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Request of Dominion Energy Utah to Extend  
Natural Gas Service to Eureka, Utah

DOCKET NO. 19-057-31

ORDER GRANTING CLARIFICATION  
AND AMENDING SCHEDULING ORDER,  
AND NOTICE OF TELEPHONIC HEARING

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ISSUED: July 2, 2020

On June 29, 2020, Questar Gas Company dba Dominion Energy Utah (DEU) filed an Expedited Motion (“Motion”) for Commission Clarification Regarding Submission by Rocky Mountain Propane Association (“RMPA”). On the same day, the Public Service Commission (PSC) issued a Notice of Comment Period requesting interested parties to submit comments responding to the Motion by July 1, 2020 (“Notice”), and no party filed any comments. For the reasons discussed in this order, we grant clarification and amend the scheduling order issued April 10, 2020.

### **DISCUSSIONS, FINDINGS AND CONCLUSIONS**

In the Motion, DEU seeks “[...] clarification concerning the Cost Benefit Analysis of Expanding Natural Gas Pipeline Capacity to Eureka, Utah Area (Cost Benefit Analysis) submitted by Rocky Mountain Propane [Association] in this docket on June 24, 2020.”<sup>1</sup> DEU filed the Motion to ensure that it responds to the Cost Benefit Analysis by the July 8, 2020 surrebuttal testimony deadline, if the PSC decides to treat the Cost Benefit Analysis as properly filed testimony by RMPA.<sup>2</sup> DEU proceeds to argue that RMPA’s Cost Benefit Analysis “is not pre-filed testimony, was not submitted under oath, and in substance purports to be a narrative recitation of an analysis of costs and benefits of expanding natural gas service to Eureka,

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<sup>1</sup> Motion at 1.

<sup>2</sup> *Id.* at 2.

conducted by Gavin Roberts, PhD., a professor at Weber State University.”<sup>3</sup> DEU stops short of seeking to strike the Cost Benefit Analysis, opting to seek clarification about how the PSC will treat the filing instead. In response, the PSC issued its Notice to give interested parties, including RMPA, the opportunity to respond to the Motion, and no party responded.

Our PSC rule R746-1-401 states:

- (1) A party to a docket may file briefs, comments, or testimony, as applicable, only as required or permitted in the Commission’s scheduling order, or as otherwise directed by the Commission.
- (2) Pre-hearing filings and accompanying exhibits shall: (a) utilize a sequential line numbering system; and (b) comply with Subsection R746-1-203(1).
- (3) If a filing includes any calculation, the calculation shall be provided in the original format with formulas intact.

We acknowledge that RMPA filed its Cost Benefit Analysis consistent with the June 24, 2020 rebuttal testimony deadline set forth in our scheduling order in this proceeding. However, the Cost Benefit Analysis was not titled “rebuttal testimony” nor was it part of, or sponsored by, any RMPA rebuttal testimony which would have provided a proper foundation therefor. In addition, the Cost Benefit Analysis fails to meet the requirements in R746-1-401 referenced above, including the specific requirements regarding the form and content of our filings set forth in our R746-1-203(1). Therefore, we cannot accept the Cost Benefit Analysis as evidence on the record.

We are aware of our rule R746-1-704 regarding public witness evidence. Specifically, the rule prohibits parties to a docket from filing comments unless the PSC’s scheduling order

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<sup>3</sup> *Id.* at 3-4.

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specifically allows for comments to be filed.<sup>4</sup> We modify the scheduling order we issued April 10, 2020 to allow a party in the docket to file testimony or comments as follows:

AMENDED SCHEDULE

ITEM	DEADLINE/DATE/TIME/LOCATION
Amended Application and Supportive Supplemental Testimony (DEU)	<b>Wednesday, April 15, 2020</b>
Supplemental Direct Testimony Pertaining to DEU's Supportive Supplemental Testimony	<b>Wednesday, May 27, 2020</b>
Intervention Deadline	<b>Friday, May 29, 2020</b>
Rebuttal Testimony/Public Comments, All Parties	<b>Wednesday, June 24, 2020</b>
Surrebuttal Testimony, All Parties	<b>Wednesday, July 8, 2020</b>
Telephonic Hearing	<b>Thursday, July 16, 2020, beginning at 9:00 a.m. Participants should use the following bridge number: 720-279-0026 or 877-820-7831 and the following passcode: 249364.</b>

Recognizing that RMPA is generally new to our proceedings, we find that RMPA attempted to file the Cost Benefit Analysis as testimony consistent with the deadlines in our scheduling order in this proceeding and, but for its inexperience, would have done so in accordance with our rules. Therefore, the public interest would not be served by completely excluding RMPA's study from the proceedings.

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<sup>4</sup> *Id.* (specifically, R746-1-704 states: “[...] (2) A party to a docket may file comments only if the Commission’s scheduling order provides for the filing of comments by a party.”)

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For the reasons set forth in this order, the PSC amends its scheduling order as set forth in this order and accepts RMPA's Cost Benefit Analysis as public comments accordingly.

NOTICE OF TELEPHONIC HEARING

Pursuant to Utah Code Ann. § 52-4-207, on this July 2, 2020, the chair of the PSC issues this notice and written determination that, due to the COVID-19 pandemic and the continued risks of transmission in Utah, the hearing scheduled for **Thursday, July 16, 2020, beginning at 9:00 a.m.** will be conducted as an electronic meeting without an anchor location. An anchor location would provide a substantial risk to the health and safety of those who may be present at the anchor location. Participants should use the following bridge number: 720-279-0026 or 877-820-7831 and the following passcode: 249364. All parties must have their witnesses in attendance and prepared to testify.

This hearing will be conducted as an electronic meeting telephonically, with audio only. While video technology is readily available, the PSC's primary objective is developing an evidentiary record on which to base its decisions. Video technology provides some advantages for a hearing, but also presents additional challenges including generally lower quality audio, higher risk of internet interruptions or other technological complications, and increased potential for a hearing to be compromised by someone with malicious intent. Many participants in PSC hearings have years of experience with audio-only telephonic testimony, and the PSC intends to continue using that technology platform for hearings.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing

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should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah July 2, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#314533

CERTIFICATE OF SERVICE

I CERTIFY that on July 2, 2020, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Email:

Cameron L. Sabin ([cameron.sabin@stoel.com](mailto:cameron.sabin@stoel.com))  
Stoel Rives LLP

Kelly Mendenhall ([kelly.mendenhall@dominionenergy.com](mailto:kelly.mendenhall@dominionenergy.com))  
Austin Summers ([austin.summers@dominionenergy.com](mailto:austin.summers@dominionenergy.com))  
Jenniffer Nelson Clark ([jenniffer.clark@dominionenergy.com](mailto:jenniffer.clark@dominionenergy.com))  
Dominion Energy Utah

Zane S. Froerer ([zane.froerer@froererlaw.com](mailto:zane.froerer@froererlaw.com))  
Froerer and Miles, P.C.

Phillip J. Russell ([prussell@jdrsllaw.com](mailto:prussell@jdrsllaw.com))  
James Dodge Russell & Stephens P.C.

Patricia Schmid ([pschmid@agutah.gov](mailto:pschmid@agutah.gov))  
Justin Jetter ([jjetter@agutah.gov](mailto:jjetter@agutah.gov))  
Robert Moore ([rmoore@agutah.gov](mailto:rmoore@agutah.gov))  
Victor Copeland ([vcopeland@agutah.gov](mailto:vcopeland@agutah.gov))  
Assistant Utah Attorneys General

Madison Galt ([mgalt@utah.gov](mailto:mgalt@utah.gov))  
Division of Public Utilities

Cheryl Murray ([cmurray@utah.gov](mailto:cmurray@utah.gov))  
Office of Consumer Services

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Administrative Assistant