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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF APPLICATION
TO REMOVE GSS AND EAC RATES
FROM QUESTAR GAS COMPANY'S
TARIFF

Docket No. 06-057-T04

UTAH COMMITTEE OF CONSUMER
SERVICES' MEMORANDUM UPON
REQUEST FOR CLARIFICATION TO
THE NOTICE OF THE FEBRUARY 28,
2007 ADDITIONAL HEARING

The Utah Committee of Consumer Services has requested that the Utah Public Service Commission clarify the Notice of the February 28, 2007 Additional Hearing by establishing a schedule and procedures for the further proceedings and hearings in this Docket.

The purpose of the Committee's request is to assist all of the parties, in particular intervening parties, in presenting evidence and argument in an effective and efficient manner. In addition, by providing direction to parties upon how evidence must be presented, parties not represented by counsel, or parties who do not understand the Commission's Hearing Procedures and administrative rules for evidence, will more likely be able to offer admissible evidence, making for a more effective appearance before the Commission. While the Commission's procedures correctly favor intervention and the receipt rather than the exclusion of evidence, the Commission is nevertheless bound by certain rules that if not followed, a party's presentation cannot be considered or is given little weight.

The Committee is requesting that the February 28, 2007 hearing be governed by a February 21, 2007 date for pre-filed testimony, and one of the alternative schedules described in its Request for Clarification. The requirements in Alternative 2 are drawn from the Utah Rules of Civil Procedure, in particular Rules 8 and 26, the Utah Administrative Procedures Act, in particular Utah Code §63-46b-9, and the Commission's administrative rules, in particular R746-100-10.

The Committee's request is in part, due to Roger Ball's protests during the February 8 hearing, that he was not being treated fairly because he is not a lawyer and that the public nature of the hearing was not respected. On January 25, 2007, Mr. Ball petitioned to intervene in this docket. He explained his late invention and that he had not

fully determined the specific positions that he would take upon the Application, because he had no notice that Docket 06-057-T04 was commenced, even though he had been a party in Docket 05-057-T01, from which this Docket arose. Mr. Ball was granted intervention the same day.

The Committee has determined that in fact Mr. Ball was notified that Docket 06-057-T04 was filed, and was notified of the scheduling conference, and the proposed schedule that included the time allowed for intervention and dates that testimony or position statements would be due. A copy of the e-mail and attached documents sent to Mr. Ball on October 16, 2006 is attached. The Committee has not located any record or report that Mr. Ball responded to this e-mail, or at any time prior to January 9, 2007, communicated with any party to Docket No. 06-057-T04. Because he was granted intervention on the same day he filed his petition, the Committee did not make inquiries of Mr. Ball, or public resources, that would indicate whether he took any action to monitor the Docket, accessing the Commission's web site for example, and to protect the interest in the matter that he claims to have.

Mr. Ball and, by phone, his colleague Clair Geddes, appeared at the regularly scheduled January 9, 2007 meeting of the Committee. Docket 06-057-T04 was an agenda item publicly discussed by the Committee. Mr. Ball and Ms. Geddes described their reasons for opposing the Application, and explained that in their opinion, the Application violated legal principles of utility ratemaking. It was understood that this

opinion had been formulated with an attorney's assistance. It was apparent that Mr. Ball was very familiar with the application and had formulated a specific position based upon his assessment of the origin of GSS and EAC rates, and the impact if the Application were granted. Mr. Ball then delayed filing his petition to intervene for 15 days.

The Committee encourages participation in Commission proceedings, even when the timing of an intervention requires extraordinary accommodation. The time and effort that all parties expend in preparing for a hearing, even the party who comes to the docket after discovery and pre-hearing proceedings have refined the issues and informed the process, should materially enhance rather than impair the proceedings. The Commission should structure the February 28, 2007 hearing such that an intervening party's evidence and argument contributes to a formal record upon which the Commission may rely in its deliberations and in its findings, conclusions and orders. Under the circumstances in this Docket, the Committee believes that the structure set forth in either alternative provision will enhance the public character of the February 28th hearing, since there will be a record of all parties' positions and underlying analysis. Furthermore, all positions can be publicly examined in a judicious manner.

DATED this 9th day of February 2007.

/s/ _____
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