

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the  
Application of Questar Gas  
Company to Increase  
Distribution Rates and Charges  
and Make Tariff Modifications,

Docket No. 13-057-05

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SCHEDULING CONFERENCE HEARING PROCEEDINGS  
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TAKEN AT: Public Service Commission  
Hearing Room 401  
160 East 300 South  
Salt Lake City, Utah

DATE: Monday, June 30, 2014

TIME: 2:09 p.m.

REPORTED BY: Nancy A. Fullmer, RMR

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APPEARANCES

HEARING OFFICER: Jordan A. White

For Division of Public Utilities:

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For Summit Energy:  
Larry R. Williams  
SUMMIT ENERGY, LLC  
1245 East Brickyard Road  
Suite 210  
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Also Present:  
Barrie McKay, Questar Gas Company  
  
Curtis Chisholm, Summit Energy Companies  
  
Mike McGarvey, Summit Energy Companies  
  
Rick Pemberton, Seminole Energy  
  
Matt Medura, CIMA Energy

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Scheduling Conference Hearing Proceedings

June 30, 2014

PROCEEDINGS

THE HEARING OFFICER: Good afternoon. This is the time and place noticed for the scheduling conference in Docket No. 13-057-05 In the Matter of Application of Questar Gas Company to Increase Distribution Rates and Charges and Make Tariff Modification.

My name is Jordan White and the Commissioners have asked that I act as the presiding officer for the scheduling conference. Why don't we go ahead and begin by taking appearances. I'll start over here with Mr. Jetter.

MR. JETTER: Justin Jetter for the Utah Division of Public Utilities.

MR. MONSON: Gregory Monson for Questar Gas Company. Barrie McKay is with me.

MR. WILLIAMS: Larry Williams with Summit Energy.

MR. DODGE: Gary Dodge on behalf of UAE and US Magnesium.

MR. CHISHOLM: Curtis Chisholm with Summit Energy.

MR. McGARVEY: Mike McGarvey with Summit Energy.

THE HEARING OFFICER: Okay. Before we

1 proceed--

2 MR. DODGE: I think you had a couple more  
3 people--

4 THE HEARING OFFICER: Do you want to go ahead  
5 and join the bar table there? We have plenty of room here  
6 so--Mr. Coleman, are you planning on--okay. No problem.

7 MR. PEMBERTON: Rick Pemberton with Seminole  
8 Energy.

9 MR. MEDURA: Matt Medura with CIMA Energy.

10 THE HEARING OFFICER: Okay. Before we  
11 proceed, I would like to try to scope things out a bit. First, I'll  
12 note that February 21, 2014, the Commission issued a report  
13 order approving one partial sum stipulation regarding revenue  
14 requirement, revenue spread, and rate design filed in this  
15 docket on December 13, 2013. And also the partial settlement  
16 stipulation regarding TS Tariff language filed on this docket on  
17 January 7, 2014.

18 The purpose of this scheduling conference is to  
19 address the pleading filed by Summit Energy, LLC, on June 24,  
20 2014 on this docket titled objection to unilateral change in  
21 procedure and emergency motion to stay.

22 I'll note also that UAE Intervention Group, US  
23 Magnesium, CIMA Emergency, Ltd., and Seminole Energy  
24 Services, LLC, have all filed joiners to Summit's objection. I'll  
25 also note that Questar Gas Company--we'll just call them

1 Questar--filed a memorandum in opposition to motion for stay on  
2 June 26th with a corrected version filed on June 27, 2014.

3 In its objection, Summit requests the Commission  
4 to make certain findings with respect to a notice provided by  
5 Questar Pipeline to certain transportation service customers that  
6 reads as follows. I'm just going to read it verbatim. Subject,  
7 Colon, QPC/QGC to begin automated confirmations. Questar  
8 Pipeline will begin electronic confirmation of nominations with  
9 Questar Gas effective gas date, Tuesday, July 1, 2014, timely  
10 cycle. Customers with questions should contact their scheduling  
11 representative of then date, by, slash 13, dash, 2014, 01, colon,  
12 06, colon, 41 p.m.

13 Summit also requests the Commission stay  
14 implementation of the Commission's requirements of the notice  
15 until the time the Commission can address Summit's objection at  
16 hearing. They also request that the Commission schedule a  
17 hearing as soon as possible and requested June 30th, this  
18 afternoon.

19 And, finally, Summit requests that Commission  
20 vacate the notice and require the Company to return to work--to  
21 a workgroup to collaborate with participants of a workgroup in  
22 addressing concerns identified in the stipulation or return to the  
23 Commission with what the results of--results for approval by the  
24 Commission.

25 So with that, I would like to reserve the discussions

1 regarding a potential or the proper schedule or process to  
2 address Summit's allegation regarding the termination of the  
3 schedule--address the rate case stipulation and instead I want  
4 to focus today on the emergency stay and so we'll just kind of  
5 break that up in two parts. Does that make sense?

6 Mr. Williams, this is Summit's objection, so I'm  
7 going to go ahead and allow you to proceed. And kind of help us  
8 understand your objection and your request for emergency stay.

9 MR. WILLIAMS: All right. As was stated in the--in  
10 our filing, we received this notice and we are--at the same time  
11 in our discussions with Questar Gas, we were told that we would  
12 no longer be able to make nominations the way that we had  
13 historically been able to make nominations; that each of the  
14 nominations would have to be on a point by point basis for our  
15 customers.

16 That was a decision that was made by Questar Gas  
17 as a result of their decision intercompany to do the electronic  
18 nomination process there with that. That--that creates some  
19 significant problems for our consumers that we, as marketers,  
20 serve.

21 And then also I need to explain that operationally,  
22 we are--have been unable to make those nominations as they  
23 have requested because their system won't allow us to make  
24 those nominations as of today. We have people working on that  
25 right now, but the way that they've explained that we could do it,

1 doesn't work. And our nominations have not been able to be  
2 filed. So, operationally, we have not been able to make that  
3 happen.

4 I know that--I think it was--I don't remember which  
5 marketer had to go in at an extraordinary work cost to get their  
6 nominations done on a line by line by line by line basis.  
7 They were able to finally complete that. But the instructions that  
8 we were given have not worked at this time and so we're  
9 putting--we're trying to get this done, but I don't know if we can  
10 meet the deadline of July 1st, not because we're not trying, but  
11 because the Company is not helping. They don't have anyone  
12 to help us make those nominations actually get in there.

13 THE HEARING OFFICER: Let me ask you this, and  
14 just, again, reiterate, this is a scheduling conference. I mean,  
15 we're not taking evidence here and, you know, I intend to allow  
16 everyone to kind of speak their parts. And I'm jumping a little  
17 bit here because I'm going to Questar's memorandum, but let  
18 me ask you this: They just filed a memorandum and, essentially,  
19 the crux of their--  
20 their point is that this is something that Pipeline did and that the  
21 Utah Commission doesn't have jurisdiction over that. So do you  
22 have a response to that or help me understand kind of, you  
23 know, if you believe that the Commission may have a  
24 jurisdiction over something that the Pipeline did with respect to  
25 their tariff, et cetera.



1 MR. WILLIAMS: Well, what the Commission does  
2 have a jurisdiction over is Questar's gas actions. Number one,  
3 this was a decision that was made jointly, according to that  
4 notice, between Pipeline and Gas. This was not something that  
5 unilaterally was imposed upon Gas by Pipeline. If you read the  
6 notice, that's exactly the way it was represented to us even after  
7 that notice came out and we asked for clarification.

8 It was Questar Gas's decision that the only way in  
9 which we can make nominations from this time forward is by  
10 point by point. They don't think that any other alternative is  
11 available, which was the whole crux of our workgroup to--or our  
12 workgroup that was part of the decision in February.

13 THE HEARING OFFICER: So, certainly--  
14 and, obviously, we'll allow Questar to dig in and help us  
15 understand the jurisdictional issue here. But one thing, at least  
16 for now, it would be helpful for me to understand, you know, I  
17 guess, why is this an emergency? Why does it have to be  
18 decided today? And what would be the potential ramifications?

19 MR. WILLIAMS: We have consumers today who  
20 will be impacted by this decision if it goes into effect tomorrow.  
21 The reason is because we're trying to make nominations the way  
22 that we have been--that has been explained to us. There's  
23 reasons why that nomination or are--that system doesn't work in  
24 and of itself on a more general sense, but I'm going to tell you  
25 now, operationally, we haven't been able to do it. So at the very

1 least, the bugs haven't been worked out. They told us to do  
2 something which we can't do and so our consumers are at risk.

3 THE HEARING OFFICER: Let's just--so I'm going  
4 to be jumping around here a bit today, but why don't we turn to  
5 Questar and help us understand--help me understand. I read  
6 the notice. It's, frankly, a bit cryptic. What does this mean?  
7 Who actually issued it? And how is it different, I guess, than  
8 what's been done in the past? Mr. Monson.

9 MR. MONSON: Thank you. The first point I want  
10 to make is that this was noticed as a scheduling conference as  
11 you just noted. And so we aren't really prepared to go into the  
12 details of the evidentiary issues that are presented. We can  
13 talk to them generally and we will in response to your question,  
14 but we understand this is a scheduling conference. And so  
15 we're here prepared to schedule whatever the Commission feels  
16 it needs to do to resolve the issues that have been raised.

17 But to put it very simply, the notice that was  
18 referred to is a notice from Questar Pipeline. It's not a notice  
19 from Questar Gas. It's a notice issued on Questar Pipelines for  
20 scheme. That's a word I'm using loosely. But it's a notice  
21 issued pursuant to their current procedures, which I'm not  
22 intimately familiar with, but there is a procedure that they issue  
23 these kind of notices under and they become effective and--so  
24 this is a Questar Pipeline issue.

25 The statement was made that they did things and

1 that Questar Gas jointly issued this notice. That's not correct.  
2 If you look at the notice which was attached to our response, it's  
3 issued by Questar Pipeline. Questar Gas has not filed anything  
4 that can be stayed. That's the other simple point.

5 We haven't filed a change to our tariff. We haven't  
6 asked the Commission for any relief. There's nothing that we  
7 have done that can be stayed. And so, as we said in the  
8 response, you know, we believe this is something--if there's a  
9 problem or an issue, it should be raised with the--I guess the  
10 Federal Energy Regulatory Commission.

11 THE HEARING OFFICER: Can I just--I mean, going  
12 back to your point about this is a scheduling conference, but I  
13 just want to make it very clear that what I'm talking about here  
14 is understanding the process to inform the schedule. We've got  
15 a stay. They want a hearing, you know, essentially today. We  
16 don't have time for a hearing. We're not taking evidence.  
17 We're not swearing folks in, but, I mean, understand that we're  
18 not talking about the merits of he said, she said.

19 But to the extent you can--and, perhaps, the fact  
20 there's not a Pipeline representative here, but--well, I guess, I'm  
21 just trying to get a--wrap my head around what is the purpose of  
22 it. And maybe--I don't know if Mr. McKay can speak to that or  
23 not, but help--help me--

24 MR. MONSON: I think Mr. McKay is happy to  
25 address that.

1 THE HEARING OFFICER: Yeah, thank you.

2 MR. McKAY: The timely nominations--

3 and maybe I can tell you today at about 10:30, 10:45 is when  
4 we, Questar Gas, needed to comply with Pipeline's notice for  
5 timely nominations for tomorrow's gas day. So already today,  
6 timely nominations needed to be in for all of those that will be  
7 transporting on pipeline. We had to work with our upstream  
8 provider in that case. We didn't get everything right to begin  
9 with. And from what we can tell, there are some challenges out  
10 there. Everything that we have been able to see with Questar  
11 Gas that's been nominated for us to transport has been able to  
12 be completed by all of the nominating parties except for Summit.

13 We can see that Summit was not able to comply.  
14 From what we can see, it's out there. It's public information. We  
15 do understand that that's--  
16 they have--will have the opportunity on the evening cycle to be  
17 able to work through that. We do know that Pipeline was very  
18 accommodating with us and that they're trying to work with all of  
19 the parties from what we can tell.

20 I think they helped us to get it right when we  
21 weren't able to on our first shot this morning. And I think--well,  
22 I don't know. You could ask them if they're working with  
23 Pipeline. But that, I think, is their issue. And I think I have all  
24 the confidence in the world that they'll be able to figure that out  
25 and have it completed for the evening cycle.

1                                   And, just so you understand, the evening cycle  
2                                   is--that gets put in and it will be for gas that will flow tomorrow  
3                                   on--beginning at 8:00 a.m. in the morning.

4                                   THE HEARING OFFICER: And help me understand.  
5                                   Again, I don't mean to be obtuse on this, but you may have to  
6                                   back up to, you know, someone whose more familiar with the  
7                                   electric side and help me understand this. What I'm trying to  
8                                   sauce out is what Questar has done and what we may or may  
9                                   not have control over under the tariff versus Pipeline. So walk  
10                                  me through exactly your understanding of, you know, who  
11                                  directed what pursuant to the stipulation. I mean, that's what  
12                                  I'm trying to understand is that what did Pipeline do that we may  
13                                  have to go over versus Questar. You're under the Commission's  
14                                  jurisdiction, obviously, so help me understand on that.

15                                 MR. McKAY: We--as far as the--the parties--let's  
16                                 go to the dates I think the Commission does, which we--as you  
17                                 can see in our reply, we are here to, I think, schedule that and  
18                                 even suggest for the Commission that they open up a docket  
19                                 and probably begin with the technical conference because that  
20                                 would be the easiest for them to become familiar with all of the  
21                                 issues out there. But, again, that was Questar Gas's  
22                                 perspective of what happened.

23                                 But we do think that we have followed and are still  
24                                 in the process of following the Commission's order coming out  
25                                 of the general rate case. We've had at least three formal

1 meetings with all of the parties interested in a particular issue  
2 that we were ordered and agreed to begin meeting on or before  
3 the end of April. We have had other meetings one on one. It  
4 wasn't a group meeting in what we would term to be in  
5 compliance with the Commissioner, but we don't think we're  
6 done. We think there's further meetings that we need to be  
7 doing of what Questar Gas may be required or proposing of  
8 what we can do on our system.

9           You should know that Questar Pipeline did attend  
10 those meetings. They've looked at the issues and were  
11 probably starting to dive into the merits that you probably want  
12 to be hearing perhaps. But Barrie attended in those meetings.

13           THE HEARING OFFICER: Let's hear those. Put  
14 aside the issue of, you know, whether there was some kind of,  
15 you know, bad faith, et cetera, with respect to the stipulation or  
16 whether it was holistic, et cetera. I guess I'm trying to--  
17 again, you know, as simple of a question I can understand  
18 with respect to the motion for stay what did Questar do that we  
19 can stop today versus what Pipeline did that we can stop today.  
20 Because the request is for today, so we've got to make a  
21 decision today.

22           MR. McKAY: So I'll go back to what Mr. Monson  
23 said that we--we didn't send out a notice. We did participate in  
24 meetings. I don't think you want us to stop or stay those. We  
25 think we ought to keep doing those. And we think we're acting

1 in good faith following that order.

2 But it was Questar Pipeline who sent out a notice  
3 on the 13th of May that they're asking this Commission  
4 essentially to stay, although they did think and I'll observe that  
5 they think it is Questar Gas that did that. Questar Gas did not  
6 in our perspective. In fact, we know we didn't send out that stay  
7 and, therefore, we--

8 THE HEARING OFFICER: Why don't we--  
9 let me--okay. Let's ask the Division if they have a--  
10 if they want to weigh in on this issue or if they have a better  
11 understanding potentially of the jurisdictional issues.

12 MR. JETTER: At this point I don't think we have  
13 formed an opinion.

14 THE HEARING OFFICER: Okay. Does anyone  
15 else? Mr. Dodge?

16 MR. DODGE: Yes. I would like to address it. And  
17 I would like to get specifically the question, I think, you're  
18 struggling with. And I think it's the right one. First of all, I  
19 would like to give a little bit of background because I think  
20 you're being thrown in as though you were up to speed in this  
21 whole--with all these meetings that have gone on and that  
22 obviously hadn't happened.

23 The motions were filed very quickly because until  
24 about two weeks ago the parties thought they were still  
25 negotiating in good faith to delay this deadline. And then they

1 got a letter two weeks ago saying, no, we're going to go ahead  
2 July 1 after having been told maybe it could be delayed. So  
3 they had to move quickly to move for the stay.

4 I'm told it's too late for tomorrow as Mr. McKay  
5 indicated the others, I guess--I guess some of us had a problem  
6 and others in dealing with their inability to nominate on the  
7 system because it doesn't work the way it's supposed to. I don't  
8 know that there's much you can do for today. That doesn't  
9 mean we should walk away from the stay issue. I think you  
10 should set up a proceeding where you can decide this by the  
11 end of the month because there's another round of this in a  
12 month when they nominate the end of July for August.

13 Frankly, what's happened since time and memorial,  
14 since there have been marketers and transporters, is Questar  
15 Gas Company has allowed the marketers to designate an  
16 informal Questar Gas Company citygates pool as their delivery  
17 point on Questar Pipeline. So these entities who serve my  
18 customers, would go in and say we're bringing gas from this  
19 point, this point, this point, this point, all to the citygates and  
20 they pool it to the citygates.

21 They would then enter a--instead of a contract code  
22 because they don't currently have a contract with Questar Gas  
23 Company, they would enter an identifier for Summit or for CIMA  
24 or for Seminole. And for years and years that's been the  
25 practice. What that allows is for these marketers to take



1 diversity, diversity of their customers' demands, diversity of  
2 supply, diversity of transportation options.

3           Currently, Questar Pipeline, et cetera, get those  
4 pooled supplies to the citygates and then manage their  
5 customers' balances and imbalances and manage the gas  
6 that--the critical gas stay problems when wells freeze in,  
7 supplies don't show up. They manage it in a bundled way or in  
8 a pooled way minimizing the impact on the end use customers.  
9 In fact, that's why I think virtually every one of my customers,  
10 virtually every transporter almost, has now gone to hiring these  
11 marketers to do that because they're able to use the diversity of  
12 the pool to eliminate problems to minimize penalties for  
13 imbalances, et cetera.

14           In the rate case what Questar propose, because of  
15 a one-time-in-a-decade freeze-out on the 5th of December--first  
16 time in a decade this happened, they said that manual--oh, the  
17 one thing that caused was a requirement for manual--  
18 manually handling the nominations in the Questar Pipeline,  
19 slash, Questar Gas control. It's the same control and the same  
20 people. It's nice they help each other, but they're the same  
21 people. In that control room, they had to manually enter those  
22 nominations. They couldn't do it electronically. When December  
23 5th came, they complained about that--Questar Gas complained  
24 about that--well, even Questar Pipeline.

25           THE HEARING OFFICER: Can I just stop you for a

1 second here? I mean, I know it's hard not to kind of mix the  
2 issues of a rate case and stipulation, but, again--and I agree  
3 with you completely that we're going to need to discuss kind of  
4 prompt the procedure of how to deal with that, you know, after  
5 we address this. But help me understand. Is there anything  
6 that Questar did with respect to, you know, this notice that the  
7 Commission within its jurisdiction authority could actually do  
8 something about today?

9 MR. DODGE: Yes. And that's why--

10 THE HEARING OFFICER: Help me understand  
11 that.

12 MR. DODGE: --because I was going to get to that  
13 in one second. It was important to understand that for decades  
14 there's been an informal pool that these marketers have been  
15 able to nominate to. And in the rate case, they proposed to  
16 change that to require a firm upstream contract with a firm  
17 downstream contract. People came out and said, "That won't  
18 work. It causes all kinds of problems." Ultimately, they pulled  
19 that and instead said, "We'll go to this holistic approach and  
20 meet and negotiate." Right?

21 Well, what we did is we met twice with the entire  
22 group. And in both of them we spent all but a few minutes  
23 addressing this issue each time with Questar Gas Company and  
24 Questar Pipeline saying, "We can work with you towards a  
25 formal pool." They wanted to institute the electronic

1 nominations, which is what the nature of the notice is. We're  
2 instituting electronic nominations.

3 I might point out here, they're claiming that its  
4 consistent with the tariff. If so, they've been violating that for  
5 decades. But, in any event, they wanted to institute electronic  
6 nominations. And people on this side of the aisle said, "Fine,  
7 you can do that. Just make a formal pool." We can nominate to  
8 a formal pooled concept at the Questar citygates, but to do that  
9 we need an arrangement between the suppliers and Questar  
10 Gas Company so that it could be nominated electronically and  
11 still pool--not lose the pool concept, which was the thing we  
12 were trying to avoid losing, among other things, in resisting the  
13 proposal in the rate case.

14 We met twice. They set a few minutes on each of  
15 them saying, we can work with you on that. In fact, we'll send  
16 you a draft pooling contract for our third meeting. They showed  
17 up at the last meeting and said, "We changed our minds. We're  
18 not going to do that." And the rest of the meetings involved  
19 spent on an issue that wasn't even fit for that task force, and  
20 that is a new charge new one to impose on transportation  
21 customers.

22 So to say they've been negotiating with us on this  
23 isn't really true. For two times they said they would work with  
24 us and then they just said abruptly, "We're going to stop that  
25 and we're going to move forward with this approach."

1                   It was not Questar Pipeline that had the problem.  
2           Questar Pipeline doesn't have to deal with downstream  
3           interruptions on a cold day that are on the Questar Gas  
4           Company side. Questar Gas Company was trying to solve its  
5           problems. And one of the solutions to its problem, they told us,  
6           was to have these one-to-one matching contracts and eliminate  
7           the pool in the middle. Everyone on the other said, "That's not  
8           acceptable. It discloses confidential information. It's  
9           anticompetitive. It will increase costs on end use customers in  
10          the form of balancing--imbalance penalties. It will increase  
11          costs of the marketers, which we're down to the end use  
12          customers' detriment." And so these entities tried after that to  
13          meet with them to convince them, no, no, there is a way to do  
14          this. And they continued to say no.

15                   To say today that it's the Pipeline that issued this,  
16          we didn't do anything, is really very disingenuous. First of all,  
17          they go like this. They tell you which hat they're talking from,  
18          Pipeline versus Gas. And, secondly, it was their problem they  
19          asked Questar Pipeline to solve. And Questar Pipeline solved it  
20          for Questar Gas by ultimately saying, "We're going to demand  
21          this one to one."

22                   What they can do--now, they're getting to the brunt  
23          of this, too, your question and I wanted to give that background.  
24          What they can do is what they said they would work with us in  
25          good faith on. And that is allow these marketers to sign a

1 pooling contract at the citygates. Then they can do the  
2 electronic nominations that they say is the whole crux of their  
3 issue and we can still preserve the benefits of the pooling for  
4 the end use customers.

5 THE HEARING OFFICER: Okay. Let's put within  
6 that for a second because if I hear you correctly--and just tell  
7 me if I'm mischaracterizing this--it sounds like--and I kind of try  
8 to fuse together what Questar said in their memo and what you  
9 said. It's almost like, you know, the crux of your allegation is  
10 that somehow that Questar Gas has directed an affiliate--and,  
11 again, putting aside of whether or not the violation of their tariff  
12 or whatever, but, essentially, it's them acting to direct their  
13 affiliate Pipeline, which we don't have jurisdiction over, you're  
14 saying there's an alternative to that, which is again something  
15 that potentially could be dealt with in further procedures. But,  
16 again--my question again, not to keep, you know, beating a  
17 dead horse here, but whether or not that was done in bad faith  
18 or switching hats or et cetera, but can the Commission--I'm open  
19 to an answer here from anyone. Can the Commission today  
20 direct Questar Pipeline to basically, you know, put the genie  
21 back in the bottle, I guess.

22 MR. DODGE: No. I don't think you can. Again,  
23 they're hiding behind the switching hat thing, which I think is  
24 disingenuous. But you can't order Questar Pipeline to withdraw  
25 its electronic nomination requirement. You can direct--and

1 we're--at least UAE and US Mag is not asking for that. We're  
2 asking for before the next nomination--  
3 it's now too late for tomorrow. Before the next nomination  
4 deadline, a month from now, to direct Questar Gas Company to  
5 retract its request of Questar Pipeline that it do that if it can't be  
6 done between--well, let me say it this way. The thing you can  
7 ask them to do between now and then is to give us the contract  
8 they said they were working on, enter into contracts for pooling,  
9 and then we can meet the Questar Pipeline electronic  
10 nomination requirement. It isn't that that's causing the problem.  
11 It's Questar Gas Company's refusal to continue like it has for  
12 decades to accept a pooling point at the citygates for marketers.

13 So what you can direct in the next month is enter  
14 into that contract. And I think you ought to set a schedule that  
15 would allow you to make that order before nominations at the  
16 end of July.

17 Secondly, I do think you could say it's your  
18 problem, Questar Gas Company, you're asking your affiliates to  
19 solve for you. I--clear here whether there are anti--federal  
20 antitrust implications, whether there are violations of the  
21 nondiscrimination and other requirements. We can look at that  
22 in a different context. I think--I think it's inappropriate for these  
23 affiliates to be conspiring with each other to basically harm their  
24 competitors in supplying gas and ultimately their end use  
25 customers. But you can in the next month direct them, allow the

1 pooling to continue even with electronic--

2 THE HEARING OFFICER: Let me ask you this.

3 MR. DODGE: --confirmation.

4 THE HEARING OFFICER: When are the  
5 nominations due? Because I thought I recall from Questar's  
6 memo that there was at least, you know, a representation that  
7 they are willing to continue discussions. I mean, let's just put  
8 aside for a second the Commission actually directing--  
9 contract. Let's just--I'm turning to Questar here with respect to  
10 when are the next nominations? What--I guess I'm just asking  
11 you to respond to Mr. Dodge's points.

12 MR. McKAY: We respectfully observe that we  
13 disagree with many, if not all--not all. I would say most of the  
14 characterization that he just put forth. But I don't think that  
15 you're after that.

16 THE HEARING OFFICER: I mean, I agree--I mean,  
17 we're--and I apologize. I know there's--and you have the right  
18 to rebut any kind of allegations. Again, we're trying to stay  
19 away from that. But we're just trying to figure out what we can  
20 do today and then after we actually rule on the stay, then we  
21 can talk about that. But just help me understand about--

22 MR. McKAY: You do not--if the Commission would  
23 like to, you can, but we don't have to know that you need to  
24 order as to continue to meet with them, discuss, or talk about it.  
25 We think that we're in the process of still doing that. We're

1 happy to do it. If you would like to open another docket, you  
2 can.

3 For clarification, though, and for what good  
4 understanding, you need to know that this is not a once a month  
5 issue. Tomorrow they will need to nominate for July 2nd. The  
6 next day they'll need to nominate for July 3rd. Every day  
7 Questar Gas will need to comply with Questar Pipeline's notice,  
8 just like all the others will need to do that. There is a beginning  
9 of another month. We don't disagree with that. But it will be  
10 like any other day that they need to move forward. Sometimes  
11 people associate things with their nominations and their gas  
12 supplies by month so it is a natural thing for them to be making  
13 changes at that time. But every day we will need to nominate  
14 others that are transporting on. Questar Pipeline will also need  
15 to nominate. And so that is and will continue to take place on a  
16 daily basis. There isn't a big moment that will again happen on  
17 August 1.

18 THE HEARING OFFICER: What does that mean  
19 when you--okay. So let's talk about tomorrow. What does that  
20 mean when you nominate for tomorrow? Just, again, back up a  
21 second, I mean, unless this is way too complex.

22 MR. McKAY: No, actually, it's a great question.  
23 And we really do think that for understanding purposes, we need  
24 to have a technical conference just to sit down and talk. It takes  
25 quite a bit of time to get into the details, but we are happy to do



1 that. We do not have our people that do that on a regular basis  
2 and can explain and walk all the way through that process. That  
3 is not my area of responsibility and I think we didn't come  
4 prepared to talk about that today.

5 THE HEARING OFFICER: Understood. Mr. Dodge,  
6 you know, again, if a commissioner were to entertain some of  
7 the requests, help us understand the day-by-day. Again, Mr.  
8 McKay is talking about a daily nomination. You're talking about  
9 a monthly nomination. Again, we don't have a--you know, we  
10 don't have a pipeline person here. We don't completely  
11 understand what you all meet, but help us today.

12 MR. DODGE: Let me--and I might ask you to let  
13 Mr. McGarvey or someone from Summit explain--respond. But  
14 the way I understand--I'm not a nominator, but I've sat down  
15 with them from several of these companies and talked to them.  
16 Today, it was a very time consuming laborious process to go  
17 through and nominate instead of the way they used to do it  
18 when three or four supplies all from the citygates one by one,  
19 matching up a supply upstream to a downstream contract,  
20 disclosing in the process who their customers are in violation in  
21 our view of the contracts they've signed. But now that it's done,  
22 tomorrow it will all pull up and they can just say continue. Now,  
23 it doesn't require that laborious process each day unless you're  
24 going to make major changes. It will when the heating season  
25 begins.

1                                   During the heating season, problems happen, fields  
2 freeze off, supplies don't show up, and they're having to go in  
3 four times a day during each cycle trying to balance all of their  
4 customers' loads with their upstream issues. And what we want  
5 is before that hits, we would like this process resolved. I would  
6 like it resolved by the end of July when they have to go in for  
7 the next month's nominations, which may--may be major  
8 differences or may not.

9                                   But I completely disagree with a technical  
10 conference. I don't think that--I think it's just an attempt to  
11 delay. They've now essentially, by delaying so long, made it  
12 impossible for us to have you understand this issue before they  
13 unilaterally impose this decades long change in practice and  
14 procedure at Questar Gas Company.

15                                  The fact they haven't asked you for permission is  
16 my major complaint. I think they violated their own tariff by not  
17 getting your permission for this major change in procedure. So  
18 what I would like to schedule is a hearing on the stay. The  
19 stay--again, practically, from my clients we're not asking for you  
20 to issue an order today a stay for tomorrow. It's too late. They  
21 told me they got their nominations in, the ones that--I thought  
22 other than Summit apparently.

23                                  But as quickly as we reasonably can, I would like to  
24 get to a hearing on our motion to stay with the intent of having  
25 you enter an order telling them you've got to continue to allow

1 pooling. And if that's a pooling contract, then offer a pooling  
2 contract to these customers--to these marketers who are asking  
3 for them.

4 THE HEARING OFFICER: So I'm just trying to  
5 understand again the difference between Pipeline and--so if we  
6 had an administrative magic wand here, would it be that the  
7 Commission would order Questar Gas Company to stop directing  
8 their affiliates? Is that--

9 MR. DODGE: No. It wouldn't be that. It would be  
10 telling Questar Gas Company to allow pooling by, if necessary,  
11 doing it the way they have done. Questar Pipeline won't allow  
12 that because they're going to use electronic nominations then by  
13 accepting a pooling arrangement with these marketers. And it  
14 could be done almost overnight. Again, that's what we were  
15 working towards in the task force.

16 And, again, failure to do that by the time we get to  
17 the heating season, in particular, will be very damaging to the  
18 end use customers. We would like to get that sheet up as  
19 quickly as possible. And we think it can be done in a very quick  
20 time frame. Frankly, I think unlike most cases, we will look to  
21 do some depositions. Because I want to tie people down when I  
22 can cross-examine them as opposed to just data request on  
23 what they have and have not asked their affiliate to do, what  
24 has been the practice, et cetera, both the Pipeline and the Gas.

25 Luckily, on the Pipeline side, they have strict

1 nondiscrimination requirements that I'm not sure Questar Gas  
2 believes it has to live by. If someone tells them we would like to  
3 drop gas off in your pipeline here and deliver it here, they have  
4 no choice but to allow that if they've got capacity. The problem  
5 is there's no here right now that Questar Pipeline could allow  
6 you to nominate to once they quit allowing the pooling on an  
7 informal basis. So we just are--tell them to make us have a  
8 pooling point there in contracts with the entities that want to  
9 pool.

10 MR. WILLIAMS: That's our historic practice is that  
11 there has been a pooling point. It's been a non-recognized  
12 contract point by Questar Pipeline, but it has been there.

13 THE HEARING OFFICER: Let me ask you this: Is  
14 it incorrect to say, you know, the assertion of the marketers is  
15 that the current practice is contrary to the tariff provisions that  
16 were just recently approved in rate case? Is that--are you  
17 essentially saying that the complaint that they're acting contrary  
18 to the tariff provision approved in the settlement?

19 MR. WILLIAMS: I think that the--what has been  
20 proposed at this time was what was proposed and then  
21 withdrawn in the current tariff.

22 THE HEARING OFFICER: Well, hold on. Let's back  
23 up here for a second because, you know, again, the  
24 stipulation--I mean, again, we're not talking about--you know,  
25 we're not having an evidentiary hearing on the holistic rates or

1 whatever. But we had a rate case that was approved and there  
2 were provisions on that TS talking about process going forward.  
3 We do have an approved tariff. And so I guess the question is  
4 is that--is Questar acting contrary to the tariff that's Company  
5 approving? And understanding there were some other language  
6 about process going forward and working, et cetera. But is  
7 there an assertion that--I'm basically asking is there a complaint  
8 out there that Questar is violating their currently approved  
9 tariff?

10 MR. DODGE: And I'll try to respond to that. I think  
11 the answer is we don't have a specific tariff provision that deals  
12 with this issue, to my knowledge. So I'm not alleging--I'm at  
13 least not here alleging that I can point to a tariff provision that  
14 they're now acting contrary to.

15 What I am saying is they have a long-term practice  
16 that is presumably compliant with the tariff before and now that  
17 they're now changing unilaterally, and I believe under Utah  
18 Utility Law, they can't do that without your permission.

19 Now, they have, in my view, though, violated the  
20 stipulation. And that's why we think it's proper in this docket. If  
21 you want to open a different docket, as long as we get the  
22 timing right, I don't really care. But this was the issue we were  
23 directed to go look at. How do you deal with December 5th and  
24 the problems they had when they had to once in a decade deal  
25 with interruptions? And this was--this is their answer to it and

1 they've asked Questar Pipeline to do it--to issue it to solve their  
2 problem. It doesn't solve the other problems.

3 THE HEARING OFFICER: Mr. Monson, Mr. McKay,  
4 respond to the question I had earlier about, again, we've got an  
5 approved tariff. Is there something that's just a variation of it?  
6 Is it something completely new, askew? Help me understand.

7 MR. MONSON: I'm going to give you my response.  
8 Mr. McKay may want to add something. First of all, I think now  
9 it's been admitted that there's nothing to stay today. So I think  
10 we're actually passed the issue that you were concerned about,  
11 the big issue.

12 But, secondly--so now the question is is there a  
13 complaint? And I think the answer to that is also no because we  
14 haven't violated any tariff. No one's saying we violated our tariff.  
15 So I still come back to the question of, you know, if they want to  
16 have a proceeding, Questar Gas is very happy to engage in a  
17 proceeding to discuss the issue of how this issue ought to be  
18 dealt with on a long-term basis from its perspective and what it  
19 can control.

20 But I don't think there's anything before the  
21 Commission that granted the relief on right now. And I think  
22 that that brings us to the question, then, should we schedule  
23 something? Should we open a new docket and schedule  
24 something?

25 THE HEARING OFFICER: Yeah. And we're going

1 to--I'm going to take a recess in a moment. I'm just trying to  
2 understand the best I can in a short amount of time. But what I  
3 heard--  
4 thought I heard Mr. Dodge say is essentially that--  
5 that--I'm going to try to boil it down to the--the easiest way  
6 possible I can--is that Questar is essentially acting contrary to  
7 their approved tariff contrary to the stipulation and somehow  
8 directing.

9 In other words, the stay that they're requesting--not  
10 that I agree with that, it sounds like that's no longer a potential  
11 option for today. But they're requesting at some point some  
12 type of expedited fashion for the Commission to direct the  
13 Company to stop directing their affiliate. Is that--

14 MR. DODGE: Well, again, or to enter into a pooling  
15 contract. We don't care if they use electronic. The practice  
16 these parties are asking for is the standard in the country.  
17 We've looked and haven't found one single pipeline plus LDC  
18 combination that doesn't allow pooling between the pipeline and  
19 the LDC. We haven't found one. And we've got people who  
20 operate through most of the country.

21 We're asking for the standard approach, which is  
22 allow a pooling contract at the citygates on Questar Gas  
23 Company. And then we don't even have to involve Questar  
24 Pipeline. They can do their electronic confirmation. We  
25 don't--we don't mind that. What we mind is them using that to

1 prevent the pooling that's been going on for decades. So that's  
2 the gist of it.

3 And there was an objection filed--not just a motion  
4 for stay--an objection filed in the context of the stipulation. So  
5 you clearly have jurisdiction under your approved stipulation,  
6 which is a way to negotiate in good faith. There is an objection  
7 that that hasn't happened and that you ought to direct them to  
8 return and come up with a different solution than the one  
9 they've imposed--  
10 their affiliate has imposed.

11 THE HEARING OFFICER: Let me ask you this: Do  
12 the parties believe that this would be a legal issue that we need  
13 to meet as to whether or not the Commission has jurisdiction to  
14 direct a party's contract? Is that something--I mean, I don't  
15 know if I know the answer to that off the top of my head,  
16 but--Mr. Monson.

17 MR. MONSON: I do want to add to what Mr. Dodge  
18 just said. The Commission directed the parties to meet and  
19 negotiate. And that doesn't mean the Commission can now  
20 order them to reach a solution that one of the parties wants and  
21 the other party doesn't want. Apparently, I don't know the  
22 details of this.

23 The other thing is we keep talking about changing  
24 hats and Questar Pipeline's obligations. And I know you're  
25 familiar with this. I mean, there are strict rules about us



1 directing Questar Pipeline to do something. We can't do that.  
2 That violates FERC regulations and we don't do that. And, you  
3 know, Mr. Dodge may think we do, but we don't. And he may  
4 think that we do--that we haven't negotiated in good faith. And I  
5 guess that might be something the Commission could look into.  
6 But when you ask people to negotiate in good faith, that doesn't  
7 mean you mandate a solution. That means that they should  
8 negotiate in good faith and if they can't come to an agreement,  
9 they can't. But we're not even saying that.

10 We're saying we're happy to continue to meet and  
11 discuss this issue. You've heard a lot of evidentiary  
12 representations--a lot. We could respond to them, but we don't  
13 have the people here to respond to them, frankly. We didn't  
14 know that's what we were going to be doing today. But, I  
15 think--I mean, if you want to have legal briefs, that's fine. We  
16 think that the next best step here is to probably open a new  
17 docket. This really is no longer a general rate case issue. And  
18 open a new docket to look into this question, and we'll  
19 cooperate and proceed with it.

20 Mr. Dodge, on the one hand, wants it done quickly,  
21 but he wants to take depositions. Well, I'm involved in some  
22 litigation right now. I know that when you start trying to get  
23 everybody's schedules together to take the depositions, that  
24 doesn't happen very quickly usually. But we will cooperate and  
25 try to do it as quick as reasonably possible, if that's what he

1 wants to do and thinks he needs to do. But that's what we  
2 ought to do. We ought to schedule a proceeding. That's what  
3 we came here to do.

4 MR. DODGE: Well, we agree with that. We ought  
5 to schedule it. If the proposal for another docket is something  
6 other than delay, then I'm okay with it. If it's just to delay  
7 further, I think that's inappropriate. We're here to schedule  
8 today, whether you deem the objection as a complaint filed in a  
9 new docket or otherwise is fine, but let's get something  
10 scheduled so we can quickly, long before the hearing season  
11 arrives, have this issue resolved--at least the stay issue, the  
12 requirement that they allow a pooling arrangement at the  
13 citygates.

14 MR. MONSON: I still don't see that as a stay issue.  
15 I mean, that sounds to me like a request for affirmative relief  
16 injunction or a declaratory order, or something like that. I don't  
17 know what we're staying.

18 MR. DODGE: Hopefully, you will. It's a request for  
19 relief.

20 THE HEARING OFFICER: Well, and I guess I tend  
21 to agree with Mr. Monson. I'm still trying to figure out, you  
22 know, we can--we can kind of get a--you know, talk about a  
23 schedule to address these issues. But I guess I'm just trying to  
24 think about what are we actually staying? Again, this goes  
25 back. I'm not trying to in any way infuse or color the allegations

1 that have been thrown around here, but, again, my simpleton  
2 understanding here is that you're saying that Questar Gas is  
3 doing something--or telling their affiliate to do something, and  
4 so you want us to stop them from doing that?

5 MR. DODGE: Again, let me try it--the stay we're  
6 requesting is to have them stop the unilateral change in a  
7 decades old procedure for recognizing pooling at the citygates.  
8 The way they've chosen to change that, I guess Questar just  
9 dreamed it up and decided we're going to start imposing this  
10 after decades without any input from Questar Gas, but they now  
11 have said we're going to require electronic nominations, which is  
12 inconsistent with the manual nominations they do today to  
13 accommodate the pool.

14 So what we want stayed is they're changing their  
15 unilateral change of procedure where they won't recognize a  
16 pool at the citygates, which they have done for decades. I think  
17 it is a stay. But if the reality is that Questar Pipeline on its own,  
18 for reasons that they've never ever explained except in the  
19 context of helping Questar Gas's problem out on an interruption  
20 day, if they're saying Questar Pipeline all by itself is going off  
21 and doing this, so be it. Then we'll deal with the Questar Gas  
22 side. You can order them to acknowledge pools at the  
23 citygates.

24 THE HEARING OFFICER: I'm going to take a brief  
25 recess here. Is there anyone else who wants to--just so you

1 know, I'm going to come back and we're going to talk about the  
2 process and what makes sense, what we want to do. But is  
3 there anyone else who wants to speak to the stay issue portion  
4 of this before we talk about how--you know, process going  
5 forward? Is there any other thoughts or comments from  
6 anyone? Okay. Why don't we go ahead and go off the record  
7 and take a recess.

8 (Recess taken.)

9 THE HEARING OFFICER: So based on what I've  
10 heard this afternoon, I just don't have enough to go on. You  
11 know, there's allegations. There's requests. They're a little bit  
12 unformed at this stage. So what I'm going to suggest--what I'm  
13 going to ask the parties to do is they have a right to file a  
14 complaint against Questar. And with that complaint, they would  
15 file initial testimony. And then we allow the--we allow for  
16 rebuttal, motions, surrebuttal, discovery, et cetera. And so  
17 that's going to be the process. So we need to talk about timing  
18 for those--for that process.

19 Since this is Summit's objection, and, again, just to  
20 back up here a second, I think we all agree here it sounds like I  
21 heard the parties agree that we're not going to be able to  
22 stay--there's nothing to stay today. And, furthermore, I'm not  
23 really sure if there's even a direct--well, let's just save that for  
24 your complaint on what you're actually going to request. Maybe  
25 you can kind of sharpen your pencils on what the precise action

1 requesting the Commission to act on with respect to  
2 Questar--not Questar--Pipeline, I guess, in the complaint.

3 So what I'm just--understanding with the complaint,  
4 you would file direct testimony. What would be--what would the  
5 parties have a date for filing those complaints? Or if it's a joint  
6 complaint, either way.

7 Why don't we go ahead and go off the record.

8 (Discussion off the record.)

9 THE HEARING OFFICER: What I think I heard,  
10 which I liked, was that we would kind of have a dual path here,  
11 which is we set a technical conference in a fairly quick manner,  
12 but at the same time there would be kind of a dual track with,  
13 you know, potentially after the technical conference that we're  
14 informed that these complaints I'm discussing and the  
15 testimony; is that kind of what we're thinking? Does that sound  
16 like, Questar, what you guys talked about while I was out? And,  
17 certainly, you know, if these are confidential Summit  
18 discussions, let me know.

19 MR. DODGE: No. We were just talking  
20 procedures.

21 THE HEARING OFFICER: Okay.

22 MR. McKAY: The only thing I'm really hearing Gary  
23 say to you that's different than what you just proposed is that  
24 we both anticipated that perhaps having an understanding type  
25 of technical conference, not necessarily trying to persuade,

1 although, obviously, there would be cues to that. Get their  
2 complaint out there, set a schedule, perhaps a technical  
3 conference, follow that up, and just--I mean, if I was put in the  
4 situation try to get testimony out, that would be really hard to be  
5 doing it that fast. So maybe testimony maybe follow the  
6 technical conference. And then maybe just--that's the only thing  
7 that we're doing. We're trying to think what we can do to get  
8 everybody up on the same page and make sure that we're  
9 agreeing on the facts. I mean, we obviously have some  
10 differences there and we want to try to work that through so that  
11 we can--

12 THE HEARING OFFICER: Let me ask you this: Do  
13 we need to--I mean, certainly--I mean, I don't want to foreclose,  
14 but if, you know, Gary and Larry and the parties feel like they  
15 want to keep on going, but certainly we don't want to, you know,  
16 foreclose the option of, you know, further discussions type of  
17 conference, et cetera. Do the gas marketers and their clients  
18 believe that--help us--give us a suggestion on the path forward  
19 understanding that we don't have enough to act on anything  
20 today.

21 MR. DODGE: I can give one, and then I'll ask Larry  
22 to fill in. I would suggest within a week or two, maybe within  
23 two weeks, that those who feel like they have a complaint, file  
24 the complaint, and be specific about the relief they're requesting  
25 without testimony initially. We then schedule a technical

1 conference for an available date. We were comparing dates and  
2 there aren't a ton of them where everyone from Questar's side  
3 who needs to be here can be here. I know we're here. But find  
4 a date, maybe late July or early August, for a technical  
5 conference and direct testimony soon after that, followed by  
6 rebuttal testimony, you know, a month later, something like that.  
7 And then a hearing date, you know, after that at some point, so  
8 that it's still well short of the heating season.

9 And I'm going to actually ask for CIMA and the  
10 others to weigh in as well as Summit on that because I don't  
11 know if that addresses all the issues.

12 THE HEARING OFFICER: Do you guys want to go  
13 off the record and chat for a minute about a schedule? Why  
14 don't we go ahead and go off the record.

15 (Discussion off the record.)

16 MR. DODGE: If we can have a schedule that  
17 allows the Commission to potentially issue an order, assuming  
18 you're persuaded, obviously, on the issue of the change in  
19 procedure, the major complaint we're talking about, by the  
20 middle of September, that would allow things to be done by the  
21 time the heating season gets under way in earnest.

22 THE HEARING OFFICER: Okay. You know, just  
23 looking at a potential hearing date, say, because I know that  
24 there's some things with the other energy affiliate going on that  
25 first of September, I'm wondering if a potential date of

1 September 10th for a hearing? Is that something we can kind of  
2 work backwards?

3 MR. DODGE: That works for me.

4 THE HEARING OFFICER: Sorry, what was that?

5 MR. McKAY: How much time are you going to have  
6 for response testimony? I mean, you start to get things really  
7 crunched here.

8 THE HEARING OFFICER: I mean, you know, and  
9 that's the question, I guess, is we would pick a date for a  
10 hearing and then maybe see what would work and what  
11 wouldn't. I don't know. I mean, if it's not--if the parties don't  
12 think we could accomplish what they want to get on the record,  
13 et cetera, with respect to hearing--or respect to rebuttal and  
14 testimony, et cetera, before that date, then we need to rethink  
15 it.

16 MR. CHISHOLM: The problem we've had is we've  
17 had six months to address this issue and have had no traction.  
18 It's been Questar, you know, really, I mean, Barrie, we have had  
19 very little give on the Questar Gas side on--and to our face at  
20 the last meeting they said they would work with us, but--

21 THE HEARING OFFICER: Well, and I'm glad you  
22 mentioned that because, I mean, we're going to endeavor to do  
23 our best to address this. But, you know, the fact you mentioned  
24 this has been going on for six months and, you know, we're kind  
25 of having this, you know, last--or this emergency stay is we're



1 going to try to do what we can with it. But let me just--the  
2 Division, Mr. Jetter, had something he wanted to add.

3 MR. JETTER: I just want to make sure that we  
4 define the scope because I think there's sort of two issues out  
5 here of whether we're just dealing with the complaint about  
6 following a tariff, for example, or the previous order, or if we're  
7 going to try to deal with the situation of pooling in general. And  
8 I think that may need a bit more.

9 THE HEARING OFFICER: Well, that's a good point  
10 because, again, you know, I heard a lot of kind of back and forth  
11 this morning, but what I'm hoping will become more apparent in  
12 these complaints is what, you know, the precise action, the  
13 issues, et cetera, and what we will be doing. I mean, I think  
14 you're right, Mr. Jetter.

15 MR. JETTER: We're not opposed to doing either  
16 one. It's just how fast are you doing this.

17 THE HEARING OFFICER: Yeah. To me, I try to  
18 simplify it as much as I can, which is we have a tariff that was  
19 approved. And I think there's going to be a potential complaint  
20 that there's something that's been done by the regulating utility  
21 that's contrary to that tariff. That's as simply as I can put it  
22 right now. There may be something more than that, but I  
23 haven't heard anything this afternoon, at least, that would lead  
24 me to believe that we could, you know, act on kind of what  
25 we've heard right now.

1                   And, obviously, this isn't an evidentiary hearing.  
2                   This is--you know, this is just kind of--  
3                   again, I understand there's been--this is kind of put together  
4                   pretty quickly, but that's kind of where we're at. So I don't  
5                   know, to be honest with you. I don't know what their complaint  
6                   is going to say. I have an idea that it's going to say something  
7                   that Questar has acted contrary to their tariff, but I'm not sure  
8                   exactly what more than that we're going to be dealing with.  
9                   Does that help?

10                   MR. JETTER: Yeah. I just wanted to make sure  
11                   we're not setting up a very fast paced docket to deal with the  
12                   issue of pooling and the situation of who gets their gas cut  
13                   off--customers, et cetera.

14                   THE HEARING OFFICER: Yeah. I mean, you pose  
15                   a different question, which, again, I can't--I can only address  
16                   what we have in front of us. But, you know, it--is a--is a  
17                   proposed tariff revision in order? I don't know. I mean, again,  
18                   we just have--we have a tariff in place. We have, you know,  
19                   some assertions have been made, so we can only do what we  
20                   typically--we can only address this in typical fashion, which is  
21                   give us something to--give us a question we can answer, I  
22                   guess.

23                   MR. JETTER: Okay.

24                   THE HEARING OFFICER: Does that make sense?

25                   MR. McKAY: Definitely I'm getting a questionnaire

1 and complaint that we can respond to. We are concerned. And  
2 I'll say this, that essentially, I think, they're really playing  
3 forward their concern about a practice that related to pooling  
4 and so I believe the issue that's going to be before you is  
5 whether or not you can order Questar, I guess, Gas to do some  
6 pooling. I mean, Questar Pipeline is already on a path of what  
7 they're going to be doing. What--we are happy to show up and  
8 talk about those things, but to fully vent that issue certainly on  
9 the fast track, I'll be very surprised with--and the only  
10 experience I've had when an outside party has come in and tried  
11 to ask or force the utility to do something, it took two years to  
12 do, and that wasn't a fun process.

13 I don't think that that's necessarily the path we're  
14 on. We're going to continue to meet and talk about those  
15 things. And in some ways we may find out that all the parade of  
16 oracles aren't as bad as we thought they were and the parties  
17 have to comply with what's been out there. But that's, just  
18 again, my opinion on it. Others are going to have different  
19 opinions.

20 I would be really cautious and I am being cautious  
21 right now that as soon as you put the 10th of September, which  
22 our witnesses, I know, would be here are not available the  
23 second or the third week. So the first week they can be  
24 available--well, they have one day, the 15th they could be  
25 available. And then after that they begin to be available. But

1 that gets to--you're assuming a whole lot of things with what  
2 might be the decisions or in the complaint out there that--we'll  
3 try. I mean, we're happy to do whatever we can here.

4 THE HEARING OFFICER: I mean, I'm not  
5 assuming anything. I mean, the other alternative is just to go  
6 back to the rules, have you file a complaint, and then we'll  
7 just--I'm just trying to--  
8 I'm trying to find a process for something that's right now pretty  
9 liquid, I guess. And we're trying to firm up a little bit of a  
10 process. But, I mean, frankly, you know, the other option is to  
11 just go ahead and file a complaint and then treat it under normal  
12 process, which is there's a 30-day--you know, I'm just trying to  
13 help out you guys.

14 MR. DODGE: But, again, a stay was requested.  
15 There's a request for emergency relief. We can do that again  
16 and ask you to do it in another week, but we've just waited two  
17 weeks in the interim.

18 THE HEARING OFFICER: Yeah.

19 MR. DODGE: We understand the burden is on  
20 those complaining. I respectfully disagree with Mr. McKay. The  
21 issue isn't whether you can order them to change something.  
22 It's whether they can unilaterally make a change designed to  
23 harm their end use customers without Commission approval. If  
24 you say no to that, then they've got to fix that. And that can be  
25 done on a fairly quick basis.

1                   If there are other issues beyond that, I mean, if the  
2                   complaint also asks for even if they are allowed to change  
3                   without permission, if we're trying to get you to order them to do  
4                   something, let's pretend they've never done it before and we  
5                   thought it was the right thing, we can ask for that. We can ask  
6                   for a tariff change. We can ask you to impose a tariff on them  
7                   that says you have to recognize pooling--or offer pooling  
8                   contracts to marketers.

9                   That may be a longer term one, but the shorter  
10                  term issue is can they just unilaterally change a decades old  
11                  procedure that people have relied upon in entering into  
12                  contracts and arranging the supplies, et cetera, without any  
13                  Commission input on it. That one can be resolved pretty  
14                  quickly.

15                  THE HEARING OFFICER: What is the--  
16                  what are the--understanding that I agree with you, Mr. McKay,  
17                  that this is--again, we don't know--  
18                  exactly have an idea, but what dates could potentially witnesses  
19                  be available for a hearing?

20                  MR. McKAY: Those that would be our witnesses  
21                  beginning on the 22nd, 3rd, 4th, 5th of September, or the next  
22                  week.

23                  THE HEARING OFFICER: The 24th, is that--

24                  MR. McKAY: That's doable for us.

25                  MR. DODGE: That gets pretty late. I thought you

1 said the first week of September they were available.

2 MR. McKAY: They're available on the 15th of  
3 September, that one day that week. They're not available at all  
4 the previous week. And then you have the holiday week of  
5 Labor Day, which is the first week of September.

6 MR. DODGE: What about the 4th or the 5th of  
7 September?

8 MR. McKAY: They're both gone.

9 MR. DODGE: They're gone the entire month?

10 MR. McKAY: No. They are gone just half a month.  
11 I mean, the key people are the supply people and that's their  
12 schedule. They are available--

13 MR. DODGE: I'm pretty frustrated. You told us  
14 September. You said there's not a person that--

15 MR. McKAY: No. I didn't say September. I'm  
16 saying that we need to comply with the technical conference  
17 right away that first week of August.

18 MR. DODGE: We're in September for a hearing.

19 MR. McKAY: Right. And I'm saying in  
20 September--those people, they were way available in August,  
21 but they aren't available during those two weeks.

22 THE HEARING OFFICER: What were the days they  
23 are available again? What were the dates again? Help me  
24 understand.

25 MR. McKAY: 22nd, 3rd, 4th, 5th of September.

1 They're also available on the 15th of September.

2 MR. WILLIAMS: The 15th?

3 THE HEARING OFFICER: The 15th? And there  
4 was no dates on that first week, right, the first week of  
5 September?

6 MR. McKAY: Holiday weeks are difficult.

7 THE HEARING OFFICER: All right. Okay. So--

8 MR. DODGE: You keep saying holiday weeks.  
9 What days are they available?

10 MR. McKAY: The 2nd, so the day after the holiday,  
11 and the 3rd.

12 THE HEARING OFFICER: The 3rd?

13 MR. McKAY: Wednesday.

14 THE HEARING OFFICER: The 3rd or the 15th, it  
15 looks like those--

16 MR. McKAY: The concern I have here, though, is  
17 that now you're starting to put a date out there. Then, all of a  
18 sudden, we're going to crunch in a bunch of timing as it relates  
19 to testimony and then rebuttal. And I don't think this issue's  
20 going to be fully embedded that way. But--  
21 and I don't like the backwards process that we're going through  
22 here trying to commit to a date that we don't even know what  
23 the real issues are that they put out there that we are supposed  
24 to respond to.

25 We are happy to keep meeting and we think we

1 have. We're being accused that we haven't. I understand that  
2 one totally, but--

3 THE HEARING OFFICER: What if we do this: Why  
4 don't we just put a date out there for a hearing and let's talk  
5 about the process and we'll see if it works. Let's get a starting  
6 point here, a point of reference, and then we'll go from there  
7 because you may be right. Why don't we just start with--let's go  
8 to the 15th. And then let's talk about filling in dates in between  
9 that and what may or may not make sense. And, again, that  
10 may be an unworkable proposition. I don't know. Does it make  
11 sense to--should we go back to the technical conference and  
12 then try to work around what the rounds of testimony with the  
13 understanding that we have a placeholder right now for a  
14 hearing on the 15th?

15 MR. DODGE: Yeah.

16 THE HEARING OFFICER: Okay. So let's go back  
17 to--

18 MR. DODGE: Barrie, remind me which days you  
19 guys can do it the last week of July or first--

20 MR. McKAY: The last week of July we could do it  
21 the 29th or 30th. We could do it the 4th, 6th, or 7th in that first  
22 week of August.

23 MR. DODGE: What about the 30th?

24 MR. McKAY: 30th would work.

25 MR. DODGE: You said that would work. I guess



1 I'm asking if the 30th of July would work?

2 MR. MONSON: You're out on the 30th? How about  
3 29th?

4 MS. SCHMID: We might have a conflict.

5 THE HEARING OFFICER: Yeah. We have a  
6 settlement hearing that--the 30th--

7 MR. McKAY: We can do it the 1st. We have so  
8 many attorneys we can use one on that day.

9 MR. CHISHOLM: Let's do the 30th.

10 THE HEARING OFFICER: The 30th? Now, is  
11 that--because, I mean, I don't have to be at the stipulation, but  
12 is that--I'm turning here to the staff here. Is that--what do you  
13 want to do on the 30th? Do you want to do a--what do we think  
14 we're going to need?

15 MR. McKAY: Initially, I thought it was a technical  
16 conference to try to help bring up. People don't have to do that  
17 one, but we thought it would be--

18 THE HEARING OFFICER: No. I think--

19 MR. McKAY: --explanations of what the issues are  
20 and we'll see where we agree to disagree or fight over facts.

21 THE HEARING OFFICER: Okay. So the 30th. Do  
22 you guys want to do morning, afternoon? What makes sense?

23 MR. DODGE: Yeah, morning.

24 THE HEARING OFFICER: 10:00? Is that--

25 MR. McKAY: Yeah.

1 THE HEARING OFFICER: Okay. So July 30th, 10  
2 a.m. And I'm not foreclosing. If there's other--you know, like  
3 other vision, other parties that there's initial conflict--I don't see  
4 the Office here, but--

5 MR. JETTER: We'll be able to manage it.

6 THE HEARING OFFICER: Okay. So I have a tech  
7 conference. What do you want to do with the complaint, slash,  
8 direct testimony of the complainant?

9 MR. DODGE: I'm going to suggest we sever that  
10 one so that we can get out a docket. If you want to open a new  
11 docket, we can open a complaint with our request for relief in it,  
12 but not the testimony. And I would suggest we do that no later  
13 than the 10th of July. And then I would say direct testimony,  
14 maybe a week after the technical conference on the 7th.

15 And I'm just going to throw out some dates just  
16 writing it down what might work for me. The 7th, direct testimony  
17 by the complainants. Three weeks later, direct testimony by  
18 others on the 21st. And then shorter periods for rebuttal and  
19 surrebuttal like the--and, again, I recognize this is--in my mind,  
20 I've severed to--from the broader issues to the what I call the  
21 stay issue or the they can't do this argument, which is part legal  
22 and part factual.

23 If there's a broader issue of whether parties want to  
24 ask the Commission to force them to even if you don't find it  
25 violated their tariff by changing, then I think that probably needs

1 to be on a different schedule. But on the one where we're  
2 asking you to find that they can't do what they've done properly,  
3 then I think we could move on a fairly quick schedule.

4 THE HEARING OFFICER: And so that was direct  
5 for just the complainants?

6 MR. DODGE: Direct for the complainants I was  
7 suggesting by the 7th of August.

8 THE HEARING OFFICER: And then the rebuttal  
9 would be--

10 MR. DODGE: Rebuttal I would say by the 21st of  
11 August.

12 MR. McKAY: That's two weeks.

13 THE HEARING OFFICER: Hold on a second. So is  
14 that--

15 MR. McKAY: We're going two weeks. I thought you  
16 said three weeks.

17 MR. DODGE: Is that--7th to 21st, is that--oh, that's  
18 two weeks. If we do the 28th, then we just may not have the  
19 last round. Sometimes the Commission just does a rebuttal  
20 round for everybody and we're content with that. Again, it may  
21 be legal as much as it is factual. But, you know, I would do at  
22 least one more round some time before the 15th, two to three  
23 weeks after that.

24 THE HEARING OFFICER: So rebuttal, that would  
25 be all parties?

1 MR. DODGE: That would be the 11th, two weeks  
2 after that. Yeah, I would say everybody do rebuttal by the 11th.  
3 And then that's four days before the hearing. I don't know if  
4 that's enough.

5 THE HEARING OFFICER: So we would have the  
6 complaint filed July 10th, direct complainant testimony August  
7 7th with rebuttal, all parties, September 11th?

8 MR. DODGE: No. I'm saying direct others on the  
9 28th of August.

10 THE HEARING OFFICER: Oh, direct others. Okay.

11 MR. DODGE: So respond to testimony by the  
12 non-complainant on the 28th. And then rebuttal by everyone on  
13 something like the 11th of September, if that's enough time for  
14 the Commission. That's four days before the hearing. And that  
15 will largely be responding to what's filed on the 28th. So that's  
16 like the most time.

17 THE HEARING OFFICER: I'm sorry, the Division--

18 MR. JETTER: I think we're okay with that schedule.

19 MR. MONSON: We would like to suggest--I don't  
20 know how this fits with the schedule that Mr. Dodge has been  
21 looking at, but we would like to suggest that they file their  
22 rebuttal on the 4th. Then parties have a chance on the 11th to  
23 file any response if they want to.

24 MR. DODGE: I'm sorry, one more time. The 4th of  
25 what?

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MR. MONSON: 4th of September.

THE HEARING OFFICER: We can go off the record.

(Discussion off the record.)

MR. DODGE: And I'm looking around. The problem is if you agree with that and say, Questar, you can't properly do that, as I understand it, Questar Pipeline proceeds to require electronic confirmations, what it means is that we'll have to enter into pooling contracts. Part of our testimony may well be a request that, you know, that go simultaneously if they do require to submit a contract they can live with if you agree or something.

If you don't rule until after the 24th, yes, you must, then the question is how quickly will it take them to comply and negotiate a contract that's acceptable in time for the heating season. We've had people say it can easily be done in a month if people are acting in good faith and trying. But if they're not, it can drag well into heating season and basically cause the harm that we're trying to avoid.

THE HEARING OFFICER: And I suggest as part of your complaint or testimony, whatever, you probably want to flush that out in terms of, you know, give us some ideas in terms of back stops for dates if that needs to be an order or what have you. So--

MR. DODGE: So if we're moving their surrebuttal

1 to the 15th and the hearing to the 24th, if you guys are gone  
2 that other week, then we should move our rebuttal date to the  
3 11th, give us some more time. You guys are gone anyway. That  
4 gives us more than a week.

5 MR. McKAY: And when is my surrebuttal due?

6 MR. DODGE: The next week. We'll do it the 18th  
7 or something.

8 MR. McKAY: Remember, we moved the hearing  
9 because the only time our people were available on that second  
10 week was the 15th, so we're not here the 16th, 17th, 18th, or  
11 19th.

12 MR. DODGE: Well, okay, but if they're not here the  
13 week before, then getting it in early doesn't help you.

14 MR. McKAY: True.

15 MR. DODGE: So I'm saying move our deadline to  
16 the 11th and you tell us when you want to file your  
17 surrebuttal--well, not you, whoever is filing, when you want  
18 surrebuttal due if the hearing's on the 24th.

19 MR. McKAY: Would the Commission be happy--I  
20 mean, I have him not here all the next--  
21 the whole week that they're supposed to write their rebuttal  
22 they're not here.

23 MR. DODGE: The week of what?

24 MR. McKAY: They're here the 15th. That's one  
25 day.

1 MR. DODGE: You're talking about the surrebuttal?

2 MR. McKAY: Yeah.

3 MR. DODGE: Well, you were proposing that's the  
4 date that they--that was your proposal.

5 THE HEARING OFFICER: Let's go off the record.  
6 (Discussion off the record.)

7 THE HEARING OFFICER: Why don't we do this:  
8 Let's start off where I think you guys left it. And why don't, Mr.  
9 Dodge, if you have it, then you guys can tell me where we're at  
10 right now in terms of what we have a tentative agreement on.

11 MR. DODGE: I won't characterize that we have an  
12 agreement.

13 THE HEARING OFFICER: Okay. A tentative  
14 proposal.

15 MR. DODGE: What I'm proposing?

16 THE HEARING OFFICER: The proposal, yeah.

17 MR. DODGE: Again, with everything complaint,  
18 motions, whatever that we're going to file, complainants by the  
19 10th. Technical conference on the 30th.

20 THE HEARING OFFICER: Hold on a second. Let  
21 you me stop you there. Technical conference on July 30th?

22 MR. DODGE: July 30th.

23 THE HEARING OFFICER: Okay.

24 MR. DODGE: Direct testimony by complainants by  
25 the 7th of August. Direct testimony by others or responsive

1 testimony, whatever you want to call it, by the 28th of August.  
2 Rebuttal testimony, all parties, by September 11th. And  
3 surrebuttal testimony by all parties by September 18th. And the  
4 hearing date on September 24th.

5 THE HEARING OFFICER: And, Questar,  
6 understanding this is a proposal, where were you guys at with  
7 that proposal?

8 MR. MONSON: What we would prefer--  
9 and we don't have an agreement on--is we prefer they file  
10 their--that they file rebuttal--I guess all parties file rebuttal on  
11 September 8th, and that we file surrebuttal, all parties, on, you  
12 know--I mean, it can be the 15th or the 16th, I guess. I mean,  
13 our witnesses are gone, but that's--they're going to be gone  
14 anyway, so 15th, 16th, or 17th, and then the hearing on the  
15 24th.

16 THE HEARING OFFICER: Is there somewhere you  
17 can meet in the middle of that, Gary, or--

18 MR. DODGE: Yeah. I mean, will you agree to a  
19 two-day turnaround on discovery? You're trying to cram us with  
20 the only time we'll see your direct testimony exhibits, everything  
21 in your file, your substantive case, will be filed on the 28th of  
22 August and you're trying to cram us down to basically eight  
23 days--is that about right--with a holiday. So that's--if you file  
24 end of business, that's one, two, three, four, five, six, business  
25 days. So if you'll give me a two business day turnaround on



1 discovery, then I can live with it. Otherwise, you've got to give  
2 me more time. If you want a week turnaround on discovery,  
3 you've got to give me at least two weeks to file response to  
4 testimony.

5 THE HEARING OFFICER: What about the 10th?  
6 What about the 10th for rebuttal?

7 MR. CHISHOLM: We can do the 10th.

8 THE HEARING OFFICER: This is for--

9 MR. McKAY: If they do the 10th, we do, what, the  
10 18th or 19th? I mean, I'm just throwing stuff off the calendar.  
11 We're going to be the ones to do it. Hopefully, we can catch  
12 him by e-mail.

13 MR. MONSON: That's okay. 10th and the 19th.

14 MR. McKAY: That gives us at least eight  
15 days--eight or nine days. And then if you got the hearing three  
16 days later--

17 MR. DODGE: Then do surrebuttal on the 18th so  
18 the Commission has a few days with it? Is that what you're  
19 saying?

20 MR. WILLIAMS: Yeah. And hearing on the 24th.

21 THE HEARING OFFICER: So let me--are we on the  
22 record? Sorry. I know we're going on and off here a lot, but--so  
23 the proposal, which I think is tentatively agreement with the  
24 parties here today is the complaint or complainants, depending  
25 on how they want to actually do this, would be July 10th. Have

1 a tech conference on the morning of July 30th. Direct  
2 complainant testimony would be August 7th. Response to direct  
3 or non-complainant testimony, however you want to characterize  
4 it, would be August 28th. Rebuttal, all, would be September  
5 10th. Surrebuttal, all, would be September 18th with the  
6 hearing on the 24? Is that--

7 MR. DODGE: Yes.

8 THE HEARING OFFICER: Is that--is that--  
9 what about--I mean, do we want to be able to plan for a motion  
10 practice? You mentioned you think there's going to be a  
11 substantial amount of legal issues.

12 MR. McKAY: No. This is going to morph  
13 towards--we've already not been able to narrow the issues. And  
14 it's going to be--we've got to see a complaint. And if the  
15 complaint is, hey, we think it ought to be taken into pooling,  
16 which is essentially, I think, the path that they want to have be  
17 the solution, this is a schedule that won't work for that. We're  
18 happy to try to go forward with whatever motion they may be  
19 able to try to narrow that they want you to rule on.

20 THE HEARING OFFICER: What about motion  
21 practice like, in other words, if the Company is going to file a  
22 summary judgment August 28th, same day as the  
23 non-complainant direct?

24 MR. MONSON: File a motion by 28th.

25 MR. McKAY: Can you do it? I'm not doing it.

1 MR. MONSON: It would be based on the complaint,  
2 then, would be best testimony.

3 THE HEARING OFFICER: Do you want that? I  
4 mean, we don't have--I mean--

5 MR. MONSON: Well, normally, we would have to  
6 file by then, so under normal circumstances, if we're filing a  
7 motion to dismiss, so I don't have a problem with that.

8 MR. McKAY: We're going to try to work through  
9 this process.

10 THE HEARING OFFICER: Okay. Obviously, you  
11 can always--the rules allow for motion practice.

12 MR. McKAY: Put it in as an option.

13 THE HEARING OFFICER: Do you want to put in  
14 response times for potential motions?

15 MR. DODGE: I would just put them all on the  
16 testimony deadlines.

17 THE HEARING OFFICER: Okay. So you would  
18 have motions anything--or August 28th motions, right? And then  
19 responses--when would be the rebuttal?

20 MR. DODGE: Yeah. On the 10th.

21 MR. MONSON: Yeah. And replies on the 18th,  
22 right?

23 THE HEARING OFFICER: Does that make sense?

24 MR. MONSON: Yeah.

25 THE HEARING OFFICER: And I actually think that,

1 you know, we've gone through this before in other proceedings  
2 where it's difficult. Sometimes you have testimony and then  
3 it's--you know, there's legal issues that are laced in that and it  
4 gets a little more complicated. So discovery? Could you have a  
5 proposal for discovery deadlines?

6 MR. DODGE: Well, see, if we've got the--they can  
7 tell us what they think they need for us when we're responding  
8 by the 10th. We've got the 28th. By the 29th we've got to have  
9 responses within a week, at least calendar week. That would  
10 give us around, like, the 5th. They tell me everyone's out of the  
11 country, so I don't know how it's--it's going to--it may be tough  
12 to get depositions like I envision, especially after they file  
13 testimony. We may have to fix some dates before they file  
14 testimony.

15 THE HEARING OFFICER: So do you want to do  
16 seven days until X or what?

17 MR. DODGE: I think it ought to be seven days,  
18 well, after the 28th.

19 THE HEARING OFFICER: So what are we doing?  
20 So seven--seven calendar or business days?

21 MR. DODGE: Calendar.

22 THE HEARING OFFICER: Seven calendar till  
23 when?

24 MR. DODGE: Through the 18th. And I guess  
25 probably the same thing. When is your testimony due? If it's

1 on the 10th--or, I'm sorry, from the 28th through 9-10 is seven  
2 days. And then the 10th through the 18th--

3 THE HEARING OFFICER: So let me back up again.  
4 So from the August 28th until September 18th, is that the  
5 time--the first time--

6 MR. DODGE: That's what I'm proposing. And then--

7 MR. MONSON: Five days after that?

8 MR. DODGE: Five days after what now?

9 MR. MONSON: After the 18th--or the 10th. I'm  
10 sorry.

11 THE HEARING OFFICER: So five days thereafter?

12 MR. MONSON: Yeah.

13 MR. DODGE: And then--

14 MR. MONSON: Calendar days again.

15 MR. DODGE: Between--there's three weeks there,  
16 so I think ten days ought to be from the 7th to the 28th.

17 THE HEARING OFFICER: So August 7th?

18 MR. DODGE: Yeah. From August 7th through  
19 August 28th, I'm proposing ten calendar days. From 8-28 to  
20 9-10, seven. From 9-10 to 9-18, five.

21 THE HEARING OFFICER: 9-18 till when?

22 MR. DODGE: 9-10 to 9-18. And then presumably  
23 there's nothing after the 18th surrebuttal. I guess five days  
24 would still--

25 THE HEARING OFFICER: Do you just want to do

1 9-10 thereafter five days?

2 MR. DODGE: Yeah.

3 MR. McKAY: Okay. So, essentially, you're going to  
4 file testimony and you've got ten days by ask them data  
5 request?

6 MR. DODGE: Yes.

7 MR. McKAY: We file our response testimony and  
8 we're only going to have seven days.

9 MR. DODGE: Well, that's because you have three  
10 weeks between our filing and your filing. We only have eight  
11 days.

12 THE HEARING OFFICER: We're just throwing  
13 dates around.

14 MR. McKAY: I'm just making sure I understand.

15 THE HEARING OFFICER: This isn't what we're  
16 ordering right now. You guys are talking about it.

17 MR. DODGE: Whenever the Company is the filing  
18 party, we get those kind of cascades of 21 days and then ten.

19 THE HEARING OFFICER: Let's go off the record.  
20 (Discussion off the record.)

21 THE HEARING OFFICER: Let's go back on.  
22 Intervention deadline necessary?

23 MR. McKAY: Are you opening a docket?

24 THE HEARING OFFICER: What's that?

25 MR. MONSON: They're filing a complaint.

1 MR. McKAY: They've got to file the complaint.

2 MR. MONSON: Right. So you probably ought to  
3 make the intervention deadline be sometime after they file the  
4 complaint.

5 THE HEARING OFFICER: Yeah.

6 MR. DODGE: It ought to be after direct testimony  
7 is due where people can see how they're impacted.

8 MR. MONSON: Right.

9 MR. DODGE: At least the complainant's direct  
10 testimony.

11 THE HEARING OFFICER: By the way, we will be  
12 talking--we'll open up--once they file the complaint, I'll issue a  
13 new docket, so yeah.

14 MR. DODGE: I would say that the intervention  
15 deadline--the fact of the matter it ought to be the end of August.  
16 If they want to file, they can file direct--they have to do it  
17 by--your direct--by the 10th so I would say 30th give--

18 MR. McKAY: Just had the 29th.

19 THE HEARING OFFICER: 29th? Would it be okay  
20 if we did the 28th or do you want the 29th?

21 MR. DODGE: Well, I think it ought to be after the  
22 28th because that's the day the direct testimony by everyone  
23 else is going to be filed. Sometimes you don't know how you're  
24 impacted until you see that. So it ought to be that next week,  
25 the 2nd or 3rd of September.

1 MR. WILLIAMS: 3rd of September is available.

2 MR. DODGE: The fact of the matter, they don't  
3 have much time to file.

4 MR. WILLIAMS: That gives them seven days if  
5 they're going to intervene.

6 THE HEARING OFFICER: I mean, honestly, what  
7 drives the intervention, at least in my mind, is the issue of if  
8 you're not a party, confidentiality, things like that, or rights, you  
9 know, discovery. So that one there's not going to be much more  
10 discovery to be had. It's more just like, again, for purposes of  
11 confidentiality participation of the docket. Does 9-3 sound  
12 doable, Questar?

13 MR. MONSON: Yeah.

14 THE HEARING OFFICER: All right. Okay. Should  
15 we do one final review and make sure we're all on the same  
16 page and then we'll--

17 MR. DODGE: Please.

18 THE HEARING OFFICER: Okay. So the  
19 complaint--the complainant or complainants will file July 10th.  
20 They'll file their complaint. There will be a technical conference  
21 on July 30th at 10:00 a.m. Direct complainant testimony will be  
22 August 7th. Responsive direct testimony or non complainant will  
23 be August 28th, along with the motions. Rebuttal testimony, all,  
24 will be September 10th, along with any response to motions.  
25 Surrebuttal, all parties, will be September 18th, along with any



1 replies to the responses to the motions. Hearing, September  
2 24th. Intervention deadline will be September 3rd. With  
3 respect to discovery, turnaround times from August 7th to the  
4 28th will be ten calendar days. From August 28th to September  
5 10th will be seven calendar days and five calendar days  
6 thereafter. Does that reconcile with folks' agreement? Okay.

7 MR. DODGE: Yes.

8 MR. MONSON: Yes.

9 THE HEARING OFFICER: Okay. I appreciate  
10 everyone's patience today working through this. Are there any  
11 other matters, procedural issues, that we need to address  
12 before we adjourn for today?

13 Can we go off the record?

14 (Discussion off the record.)

15 THE HEARING OFFICER: Mr. Jetter.

16 MR. JETTER: Just one thing. I wanted to clarify  
17 that if they don't file a complaint on time, then any time after  
18 that filing the complainant would just be under the normal  
19 schedule for a complaint. Is that--

20 THE HEARING OFFICER: That makes sense to  
21 me. I mean, this is essentially--

22 MR. DODGE: This is only agreed to for this.

23 THE HEARING OFFICER: Yeah. In other words,  
24 that's the trigger date. In other words, if they want to file a  
25 complaint later on at some point, then we would just go back to

1 this is kind of a modification of typical complaints schedule or  
2 procedure. So does that make sense, Mr. Jetter?

3 MR. JETTER: Yeah.

4 THE HEARING OFFICER: Okay. All right. Anything  
5 else we need to address today or are we all okay about  
6 adjourning? Okay. Thank you very much and we'll look forward  
7 to your filings. We're adjourned.

8 (Hearing concluded at 4:12 p.m.)

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CERTIFICATE

This is to certify that the foregoing deposition was taken before me, NANCY A. FULLMER, a Registered Merit Reporter and Notary Public in and for the State of Utah;

That said witness was duly sworn to testify the truth, the whole truth, and nothing but the truth;

That the deposition was reported by me in stenotype and thereafter caused by me to be transcribed into typewriting, and that a full, true, and correct transcription of said testimony so taken and transcribed is set forth in the foregoing pages;

That no review of this deposition was requested by either party or the witness and, therefore, pursuant to Rule 30(e) of the Utah Rules of Civil Procedure the review was waived.

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

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Nancy A. Fullmer, RMR