



SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

# UTAH DEPARTMENT OF COMMERCE

## Division of Public Utilities

MARGARET W. BUSSE  
*Executive Director*

CHRIS PARKER  
*Division Director*

## Action Request Response

**To:** Public Service Commission of Utah

**From:** Utah Division of Public Utilities

Chris Parker, Director

Artie Powell, Manager

Doug Wheelwright, Utility Technical Consultant Supervisor

Eric Orton, Utility Technical Consultant

**Date:** April 22, 2022

**Re:** **Docket No. 19-057-31**, Acknowledge the Request of Dominion Energy Utah to Extend Natural Gas Service to Eureka, Utah. Reply Comments.

## Recommendation (Acknowledge)

The Division of Public Utilities (Division) recommends that the Public Service Commission of Utah (Commission) acknowledge Dominion Energy Utah's (Dominion or Company) filing made on March 25, 2022.

## Issue

The Commission requested Dominion respond to the Division's Action Request Response. Styled as Reply Comments, Dominion addressed two basic areas that it believed the Division had raised: Namely, the submission of permits and the filing of supplemental information. Dominion's position is basically that it has submitted to the Commission copies of all the permits it needed for the Eureka expansion and that it has submitted all the information required. The Division has been tasked with responding to those claims.

Division of Public Utilities

Heber M. Wells Building • 160 East 300 South • P.O. Box 146751 Salt Lake City, UT 84114-6741  
[www.dpu.utah.gov](http://www.dpu.utah.gov) • telephone (801) 530-7622 • toll-free in Utah (877) 874-0904 • fax (801) 530-6512

## **Background**

On November 21, 2019, Dominion submitted a notice of its intent to file “a voluntary request for approval of a resource decision under Utah Code Ann. § 54- 17-401 et seq. (‘Voluntary Resource Decision Act’), to expand its natural gas distribution system to the rural community of Eureka, Utah.” On December 3, 2019, Dominion filed its application, testimony, and exhibits. The Division and Office of Consumer Services (Office) filed testimony and other parties intervened during the proceeding. On August 27, 2020, the case was completed, and the Commission issued its Order. On November 17, 2020, Dominion submitted its franchise agreement to the Commission as directed.

On January 10, 2022, Dominion filed what it termed as its “Submission of Permits” referenced above. On January 25, 2022, the Division received an Action Request from the Commission directing it to Review for Compliance and Make Recommendations regarding Dominion Energy Utah’s Submission of Permits. On February 18, 2022, the Division submitted its Action Request Response with a recommendation for the Commission to Acknowledge Dominion’s submission with a Recommendation. The Recommendation asked the Commission to “order Dominion to provide copies of the additional permits and other documentation within 30 days or explain why the requested documentation has not or cannot be provided.”

On February 23, 2022, the Commission issued its Request for Response to Dominion directing it to address the recommendations raised by the Division “to submit additional documentation pursuant to the PSC’s order issued August 27, 2020.” On March 25, 2022, Dominion submitted its Reply Comments.

On March 30, 2022, the Commission issued an additional Action Request directing the Division to review Dominion’s reply comments for compliance and make recommendations on or before April 29, 2022. This is the Division’s response to that Action Request.

## **Discussion**

The Commission’s order directed Dominion to provide “documentation showing that it has obtained any consent, franchise agreement, or any other permit required by the city of

Eureka, or any other local governmental entity having jurisdiction over the project “as well as other documentation”.

### ***Construction Permits***

The Division’s February 18, 2022, Action Request Response relied on Dominion’s statements that certain permits were required for the Eureka expansion. The Division compared the list of identified required permits with what was later provided by Dominion and pointed out several discrepancies. In its Reply Comments, Dominion asserts that the list of permits it originally identified was incorrect stating, “it ultimately was not required to obtain all of them.” Specifically, it did not need a Conditional Use Permit or a ‘Building Permit because of the placement and size of the regulator station. Road Cut Permits were likewise not required. The Company also stated that it was not required to obtain a permit to dispose of contaminated soil since it used a facility owned and operated by Eureka city.

However, the Company did obtain and provide an Excavation Permit as well as the Storm Water Pollution Prevention Plan (‘SWPPP’), which now show approval by the Department of Environmental Quality (DEQ).

From Dominion’s filing, the Division understood that the above permits and plan (Conditional Use, Building, Road Cut, and Contaminated Soil permits, and a SWPP) were to be obtained from the Utah Department of Transportation (UDOT). In its Reply Comments, Dominion clarified that the Conditional Use permit was not required from Eureka City, the Building permit was not required by Utah County, the SWPPP permit was issued by DEQ, and the Contaminated Soil issue was solved by Eureka City’s facility.

The Division has contacted representatives from UDOT, DEQ, and Eureka City to verify Dominion’s assertions regarding which permits were required and which were not. It also reviewed the construction drawings for the regulator station, its location for zoning requirements and compared that information to the Utah County requirements for a building permit. To the best of the Division’s knowledge, Dominion’s Reply Comments accurately represent the permits that are required and has submitted copies of them to the Commission.

***Additional Information***

In its Reply Comments, Dominion states:

The Division has suggested that the Company has an obligation to provide additional information pertaining to safety and customer communications. In doing so, the Division quoted the Commission's Order in this Docket that said, "Additionally, we will hold DEU to its commitment to submit more information about its selection process including completed surveys (rather than the blank survey in DEU Exhibit 1.04), clear messaging to potential customers about the safety aspects of appliance conversions, and all other information that DEU committed to file in response to DPU's initial concerns." However, a careful review of this language, along with sworn testimony in this proceeding for context, shows that no further filing in this docket is required.

Dominion then goes on to quote Division witness testimony in this docket indicating that Dominion has successfully addressed the Division's concerns. This, however, was not the issue raised in the Division's Action Request Response. The Division was not attempting to rehash issues already addressed in testimony prior to the Commission's order. Rather, the Division was highlighting that since the Commission's August 27, 2020 order (Order) directing Dominion to "submit more information," and prior to its Reply Comments, such additional information had not been filed with the Commission. The Division was pointing out that Dominion did not provide additional information as required by the Commission's Order.

Although Dominion's position is that it has "complied with all of its commitments and no additional supplemental filings are required," the Company attached additional exhibits and explained in some detail the actions of its personnel in this regard.

In summary, Dominion has provided copies of additional permits and has filed additional information in its Reply Comments. The Company has provided "more information about its selection process", and "messaging to potential customers about the safety aspects of appliance conversions, as well as other information that DEU committed to file in response

to DPU's initial concerns." The Division concludes that the additional permits and information satisfy Dominion's obligations under the Commission's Order.

## **Conclusion**

The November 17, 2021, the January 10, 2022, and the March 25, 2022, filings fulfil Dominion's commitments and the Commission's Order. The Division recommends that the Commission acknowledge the submitted documents.

cc: Kelly Mendenhall, Dominion Energy Utah  
Michele Beck, Office of Consumer Services