

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Questar)	
Gas Company to File a General Rate Case)	<u>DOCKET NO. 07-057-13</u>
)	<u>ORDER ON MOTION TO STRIKE</u>
)	<u>TESTIMONY</u>
)	

ISSUED: May 16, 2008

By the Commission:

On May 2, 2008, Questar Gas Company (Questar) filed a Motion to Strike the March 31, 2008, pre-filed direct testimony of Mr. Roger Ball. Questar alleges the testimony “is not probative or relevant, seeks relief that is barred by prior Commission orders and makes arguments that are contrary to law.” Mr. Ball filed his response opposing the Motion to Strike on May 12, 2008. Having reviewed the pleadings, the Commission hereby rules on the Motion to Strike.

Questar reviews various portions of Mr. Ball’s testimony and argues the testimony fails in numerous ways to comply with requirements associated with relevancy, witness foundation, and use by experts in the field, or is contrary to Utah law. Mr. Ball provides his response to Questar’s arguments and counters that some of Questar’s witnesses’ testimony could be subjected to the same criticism. We agree with Questar’s arguments with many of the points it raises. We conclude, however, that some of Mr. Ball’s testimony does meet the Utah Rules of Evidence threshold criterion of having some relevance to the rate-of-return aspect of this case. We will not strike the entirety of Mr. Ball’s testimony nor attempt to parse through it in ruling on the Motion to Strike. If introduced and admitted at hearing, we will accord what weight may be appropriate to the testimony that is relevant to the issues.

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Wherefore, we deny Questar Gas Company's Motion to Strike Mr. Ball's March 31, 2008, pre-filed written testimony.

DATED at Salt Lake City, Utah, this 16th day of May, 2008.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#57501