

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Application)	Docket No:
of Questar Gas Company to)	09-057-16
Increase Distribution Non-Gas)	
Rates and Charges and Make)	
Tariff Modifications)	

TRANSCRIPT OF HEARING PROCEEDINGS

TAKEN AT: Public Service Commission
 160 East 300 South
 Salt Lake City, Utah

DATE: April 8, 2010

TIME: 10:03 a.m.

REPORTED BY: Kelly L. Wilburn, CSR, RPR

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(The previous exhibits and related testimony were prefiled and are part of the PSC record and filed at the Commission.)

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1 APRIL 8, 2010

10:03 A.M.

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

3 CHAIRMAN BOYER: May the record reflect that
4 this is the time and place duly noticed for the
5 hearing on the Motion to Approve Settlement
6 Stipulation in Docket No. 09-057-16, In the Matter of
7 the Application of Questar Gas Company to Increase
8 Distribution Non-Gas Rates and Charges and to Make
9 Tariff Modifications.

10 What I was thinking, unless someone has a
11 better idea, is that we'll hear from all of the
12 proponents of the stipulation. We'll hear cross
13 examination, if any. We'll see if the Commissioners
14 have questions.

15 And then we'll go to those opposed, if any.
16 And redirect if you need to do redirect. And then
17 we'll recess until 12:00, which is the time we've
18 scheduled for public witnesses. Does that sound okay?

19 Okay. With that, let's take appearances,
20 starting with Questar, please.

21 MS. BELL: Colleen Larkin Bell and Jennifer
22 R. Nelson on behalf of Questar Gas Company.

23 MR. GINSBERG: Michael Ginsberg for the
24 Division of Public Utilities.

25 CHAIRMAN BOYER: Thank you.

1 MR. PROCTOR: Paul Proctor on behalf the
2 Office of Consumer Services.

3 CHAIRMAN BOYER: Thank you Mr. Proctor.

4 MR. DODGE: Gary Dodge on behalf of UAE.

5 MR. PLENK: Bruce Plenk appearing on behalf
6 of AARP and the Salt Lake Community Action Program.

7 CHAIRMAN BOYER: Welcome Mr. Plenk.

8 MR. PLENK: Thank you.

9 MS. HAYES: Sophie Hayes with Utah Clean
10 Energy, with Kevin Emerson also from Utah Clean
11 Energy.

12 CHAIRMAN BOYER: Very well, thank you.
13 Welcome.

14 Are there any participating by telephone this
15 morning? Apparently not. Okay. I think the first
16 item we should deal with is admission of the prefilled
17 testimony. There was a request that that be done in
18 the application, as I recall, or in the motion to
19 approve the stipulation.

20 MS. BELL: Yes. And I would like to move for
21 the admission of the Company's Verified Application,
22 including Appendix 1, and all of the attached
23 exhibits. I have handed out an exhibit list to all of
24 the parties and to the Commissioners. And I can
25 briefly go through that.

1 We would move for the admission of QGC
2 Exhibit 1.0, which is the direct testimony of Barrie
3 L. McKay, with the accompanying exhibits, Exhibit 1.1
4 through 1.12.

5 The direct testimony of David M. Curtis,
6 which has been marked as QGC Exhibit 2.0, with its
7 accompanying exhibits, Exhibit 2.1 through 2.10.

8 The direct testimony of Kelly B. Mendenhall,
9 which has been marked as Exhibit 3.0, with its
10 accompanying Exhibits 3.1 through 3.38.

11 The direct testimony of Steven R. Bateson,
12 marked as QGC Exhibit 4.0, with its accompanying
13 Exhibits 4.1 through 4.11.

14 And the direct testimony of Judd E. Cook,
15 marked as QGC Exhibit 5.0, with its accompanying
16 Exhibits 5.1 through 5.7.

17 CHAIRMAN BOYER: Thank you Ms. Bell.

18 Are there objections to the admission of the
19 direct testimony and exhibits described by Ms. Bell?

20 MR. GINSBERG: No.

21 CHAIRMAN BOYER: Very well, they are
22 admitted.

23 (Questar's Verified Application and Exhibit
24 Nos. QGC-1.0 through 1.12, 2.0 through 2.10,
25 3.0 through 3.38, 4.0 through 4.11, and 5.0

1 through 5.7 were admitted.)

2 CHAIRMAN BOYER: Is there other written
3 evidence that we need to put on the record? No?

4 MR. PLENK: Commissioner Boyer? There is
5 testimony that has been prefiled by Dr. Charles E.
6 Johnson on behalf of AARP and Salt Lake Community
7 Action Program that's been marked as AARP/Salt Lake
8 CAP Exhibit No. 1.

9 And I would like to have Dr. Johnson present
10 a brief summary of his testimony. And would either
11 move the admission of that testimony now or at the
12 conclusion of his summary, as you prefer.

13 CHAIRMAN BOYER: I don't really have a
14 preference, but -- I guess I do have a preference.
15 Let's wait until we hear from Mr. Johnson, and then we
16 can present the evidence at that moment.

17 MR. PLENK: That would be fine. Thank you.

18 CHAIRMAN BOYER: And that -- would that be
19 all of the written testimony then?

20 MS. BELL: (Moves head up and down.)

21 CHAIRMAN BOYER: Okay, very well. With that
22 let's, let's begin with the Company witness.

23 MS. BELL: The Company would like to call
24 Mr. Barrie L. McKay and have him sworn.

25 CHAIRMAN BOYER: Mr. McKay, you're most

1 welcome to stay down there by Counsel if you like.

2 (Mr. McKay was sworn.)

3 CHAIRMAN BOYER: Thank you. Please be
4 seated.

5 You may proceed, Ms. Bell.

6 BARRIE L. MCKAY,

7 called as a witness, having been duly sworn,
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. BELL:

11 Q. Mr. McKay, please state your full name for
12 the record.

13 A. Barrie L. McKay.

14 Q. And by whom are you employed?

15 A. I'm employed for the Quest -- by Questar Gas
16 Company.

17 Q. And what is your title?

18 A. I'm the general manager of regulatory affairs
19 and energy efficiency.

20 Q. In your capacity as general manager of state
21 regulatory affairs do you have responsibility for
22 general rate cases?

23 A. Yes.

24 Q. Are you familiar with the application,
25 testimony, and exhibits filed in this case?

1 A. Yes.

2 Q. Are you prepared today to give a general
3 overview of the settlement stipulation filed on
4 March 18, 2010?

5 A. Yes, I am.

6 Q. Would you please proceed with your general
7 overview of the settlement stipulation?

8 A. And what I'd like to do is just summary of
9 that is to not necessarily walk us through or read any
10 specific things but to identify by paragraph and
11 specifically some of the exhibits that I think lend to
12 the understanding, or a greater understanding of what
13 the parties intended and what we're settling and
14 agreeing to.

15 And to start that, simply -- or we have about
16 three -- I guess about six paragraphs that have been
17 identified as the procedural history in this
18 stipulation.

19 And the biggest take away that I think that
20 we were wanting to put forward in that portion of our
21 settlement was, one, that the Company did file
22 requesting a total revenue requirement of 277 million,
23 approximately.

24 But when we filed it was under some new
25 Commission rules. And we were found to be in

1 compliance and meet having a complete filing at that
2 time.

3 And what we had provided differently than
4 ever before was information that was ordered by the
5 Commission in their rules that provided far more
6 information than we had ever provided with an initial
7 filing. And put into the hands of the parties that
8 are here today in stipulation information from the
9 start that we think helped provide greater
10 understanding.

11 As evidence to that we refer in paragraph --
12 the next few paragraphs to some specific technical
13 conferences that took place. One of them dealt with
14 our modeling. And we filed not only our proposed test
15 period in that model but also had included in that,
16 for parties having been involved in several rate cases
17 before this Commission before, information not only
18 for the historical forecasted period that we were
19 proposing, which was a year-end test period, but also
20 that same test period run using the average results of
21 operations, as well as a 2009 historical results of
22 operations either being able to be run on average or
23 year end, as well as even going back to a June period
24 in time.

25 So we put into people's hands information

1 that was far more -- had a -- they had a greater
2 ability to be able to do an analysis and work right
3 from the start.

4 Additionally, we had another technical
5 conference which helped to explain specifically what
6 the parties have agreed and have before the Commission
7 today, and that was a technical conference related to
8 our infrastructure replacement tracker.

9 And specifically we were able to cover the
10 information that dealt with the budgeting and planning
11 of that, the actual tracking of the expenses
12 themselves as they occur and the replacement occurs,
13 as well as the accounting for that, all the way to the
14 actual reporting and requesting of a change in the
15 surcharge rate before this Commission.

16 Finally, the parties -- all here and
17 represented today that have signed this stipulation --
18 performed their audits. Some of them were on site.
19 Some of them were in the form of numerous data
20 requests.

21 And we were able to provide that information
22 using the technology that we had in the previous case,
23 and that was what we call our V Bulletin. Which gave
24 all intervening parties access to any of the data
25 requests as soon as we had provided responses, as well

1 as whenever the parties had asked them, so the parties
2 could see what was out there and they had that in
3 their hands.

4 And finally, we first met on the 2nd of March
5 to begin discussions about the possibility of a
6 settlement. And finally on the 18th of March there
7 was an agreement reached, and that -- this settlement
8 which is before you today has been signed.

9 Essentially what I wouldn't mind doing is
10 just walking through. And the easiest thing for me is
11 I'd actually take out -- and I'm going to. I don't
12 think you have to. But Exhibit 1.

13 Which I'd like to point out that I think the
14 words in this stipulation are important, but also that
15 we provided what we hope to be clarifying
16 understanding and actual ability to track through the
17 points that the parties agreed to in the stipulation.

18 And I'll refer to that with the paragraphs
19 that we walk through now. But beginning in
20 paragraph 7, the parties agreed that for purposes of
21 settlement that we would use an average test period
22 rather than what the Company had proposed in the
23 filing, which was a year end.

24 This has a revenue requirement impact of
25 about \$6.5 million. You can see that on Exhibit 1 by

1 line 1, which starts in column B, with the 20 --
2 277.3 million. And then the reduction in the total
3 revenue requirement can be seen on line 2 as it
4 relates to the average test period.

5 I'm prepared to talk about specifics and any
6 details behind some of these adjustments, but in the
7 interest of moving this forward would simply observe
8 that the next lines, from line 3 through line 10, in
9 the course of discovery, and audit, and review of
10 particularly the Office and the Division there were
11 adjustments that were discovered, identified, and
12 agreed on for purposes of settlement.

13 And you can see the reflective revenue
14 requirement changes that occurred, and all parties
15 agreed to that.

16 Then beginning in paragraph J -- let's go
17 with I. Paragraph 8(I), we identify and agreed for
18 purposes of settlement to accept the depreciation
19 study. The key change here from what our original
20 filed position was is that we would agree that the
21 amortization of the reserve would be over a ten-year
22 period. This resulted in an additional revenue
23 requirement reduction of \$3.2 million.

24 Then moving to J -- and this is on line 12 in
25 Exhibit 1, page 1 -- you can see that we agreed to an

1 additional reduction in the rate base amount for the
2 test period which resulted in about a \$1.6 million
3 reduction.

4 Further, the parties agreed that we would use
5 an actual three-year historical percentage for bad
6 debt. And this resulted in an additional 400,000
7 reduction. That's seen on line 13 of Exhibit 1,
8 page 1, and is identified in paragraph 8(K.)

9 And finally, for purposes of settlement the
10 parties agreed that a return on equity of 10.35 would
11 be used. This resulted in additional increase --
12 decrease, sorry, of \$1.7 million. Which resulted in a
13 final agreed to in this settlement revenue requirement
14 of \$263.7 million.

15 This results, when comparing it using the
16 volumetric revenue for this average test period, in a
17 revenue deficiency of approximately \$2.6 million. The
18 key thing -- and you can see this in page 2 of the
19 Exhibit 1 -- is that the parties agreed that this
20 revenue requirement deficiency would be spread to the
21 different rate classes using a uniform percentage
22 increase.

23 You can see that in column D. And so all
24 revenue classes were receiving a 1.03 percent change
25 to the class. When adding that to the current

1 revenue -- and you can see that spread of that
2 1.03 percent in column E, as in Elephant.

3 When you add that together to what is already
4 in column C on this page 2 you come up with column F,
5 which is the total revenue requirement by class once
6 you have spread the \$2.6 million deficiency on an
7 equal percentage across all classes.

8 Now that you have the total revenue
9 requirement that we've agreed to, the key thing then
10 became to determine what -- how we would do our rate
11 designer related to this change. And the parties
12 agreed that we could accept the Company's proposal, in
13 paragraph 11, for the temperature and elevation to
14 more accurately bill customers.

15 The key thing from this is that this does not
16 change the total revenue requirement. It's just
17 changing the volumes which we will be applying the new
18 rates to. So with that we also agreed that there
19 would be no changes in paragraph 12 to the basic
20 service fee, the administrative fee, or the tariff
21 qualifications.

22 And that this equal percentage change that
23 you can now see as far as the total requirement from
24 the rate class, column F, would be applied to the
25 volumetric rates. Except in one case there would be

1 one rate schedule -- and that's the transportation
2 schedule -- of which there would be a demand charge.
3 And we have demand charge in that rate schedule. And
4 it should be percentage changed accordingly.

5 And that brings us essentially to
6 paragraph 13. And in paragraph 13 we did something
7 that's at least unique to what I've ever done in
8 requesting before a Public Service Commission, and
9 that is we've agreed to the stipulating parties that
10 we would like this Commission to open up a new docket.

11 And have that docket have its own number.
12 And have it be specifically focused on cost of
13 service, and rate design, and any other issues the
14 parties may want to bring up related to those topics.
15 And this would be taking place over the next 12 to
16 14 months.

17 If the parties can come to agreement on this
18 we would present to the Commission our settlement, if
19 you will, or agreement. If not, we would like that
20 docket to move forward with being able to have
21 testimony, rebuttal to that, and then a hearing. In
22 which the Commission ultimately, we would hope, makes
23 a decision on those issues or gives us direction on
24 what we should do.

25 The key and binding thing from the Company's

1 perspective is that whatever the Commission orders out
2 of that docket we will use as our base case in our
3 next filed general rate case.

4 And then finally, in following -- or
5 completing this Exhibit No. 1 for clarity and
6 understanding, recognizing that we have one of these
7 rate classes, which is the general service rate class,
8 that is decoupled or falls under the Conservation
9 Enabling Tariff, we simply worked through that
10 calculation.

11 And what you do is you take from col --
12 page 2, column F, line 1, the \$239 million. You bring
13 that forward to page 3, line 1. And you divide that
14 total revenue requirement of that class by the average
15 customers in the test period, which is 877,000, which
16 results in an allowed revenue per customer that the
17 Company will use going forward of \$272.59.

18 That total amount is then, on lines 4 through
19 15, spread to have a specific dollar amount that's
20 identified each month that we use for our monthly
21 entries and calculations that we'll report on the
22 records of the Company.

23 And that essentially summarizes that exhibit
24 and brings us to the infrastructure tracker, which
25 starts on paragraph 15. And the parties agreed that

1 the Company could implement, on a pilot basis, an
2 infrastructure tracker that would apply to all the
3 rate classes.

4 So you'll see on the bottom of Page 7, the
5 last line, the specific identification of all the rate
6 classes for which this tracker will apply.

7 The party -- the Company agreed that we would
8 file with this Commission no later than the 15th of
9 each year our planned budget and the plan for the
10 replacement for that upcoming year. We also agreed
11 that we would provide quarterly reports during the
12 year to the Commission, as well as the Division, so
13 that they might be able to track and see how we're
14 doing.

15 It is anticipated that, given our current
16 analysis, that each year that this total dollar amount
17 will be about 40 to 50 million dollars that we will be
18 having capital expenditures on. This paragraph
19 specifically calls out that the -- this investment
20 shall not exceed 55 million. So it puts that cap on
21 it.

22 And I think that brings us, as far as the
23 summary, to paragraph 16, where we identified -- the
24 parties realized that there were dollar amounts that
25 are currently in the average test period. And

1 therefore we need to have expenditures of capital
2 investment in this year -- which is 2010 -- up to the
3 level of \$10 million before we would begin to track
4 any investment or include any infrastructure costs in
5 being included in this tracker. And that's what's
6 identified in paragraph 16.

7 We anticipate and it's called out in
8 paragraph 15 that the Company plans to file twice a
9 year. We'll probably be doing this in conjunction
10 with our other filings that we have on a twice-a-year
11 basis. The plant that will be included in this
12 infrastructure tracker will only be the identified
13 replacement plant that is in service, with gas
14 flowing.

15 And that is specifically called out and
16 explained in the tariff sheets that we proposed and
17 laid out in Exhibit 2 to this stipulation. It also
18 works through the calculation of exactly how the
19 plant, the depreciation, the accumulated deferred
20 taxes, and property taxes will be calculated and
21 spread to the various rate classes.

22 Finally, we agreed with this tracker -- and
23 as long as it's in place -- that the Company should
24 file a general rate case at least every three years.
25 And the next general rate case should be filed no

1 later than July of 2013.

2 Paragraph 20 simply identifies that the
3 Conservation Enabling Tariff would no longer be
4 considered a pilot program.

5 Paragraph 21 recognizes that the Company has
6 a commitment to try to help with the development of
7 infrastructure here in the State of Utah. And after
8 that initial investment, that any future planned
9 investment that the Company has in natural gas
10 infrastructure, if it exceeds 1.5 million, that the
11 Company would first come in and request approval from
12 this Commission.

13 Finally -- and I think you'll have further
14 testimony on this -- but paragraphs 22 and 23
15 specifically identify the low income assistance
16 program that the parties have agreed to. And the take
17 away from there is that this program is identified to
18 be a \$1.5 million level.

19 And that we will be shaping and bringing back
20 to this Commission the specific details of this
21 program, based on what is described in Utah Code. And
22 our plan is to try to have that be brought back to you
23 no later than June 15th.

24 In paragraph 24 we simply identified that the
25 distribution integrity management program will be

1 treated in the same manner as the current pipeline
2 integrity man -- program.

3 And then in paragraph 25 is the rate
4 calculations. And it again refers to Exhibit 4, in
5 which we have calculated for each of the rate classes
6 and shown both their current rates and what the new
7 proposed rates would be with the approval of this
8 stipulation. And identify that for a typical customer
9 this results in about \$4.70 annual change in their
10 bill, or about \$0.40 a month.

11 And then finally paragraphs 26 through the
12 end, which is paragraph 32, is specific language that
13 has been included in other stipulations, recognizing
14 that we've agreed to these items that are before the
15 Commission for settlement purposes.

16 And finally I'd like to simply say that I
17 think this stipulation results in just and reasonable
18 rates, and it is in the public interest.

19 MS. BELL: Mr. McKay, does that conclude your
20 testimony?

21 THE WITNESS: Yes. Or summary.

22 CHAIRMAN BOYER: Thank you, Mr. McKay, very
23 much.

24 Mr. Ginsberg.

25 MR. GINSBERG: The Division's witness is Phil

1 Powlick.

2 (Dr. Powlick was sworn.)

3 CHAIRMAN BOYER: Thank you. Please be
4 seated.

5 PHILIP POWLICK,

6 called as a witness, having been duly sworn,

7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. GINSBERG:

10 Q. Can you go ahead and state your name for the
11 record?

12 A. Philip, one "l," Powlick, P-o-w-l-i-i-c-k.

13 Q. And you are the director of the Division?

14 A. I am.

15 Q. And you were intimately involved in the
16 development of this stipulation that's being presented
17 today?

18 A. I was.

19 Q. Can you go ahead and present your statement
20 in support of the stipulation?

21 A. Sure. Taken as a complete package, the DPU
22 views the stipulation in this case to be just and
23 reasonable and in the public interest. As with all
24 settlement agreements there are some aspects that are
25 more attractive to some parties than to others, but

1 the balancing of all of these aspects we feel results
2 in a reasonable settlement.

3 In making this statement I just -- I will lay
4 out some key features of the stipulation. And I don't
5 want to be overly redundant of what Mr. McKay has
6 already said, but we are cognizant of the fact that
7 the only evidence that you have on the record to this
8 point is coming from the Company.

9 So there are some points where I may explain
10 some background or provide the Division's rationale
11 for supporting a particular aspect where we just want
12 to make sure that, that we have our points on the
13 record since we haven't filed testimony to this point.

14 Before I start talking about the stipulation
15 itself, following up on Mr. McKay's comments about the
16 amount of information that was provided I just want to
17 comment that, in working through this rate case and
18 these settlement agreements -- or settlement talks, I
19 found there to be a very refreshing and useful
20 transparency of the Company. And a great deal of
21 willingness to provide information, both formally and
22 informally.

23 We spent a lot of time working through cost
24 of service and rate design issues before this
25 settlement was arrived at. And the Company spent a

1 great deal of time working with our consultant on the
2 issue in a very useful way. And the same kind of
3 cooperation happened on the accounting adjustments as
4 well.

5 So I just wanted to make sure that the
6 Commission is aware that things went very well in
7 getting through this rate case.

8 Okay, I'll start talking about the individual
9 features of the stipulation and settlement. The first
10 one that I want to talk about is the revenue
11 requirement. With this settlement the increase in the
12 revenue requirement is changed from the
13 Company-requested 17.2 million to 2.6 million.

14 The reduction is due to the discrete
15 adjustments that you've seen and had described briefly
16 in Exhibit 1, and I don't want to try to re-describe
17 them here. And just would point out that in the model
18 that was filed along with the settlement there are
19 more explanations than are presented in the settlement
20 stipulation itself or the exhibits.

21 The largest revenue adjustment of course, as
22 Mr. McKay said, comes from the change from a year-end
23 test year with year-end rate base expenses,
24 depreciation, and revenues, to an average test year.
25 And that amounts to about \$6.5 million a year.

1 I would note that a lot of that revenue
2 change represents the feeder line replacement costs
3 that have been taken out of the rate case because
4 we're not doing year-end rate base now. But that will
5 later be rolled into the feeder line tracker when the
6 Company makes its first filing there. So at some
7 point we will see some -- a substantial portion of
8 that 6.5 put back into revenues.

9 As I said, that resulted from moving to an
10 average test year. The original Company filing had
11 year-end rate base and depreciation, with
12 annualization adjustments that moved expenses and
13 revenues to what they were expected to be on
14 December 31, 2010.

15 The settlement moves back to what we more
16 typically have done in rate cases recently, which is
17 an average test year. Where rate base, depreciation,
18 expenses, and revenues were all averaged. And as I
19 said, that means that a lot of the feeder line
20 replacement that was in the original filing has been
21 taken out of the rate case.

22 In essence, we view this as a trade-off or
23 offset for permitting the feeder line tracker
24 mechanism to be implemented this year. The accounting
25 is more reliable and relies less upon year, year end

1 estimates if we do the average test year.

2 At the same time the tracker allows the
3 Company to recover feeder line costs incurred in 2010
4 without needing to rely upon or file another rate case
5 that presumably, if we did an average test year
6 without the tracker, they would file close to
7 immediately after the end of this one or shortly
8 thereafter.

9 Let me talk about the feeder line tracker as
10 well. And I'll be going into some more detail here
11 than Mr. McKay did. The agreement calls for
12 establishing the feeder line tracker mechanism fair --
13 in a fairly similar manner to that which was requested
14 by the Company in its original filing.

15 But modifications have been put in place that
16 provide safeguards to permit greater control of the,
17 of the program and of the mechanism by the Commission,
18 and also to provide input by the parties along the way
19 in the implementation of this tracker.

20 The tracker allows the Company to recover
21 major infrastructure improvement costs for its feeder
22 line replacement projects between rate cases. In
23 essence, this mechanism allows the Company to avoid
24 having to do rate cases every year while they're doing
25 these feeder line replacements.

1 The mechanism also protects ratepayers. If
2 the actual spending on feeder line replacement is less
3 than what was projected in a rate case -- and we had
4 that as a result of the most recent rate case. The
5 difference is small. But this, but this corrects for
6 any of those kinds of forecasting errors that might
7 happen.

8 Conversely, this removes any incentive that
9 the Company might have to overestimate or over
10 forecast what would be built in the feeder line
11 replacement program in a test year. It uses actuals.
12 So what is actually spent will be trued up to any
13 forecast after a rate case.

14 The Division believes that the feeder line
15 replacement program is necessary. Portions of it are
16 legally required by provisions in recent federal
17 legislation, namely the Pipes Act. And also we
18 believe the aging condition of much of the feeder line
19 system suggests that the replacement of those lines
20 would be prudent in order to maintain safety and
21 rel -- the safety and reliability of the system.

22 With regard to the tracking mechanism,
23 because the feeder line program represents an
24 unusually large and ongoing level of capital spending
25 we think a tracker is appropriate to protect the

1 Company from regulatory lag that would be created if
2 we relied solely on rate cases to recover the
3 program's cost.

4 And again, I want to emphasize that this
5 recovers actual levels of spending after a line has
6 been in service. The levels of spending will be
7 subject to audit for prudence by a division and
8 other -- the Division and other parties when the
9 Company makes its filings every six months or so.

10 The DPU's auditors have reviewed the
11 accounting procedures at Questar and are satisfied
12 that the costs that this feeder line program incurs
13 can easily be isolated from other costs and capital
14 projects that the Company is doing. And that those
15 costs can be audited relatively easily.

16 There may be some question, and I know we had
17 some debate among staff in considering the feeder line
18 tracker as to why the Company hasn't proposed to use
19 the new single-item rate case statute that was put
20 into place in the 2009 legislative session and has
21 been codified as 54-7-13.4.

22 And with -- and we talked about it at some
23 length with the Company as well. And what we've come
24 to decide and agree with is that the requirements of
25 that new statute don't fit the nature of the feeder

1 line replacement program.

2 The statute requires that projects represent
3 at least one percent of a Company's rate base in order
4 to be eligible for that single-item treatment. That
5 would be about 7.9 million for Questar at this time.
6 Most of the feeder line projects actually fit this if
7 you look at each of these projects taken as a whole.

8 The statute also requires that if the Company
9 is to file one of these mini rate cases that they have
10 to do it no more than 150 days prior to the in-service
11 date for each major addition. For a single, discrete
12 project, that's a workable provision.

13 For instance, if you have a power plant there
14 is a date of which you throw the switch. Or if it's a
15 pump station for Questar, that also has a date at
16 which you throw the switch. These feeder line
17 projects, though, are brought into service in
18 segments, as we learned at the technical conference.

19 As discrete segments are completed, they're
20 connected to the system. They don't just sit there
21 waiting for the entire, 10, 15, or however many miles
22 of the pipeline are to be completed. And it obviously
23 brings the benefits of the improvements to customers
24 immediately to do it that way.

25 But typically each of those segments that

1 brought into service is too -- are too small to meet
2 that one percent threshold. And by waiting to
3 complete the entire project the Company could well
4 wait a year or two, if it's one of the larger feeder
5 lines, before they could actually seek recovery for
6 that line. In other words, there's no single
7 in-service date for these feeder line projects.

8 Now, since the purpose of the single-item
9 rate case legislation was to allow a company to avoid
10 regulatory lag without having to file a complete rate
11 case every year, we feel that using the tracker as an
12 alternative mechanism is a reasonable way to go
13 forward.

14 Okay, let me talk a little bit more about
15 some of the other provisions and safeguards regarding
16 the tracker. The ability to recover tracker expenses
17 begins when the projected test year average spending
18 has been reached. And the stipulation says that
19 that's \$10.1 million.

20 That's just the amount of spending on the
21 feeder lines that's been forecast to occur in the --
22 by the time we reach the middle of the test year.
23 After that point, then the Company can begin keeping
24 track of the additional expenses and later file for
25 recovery under this tracker mechanism.

1 Let me talk about the safeguards that we put
2 into place. We're cognizant of arguments that some
3 may have made -- maybe will make, I don't know -- that
4 this could be some kind of a slippery slope. That it
5 would get out of control and all -- lots of projects
6 would get thrown into it, and it would never end.

7 First of all, it is a three-year pilot. And
8 the Company agrees that it will file a rate case at
9 least every three years while the tracker is in
10 effect. So all parties and the Commission have the
11 opportunity to review it at least every three, every
12 three years.

13 And at the same time it prevents the Company
14 from adding 40 or 50 million dollars to rate base
15 every year and get recovery without having to also do
16 rate cases to review the rest of what the Company is
17 doing.

18 The stipulation also requires that the
19 Company file, annually, a billing plan and budget for
20 the following calendar year. This allows parties to
21 analyze and comment on both the budget and the planned
22 building. And provides the opportunity for the
23 Commission to disapprove or modify that plan if it
24 should see fit.

25 The stipulation provides for an annual budget

1 cap on the feeder line replacement program of
2 \$55 million, for the reasons Mr. McKay described.
3 There's an inflation adjuster on that.

4 I learned something in doing this settlement.
5 The inflation adjuster for that 55 million is the
6 Global Insight Distribution Steel Main index. I had
7 no idea that there was an inflation index for
8 distribution steel mains. I guess there must be
9 inflation adjusters for a lot of things that we don't
10 want to know about.

11 If the Company has uncompleted work in any
12 given year for which it had planned and budgeted, it
13 has the ability to roll that work over into the next
14 year without that counting toward the 55 million
15 budget after that next year. So it gives flexibility
16 to the Company for unexpected construction delays,
17 weather delays, et cetera, et cetera.

18 If the Company expects to exceed the cap they
19 have to file and receive permission to exceed the cap.
20 The Company has to file quarterly reports on that
21 year's progress and disclose the amounts that have
22 been spent year to date, progress on planned work, and
23 notify the parties of any changes to the
24 previously-filed plan. And presumably give reasonable
25 explanations as to why those changes have occurred.

1 I note finally that the tariff that's been
2 filed as, I think it's Exhibit 2, that describes the
3 feeder line tracker mechanism has a definition of
4 replacement infrastructure that hopefully puts bans on
5 what is allowed into this tracker mechanism.

6 As I say, there were concerns expressed among
7 parties informally at the beginning of this process
8 that this could become some kind of a catchall. The
9 tariff says that only "replacement infrastructure" as
10 defined in the tariff is allowed.

11 And this is defined as high-pressure feeder
12 lines that are to be replaced -- I'm not quoting
13 directly. High-pressure feeder lines that are to be
14 replaced due to age, condition, reconditioned pipe,
15 operating history -- history, and as necessary for
16 pipeline safety compliance.

17 Moving on to the provisions on return on
18 equity. The stipulation moves the Company's current
19 return on equity from 10 percent to the stipulated
20 10.35 percent. When the settlement was agreed upon,
21 the DPU had largely completed its analysis of the
22 appropriate range for cost of equity.

23 An ROE of 10.35 percent is at the high end of
24 the range that the DPU had found to be reasonable, but
25 it was within that range of reasonableness. DPU

1 agreed to this level of ROE in the context of the
2 complete agreement.

3 In light of the concessions in the
4 stipulation by Questar on major items such as average
5 test year and overall revenue requirement, the DPU
6 feels that this return on equity is -- and the
7 agreement as a whole are just and reasonable.

8 Moving on to cost of service and rate design.
9 As Mr. McKay described, essentially this agreement
10 settles cost of service at present allocations, and
11 settles rate design with a uniform increase into the
12 variable rates for all classes. Fixed charges will
13 stay the same.

14 This, this settlement provision is really a
15 postponement of cost of service and rate design issues
16 pending further study. And let me give some
17 explanation to you behind that.

18 As required by the Commission in the '07 rate
19 case, the DPU was in the process of examining how to
20 split up the GS-1 class. Which of course is -- covers
21 98 percent of the customers, all of the residentials,
22 and many of the commercials, both large and small.

23 And we were looking to see how it could be
24 split at least in taking off the residential class and
25 perhaps also having several commercial classes. One

1 of the methods that we were exploring to distinguish
2 commercial customers was the basic service fees that
3 they pay.

4 The basic service fees are essentially being
5 used as a proxy for meter size, which itself is a
6 proxy for the throughput capacity of that particular
7 customer. However, in the process of
8 discovery and dialogue Questar on these issues we
9 found that Questar was planning to revise how it
10 classified customers' basic service fees.

11 In other words, one of the methods that we
12 were going to use to distinguish membership in these
13 new classes was about to become obsolete, and we might
14 have to do it all over again.

15 Moreover, we learned that Questar was
16 planning to update its cost of service study with a
17 new and very detailed examination of service lines
18 that's now made possible by GIS and other mapping
19 technologies that allows them to not -- no longer
20 estimate the length of service lines but actually
21 know, for each customer, how long the service line is,
22 and therefore be much more accurate on the cost of
23 service modeling and allocations.

24 In light of this we determined, and other
25 parties have agreed, that it doesn't make much sense

1 to undertake a major modification of Questar's classes
2 until both of those processes -- the new mapping and
3 cost of service model, along with the basic service
4 fee reclassification -- has been done.

5 So as a result, the stipulation contemplates
6 a comprehensive examination of Questar's cost of
7 service allocation and methodologies, along with
8 determining a method for splitting the GS class over
9 the next one to two years.

10 As Mr. McKay described, the stipulation also
11 requests that the Commission open a new docket, in
12 which case -- in which docket new class definitions
13 and new cost of service modeling and allocations can
14 be examined. And that the outcome of that case would
15 be used in the next general rate case filing expected
16 before July 2013.

17 Moving on to compressed natural gas vehicles.
18 I'll just use the acronym from here on out "CNG"
19 vehicles. The settlement reflects the ongoing
20 concerns that have been expressed previously by both
21 the Division and the Office.

22 And again, I want to give you some background
23 on what's going on there. The major provision, of
24 course, deals with ongoing levels of infrastructure
25 investment that the Company wishes to make in natural

1 gas vehicles.

2 Behind this is the fact that there was a
3 U.S. Department of Energy solicitation for alternative
4 vehicle projects that was going to use stimulus money
5 to do some major projects all across the country.

6 And Utah Clean Cities asked for and was
7 awarded nearly \$15 million from the Department of
8 Energy to do natural gas -- natural gas and other
9 alternative fuel vehicle infrastructure upgrades in
10 Utah. And as part of this application Questar had
11 pledged matching funds of \$14.7 million. When that
12 award was granted, Questar was then obligated to
13 provide that 14.7.

14 The DPU's concern on this was basically
15 twofold: The degree of investment in natural gas
16 facilities that is appropriately carried in general
17 rates, or stated differently, the degree to which CNG
18 vehicle users are subsidized by other users, has still
19 not really been resolved among the parties.

20 And of course you heard arguments on this in
21 the last rate case, and folks were teeing up positions
22 in this rate case as well.

23 The second concern is that these funds,
24 nearly \$15 million, were committed for projects that
25 are really outside the normal scope of Questar's

1 business of providing natural gas, and incurred
2 without Commission review or approval.

3 Again, there's a story to this. And that is
4 essentially that the Company had -- has expressed to
5 several people publicly -- so this isn't settlement
6 talk -- that they had felt as if Governor Huntsman was
7 asking them to make that commitment and they had done
8 that in response to his request. And therefore they
9 went ahead and did it.

10 So the settlement reflects essentially an
11 agreement, perhaps even a retrospective acceptance of
12 that, that it was okay for them to do that given that
13 the -- Governor Huntsman had asked them to do that.
14 But basically sets up a mechanism going forward so
15 that if that kind of an opportunity or that kind of a
16 request comes through again, that it work through the
17 regulators as well.

18 But basically what we've done is allow that
19 14.7 million to go through. And it specifies that
20 that's the amount for these -- the cap for these
21 projects. And then says that from here on out you
22 shouldn't make upgrades to the system and you
23 shouldn't spend on, on it beyond 1.5 million per year.
24 Which the Company has estimated represents the routine
25 upkeep of the existing system.

1 The settlement gives the compressed natural
2 gas users the same rate increase as other classes, as
3 we've already said, and postpones the cost of service
4 discussions that I feel will probably come again at a
5 later point in time.

6 With regard to the revenue decoupling
7 provisions, or the so-called CET, the parties agree to
8 remove the term "pilot" from the decoupling tariff.
9 And to reset the allowed revenue per customer, based
10 on the outcome of this case.

11 I point out that it leaves -- aside from
12 removing the word "pilot" and resetting the base
13 allowed per customer, it leaves everything else about
14 the existing tariff and program in place. That
15 includes the 5 percent cap on annual recruit --
16 accruals that are in place, and the 2.5 percent cap on
17 annual amortizations to the fund.

18 The DPU believes that Questar's decoupling
19 mechanism has worked well, and variations in the
20 associated balancing account have been well within a
21 tolerable range. We also believe that Questar has
22 done what they said they would do.

23 That they're, that they're walking the talk.
24 That they're making exemplary efforts in implementing
25 their DSM programs. That they've enjoyed great

1 success in implementing those programs. And this is
2 what we wanted when we established the decoupling
3 pilot, so we're more than willing to allow it to
4 continue.

5 With regard to the low income assistance
6 fund, the stipulation provides only the general
7 outlines of that program. The parties were unable to
8 come to agreement, in the time frame we had, on all of
9 the nitty-gritty details of how it would work.

10 Eligibility for the program is set at
11 150 percent of the poverty level. And applicants have
12 to be certified by the Department of Community and
13 Culture. Consistent with the new statutory language
14 that allows such a program, the cap per customer per
15 month is set at \$50.

16 Annual target funding is 1.5 million. And
17 the term "target" is used here essentially in
18 recognition of the fact that actual expenditures in
19 one year will depend upon the state of the economy,
20 how cold of a winter we're having that year.

21 As was stated earlier, implement --
22 implementation details are to be worked out among the
23 parties and a proposal made to you by June 15th, with
24 the goal of having a program in place by the next
25 heating season.

1 Finally, on temperature and elevation
2 adjustments the parties have accepted the Company's
3 temperature and elevations adjustment proposal as
4 filed in its direct testimony and application. The
5 Division has reviewed the proposed adjustments and
6 believes that they are consistent with the laws of
7 physics regarding gases.

8 My friend Mr. Swensen will be happy, I think,
9 we're supporting the laws of physics. And they're
10 consistent with industry standards and guidelines.
11 For those of you that didn't understand that in joke,
12 catch me later and I'll explain it.

13 Correcting the measurement and billing errors
14 that can result from incorrect Btu value assumptions
15 in the gas billing will significantly reduce
16 intraclass subsidies that can result from those
17 inaccuracies. And therefore we feel that this is a
18 good thing to do moving forward.

19 In summary and in conclusion, the Division
20 believes that the stipulation before the Commission
21 today is just, reasonable, and in the public interest.
22 And recommends that the Commission approve the
23 proposed settlement of Questar's 2009 general rate
24 case. Thank you.

25 CHAIRMAN BOYER: Thank you, Dr. Powllick.

1 Anything further, Mr. Ginsberg?

2 MR. GINSBERG: No.

3 CHAIRMAN BOYER: We'll turn now to
4 Mr. Proctor.

5 MR. PROCTOR: Thank you. Ms. Beck needs to
6 be sworn.

7 (Ms. Beck was sworn.)

8 CHAIRMAN BOYER: Thank you. Please be
9 seated.

10 MICHELE BECK,

11 called as a witness, having been duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. PROCTOR:

15 Q. Ms. Beck, you are familiar with the
16 settlement stipulation, are you not?

17 A. Yes, I am.

18 Q. Could you describe the Office's view of that
19 stipulation?

20 A. Do you want me to do the whole --

21 Q. Right.

22 A. Are you asking for my whole summary? Okay.

23 My name is Michele Beck, I'm the director of the
24 Office of Consumer Services. As you all know, our
25 office is charged with representing the interests of

1 residential and small commercial com -- consumers.

2 First and foremost, in our analysis and
3 judgment we believe that the outcome of this
4 settlement would be just and reasonable rates for the
5 consumers we represent.

6 And I'd like to speak a little bit about the
7 analysis that we did. I -- when I say "a little bit"
8 I don't mean 25 minutes, I actually mean probably
9 25 seconds. But I want the Commission to be assured
10 that we did significant analysis on behalf of the
11 small consumers.

12 I actually double checked our invoices. We
13 have almost 600 consultant hours into this case. Some
14 of that will be work that would be used towards the
15 new docket if the settlement is accepted by the
16 Commission.

17 Most of that was used in reviewing all of the
18 material presented by the Company and, and going about
19 the same kind of analysis we'd do if we filed a
20 full -- full testimony in the case. And that work
21 also included an on-site audit and numerous discovery
22 requests as well.

23 So I want to call out just a few points of
24 the settlement that were important to us. First, it
25 was important to us to have that average test year in

1 there, the amortization of the reserve variance
2 associated with the new depreciation study, and the
3 rate-based adjustment.

4 And looking at those, those are some of the
5 biggest adjustments and issues that we would have
6 raised in testimony. We also shared the concern about
7 the NGV. Our concern of course was that the, the
8 Company may have been committing ratepayer money
9 without approval.

10 We are very much in agreement with the
11 settlement concept that came up surrounding the NGV
12 future investments.

13 In general, we do not support trackers. So
14 we are very hopeful that our support of a single
15 tracker in this case does not lead towards a trend.
16 But we do think that this tracker in this case for --
17 will result in just and reasonable rates.

18 Two primary reasons: One is it facilitates
19 necessary infrastructure investments. And the second
20 one is that, as Dr. Powllick has explained, we think
21 there are enough consumer protections that have been
22 put in place surrounding that tracker that we do feel
23 comfortable.

24 We support the introduction of a low income
25 program. Right now we've had discussions that extend

1 beyond what's being presented to you today. And we
2 think that there's a good concept emerging on that,
3 and we'll continue in those discussions to work
4 towards a good program. Not being proposed as modest,
5 but we'll continue to monitor that.

6 And as you know, we're -- we, you know, we
7 feel like we have to carefully evaluate a low income
8 program because we represent both the beneficiaries
9 and those who are paying for it. So it's something
10 that we watch carefully, and we'll continue to do so
11 as this emerges.

12 We did evaluate cost of service and rate
13 design issues. Certainly not to the extent that I
14 think the Division has, has done so. In fact we were
15 beginning to be concerned about the way that the
16 process itself would unfold, because if we see a --
17 something as large as the breaking apart of the GS
18 class that comes kind of late in the process if it
19 comes in direct testimony -- which is not to say that
20 it was late in, in contradiction of any scheduled
21 order -- it just would be difficult for us to respond
22 in as productive of a way as we would like.

23 So we're very supportive of moving that into
24 a different docket so that it would allow for the full
25 investigation and exploration of those issues.

1 Now we come to the issue of the ROE. It may
2 not come as a surprise to the Commission that we are
3 one of the parties that do not accept the ROE of 10.35
4 in explanation is a reasonable return on equity, as
5 was highlighted in paragraph L for you.

6 For us it was too far outside of our range of
7 reasonableness. We don't think it recognizes the risk
8 deduct -- reduction associated with making the CET
9 permanent or having a tracker, and we do not think it
10 can be explained by commonly-used methodology.

11 And for that reason I wanted to highlight one
12 sentence in the stipulation for you at the bottom of
13 page 5, where it says:

14 "Thus, identification of the ROE is
15 unrelated to the parties' evidence that
16 the settlement stipulation as a whole
17 and end result is just and reasonable."

18 That being said, we recognize that this will
19 be in place for a relatively short term. The Company
20 will be filing within three years. And taken in total
21 with the other benefits that we perceive in this
22 settlement, not the least of which is a
23 greatly-reduced revenue requirement, we still believe
24 that the end result will be just and reasonable rates.

25 CHAIRMAN BOYER: Thank you Ms. Beck.

1 Anything further, Mr. Proctor?

2 MR. PROCTOR: Nothing, thank you.

3 CHAIRMAN BOYER: Mr. Dodge, you do not have a
4 witness, do you?

5 MR. DODGE: We do not, thank you.

6 CHAIRMAN BOYER: Thank you for being here
7 anyway.

8 Mr. Plenk, please.

9 MR. PLENK: Thank you, Mr. Chairman. I'd
10 like to have Dr. Charles Johnson sworn in, please.

11 (Dr. Johnson was witness sworn.)

12 CHAIRMAN BOYER: Thank you. Please be
13 seated.

14 CHARLES E. JOHNSON,

15 called as a witness, having been duly sworn,

16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. PLENK:

19 Q. Dr. Johnson, would you please state your name
20 and address for the record?

21 A. Charles E. Johnson. My business address is
22 7B Pleasant Boulevard, No. 1086, Toronto, Ontario,
23 Canada.

24 Q. And Dr. Johnson, are you the Charles Johnson
25 who recently prefilled testimony in this case focussing

1 on the low income rate assistance program aspect of
2 the stipulation settlement?

3 A. Yes, I am.

4 Q. And if you were to be asked the questions and
5 answers in your prefilled testimony, would they be the
6 same?

7 A. Yes, they would.

8 Q. Do you have any corrections to make to your
9 prefilled testimony?

10 A. No.

11 Q. All right.

12 MR. PLENK: Mr. Chairman, at this point I'd
13 move the admission of what's been marked as AARP/Salt
14 Lake CAP Exhibit No. 1, Direct Testimony of Charles E.
15 Johnson.

16 CHAIRMAN BOYER: Are there any objections to
17 the admission of Dr. Johnson's prefilled direct
18 testimony?

19 Seeing none, it is admitted.

20 (Exhibit No. AARP/SLCAP-1 was admitted.)

21 MR. PLENK: Thank you very much.

22 Q. (By Mr. Plenk) Dr. Johnson, would you please
23 present your summary of your testimony, and your
24 position on the proposed settlement stipulation?

25 A. Yeah. The, the purpose of my testimony is to

1 support the settlement stipulation. AARP and Salt
2 Lake Community Action Program fully support Commission
3 approval of the entire agreement.

4 Now, my test -- my prefilled testimony is
5 somewhat longer than would generally be expected for
6 this purpose. The reason for that is that only
7 Questar's testimony was filed prior to the signing of
8 the stipulation -- settlement stipulation, so there's
9 nothing in this record about the issues surrounding
10 the proposed low income assistance program.

11 So my testimony covers four areas to remedy
12 that. First of all, the need for the program. I have
13 used Census Bureau data from their surveys about the
14 levels of poverty in the State of Utah to demonstrate
15 that need.

16 One additional thing that I did in that
17 regard was to cite a study performed by Northeastern
18 University about the impact of the recent economic
19 downturn -- I guess not so recent now -- economic
20 downturn on low income people.

21 The people who -- the households that have
22 the lowest income also have suffered the greatest job
23 loss. And are -- have much higher levels of
24 unemployment today.

25 The second thing I talk about is the effort

1 of the task force. I commend Questar for its efforts
2 in putting together the task force that worked on this
3 during the past year, and the preparation of the
4 report that was filed with the Commission last
5 December.

6 The third thing is that, as with the Rocky
7 Mountain Power Help program, this program we propose
8 to be -- the details of this program will be worked
9 out by the interested parties subsequent to Commission
10 approval of the overall general program.

11 Lastly, the familiarity of the parties with
12 Utah Code 54-7-13.6 that en -- the enabling
13 legislation for the low income assistance, is
14 something the Commission should be aware of.

15 Both the low income task force and the
16 parties to the settlement discussions are quite
17 familiar with these programs. And the low income task
18 force report and the settlement stipulation are a
19 result of that familiarity.

20 As far as the settlement stipulation itself
21 is concerned, I participated in the settlement
22 discussions and have examined the settlement
23 stipulation. I believe the stipulation, taken as a
24 whole, will produce rates that are just and reasonable
25 and in the public interest. And I recommend that the

1 Commission adopt the settlement stipulation in its
2 entirety.

3 The low income rate assistance program, as
4 part of the agreement, will assist tens of thousands
5 of low income Utah families pay their winter heating
6 bill. This will result in benefit to these customers,
7 to Questar, to other gas companies, and to the State
8 of Utah.

9 Lastly, subsequent to my preparation of the
10 prefilled testimony I did some calculations on the
11 likely impact of the cost of the program on various
12 customers in the GS class. For this analysis I used
13 the test year sales levels and billing determinants
14 provided by Questar for the past year.

15 That is, this was data I had obtained during
16 the discovery phase. And it was through October of
17 last year, so it included last winter's heating season
18 and last summer's data. Based on that data, the
19 annual cost to an average residential customer would
20 be about \$1.15. This is at the proposed \$1.5 million
21 annual funding level.

22 Even during the peak month of January a year
23 ago, half of the residential customers would have a
24 surcharge of less than \$0.21. During the low-use
25 summer months, half would have a surcharge of less

1 than \$0.04. Now, obviously half of the customers
2 would have surcharges greater than those numbers, and
3 some would pay substantially more than those amounts.

4 The average residential use that I derived
5 from these billing determinants for the past year was
6 11 decatherms in a winter month, on average. But
7 there were some residential customers who used
8 thousands of decatherms per month, so their surcharge
9 would be substantially higher than the \$0.21 I
10 identified.

11 I believe that these impacts are acceptable.
12 And I recommend that the Commission approve the
13 settlement stipulation in its entirety. That
14 concludes my summary.

15 Q. Thank you, Dr. Johnson.

16 CHAIRMAN BOYER: Thank you, Dr. Johnson.
17 Anything further, Mr. Plenk?

18 MR. PLENK: No. Thank you, Mr. Chairman.

19 CHAIRMAN BOYER: Turning now to Ms. Hayes.

20 MS. HAYES: Utah Clean Energy's witness is
21 Kevin Emerson. And he needs to be sworn in.

22 (Mr. Emerson was sworn.)

23 CHAIRMAN BOYER: Thank you, please be seated.

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KEVIN M. EMERSON,

called as a witness, having been duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MS. HAYES:

Q. Mr. Emerson, will you please state your full name for the record?

A. Kevin M. Emerson.

Q. And by whom are you employed?

A. I'm employed by Utah Clean Energy.

Q. What is your position and business address?

A. My position is senior policy and regulatory associate. And my business address is 1014 Second Avenue, Salt Lake City, Utah 84103.

Q. On whose behalf are you testifying?

A. I am testifying on behalf of Utah Clean Energy and Southwest Energy Efficiency Project.

Q. Were you involved in and are you familiar with this stipulation?

A. Yes.

Q. Do you have a statement you would like to present today?

A. Yes. I'd like to read comments in support of the settlement stipulation. Utah Clean Energy is a nonprofit public interest group working to advance

1 energy efficiency and renewable energy in Utah as key
2 components of our energy future.

3 And the Southwest Energy Efficiency Project
4 is a regional nonprofit organization working to
5 advance energy efficiency in six states in the
6 Southwest, including Utah.

7 Our prime area of interest in this proceeding
8 is the continuation of the Conservation Enabling
9 Tariff, or the CET, that will be made permanent
10 through the settlement stipulation.

11 While Utah Clean Energy and Southwest Energy
12 Efficiency Project do not take a position on the other
13 individual provisions in the settlement stipulation,
14 when taken as a whole we agree that this settlement
15 stipulation is reasonable and in the public interest.

16 By making the CET permanent we understand
17 that Questar will be able to continue its successful
18 ThermWise program on a permanent basis, for which the
19 Company incidentally recently received recognition
20 from the Energy Star Program as an Energy Star partner
21 of the year. That was in March, I believe.

22 The ThermWise program has, in many cases,
23 cost-effectively exceeded projections. And continues
24 to transform the market and increase awareness about
25 energy efficiency, conservation, and efficient

1 products and practices.

2 And I'd also like to note that energy
3 conservation, efficiency, and well-designed DSM
4 programs offer least-cost reasonably-priced energy
5 resources, while providing tremendous co-benefits and
6 producing extra -- externalities associated with
7 natural gas use.

8 These externalities can include criteria
9 pollutant emissions, greenhouse gas emissions, public
10 land issues, threats to national and regional energy
11 security. Thank you.

12 Q. Does that conclude your testimony?

13 A. Yes.

14 CHAIRMAN BOYER: Thank you, Mr. Emerson.

15 Is there anyone who else wishes to speak in
16 favor of the stipulation?

17 Are there parties in attendance today who are
18 going to speak against the stipulation?

19 Okay. Well, let's see if the Commissioners
20 have questions. Commissioner Allen?

21 COMMISSIONER ALLEN: Thank you, Mr. Chair.
22 Those summaries were pretty effective. I think I had
23 several of my questions answered, especially on the
24 history of your settlement.

25 I am curious, and I think for the Company I

1 have a question. And I probably asked this before,
2 but everyone is keeping us so busy I've forgotten the
3 answer. And it's a minor item. But you've got
4 depreciation for land on your settlement spreadsheet,
5 and I've forgotten what -- that's counterintuitive for
6 those of us who are plagued by a background in
7 accounting.

8 MR. McKAY: It's a little counterintuitive
9 for the Company too. Bottom line is, is we had some
10 people review. And we observed that we had included a
11 portion of land in one particular county to -- who was
12 incurring depreciation, and it should not be.

13 And we will agree readily that that should be
14 removed, and we did. So it's some good eyes on those
15 who reviewed our case, and we appreciated that.

16 COMMISSIONER ALLEN: Great. That makes a lot
17 more sense now. I'm just curious about these
18 trackers. To the Company, are you aware on these
19 specific trackers, are a lot of LGCs now using them
20 around the country?

21 I'm familiar it's been a trend, but what --
22 do you have some sense of how many people are finding
23 these just and reasonable around the country?

24 MR. McKAY: Yes, we do. And that
25 specifically was addressed in the testimony that was

1 admitted to this record. And at the time of our
2 filing -- and I should point out that that was back in
3 December -- we had done research at the time in which
4 we had, one, identified all of those LGCs across the
5 country that had similar-type mechanisms to what we
6 were proposing.

7 Meaning specific infrastructure, we found
8 that most of those were like the cast iron, bare
9 steel. Some of them were actual ageing to where they
10 weren't functioning properly, and they were replacing
11 that.

12 Some even had -- they went so far as to have
13 it part of their state programs that they were
14 ordered -- or I shouldn't say "ordered." It was
15 actually passed in legislature in a couple of them.
16 But in total there was 20 of them across the country.

17 And we were pleasantly surprised as we went
18 about doing our research and analysis. So it's not
19 something that necessarily new to the industry. But
20 it made sense in several other jurisdictions, and we
21 recommended it and proposed it before this Commission.

22 COMMISSIONER ALLEN: Okay, great.

23 MR. McKAY: And I, I'm sorry, I was gonna
24 actually refer to the exhibit. That is found -- that
25 summary is found in Exhibit 1.8 of my direct

1 testimony.

2 COMMISSIONER ALLEN: Great, thank you. Let's
3 see here. When it comes to existing accounting
4 treatment of feeder lines I think they're probably
5 spread pro rata among -- amongst the blocks, speaking
6 now of our different blocks groups.

7 Is that correct, it's a pro rata assessment?
8 So that people who are, say, in blocks two and three
9 are being allocated a smaller amount of feeder line.
10 Is that correct? Am I reading that right?

11 MR. McKAY: I think you're specifically
12 referring to a class cost of service issue. And I've
13 got my good backup man that's sitting behind me if I
14 blow it here.

15 But the feeder lines, my memory is is that
16 those have been identified and have been included --
17 at least in what we proposed in this case -- as being
18 allocated on a weighted factor that uses both our
19 throughput, in other words energy, and our demand,
20 peak. And that was going to be our proposal.

21 What I want us to make sure that we
22 understand is, is what we agreed for purposes of
23 settlement was to simply percentage change all of the
24 classes. So that particular issue is not necessarily
25 being resolved before this Commission.

1 But it has been typically allocated that way
2 in the past. Although as soon as I say that statement
3 I have to observe that what the Commission has done in
4 several of our rate cases back through the '90s and
5 the early 2000s is that we, again, we may have a
6 percentage change from where we have been before.

7 And there hasn't been specific findings on
8 how a particular account should be allocated for cost
9 of service purposes. My guess is, is you might see
10 that in play before you as we move forward into this
11 next docket that we -- would be opened up with the
12 acceptance of this stipulation.

13 COMMISSIONER ALLEN: You actually approached
14 my next, my next question. It was a follow up. And
15 that is, the tracker doesn't change that, but we can
16 expect that we might see this in the future. And if
17 we open a new docket this can be resolved as far as
18 specificity of how this is calculated?

19 MR. McKAY: Yes.

20 COMMISSIONER ALLEN: Okay, great.

21 And then, let's see, I have a question for
22 the Division, for Dr. Powlick. I'm just -- I'm pretty
23 certain you answered this in your summary, but I want
24 to make certain I'm clear. If the CET becomes
25 permanent then, rather than a pilot, do you feel

1 you'll still have adequate opportunity to test the
2 efficacy of the program, review it, and track it?

3 DR. POWLICK: Certainly from an accounting
4 viewpoint we'll be able to do that. As I say, the
5 variations in the balancing account have been fairly
6 under control and readily auditable.

7 With regard to the efficacy of the DSM
8 programs, I assume you're asking? There's of course a
9 report due, I believe it's in June, that's supposed to
10 be a comprehensive look at the effectiveness of the
11 program. And obviously we're recommending
12 continuation of the CET before that's in.

13 I'm not expecting any surprises with that
14 report. If there are, of course the Commission would
15 always have the ability to open up a new docket and
16 say, Wait a minute. You know, maybe the CET isn't
17 doing what it's supposed to do.

18 I don't know -- and I'm part of the, this
19 steering committee or whatever we're calling it these
20 days for the Questar DSM. But I don't recall -- Gary
21 maybe can correct me -- whether or not we've put in
22 place a mechanism for doing annual reporting,
23 tri-annual reporting?

24 I don't think we've, we've put that in place.
25 But certainly now, once we have this report, this

1 three-year report coming in June, we probably ought to
2 establish something like that to have outside parties
3 review the efficacy of the program.

4 Right now the Company is filing quarterly
5 reports on results. And those are giving us a lot of
6 granularity in what the individual programs are doing,
7 so I'm satisfied from that viewpoint. But you -- your
8 question does raise in my mind maybe we do need to
9 establish going forward a mechanism to have an outside
10 party review the program.

11 And, and a little bird just put a paper in
12 front of me that reminds me that of course we can
13 always challenge the prudence in the future.

14 COMMISSIONER ALLEN: All right, great. Thank
15 you, that's helpful. And something tells me the
16 Company might have an answer to your implied question
17 about the annual report or how that works.

18 MR. McKAY: I'll agree with Dr. Powllick in
19 his observation of what we have out there. But also
20 remind the Commission that the way we currently have
21 done this is slightly different than maybe other
22 utilities that are operating in this state.

23 And that is this: We come before the
24 Commission with a proposed budget every year. And
25 right now all we have before this Commission that

1 they've approved is a budget for 2010. There's not a
2 budget for 2011.

3 We simply have a Conservation Enabling Tariff
4 on the accounting side of revenues that's gonna move
5 forward. We anticipate that we would again follow --
6 as has been our standard procedure after input from
7 the advisory board, which Phil has been on, as well as
8 the Office, and Utah Clean Energy, and others with
9 their input.

10 And we're anticipating making adjustments to
11 our current programs when we get this June report.
12 Just in fine tuning them, improving them. Some
13 measures might need to be eliminated if we don't feel
14 like and the results come back that they're not
15 producing the benefits that we thought. Others could
16 be added.

17 But we would be filing at the 1st of October
18 again for approval of a 2011 budget moving forward.
19 And unless the Commission were to change -- and that's
20 also a separate docket that it be docketed every
21 year -- unless they were to change that procedure, we
22 would anticipate moving forward in that same manner.

23 COMMISSIONER ALLEN: Okay, great. Those,
24 those questions are helpful. I think that the other
25 questions that I had have been answered during

1 summary, so thank you.

2 CHAIRMAN BOYER: Commissioner Campbell?

3 COMMISSIONER CAMPBELL: My first question I
4 guess would go to the DPU. And it is what rate of
5 return on equity will the DPU use as it evaluates
6 whether the Company's over earning?

7 Are you intending to use the 10.35 in the
8 stipulation? Are you intending to use what you feel
9 like is the appropriate ROE.

10 DR. POWLICK: We would use the 10.35 in the
11 stipulation.

12 COMMISSIONER CAMPBELL: Have the parties, as
13 you've talked about this issue, have you established
14 any sort of agreement on capital structure or cost of
15 debt? Did that come up at all in the context of the
16 stipulation?

17 DR. POWLICK: We haven't. I believe, I
18 believe it's as filed.

19 COMMISSIONER CAMPBELL: Is that your
20 understanding, Mr. McKay, that it's as filed?

21 MR. MCKAY: The revenue requirement upon
22 which is specifically identified in Exhibit 1, page 1,
23 used the capital structure and cost of debt as filed
24 to reach that agreed 263.7 million total revenue
25 requirement.

1 And that has been consistent with how this
2 Commission has ordered in all of our rate cases since
3 '93, that I'm aware of.

4 COMMISSIONER CAMPBELL: Then let me ask you a
5 question, Mr. McKay, from the Company's respect. And
6 I don't know if you're prepared to do this, but on
7 Exhibit 2?

8 MR. MCKAY: Correct.

9 COMMISSIONER CAMPBELL: There is a number for
10 a current Commission allowed pre-tax rate of return of
11 11.79 percent. Do you have the details to that
12 calculation?

13 MR. MCKAY: Yes, we have them. I don't know
14 if I have them in front of me. I can tell you what
15 they're based on, and then give you the exact numbers
16 that I don't have memorized.

17 And they are this. They are the average
18 capital structure for the test period of 2010, with --
19 a forecast that's based on the average capital
20 structure. With the cost of debt beyond the -- being
21 the actual cost of debt for that period.

22 We're not doing any financing, so that's
23 essentially historical. Meaning that it is what it is
24 today. With the stated allowed return on equity of
25 10.35, which results in a average rate of return of

1 8.42 percent is the rate of return. The equity was
2 10.35.

3 When you use those numbers, given our current
4 federal and state tax rate, it produces a pre-tax rate
5 of return of 11.79.

6 COMMISSIONER CAMPBELL: Could you provide us
7 that calculation? When our staff tried to come up
8 with that number they came, they came to that number
9 in a different way which showed your 10.6 original
10 request and a gross of debt as well as equity.

11 So if you could provide that for us, that
12 would be helpful. Because we could not figure out
13 how, with the 10.35, you got to that number.

14 MR. McKAY: I -- yes, we can provide that.
15 We'll provide it not only on a separate sheet of
16 paper, but I think -- I'm gonna turn around and look
17 at my revenue requirement witness here.

18 I think we might also be able to specifically
19 refer to you in the settlement model that was filed
20 with this settlement stipulation. And --

21 COMMISSIONER CAMPBELL: I think that's where
22 they got their numbers for the gross factor and some
23 of the other things. So if you could just point us to
24 the numbers, that would be helpful.

25 MR. McKAY: We can do that.

1 COMMISSIONER CAMPBELL: Let me -- I'm gonna
2 move on to decoupling. And I think I'll ask Ms. Beck
3 the first question. You left decoupling out of your
4 summary. I was anxious to hear what you had to say
5 about that paragraph.

6 So could you harmonize for me your agreement
7 to the paragraph, "Explanation of implementing full
8 decoupling in the state," with the pages of testimony
9 and the testimony we're gonna hear on Monday and
10 Tuesday as it relates to the other company?

11 Could you just harmonize that for me from the
12 Office's standpoint?

13 MS. BECK: Within the Office -- first of all,
14 I want to be careful and say that I personally was not
15 here for the majority of the process associated with
16 the implementation of the CET. So I don't have quite
17 all of that history.

18 And I think, to be fair and honest, I think
19 there were -- was -- we maybe did not have complete
20 consistency in the positions that were taken.
21 Although also to be fair, the Office itself was going
22 through a great deal of turmoil during that time.

23 So viewing it today and going forward, in the
24 Office's judgment there are significant differences
25 between Questar and the company about which we will be

1 speaking on Monday. Some of those differences have
2 been outlined in the testimony I presented in that
3 other case.

4 And so that's, I think, one of the, one of
5 the key differences. One of the things that we had
6 intended to do within this Questar Gas rate case, and
7 did give up in the settlement, is take a more specific
8 look at some of the details.

9 Now, in our view -- not that the question was
10 asked of me, but to respond to Commissioner Allen --
11 we don't think anything is ever permanent. I mean, we
12 think that in any case before the Commission we can
13 always come back and ask for changes, or adjustments,
14 or challenge prudence.

15 And so there may be elements of this
16 decoupling program -- and one of them, by the way, is
17 that I hate the name. But that's, that's there. I --
18 but this decoupling program, there may be elements
19 that we'll want to come back and try and refine and
20 try and ask for in future cases.

21 And to be honest and clear, we gave that up
22 in this case in the interest of pursuing I think in
23 many respects what we think would be the best use of
24 our resources, given limited resources and multiple
25 cases.

1 So, but I think that's one of the clear
2 distinctions that's made. And I think probably it
3 would be more appropriate to discuss in the other
4 case, come out in the other case. And that is the
5 difference between the companies.

6 COMMISSIONER CAMPBELL: And I'm sure we'll
7 have that description on Monday or Tuesday.

8 MS. BECK: I mean, I'd be happy to go
9 further, I just don't want to cross cases.

10 COMMISSIONER CAMPBELL: I just, in context of
11 this stipu -- just in context of this stipulation and
12 your signing off on this stipulation, it raised the
13 question.

14 MS. BECK: Uh-huh (affirmative.)

15 COMMISSIONER CAMPBELL: With that other case
16 so close in time.

17 MS. BECK: Did my answer provide an adequate
18 response?

19 COMMISSIONER CAMPBELL: I understand your
20 answer.

21 But let me ask Dr. Powlick, you mentioned
22 that the caps in the decoupling -- or the CET tariff
23 would remain in place. My question is, to you or the
24 Company, have they ever been applied?

25 DR. POWLICK: My recollection is that we have

1 not reached either of those caps in the, what is it
2 now? Three years that we've been doing it.

3 COMMISSIONER CAMPBELL: Is that correct?

4 MR. McKAY: We apply them each month. We
5 compare to see if --

6 COMMISSIONER CAMPBELL: Have they ever been
7 reached?

8 MR. McKAY: No, they've never been reached.

9 COMMISSIONER CAMPBELL: Okay. Let me ask a
10 little bit about NGV now. I think in the last order
11 the Commission by -- through that order had suggested
12 a policy of narrowing the subsidy that's provided to
13 customers that have NGV -- the NGV customers.

14 And the question is, does this stipulation
15 increase that subsidy? Does it move us in the
16 opposite direction, and if so, by how much?

17 DR. POWLICK: Because this is a uniform
18 percentage rate increase, it -- I'm -- it -- I'm
19 having to do some math in my head.

20 COMMISSIONER CAMPBELL: Well, then let --

21 DR. POWLICK: Yes, but by a minuscule amount.

22 COMMISSIONER CAMPBELL: Let me ask it this
23 way. There's a significant capital investment, yet
24 the volumes are unchanged, so. Maybe I should go to
25 the Company on this one.

1 MR. McKAY: One of the other things that came
2 out -- just to bring us all on the same page first,
3 then I'll specifically answer that question -- was
4 that we wanted to break out the natural -- the NGV
5 rate as a -- its own specifically allocated to
6 schedule.

7 In the previous case that was -- that had not
8 occurred. And so that's one thing that happened that
9 is part of the -- excuse me -- the data that is before
10 all of the parties.

11 And when that was done, because of the
12 principle of average allocations and -- that occur
13 when you try to allocate all of the costs and then
14 also mix that with specific allocations, the actual
15 amount of "subsidy" that you're specifically referring
16 to was less, just to begin with, than was identified
17 in the last case. Which did it in a different manner.

18 I think to further answer your question
19 though is we anticipate -- and we've put that issue
20 into this next portion of the cost of service and rate
21 design. And it very much is a cost of service and
22 rate design issue.

23 And we would anticipate that all the parties
24 that Dr. Powlick had identified earlier as perhaps
25 lining up to weigh in would need to weigh in at that

1 time. And no party's position is limited as to what
2 they could -- would or could recommend before the
3 Commission and have you decide in that portion. Or in
4 that case.

5 COMMISSIONER CAMPBELL: But do I have the
6 math right? I mean, with the significant capital
7 investment to go along with the Clean Cities grant
8 we're making new stations, we're beefing up the
9 compression, but the volumes don't go up. So is this
10 subsidy increasing?

11 MR. MCKAY: No. The -- for specific purposes
12 there was 5.1 million included in the total investment
13 for the 2010 test period. On average that's gonna be
14 something more along the 2 to 3 range, so that's what
15 the amount it affected rates by.

16 Second, the volumes have gone -- have
17 continued to be at a higher level than what we were
18 providing in the last case, so that actually works to
19 reduce it. And then third, because of it being broken
20 out in a separate rate class, that also had an overall
21 effect of helping to reduce.

22 So we are slightly less subsidized, because
23 of usage and allocations, in the results that we have
24 put forward in this case when compared to the previous
25 case.

1 COMMISSIONER CAMPBELL: Okay, thank you.

2 Let me ask a question about, from a
3 customer's perspective, as it relates to the
4 surcharges. We're gonna have a surcharge for the
5 tracker as well as a surcharge for the low income
6 program.

7 Are both of those gonna be on the bill? Or
8 is the tracker surcharge gonna be on the -- in the
9 tariff, where it ends up in the volumetric rate? And
10 it comes down to the question of you want
11 transparency, but you don't want confusion. And so.

12 I believe the low income tracker on your
13 statute has to be on the bill, as I reread that
14 statute this morning. But I -- what is your intent as
15 it relates to the infrastructure tracker surcharge?

16 MR. MCKAY: Our intent is to treat it like
17 other tariff components and have it broken out
18 specifically on the tariff page. But to have it be
19 treated like the other ones that are on the regular
20 bill in the essence of it not creating the confusion.

21 We -- my understanding is also consistent
22 with yours, Commissioner, and that is that I think
23 that the low income does require that. I didn't know
24 for sure, but I assumed that that would get clarified
25 and worked out in our efforts of meeting together and

1 hammering that out and trying to have the
2 recommendation to you by June 15th.

3 CHAIRMAN BOYER: Okay, I have just a couple
4 of questions. My first is, how long is the
5 infrastructure tracker pilot? I heard Dr. Powlick say
6 three years, but as I read the stipulation it looks
7 like it is revisited every three years, at least every
8 three years in a rate case, but it continues so long
9 as the feeder line projects are going on? So it could
10 go longer than three years?

11 MR. McKAY: I think all of our understanding
12 is we recognize that currently what we have out there
13 is ten-plus years of specific infrastructure to be
14 replaced, but the idea is to have it be reviewed and
15 revisited at least every three years.

16 CHAIRMAN BOYER: Thank you. And so about a
17 ten-year period to complete the feeder line, more or
18 less? I'm not gonna hold you to it, but that's what
19 you estimate?

20 MR. McKAY: More or less.

21 CHAIRMAN BOYER: Okay. Question for
22 Dr. Johnson. In the course of your analysis did you
23 look into the issue of whether or not the low income
24 assistance program might result in savings to the
25 Company in terms of reducing uncollectible accounts,

1 bad debt expense, those sorts of things?

2 DR. JOHNSON: I did look at that in the last
3 Questar general rate case, but I did not at this time.
4 I think it's -- it would be expected that it would
5 reduce it somewhat. But I think as Questar has
6 recognized, their level of uncollectibles is lower
7 than many comparable companies.

8 CHAIRMAN BOYER: Okay, thank you.

9 DR. JOHNSON: I would like to just correct
10 one thing. The legislation does require that the
11 credit to the beneficiaries of the low income program
12 be on the bill, but I can't find any reference to the
13 surcharge being a separate item.

14 COMMISSIONER CAMPBELL: I think in the
15 statute it use the term -- it uses the term "bill
16 surcharge." Which makes me think. I think in the
17 case of our other utility they actually put that in
18 singly on the bill.

19 CHAIRMAN BOYER: Okay. Another question, you
20 know, for anyone to respond to, I guess. And that is,
21 in the course of the settlement discussions did anyone
22 raise the issue of whether or not the infrastructure
23 track -- tracker reduces risk for the Company that
24 could, or might, or should be reflected in the rate of
25 return?

1 Ms. Beck?

2 MS. BECK: Yes.

3 CHAIRMAN BOYER: So is the -- does the
4 stipulation reflect some kind of consensus on that
5 issue?

6 MS. BECK: Paragraph L reflects our view on
7 whether or not the ROE properly reflects all risk.

8 CHAIRMAN BOYER: Mr. McKay?

9 MR. MCKAY: Chairman, I'll agree with the
10 yes, because it was brought up, it was reviewed, it
11 was discussed. I think there's a couple of different
12 sides to that issue. And therefore we -- there -- the
13 need for compromise in what's before you here in the
14 form of a settlement.

15 We recognized the very first thing out of the
16 block was for us to agree to an average test period.
17 Which essentially, at the time these rates will go
18 into effect, will be 100 percent historical. Because
19 the average point will be June 2010. That was a
20 significant give and take on our part.

21 And then in the form of the tracker we will
22 not be able to do what the statute allows, and that is
23 file a forecasted test period that could go out
24 20 months. And instead the only historical in service
25 plant.

1 I also recognize that the Office had points
2 that recognized other issues that could say, Hey, I
3 can argue to have it be reduced. So I think it
4 absolutely was discussed and vetted.

5 CHAIRMAN BOYER: Okay, thank you. Did anyone
6 represent NGV users or these folks who retrofit
7 automobiles in the course of these discussions?

8 They didn't participate? Okay.

9 DR. POWLICK: I don't believe so.

10 MR. MCKAY: Chairman, we did have those
11 parties contact us. We told them that they should
12 monitor and review this case, and that there would be
13 a public witness day. But that was at the time that
14 we were anticipating a full-blown perhaps litigated
15 proceeding.

16 I don't know if they're necessarily gonna
17 show up today. But we did tell those also that
18 communicated with us that what would be in play in the
19 next portion of this case could absolutely be that
20 issue as it relates to cost of service allocated to
21 natural gas vehicles, as well as whether or not it
22 continues to be subsidized.

23 DR. POWLICK: Chairman Boyer, I believe
24 none -- no such parties intervened in the case. So
25 they wouldn't have been in on the settlement

1 di scussi ons.

2 CHAIRMAN BOYER: Thank you. And then my last
3 questi on. There's a reference in -- on page 22 that
4 states more or less that the parties agree that the
5 Company will account for the costs incurred in
6 compl iance wi th the new di stri buti on and integri ty
7 management program rules in the same manner.

8 Is that -- does that just apply to the cost
9 tracking and not to allocation?

10 MR. McKAY: Correct. It's an accumulation of
11 costs or the tracking of it, not the allocation. It's
12 never been speci fi cally called out to be allocation.

13 CHAIRMAN BOYER: Thank you. Since there are
14 no other questi ons from the Commi ssi oners, do any of
15 the parties wish to do any cross exami nation of any of
16 those who have spoken in favor of the -- or any
17 redi rect?

18 Okay. Very well. We'll be in recess then
19 unti l 12:00.

20 Ms. Bell, did you --

21 MS. BELL: I'm aware -- I believe Mr. McKay
22 may have one comment he would like to maybe --

23 MR. McKAY: Maybe I'm asking a procedural, so
24 I'll ask it as a questi on. And maybe it's premature,
25 too, because we need to have a opportunity for the

1 public witness.

2 But I'm really curious, recognizing that I
3 want to keep our commitment as it relates to the
4 stipulation, of how we would proceed forward in making
5 sure that we're meeting and providing the document to
6 this Commission by the 15th of June.

7 And didn't know if that's something we need
8 to be waiting for as far as the Commission's
9 indication or -- of acceptance of this stipulation, or
10 we -- how that would go forward. And maybe that's a
11 legal issue.

12 CHAIRMAN BOYER: Well, I don't want to tip
13 our hand at this moment. I think we'll just have
14 to -- we will work expeditiously to get the order out
15 on this stipulation.

16 But if there's nothing else, let's be in
17 recess then until 12:00. We'll see if anyone from the
18 public wishes to speak. And thank you for your
19 participation. We'll see you then.

20 (A recess was taken from 11:41 to 12:09 p.m.)

21 CHAIRMAN BOYER: Any members of the public
22 shown up?

23 Okay. We noted at this time that we'd start
24 at 12 and continue until we finished, but it looks
25 like we'll finish earlier than we anticipated.

1 We did have an opportunity to discuss the
2 case and the stipulation and are prepared to order
3 from the bench on this one our ruling, which is we
4 will approve the stipulation as presented.

5 And we'll ask the Company if they would
6 prepare a first draft of the order, circulate it among
7 the parties. And we'll put our finishing touches on
8 it and issue it ASAP.

9 Thank you all for your participation.

10 MS. BELL: Thank you.

11 CHAIRMAN BOYER: Have a good day.

12 (The hearing was concluded at 12:10 p.m.)

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