6:18 7:7 8:23	<hr/> N <hr/>	<hr/> O <hr/>	overall 14:16
like 10:11 13:19 14:5	Michael 2:2 4:10	name 4:9,13 5:13,15 10:21,23 13:2	objection 5:1 12:14,15	<hr/> P <hr/>
little 6:11	Michele 3:8		occupation 10:22 13:2	P.O. 2:5,10,15
longer 8:9			October 12:12 13:7	
<hr/> M <hr/>			office 2:14	
made 7:23				

paragraph 6:13,14 7:10, 12,21 8:16,19 9:8 14:2	plans 8:19	program 4:7 8:21 9:1	quite 14:8	recommende d 11:15
paragraphs 6:10 14:13	position 11:5	proposal 14:14	<hr/> R <hr/>	recommends 9:20 11:22
part 7:3,15 9:7	possibly 11:13	prorate 8:4	R746-200-4b 6:17	record 5:14 10:22
participate 13:6,9	potential 14:2	provide 8:19	R746-320-8a 6:20	refund 8:5,6
particular 14:7	preliminary 8:11	public 2:4 4:18 7:5 9:20 10:24 11:21 13:17 14:16, 18	rate 11:10,13	refunds 8:15
parties 7:21 8:16 11:17 12:12 15:5	prepared 5:22	pursuant 11:12	rather 9:11	regarding 11:8
past 8:1	presented 11:19	put 7:9 14:14	read 6:18 7:6 9:4 13:13	regulatory 5:16
pay 8:17	presiding 2:2 4:3,11,24 5:5 6:5 9:24 10:1, 3,6,9,12 12:3, 5,7,10,16,19 14:22,24 15:1,4	putting 15:6	reading 11:8	related 7:24 11:8,9
penalty 8:17	pretty 8:18	<hr/> Q <hr/>	reads 7:7	remainder 8:15
period 7:2	pricing 5:16	quarterly 8:20,25	realize 9:15	remaining 5:1
periods 11:11	problem 7:9	questions 9:23,25 10:2 12:1,2,4,6 14:19,21,23, 25	really 6:17 7:8	replace 7:8 8:23
permission 9:11	problems 6:24	quicker 7:10	reason 7:4,17	reasonable 9:19 11:21 13:17 14:17
pieces 14:9	process 7:13		reasons 9:18	replacement 4:7 7:16 8:21
place 4:4				replacing 7:14
				report 9:6,7

representing 4:18,21	4:21	22 14:17 15:6	14:15	summarize 6:7
request 4:7 5:20 11:16,17 14:16	rule 6:19 9:10 11:12	seven 8:3	staff 9:12	summary 9:17,21 11:4
requesting 11:6	rules 4:8 5:20 6:15 7:1 9:14 11:7,14	shareholders' 8:7	start 6:13	support 13:21
requests 6:14	<hr/> S <hr/>	should 6:21	state 2:9 5:13,17 10:21	swear 5:6 10:13 12:20
requirement 6:17	said 14:11	signed 13:13	statement 13:19	sworn 5:10 10:11,17 12:18,24
resources 7:6	Salt 2:6,10,16 5:17	since 11:17	status 8:21, 23 9:3	system 7:14
response 11:16	say 13:22	situation 6:23 8:2	stimulation 6:7	<hr/> T <hr/>
rest 7:9	schedule 7:17	situations 9:15	stipulate 12:12	stipulation 6:13 7:3,15 8:14 9:18,21 11:2,18,21,23 13:10,14
result 14:18	Schmid 3:6	six 8:1,5,9 9:5	stipulation 6:13 7:3,15 8:14 9:18,21 11:2,18,21,23 13:10,14	table 4:19 5:2
resulted 11:18	seated 5:1	solutions 14:5	straightforward 8:18	take 4:11
results 13:17	September 6:16 7:2,16	solve 9:3	Street 2:9 5:17	taking 4:25
review 7:22, 25 11:1	Services 2:14 4:22,23 13:4, 6	solving 7:8	study 9:12	talks 6:17,20 9:8
rmoore@ agutah.gov 2:17	settlement 6:7,13 9:17 11:2,18,20,23 13:10,14,16,	sort 14:8	submitted 6:8	tariff 11:8
Robert 2:14		South 2:5,9, 15 5:17		terms 6:10
		special 14:1		testified 5:10 10:18 12:24
		specifically		

testimony 4:25 5:25	10:13,17,18 12:20,24	used 7:6 9:12	9:1,3,6 14:4
than 8:9 9:11	try 6:18 7:7	UT 2:6,16	witness 3:2 4:19 5:7,9 10:5,14,16 12:21,23
their 8:3 15:5	turn 6:12	Utah 2:9,10 4:6,14,17,18 5:17,18 6:15, 16	witnesses 5:1 10:6,8 12:8,9
things 14:12	two 6:14,15, 18 7:1 11:12	Utilities 2:4 4:19 10:24	work 15:5
three 6:21 9:5	<hr/> U <hr/>	utility 10:24	worked 8:13
through 5:21 6:4,10,20 14:13	ultimate 14:5	<hr/> W <hr/>	
time 4:4 7:1,2	under 5:22	waived 6:16	
timely 11:8	underestimat ed 8:4	waiver 4:7 5:20 7:3 9:10 11:7	
title 5:14	understand 9:14	walk 6:10	
today 5:25 11:19	unfolded 14:7	want 13:22 14:1	
together 15:6	until 6:16 7:2 8:25	way 6:9 14:7	
total 8:12	unusually 11:12	whether 9:3	
transponder 4:6 6:24 7:24 8:21 11:9	updates 8:20	whole 10:17	
transponders 7:8,14	usage 11:11	will 5:13 7:15, 17,22 8:17	
truth 5:6,10	use 7:5		