

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Petition of Beehive Telephone Co., Inc., for an Increase in Rates and Participation in the Universal Telecommunications Service Support Fund	Docket No. 14-051-01
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In the Matter of Beehive Telephone Co., Inc.'s Application for Tariff Approval	Docket No. 14-051-T03
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 HEARING PROCEEDINGS  
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Taken at:           Public Service Commission  
                   160 East 300 South, Fourth Floor  
                   Salt Lake City, Utah

Date:                Wednesday, April 15, 2015

Time:                10:11 a.m.

Reported by:       Teena Green, CSR, RPR, CRR, CBC

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ALSO PRESENT: RAY HENDERSHOT  
JAKE WARNER  
BRIAN BARROW  
MICHELE BECK



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1 April 15, 2015 10:11 a.m.

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

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4 THE HEARING OFFICER: Welcome, everyone.

5 My name is Melanie Reif, I am the administrative law  
6 judge for the Utah Public Service Commission.

7 This morning is the hearing concerning the  
8 settlement stipulation that has been filed in Dockets  
9 14-051-01 and 14-051-T03.

10 This particular matter is entitled, In the  
11 Matter of the Petition of Beehive Telephone Company  
12 for an Increase in Rates and Participation in the  
13 Universal Telecommunication Service Support Fund.

14 Let's start by taking appearances, please.

15 MR. IRVINE: David Irvine for Beehive  
16 Telephone.

17 THE HEARING OFFICER: Thank you,  
18 Mr. Irvine. And would you like to introduce those who  
19 are with you?

20 MR. IRVINE: Oh, I'm sorry, Judge. To my  
21 right is Ray Hendershot, and then Jake Warner from  
22 Beehive, and Brian Barrow from Beehive.

23 THE HEARING OFFICER: Thank you. Welcome.  
24 Mr. Jetter.

25 MR. JETTER: Thank you. I'm Justin

1 Jetter, I represent the Utah Division of Public  
2 Utilities, and to my left at counsel table is Bill  
3 Duncan with the Division.

4 MR. MOORE: I am Robert Moore, I represent  
5 the Office of Consumer Services. And to my right is  
6 Michele Beck, the director of the Office of Consumer  
7 Services.

8 THE HEARING OFFICER: Good morning. Nice  
9 to have you here, Mr. Moore.

10 Mr. Irvine, this is your application that  
11 brought about the settlement stipulation. Would you  
12 like to be the first to present this morning?

13 MR. IRVINE: Thank you, Judge.

14 As you are aware, Beehive filed its  
15 application for a rate increase last summer to comply  
16 with the Federal Communications Commission's CAF order  
17 that requires participating companies to set their  
18 rates at an SEC mandated floor in order to be eligible  
19 to participate in the Connect with America Fund. So  
20 we have been involved in extensive discussions and  
21 negotiations with the Division of Public Utilities and  
22 the Office, and we have had a couple of hearings with  
23 you on this matter.

24 The purpose for our hearing today is to  
25 approve a stipulation that the parties have entered

1 into following the order the Commission entered on  
2 December 9th, approving interim rates at \$16.50 for  
3 basic residential services and \$26 for basic business  
4 services across Beehive's network.

5 And a hearing schedule was set out  
6 following that order at a scheduling conference we all  
7 participated in. And based on the discussions that  
8 have gone forward between the company and the State  
9 agencies, we have entered a stipulation that does a  
10 couple of things that are significant.

11 First of all, we have agreed that the  
12 Commission may enter an order dismissing the USF  
13 portion of the case, and we have agreed that that  
14 order dismissing the balance of the current  
15 proceedings as to Beehive's eligibility to participate  
16 in the State Universal Service Fund be dismissed  
17 without prejudice.

18 The parties have also, after some  
19 extensive discussion and negotiation, agreed to a set  
20 of information items that will be provided by the  
21 Company to the Division and the Office at the time it  
22 files its application for USF participation, and those  
23 are part of three confidential attachments to the  
24 stipulation that I believe you probably have before  
25 you. And if it's necessary to discuss those, we can

1 surely do so, but the Company agrees with the items  
2 that have been set forth in those attachments and  
3 understands what it's expected to do at the time it  
4 files its next application.

5 The stipulation is pretty straightforward.  
6 I think it simply finalizes the previous stipulation  
7 that was entered into by the parties and allows the  
8 Commission to set a final order approving the rates as  
9 requested for CAF purposes.

10 We have Mr. Ray Hendershot from the  
11 Company who can testify as to any of these items, if  
12 it's your desire to have testimony taken on the  
13 subject, but, basically, that's what the stipulation  
14 provides.

15 THE HEARING OFFICER: Thank you,  
16 Mr. Irvine.

17 In reading the stipulation, I think  
18 there's one other issue, and that is the issue that is  
19 addressed on page 4, in paragraph 13. I think that  
20 that is a third issue that is raised by the  
21 stipulation.

22 Could you please address that, and then if  
23 you wish to have Mr. Hendershot testify, I would be  
24 happy to put him under oath.

25 MR. IRVINE: This is the Cedar Highlands

1 EAS issue?

2 THE HEARING OFFICER: Yes, sir.

3 MR. IRVINE: I believe this has also been  
4 addressed in the previous materials that we have filed  
5 and presented to the Commission and have been through  
6 with the Division and the Office.

7 I can either ask Mr. Hendershot to be  
8 sworn as a witness and explain that, or I can explain  
9 it as I understand it, which will not probably be as  
10 detailed as Ray can provide.

11 THE HEARING OFFICER: Okay. Just --  
12 before we turn to Mr. Hendershot, just for purposes of  
13 my -- getting my bearings as to where you requested  
14 this and which docket it is pending in, could you  
15 direct me to that, please?

16 MR. IRVINE: I believe that was part of  
17 our original application, Judge, and I would have  
18 to --

19 THE HEARING OFFICER: Would you be  
20 referring to the original application that resulted in  
21 the December 9th order, or the application for USF?

22 MR. IRVINE: Well, they were both part of  
23 the same application.

24 THE HEARING OFFICER: Okay.

25 MR. IRVINE: And if my memory is correct



1 on this, I think the Cedar Highlands EAS item was  
2 not -- was not perhaps specifically addressed in a  
3 previous hearing, although it was, I believe, part of  
4 the Company's application.

5 And I'm looking at page 4 of the testimony  
6 of Mr. Jake Warner that was filed October 28th, 2014.  
7 And if you'll permit me, I'll just read from that  
8 section. It's on page 4, beginning at line 77.

9 "The current mandatory EAS charge was set  
10 by the Commission when service was established in the  
11 Beehive exchanges of Rush Valley in Vernon while the  
12 cost was based on the corresponding EAS costs paid by  
13 CenturyLink at the time.

14 "Cedar Highlands' EAS service was  
15 established when the exchange was built and was based  
16 on an annual fee of \$1,039.20 paid under contract to  
17 US West for EAS service to Cedar City.

18 "CenturyLink has recently agreed to  
19 discontinue the annual fee for EAS service between  
20 Cedar Highlands and Cedar City. The fee was paid  
21 annually in June."

22 And so the item in the stipulation at  
23 paragraph 13 is to allow the Company to eliminate that  
24 EAS charge, since CenturyLink has agreed not to assess  
25 it against the Company. If that's a fair explanation,

1 Ray and Jake -- I can have either of these gentlemen  
2 explain that in greater detail, if you're interested.

3 THE HEARING OFFICER: Okay.

4 MR. IRVINE: I should note that I believe  
5 Mr. Hendershot negotiated that arrangement with  
6 CenturyLink and probably is more familiar with the  
7 specifics than anyone else might be.

8 THE HEARING OFFICER: Okay. And I  
9 understand. Thank you for providing that information.  
10 I understand your reference to the testimony that was  
11 filed.

12 I'm looking at the October 13 filing,  
13 October 13 -- no, excuse me, October 31st, 2014,  
14 filing that was in Docket 14-051-01. This addresses  
15 the CAF issues. And I might be missing it, that's why  
16 I was asking.

17 I do see that your attachment, however,  
18 does address the EAS rate, but it doesn't show any  
19 change, it shows it at 65. And I think, actually, on  
20 page 3 of the EAS, it's also mentioned there.

21 But in any event, we'll get to that issue,  
22 as necessary.

23 MR. IRVINE: All right.

24 THE HEARING OFFICER: Mr. Irvine, did you  
25 wish to ask Mr. Hendershot to testify this morning?

1 That may be helpful to go to the issue of the just and  
2 reasonableness of the stipulation, if you wish to do  
3 that, and any other matters that you wish to have him  
4 clarify.

5 MR. IRVINE: I would be happy to do so.

6 THE HEARING OFFICER: Okay.

7 Good morning, Mr. Hendershot.

8 THE WITNESS: Good morning.

9 THE HEARING OFFICER: Thank you for being  
10 here.

11 Would you please raise your right hand.  
12 And do you swear that the testimony you are about to  
13 give will be the truth?

14 THE WITNESS: Yes.

15 RAY HENDERSHOT,  
16 called as a witness for and on behalf of the Company,  
17 being first duly sworn, was examined and testified as  
18 follows:

19 THE HEARING OFFICER: Thank you.

20 DIRECT EXAMINATION

21 BY MR. IRVINE:

22 Q. Mr. Hendershot -- well, first of all,  
23 would you explain your position with Beehive, please.

24 A. I'm an employee of Beehive. I'm their  
25 regulatory manager.

1 Q. And have you been the principal person at  
2 Beehive who has been involved in the preparation and  
3 presentation of this rate petition?

4 A. Yes, I have.

5 Q. And have you also been the representative  
6 from Beehive who has principally been involved with  
7 representatives from the Division of Public Utilities  
8 and the Office of Consumer Services --

9 A. Yes, I have.

10 Q. -- in negotiating the terms and provisions  
11 of this stipulation?

12 A. I have been a major contributor.

13 Q. And with respect to the stipulation, could  
14 you briefly explain for the Commission the basis for  
15 agreeing that the request to participate in state USF  
16 be dismissed as a part of this proceeding and the  
17 agreement that it could become part of a separate  
18 action to be filed later?

19 THE HEARING OFFICER: Mr. Irvine, may I  
20 interrupt for just one minute?

21 MR. IRVINE: Sure.

22 THE HEARING OFFICER: I actually want to  
23 ask you a question which might make this a little bit  
24 more simple and not so drawn out, perhaps.

25 What I wanted to ask you is, with respect

1 to the request that you've identified as asking the  
2 Commission to enter an order dismissing the request  
3 for USF, would you prefer, sir, to withdraw your  
4 application and have it addressed in that manner,  
5 rather than having the Commission actually enter an  
6 order dismissing the application?

7 MR. IRVINE: Well, the discussions between  
8 the parties have proceeded on the expectation that the  
9 Commission could dismiss that portion of the  
10 proceeding related to the USF and leave the balance of  
11 the petition in force, as the basis for an order that  
12 would be entered approving the rates that have been  
13 agreed to last year.

14 So, procedurally, I'm -- it would seem to  
15 me to be an easy matter for the Commission to enter an  
16 order dismissing that part of the case, and I think  
17 that would be consistent with judicial practice, at  
18 least as I have experienced it in my representation of  
19 clients over the years.

20 I don't believe that it will be necessary  
21 to withdraw the petition in its entirety. I think  
22 that --

23 THE HEARING OFFICER: Wait a minute. I'm  
24 sorry. I meant that portion of the request that's  
25 pending, the USF portion.

1 MR. IRVINE: I guess I'm not sure, then,  
2 what you're asking, Judge.

3 We have all agreed that the Commission can  
4 enter an order dismissing the USF portion of the  
5 case --

6 THE HEARING OFFICER: Okay.

7 MR. IRVINE: -- unless there's some  
8 particular question related to that. And that's, I  
9 guess, where I was going in my questioning to  
10 Mr. Hendershot. But if that's not necessary, I don't  
11 need to pursue that.

12 THE HEARING OFFICER: Well, I was just  
13 wondering if perhaps you wish to withdraw that part of  
14 the application, but we're getting to the same point,  
15 either way.

16 MR. IRVINE: To me, Judge, it's sixes.

17 THE HEARING OFFICER: Okay.

18 MR. IRVINE: We're -- let's see, I have an  
19 opportunity to win \$20 here, if I can --

20 If we were not so ancient on this side of  
21 the hearing room. What's -- I'm getting no help  
22 from -- whatev [sic].

23 If you would note that Ms. Beck owes me  
24 \$20, I would be grateful. This is the new shorthand  
25 for "whatever." And if all of us were under age 20,

1 we would understand perfectly what that means.

2 THE HEARING OFFICER: Okay.

3 MR. IRVINE: You're a sport to indulge us  
4 and I'll split it with you.

5 THE HEARING OFFICER: Okay. I'm going to  
6 let you get back to where you were. And I apologize  
7 for interrupting.

8 I was trying to make things perhaps a  
9 little easier, but I'm afraid I may have made it more  
10 difficult.

11 MR. IRVINE: No, I think we're happy to do  
12 it whichever way procedurally the Commission would  
13 prefer, because it gets to the same point.

14 THE HEARING OFFICER: Exactly. So we'll  
15 proceed as you requested.

16 MR. IRVINE: All right.

17 BY MR. IRVINE:

18 Q. Mr. Hendershot, let me just ask you if the  
19 stipulation incorporates the same basic provisions as  
20 to rate adjustments that were presented to the  
21 Commission in the stipulation that led to the  
22 December 9th, 2014, order approving those rates.

23 A. Yes. And these rates are fair, just and  
24 reasonable, in our opinion.

25 Q. In your opinion, are they in the public

1 interest?

2 A. Yes, they are.

3 Q. And they are just and reasonable, in  
4 effect?

5 A. Yes.

6 MR. IRVINE: Judge, is there anything else  
7 with respect to the Cedar Highlands matter that you  
8 have a particular interest in, while Mr. Hendershot is  
9 speaking?

10 THE HEARING OFFICER: It's not necessarily  
11 a question for Mr. Hendershot, but I am assuming  
12 that -- should the Commission approve the stipulation,  
13 that the Company would file a compliance tariff  
14 reflecting that change.

15 MR. IRVINE: Yes.

16 Let me just talk with Mr. Hendershot for a  
17 moment.

18 (Discussion held off the record.)

19 MR. IRVINE: Thank you.

20 And, yes, we will file a tariff sheet that  
21 notes that EAS adjustment.

22 THE HEARING OFFICER: Okay. And while  
23 Mr. Hendershot is still testifying, I assume you'll  
24 have him address the stipulation in general as to  
25 whether it's in the public interest?



1 MR. IRVINE: I thought we just did that,  
2 but --

3 THE HEARING OFFICER: I thought he was  
4 addressing the specific rates that we addressed  
5 previously.

6 MR. IRVINE: Then let me be clear about  
7 the stipulation.

8 THE HEARING OFFICER: Okay.

9 BY MR. IRVINE:

10 Q. Mr. Hendershot, would you be willing to  
11 express your opinion representing Beehive Telephone as  
12 to the stipulation in total as it's been presented to  
13 the Commission, and whether the rates that are  
14 proposed and the other terms of the stipulation are  
15 just and reasonable in effect and in the public  
16 interest?

17 A. Yes. We believe the stipulation rates and  
18 the information and all parts of the stipulation are  
19 fair, just and reasonable, in the public interest, and  
20 benefits all parties.

21 MR. IRVINE: Unless there is some other  
22 specific question, Judge, that you might have, I'll  
23 ask that Mr. Hendershot be excused from further  
24 testimony, but he will be here, if additional  
25 commentary is needed.

1 THE HEARING OFFICER: Mr. Irvine, I do not  
2 have any further questions. However, I do want to  
3 invite the parties, if they have any questions or  
4 clarifying issues that they wish to address.

5 MR. JETTER: No questions from the  
6 Division.

7 THE HEARING OFFICER: Okay.

8 MR. MOORE: And no questions from the  
9 Office.

10 THE HEARING OFFICER: Okay. Thank you.  
11 Mr. Irvine, do you wish to call anyone  
12 else?

13 MR. IRVINE: No, Your Honor, that will  
14 complete our presentation.

15 THE HEARING OFFICER: Okay. Very good.  
16 Mr. Jetter.

17 MR. JETTER: Thank you, Your Honor, the  
18 Division would like to call and have sworn in Mr. Bill  
19 Duncan.

20 THE HEARING OFFICER: Good morning,  
21 Mr. Duncan.

22 THE WITNESS: Good morning.

23 THE HEARING OFFICER: Do you swear that  
24 the testimony you are about to give will be the truth?

25 THE WITNESS: Yes, I do.

1 THE HEARING OFFICER: Thank you.

2 BILL DUNCAN,

3 called as a witness for and on behalf of the Division  
4 of Public Utilities, being first duly sworn, was  
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. JETTER:

8 Q. Would you please state your name and  
9 occupation for the record.

10 A. Yes. Bill Duncan, I'm the manager of the  
11 telecommunications section of the Utah Division of  
12 Public Utilities.

13 Q. Thank you. And have you prepared a brief  
14 statement to read into the record today?

15 A. Yes, I have.

16 Q. Please go ahead.

17 A. "The Division supports the settlement  
18 stipulation jointly filed by Beehive Telephone  
19 Company, the Office of Consumer Services and the  
20 Division of Public Utilities on April 3rd, 2015, in  
21 Docket 14-051-01. The Division believes that the  
22 terms and conditions presented therein are just,  
23 reasonable, and in the public interest, and asks that  
24 the Commission adopt the stipulation as filed."

25 On October 31st, 2014, Beehive Telephone

1 filed a petition seeking to increase basic residential  
2 and business rates to the Commission -- to the  
3 Commission to authorize affordable base rates.

4 The Commission has used these rates  
5 previously in several other dockets for the purposes  
6 of determining USF distributions.

7 This rate would also put Beehive slightly  
8 above the SEC floor rate, which would allow Beehive to  
9 participate in the Connect America Fund.

10 In the same petition, Beehive also  
11 requested the Commission for distributions from the  
12 Utah USF. During the ensuing months, the Division  
13 conducted a review and audit of the Beehive books and  
14 records for the 2013 test year.

15 During 2013, Beehive experienced a  
16 complete change of its senior management, which  
17 ultimately caused some issues with using 2013 as a  
18 reliable test period for determining Utah USF. The  
19 new management is actively working to rectify those  
20 issues and it was determined by all parties that a  
21 2014 test year or later would provide more accurate  
22 means of determining ongoing USF support.

23 For those reasons, the Division of Public  
24 Utilities believes that the stipulation is just,  
25 reasonable, and in the public interest, and requests

1 that the Commission approve the stipulation as filed.

2 Q. Thank you. And are you aware of any party  
3 not here today or any party here today, for that  
4 matter, that has objected to the terms or any part of  
5 this settlement stipulation?

6 A. No.

7 MR. JETTER: Thank you.

8 I have no further questions. Mr. Duncan  
9 is available for cross-examination.

10 THE HEARING OFFICER: Thank you.

11 Mr. Irvine, do you have any questions?

12 MR. IRVINE: No questions.

13 THE HEARING OFFICER: Mr. Moore?

14 MR. MOORE: No questions, Your Honor.

15 THE HEARING OFFICER: Mr. Duncan, just a  
16 couple of questions for you, please.

17 THE WITNESS: Okay.

18 CROSS EXAMINATION

19 BY THE HEARING OFFICER:

20 Q. On the EAS elimination, could you help the  
21 Commission understand why the Division is recommending  
22 the elimination of the EAS?

23 A. Yes.

24 As we were reviewing that charge, we found  
25 a contract that had been entered into between Beehive

1 and -- well, it's now CenturyLink, but at the time, it  
2 was US West, whereby Beehive had to pay CenturyLink --  
3 it was roughly \$1,000 a year, to transport those calls  
4 from Cedar Highlands into Cedar City.

5 This is an unusual arrangement in EAS  
6 negotiations and something I had never seen before,  
7 but we happened to find the contract in an old file  
8 and we sent it over to the Beehive management.

9 They contacted CenturyLink, and  
10 CenturyLink has agreed to not charge that roughly  
11 \$1,000 per year any longer. It was, like I said, an  
12 unusual arrangement. They've dropped the request for  
13 that. I've got a copy of the letter from CenturyLink  
14 in my files. So Beehive no longer needs to recover  
15 the costs of that \$1,000 per year.

16 Now, I believe that Cedar Highlands only  
17 has -- I'm going to say about 15 customers, but that  
18 can be corrected, so there's only maybe \$700 in  
19 revenue that they were collecting to offset \$1,000  
20 cost. So we feel like -- that they'll lose less  
21 revenue than they will cost, and it will actually  
22 benefit them.

23 Q. Thank you, Mr. Duncan.

24 One more follow-up question, please,  
25 regarding that same issue.

1           Is it the Division's position that  
2 eliminating the EAS is consistent with the rule  
3 requiring cost recovery for EAS?

4           A.    Yes, because it was -- that's why it was  
5 originally put in, the \$3.50 charge, it was to recover  
6 the cost of the \$1,000 cost to CenturyLink. And that  
7 cost is no longer -- will no longer be charged to  
8 Beehive.

9           THE HEARING OFFICER: Thank you very much.  
10          Mr. Jetter, do you have any follow-up?

11          MR. JETTER: I have no follow-up  
12 questions.

13          THE HEARING OFFICER: Okay.  
14          Mr. Moore?

15          MR. MOORE: Can we call and swear in  
16 Michele Beck?

17          THE HEARING OFFICER: Good morning,  
18 Ms. Beck.

19          Do you swear that the testimony you are  
20 about to give will be the truth?

21          THE WITNESS: Yes.

22                   MICHELE BECK,  
23 called as a witness for and on behalf of the Division  
24 of Consumer Services, being first duly sworn, was  
25 examined and testified as follows:

## 1 DIRECT EXAMINATION

2 BY MR. MOORE:

3 Q. Will you please state your name, position,  
4 business address?5 A. Michele Beck, I'm the director of the  
6 Office of Consumer Services. I'm located at 160 East  
7 300 South, Salt Lake City.8 Q. Did you review or oversee the review of  
9 the application of the materials in this case?

10 A. Yes, I did.

11 Q. Did you participate in the discussions  
12 leading to the drafting of the stipulation?

13 A. Yes, I did.

14 Q. Do you have a statement outlining the  
15 Office's position in this case?

16 A. Yes.

17 "The Office represents residential and  
18 small commercial customers of Utah utilities;  
19 therefore, the Office typically reviews requests for  
20 USF disbursements from the perspective both of the  
21 small consumer of the utility making the request, as  
22 well as from the perspective of the consumers who pay  
23 into the Utah Universal Service Fund.24 "In this settlement, no state USF is being  
25 requested, thus, the office focused its analysis from



1 the perspective of the small consumers of Beehive  
2 telecom.

3 "Based on our analysis, the Office asserts  
4 that the settlement will result in just and reasonable  
5 rates for the consumers we represent.

6 "Further, the Office believes that the  
7 settlement is just and reasonable and result is in the  
8 public interest and recommends approving by the  
9 Commission."

10 THE HEARING OFFICER: Thank you, Ms. Beck.  
11 Anything questions of Ms. Beck,  
12 Mr. Irvine?

13 MR. IRVINE: No questions.

14 THE HEARING OFFICER: Thank you.

15 MR. JETTER: No questions from the  
16 Division.

17 CROSS EXAMINATION

18 BY THE HEARING OFFICER:

19 Q. Ms. Beck, just a couple of questions for  
20 you. And I'm going to circle back to what I asked  
21 Mr. Duncan regarding the EAS. Do you recall his  
22 response to --

23 A. Yes, I do.

24 Q. I asked him not only about whether the  
25 Division felt that the stipulation was consistent with

1 respect to the elimination of the EAS, but that it  
2 also was -- I also asked him for his explanation as to  
3 why the Division felt that that was appropriate.

4 Does the Office have the same view of that  
5 situation regarding eliminating the EAS?

6 A. Yes, we do.

7 Q. Okay. And, as well, that it is -- it does  
8 comply with the provisions concerning the EAS and cost  
9 recovery?

10 A. Right. My understanding is the same, that  
11 the underlying cost no longer exists, thus, there's  
12 nothing left to recover.

13 THE HEARING OFFICER: Very good. Okay.  
14 Mr. Moore, any follow-up questions?

15 MR. MOORE: No, Your Honor.

16 THE HEARING OFFICER: Okay. Thank you,  
17 everyone.

18 Are there any final matters that you wish  
19 to address before we go off the record today?

20 MR. IRVINE: None from the Company.

21 MR. JETTER: Nothing from the Division.

22 MR. MOORE: Nothing from the Office.

23 THE HEARING OFFICER: Thank you very much  
24 for being here today. I hope you have a safe trip  
25 back to your offices and a great day. Thank you.

1 I'm sorry. Ms. Beck?

2 MS. BECK: I just wondered if we were  
3 still coming back at 12:00 for the public witness  
4 portion.

5 THE HEARING OFFICER: Yes. Yes, we are  
6 coming back at 12:00 noon for the public witness  
7 portion.

8 MS. BECK: And I apologize to belabor the  
9 point. Could you remind us how that was noticed? Is  
10 it just whoever is here at 12:00?

11 THE HEARING OFFICER: Yes.

12 MS. BECK: Okay. Thank you.

13 THE HEARING OFFICER: Yes. I suspect if  
14 the weather continues as it is, we should probably be  
15 a bit flexible, you know, not wanting to bar anyone  
16 who's in route, but we're not going to belabor it.

17 Okay? All right. Very good. Thank you  
18 again for being here and have a nice day.

19 We're off the record.

20 (Concluded at 10:41 a.m.)

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CERTIFICATE

This is to certify that the proceedings in the foregoing matter were reported by me in stenotype and thereafter transcribed into written form;

That said proceedings were taken at the time and place herein named;

I further certify that I am not of kin or otherwise associated with any of the parties of said cause of action and that I am not interested in the event thereof.

*Teena Green*  
Teena Green, RPR, CSR, CRR, CCG

