

**In the Matter Of:**

In RE: DEU - Formal Complaint of Chek Line, Inc.

**HEARING, DOCKET NO. 17-057-19**

*December 12, 2017*

*Job Number: 432935*

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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Formal Complain of Chek )  
Line, Inc. against ) Docket No. 17-057-19  
Dominion Energy Utah ) Hearing  
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Date: December 12, 2017

Time: 10:00 a.m.

Location: Public Service Commission  
Heber M. Wells Bldg., Room 403  
160 East 300 South  
Salt Lake City, Utah

Hearing Officer: Melanie Reif

Job No. 432935  
Court Reporter: Melinda J. Andersen  
Certified Shorthand Reporter and Notary Public

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A P P E A R A N C E S

For Chek Line Inc.: James Evans  
jameschekline@gmail.com

For Dominion Energy: Jenniffer Nelson Clark  
jenniffer.clark@  
dominionenergy.com

Also present: Leora Price  
Elia Lopez

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

2 HEARING OFFICER: Let's go on the record. For  
3 starters, I am Melanie Reif. I am the presiding officer  
4 and the administrative law judge for this matter. This  
5 matter is entitled formal complaint of Chek Line Inc.  
6 against Dominion Energy Utah, Docket Number 17-057-19.  
7 Let's start with appearances starting with the complainant,  
8 Mr. Evans.

9 MR. EVANS: Yes, James Evans with Chek Line  
10 Inc.

11 HEARING OFFICER: Good morning, sir.

12 MS. CLARK: I am Jenniffer Clark. I am counsel  
13 for Dominion Energy. I have with me Elia Lopez, who will  
14 be the Company witness. I also have with me Leora Price,  
15 who is a paralegal.

16 HEARING OFFICER: Thank you. Mr. Evans, we're  
17 going to start with you this morning. This is your  
18 complaint so this is your opportunity to present your  
19 evidence and any witnesses you might have regarding this  
20 issue. So I will hand it over to you, sir.

21 MR. EVANS: Just to be clear, I thought you  
22 said we were going on the record for appearances and then  
23 there were a couple other questions that were asked before  
24 we started regarding privacy and the fact that this issue  
25 has been forced into the media. And I had another question

1 I wanted to get clarified before we started.

2 HEARING OFFICER: Okay. Sure. Mr. Evans, I'm  
3 not aware that there has been any release of the  
4 information. The information that we have in our dockets  
5 is all public unless it is marked private or confidential.  
6 So the mere fact that you filed a complaint would be a  
7 public matter. If the media saw that, that is something  
8 that we have no control over.

9 MR. EVANS: I think I was getting more to the  
10 point the documents that were submitted by Dominion. That  
11 information was -- maybe I misunderstood it, but I thought  
12 a transcript of the conversations were also submitted and  
13 that was also on the site.

14 HEARING OFFICER: Transcripts of what?

15 MR. EVANS: Of the phone calls.

16 HEARING OFFICER: I am not aware of any  
17 transcripts of phone calls being in the record. I am aware  
18 of an audio recording which was submitted --

19 MR. EVANS: I meant audio. I'm sorry.

20 HEARING OFFICER: -- which was submitted under  
21 our confidential rules and would not be available to anyone  
22 outside of the docket.

23 MR. EVANS: So on your site what Dominion  
24 Energy submitted that included -- and the reference was the  
25 phone conversations, there are attachments. You're saying

1 the details of those attachments were not made available to  
2 the public?

3 HEARING OFFICER: My understanding is that  
4 there may be an indication that there is an attachment, but  
5 the attachment is not accessible to the public in general.

6 MR. EVANS: I'm just trying to understand then  
7 how the media was aware of the details of the conversation.  
8 So that's why --

9 HEARING OFFICER: Sir, you are asking the wrong  
10 person.

11 MR. EVANS: Well, I just wanted to -- that's  
12 one of the questions that I wanted to get on the record.

13 HEARING OFFICER: Okay. I have no control over  
14 what the media knows or how they know it. You may want to  
15 ask that question to the media.

16 MR. EVANS: Well, the reason I was asking it  
17 here is because the documents were submitted to this  
18 Commission from Dominion. They're documentation of our  
19 phone calls. And that submission is what -- it became  
20 public then. And I didn't know if there was a process by  
21 which that information then automatically became public and  
22 that's what I was trying to get clarification on. And  
23 you're telling me that that's not the case?

24 HEARING OFFICER: I am telling you that there  
25 is information in the docket that is publicly accessible.

1 The telephone conversation, however, is not publicly  
2 accessible on our website.

3 MR. EVAN: Okay. I just wanted to be --

4 HEARING OFFICER: Does that help answer your  
5 question?

6 MR. EVANS: Yes. I just wanted to make sure  
7 for the record that the distribution of any information of  
8 that sort would not have come through the Public Service  
9 Commission.

10 HEARING OFFICER: Not to my knowledge, sir.

11 MR. EVANS: Thank you.

12 HEARING OFFICER: Okay. Dominion I understand  
13 had a request at the beginning of the hearing to address  
14 once we went on the record.

15 MS. CLARK: Yes. It touches on the same issue.  
16 We have two phone calls, the one that was attached to the  
17 answer and that was submitted confidentially. We have a  
18 second phone call that we would like to have admitted as  
19 evidence. We would prefer that it not be part of the  
20 public hearing for the same reasons that I think we have  
21 been discussing. What we're prepared to do is either go  
22 into a confidential session and play it, it's about 15  
23 minutes long, or I can have Ms. Lopez summarize it and  
24 submit it as an exhibit that is confidential pursuant to  
25 the Commission Rules and Government Records Access

1 Management Act and provide Mr. Evans and the Commission and  
2 our court reporter with copies of the recording on a disk.

3 HEARING OFFICER: Mr. Evans, do you have a  
4 preference?

5 MR. EVANS: My preference at this point would  
6 just be if we can go into a confidential session and play  
7 the 15 minutes.

8 HEARING OFFICER: Okay. With the understanding  
9 that we already have the other telephone conversation in  
10 the record and that does not need to be replayed as I have  
11 already reviewed it in advance of the hearing?

12 MR. EVANS: Yes.

13 HEARING OFFICER: Okay.

14 MS. CLARK: Perfect.

15 HEARING OFFICER: With that understanding then  
16 let's proceed. Mr. Evans, I'll start with you. You are  
17 welcome to present any evidence or witnesses that you may  
18 have.

19 MR. EVANS: Okay. Thank you. Basically for me  
20 this will be I think, hopefully, relatively short. There  
21 is not much that is in dispute regarding this matter except  
22 in trying to get clarified. The reason I proceeded with  
23 this path was to try to get clarification from this  
24 Commission and based on your results will then further  
25 define the best approach to resolve a much larger issue,



1 and that is the responsibilities on both parties, the  
2 consumer as well as the utility, in determining when enough  
3 notice has been given either through the consumer or  
4 through information that the utility has already been able  
5 to gather by their own observations, which they have been  
6 able to document.

7           So with respect to this one point, basically  
8 where the difficulty came in, even through the  
9 representations by the utility, some of their own  
10 investigations came up with erroneous information, which I  
11 corrected to my disadvantage because there was no desire to  
12 not be as forthcoming as possible. But in that give and  
13 take this whole process by which a phone call, a phone  
14 number must be remembered where you called from in order  
15 for the utility to determine that you properly discontinued  
16 service. And the phone numbers that this utility keeps  
17 referencing are only two phone numbers, the most commonly  
18 used phone numbers. But during that period of time, which  
19 I have said repeatedly, is that there were literally dozens  
20 of phone numbers that I could have been calling from from  
21 around the nation because I was doing a lot of traveling.

22           And my correspondence has been when the utility  
23 independently observed that the unit was vacant, that no  
24 one was no longer there, they did not institute -- they did  
25 not in my opinion conduct due diligence to mitigate their

1 losses by relying on the information given by their own  
2 employees that the unit was no longer in use, that it was  
3 vacant, mail was being returned.

4           And so the question that goes into why would  
5 you not have discontinued service then even if you were to  
6 accept the premise that -- which I do not conceive, because  
7 we know that we did call. But even if you were to just say  
8 we don't have documentation and then your own employees  
9 confirmed the unit is vacant and you still not end the  
10 service so you could mitigate your losses, but yet you  
11 still want the consumer to be responsible for the fact that  
12 you chose not to rely on valid information about a unit no  
13 longer in use.

14           And so today in short, I would just want to  
15 open with that. That's my basic premise, that the utility  
16 had independent information corroborating that the unit was  
17 no longer in use by the tenant. They documented it in the  
18 phone call to me where we had a conversation. They  
19 reported that, yes, we see here that the mail is being  
20 returned, I see a note saying that one of our employees  
21 said the unit was no longer occupied. And my response to  
22 that was once again, well, even you confirmed that we're  
23 not there. Why would you not discontinue service.

24           So that's the core of why I'm even engaging in  
25 this laborious process because that's the underlying

1 question that I think is the larger concern, not just in my  
2 situation, but just overall is that there is a proper  
3 balance here for determining was due diligence made on  
4 behalf of the utility as well as the consumer.

5 HEARING OFFICER: Thank you, Mr. Evans. Before  
6 we turn to Dominion to ask any questions, I want to backup  
7 in your presentation a little bit and make sure that I am  
8 understanding the way this came about and how your original  
9 allegation was dealt with. So what I am looking at right  
10 now is the formal complaint that you filed.

11 MR. EVANS: Yes.

12 HEARING OFFICER: I am reading your  
13 handwriting. It's my understanding that you have alleged  
14 that you provided Questar Gas at the time, it was Questar  
15 Gas and is now Dominion, notice in June of 2016 that you  
16 wanted your service turned off at 3762 West 5400 South,  
17 Taylorsville.

18 MR. EVANS: Yes.

19 HEARING OFFICER: And there were other  
20 properties too, but those have been resolved. Is that my  
21 understanding?

22 MR. EVANS: Right. And actually in resolving  
23 those other locations, because those locations were  
24 discontinued because the business essentially was sold, but  
25 even Dominion's own investigation by contacting those

1 landlords they were given information to the disadvantage  
2 of Dominion, which I corrected. For instance, the landlord  
3 said that we were gone sooner and I said, no, it was three  
4 months. In other words, trying to just be as accurate as  
5 possible of when service was indeed terminated.

6 HEARING OFFICER: So are you in any way  
7 stepping away from or calling into question your own  
8 assertion that on June 2016 you provided notice to Questar  
9 that you wanted termination of service at that address?

10 MR. EVANS: No, I'm not stepping away from  
11 that. There were -- I'm trying to answer or respond to the  
12 fact that Dominion included other properties in their  
13 answer. And that's why I was trying to give a more global  
14 response because in the information they provided they  
15 included the other properties.

16 HEARING OFFICER: Okay. Your complaint also  
17 mentions that you wanted service to be turned on at a State  
18 Street address. Has that been resolved?

19 MR. EVANS: Well, because there was the balance  
20 from the property in question, they transferred that  
21 balance to the 3311 South State and that is -- which is  
22 another part of this whole thing, is the transferring  
23 balances. But because that balance that was in dispute was  
24 transferred to another existing location, you know, my  
25 objection was how could this be fair that you're forcing a

1 payment on a balance that's in dispute. And so that is  
2 what that was in response to.

3 HEARING OFFICER: So my understanding, and  
4 please correct me if I am wrong, is that with respect to  
5 the 3762 West 5400 South, Taylorsville address, you're  
6 being billed by Questar, now Dominion Energy, through May  
7 of 2017?

8 MR. EVANS: Correct.

9 HEARING OFFICER: Okay.

10 MR. EVANS: And even by their own documentation  
11 they observed through their employees that -- even though  
12 we were out of there before then, but by their own  
13 observation that the unit was empty in January of 2017. So  
14 that's a part of the reason why I'm even here is to say,  
15 even if you as a company observed through your own  
16 resources, then why would you continue to bill and provide  
17 service. So at some point there needs to be a better  
18 balance in these terminations.

19 HEARING OFFICER: Have you looked at Questar,  
20 now Dominion, tariff on this issue?

21 MR. EVANS: You mean their response to --

22 HEARING OFFICER: No, their tariff. It's the  
23 contractual language between the utility and the customer  
24 and what needs to occur when a request for termination.

25 MR. EVANS: Yes, and -- well, I haven't looked

1 at it recently, but months ago when we were going through  
2 this, which therein lies one of my other questions or  
3 concerns has been all of the requirement of proof does not  
4 allow for a mistake to be recognized on behalf of the  
5 utility because they require the customer to give a phone  
6 number. And even if the customer gives an erroneous phone  
7 number or if they are dyslexic for a moment and the numbers  
8 are switched, two of the numbers are switched, you will  
9 never get the proof. So here is a simple response to that,  
10 which is a part of the larger reason for me being here,  
11 with technology today it is a very simple process now  
12 today, and it's not a major cost to any big company. You  
13 can literally type in an address, because voice and type  
14 are pretty much the same as far as computer recognition,  
15 and just by entering in an address. So I call in and say  
16 -- it doesn't matter the phone number you call from. All  
17 of their phone calls are being recorded. And I say I am  
18 calling about 3763 West 5400 South, and I'm calling from  
19 anywhere in the world, and this is being recorded, then  
20 it's immaterial what phone number it comes from, you can  
21 then listen to all the recordings referencing 3762 West  
22 5400 South.

23                   That is a more comprehensive and fair way of  
24 ensuring if you're going to have this kind of tariff that  
25 the burden is not unduly on the consumer. Because right

1 now based on this position from the utility it's very  
2 simple, we don't have a phone call saying that he called in  
3 because he hasn't given us a number from where he has  
4 called. I've given phone numbers from what I can remember,  
5 but I know specifically during that time period there was a  
6 great deal of traveling and I was calling from a lot of  
7 different places over a lot of different issues because we  
8 were in the middle of the sale of this company and we were  
9 in the middle of shedding stores. There was a lot going  
10 on.

11 HEARING OFFICER: Mr. Evans, I am going to  
12 interrupt for a moment. I am realizing that I neglected to  
13 do something very important at the beginning of our  
14 conversation, and that is to swear you in. So that being  
15 said I need to swear you in and I'm going to ask you some  
16 questions. And I would like you to answer those questions  
17 directly without going into various aspects of the case  
18 that you were concerned with on an ongoing basis.

19 MR. EVANS: Okay.

20 HEARING OFFICER: Mr. Evans, do you swear to  
21 tell the truth?

22 MR. EVANS: I do.

23 HEARING OFFICER: Thank you. You may be  
24 seated. To facilitate this procedure, sir, I'm going to  
25 ask you a few questions which I have in some capacity

1 already done, but I'm going to do that once again and then  
2 we will move on to allow Dominion to ask any follow-up  
3 questions from you and then to let them proceed and present  
4 their case and you can ask any questions that you wish as  
5 will I.

6 Mr. Evans, did you in fact contact Questar,  
7 which is now Dominion Energy, on or about June 2016 to have  
8 your service at 3762 West 5400 South, Taylorsville, Utah,  
9 84129, asking for that service to be terminated?

10 MR. EVANS: Yes.

11 HEARING OFFICER: And was that service  
12 terminated?

13 MR. EVANS: You mean -- can you be a little bit  
14 more specific, because we moved out?

15 HEARING OFFICER: Do you know when the service  
16 was terminated?

17 MR. EVANS: When they finally -- when the  
18 balance was transferred and I inquired about what is this  
19 balance for, yes.

20 HEARING OFFICER: When was that?

21 MR. EVANS: That would have been -- this is  
22 December. So that would have been -- well, it would have  
23 been in 2017 approximately five or six months ago, maybe  
24 five months ago.

25 HEARING OFFICER: Okay. And back to your



1 testimony regarding the June 20, 2016 request for  
2 termination, did you make that by telephone?

3 MR. EVANS: Oh, yes, it would have been by  
4 telephone.

5 HEARING OFFICER: And you spoke with a Questar,  
6 now Dominion, customer service rep?

7 MR. EVANS: Yes.

8 HEARING OFFICER: All right. I don't have any  
9 further questions.

10 MR. EVANS: But just to be clear, every  
11 conversation I've had with the utility, it was never just  
12 one item, it was multiple. It was like a bill payment,  
13 there was an inquiry for other issues, but it was multiple  
14 things. Because that's what I did, I grouped these calls,  
15 you know, the issues to take because I was dealing with  
16 multiple stores. So it wasn't a one phone call for this  
17 specific store, for this specific reason. It would have  
18 been -- that was the easiest thing for me to do, so I did  
19 it. I had a checklist that I would go through and that was  
20 one of the things because I was trying to group them. It  
21 would not have been just Dominion. It would have been  
22 issues dealing with Rocky Mountain Power, Century Link, it  
23 was just all utility related stuff. That's how I did  
24 those.

25 HEARING OFFICER: Okay. I understand that.

1 With respect to the call that you have testified that you  
2 made on June 2016 regarding the Taylorsville location,  
3 would there have been other issues that you would have  
4 addressed with this specific utility Questar, now Dominion  
5 Energy?

6 MR. EVANS: With this particular -- with  
7 respect to Dominion, because that was in June of -- that  
8 was in June of 2016. So there was another location at 3742  
9 West 5400 South, and there was also -- let's see. In  
10 June --

11 HEARING OFFICER: If you don't recall, that's  
12 fine.

13 MR. EVANS: There would have been one more  
14 because there were three locations right around that time.

15 HEARING OFFICER: That you were requesting  
16 termination?

17 MR. EVANS: No. Because as we were closing  
18 down stores, we were doing them in units of three. That's  
19 what I'm saying. So the other one would have been downtown  
20 at -- not to terminate the service, but -- 311 --

21 HEARING OFFICER: 3311?

22 MR. EVANS: No, not 3311. It's down on Main  
23 Street. I'll come up with the address in a minute. There  
24 was a location there, too. But basically it would have  
25 been an inquire about the balance due. So generally the

1 calls went what is owed on this account, what the balance  
2 is, whether we were going to terminate the service, when we  
3 were shutting these locations down. It was the same for  
4 Century Link, for Rocky Mountain Power, as well as  
5 Dominion. So it was the same kind of conversation with  
6 each utility.

7 HEARING OFFICER: By chance, do you recall with  
8 whom you spoke?

9 MR. EVANS: No, I don't.

10 HEARING OFFICER: All right, sir. I am going  
11 to turn things over to Dominion. Dominion, do you have any  
12 questions of Mr. Evans?

13 MS. CLARK: We do not. Thank you.

14 HEARING OFFICER: Okay. Mr. Evans, I may come  
15 back to you with other questions. But right now what I'm  
16 going to do is I'm going to turn to Ms. Nelson Clark and  
17 allow her to put on her case. Once she is finished, and I  
18 presume she's going to put on a witness, you are free to  
19 question that witness if you choose to do so.

20 MR. EVANS: Okay.

21 MS. CLARK: If I may, we have a number of  
22 exhibits that we would like to offer and have admitted. If  
23 I can pass them out now so we don't have to pop up and pop  
24 down throughout the course of my discussion with the  
25 witness I would appreciate it.

1 HEARING OFFICER: Ms. Clark, does this relate  
2 to the matter that we will be hearing in private?

3 MS. CLARK: Most of the exhibits -- of course,  
4 it's all related. Most of the exhibits do not contain  
5 confidential information. I do have disks with the phone  
6 calls that we spoke about earlier, but not transcripts.

7 HEARING OFFICER: And you intend to give a copy  
8 to Mr. Evans and one to me for the Commission?

9 MS. CLARK: I do.

10 HEARING OFFICER: There aren't any additional  
11 copies that might be in the room?

12 MS. CLARK: I brought copies for you. I  
13 brought copies for Mr. Evans and the court reporter.  
14 Ms. Lopez also has copies. I have copies.

15 HEARING OFFICER: All right. I think  
16 Mr. Evans' concern is that the private information not be  
17 shared with any third parties.

18 MS. CLARK: Of course not. We're sensitive to  
19 that.

20 HEARING OFFICER: Very good.

21 MS. CLARK: Thank you. I appreciate your  
22 patience. The Company would call Elia Lopez.

23 HEARING OFFICER: Good morning, Ms. Lopez.

24 THE WITNESS: Good morning.

25 HEARING OFFICER: I will swear you in now. Do

1 you swear to tell the truth?

2 THE WITNESS: Yes.

3 HEARING OFFICER: Thank you.

4 DIRECT EXAMINATION

5 BY MS. CLARK:

6 Q. Ms. Lopez, would you please state your name and  
7 your business address for the record?

8 A. Elia Lopez, 1140 West 200 South in Salt Lake.

9 Q. What position do you hold with Dominion Energy?

10 A. Customer Relations Specialist.

11 Q. Were you responsible for investigating the Chek  
12 Line customer complaint that is at issue in this docket?

13 A. I was.

14 Q. And in order to investigate that matter did you  
15 review the Company's business records?

16 A. Yes.

17 Q. Can you describe what those business records  
18 are?

19 A. Everything from billing, telephone calls,  
20 payments, everything to do with the account.

21 Q. You mentioned telephone calls. Can you  
22 describe how you looked those telephone calls up?

23 A. Telephone calls can be located by putting in  
24 the data criteria, and either the representative who took  
25 the call or the phone number the call came from or was made

1 to.

2 **Q. Can you describe the Company's practice when it**  
3 **receives a telephone call requesting shutoff?**

4 A. The call would come into the call center. Our  
5 representative would pull the account up by the address to  
6 make sure that it is the correct address that is being  
7 terminated or stopped. There's a little green light and a  
8 red light for stop. If you push the red button, you put in  
9 the date of shutoff and forwarding address, submit, and  
10 you're done. It's a one minute ordeal.

11 **Q. Would that process be reflected in the**  
12 **Company's business records somehow?**

13 A. Yes. It would automatically issue the shutoff  
14 notice for the next business day.

15 **Q. Does the company retain recordings of those**  
16 **phone calls?**

17 A. Yes.

18 **Q. When you looked into this complaint, when you**  
19 **were investigating this complaint, what number did you**  
20 **research to determine if those calls had been made? I**  
21 **don't want you to tell the phone numbers, I want you to**  
22 **tell how you found them.**

23 A. Mr. Evans provided two of the calls when he  
24 first contacted Dominion Energy in August of 2017. Those  
25 two numbers were investigated. I also looked into several

1 other Chek Line addresses that had been shut off at his  
2 request. I found the number that those calls came from and  
3 I investigated that number as well. So I did research on  
4 three different phone numbers from June 1st to May when the  
5 service was terminated for nonpayment.

6 Q. In the course of your research did you find any  
7 business records that would reflect that a phone call was  
8 received seeking shutoff in June 2016?

9 A. I did not.

10 Q. Did you conduct any further investigation to  
11 confirm that Chek Line had vacated the subject premises  
12 that Mr. Evans has indicated?

13 A. Yes. In the complaint Mr. Evans provided me  
14 with contact information for the property manager. I did  
15 contact the property manager who stated he had abandoned  
16 the property in March of 2017.

17 Q. I would like to turn your attention to Exhibit  
18 A, what we have marked as Exhibit A. Can you describe for  
19 the Commission and for Mr. Evans what that is?

20 A. This is an itemization of the account for  
21 approximately 12 months.

22 Q. Did you prepare it or was it prepared under  
23 your direction?

24 A. I prepared it.

25 Q. The Company would move to -- I'm sorry. Did

1 you prepare it based upon the business records of the  
2 company?

3 A. Yes, the billing and payments.

4 MS. CLARK: The Company moves for the admission  
5 of Exhibit A.

6 HEARING OFFICER: Any objection, Mr. Evans?

7 MR. EVANS: No, no objection.

8 Q. (By Ms. Clark) Ms. Lopez, I would like to turn  
9 your --

10 HEARING OFFICER: Ms. Clark, one moment please.

11 Just so I'm understanding before we admit this. This is  
12 for the location that Mr. Evans is complaining of showing  
13 an accounting between May 2016 and June 2017?

14 MS. CLARK: That is correct. And if you will  
15 bear with us Ms. Lopez will walk you through this and other  
16 exhibits to show you a chronology of what occurred on that  
17 account, at least to the Company's knowledge.

18 HEARING OFFICER: Okay. Very well.

19 MS. CLARK: We will offer some clarity on this  
20 exhibit. What I would like to do is just get a complete  
21 record and then -- I apologize in advance, it will be a  
22 little bit cumbersome because we will be bouncing between  
23 exhibits, but I think what we're hoping to show is the  
24 chronology that will be helpful to both Mr. Evans and the  
25 Commission.



1 HEARING OFFICER: Okay. So your motion at this  
2 point is to have this particular exhibit, Exhibit A,  
3 admitted into evidence?

4 MS. CLARK: Correct.

5 HEARING OFFICER: Okay. It is admitted.

6 MS. CLARK: Thank you.

7 Q. (By Ms. Clark) Ms. Lopez, would you turn your  
8 attention to what we have marked as DE Hearing Exhibit B?

9 A. Yes.

10 Q. Can you tell us what that document is?

11 A. This is an account summary. So when a customer  
12 is sent information, when a customer contacts our company,  
13 our employees document the account. Likewise, when a  
14 customer goes online and accesses his account an entry is  
15 made on the account. So it kind of keeps tabs of what is  
16 happening with the account and activities.

17 Q. And I note that a number of items on these  
18 pages are highlighted. Can you describe for me what  
19 generally those are?

20 A. The highlighted items is the customer accessing  
21 their account online through the use of a user ID and  
22 password, and they're transferring from the Dominion Energy  
23 website to Western Union to make payments.

24 Q. And did you prepare this exhibit, or is it  
25 reflective of the Company's business records?

1           A.     It is Company business records. All I did was  
2 print it.

3           MS. CLARK: And although we will again revisit  
4 this exhibit, the Company would move for its admission at  
5 this time.

6           HEARING OFFICER: Any objection, Mr. Evans?

7           MR. EVANS: I just want clarification on what  
8 you just handed out. Everyone in this room that has a copy  
9 of this, can I just have clarification on who actually has  
10 documentation of this information in this room? My  
11 understanding was it was just up here and presented to you.  
12 Is there anyone else in this room that has this  
13 information?

14          MS. CLARK: There is, our court reporter.  
15 Under the rules of the Commission governing this hearing,  
16 our court reporter also has copies because she keeps what  
17 will become the official record.

18          MR. EVANS: And no one else?

19          MS. CLARK: No. These are company business  
20 records so they are maintained at the company, but nobody  
21 in this room.

22          MR. EVANS: Is this your court reporter?

23          MS. CLARK: No. I'm sorry. I misspoke. This  
24 is Elia's boss. He is here observing. He would also have  
25 access to these records. I apologize. I should have

1 introduced him at the beginning.

2 HEARING OFFICER: Does that resolve your  
3 question, Mr. Evans?

4 MR. EVANS: Yes.

5 HEARING OFFICER: Thank you.

6 MS. CLARK: It does raise a question for me,  
7 however. I am recognizing some sensitivity. And these  
8 exhibits, because this account was placed at issue in the  
9 docket, have not been marked or identified as confidential.  
10 The Company does not oppose treating them as such. It is  
11 not customary in these kind of customer complaints to do  
12 so. And I want to alert Mr. Evans to that, if he would  
13 like to make a motion to maintain these confidential, we  
14 would be happy to remark them and submit them as such.

15 MR. EVANS: Yes, I would like to make that  
16 motion.

17 MS. CLARK: That's fine. So for clarification  
18 also, how would the Commission like these to be submitted?  
19 They will need to be marked confidential.

20 HEARING OFFICER: You will have to collect  
21 these at the end of the proceeding and then resubmit them  
22 along with getting copies to the court reporter.

23 MS. CLARK: Okay. We can do that today or  
24 tomorrow.

25 HEARING OFFICER: That's not a problem.

1 MS. CLARK: Thanks for the clarification.

2 HEARING OFFICER: Okay.

3 MS. CLARK: So I guess I would renew my request  
4 to have Exhibit B be admitted. I'm not recalling after the  
5 discussion whether it was formally admitted or not.

6 HEARING OFFICER: Inasmuch as you will be  
7 resubmitting it in a confidential form I would allow the  
8 admission of it in that form. But given the objection  
9 that's been raised, I will not allow it in its current  
10 form, but we can consider it.

11 MS. CLARK: I wonder if we can go off the  
12 record briefly?

13 HEARING OFFICER: Sure.

14 (Off the record.)

15 HEARING OFFICER: We are back on the record. I  
16 am going to turn now to Ms. Clark who I understand wishes  
17 to make a number of motions and/or requests.

18 MS. CLARK: I do. And I think I would take  
19 them -- we have three requests based on what has occurred  
20 in our hearing today. The first is a motion to have the  
21 Commission remove the itemization exhibit to the Company's  
22 answer immediately today. And I guess we would  
23 characterize this as an urgent motion. The Company will  
24 resubmit that. We will in the next few days file a motion  
25 for substitution of the exhibit and submit it in a

1 confidential form. That would be the first matter.

2           The second matter in anticipation of adjourning  
3 this hearing and reconvening at some later date, the  
4 Company intends, and would notify the court and any members  
5 of the public, that it intends to submit hearing exhibits  
6 in advance of the hearing in a confidential form as well.

7           HEARING OFFICER: And just to be clear,  
8 Mr. Evans would have advance notice of those as well?

9           MS. CLARK: Of course.

10           HEARING OFFICER: Okay. Mr. Evans, do you have  
11 any response to that? Do you believe that's in accord with  
12 your desires?

13           MS. EVANS: Yes.

14           HEARING OFFICER: Very good. The requests are  
15 accepted and we'll remove the itemization as soon as  
16 possible, hopefully as soon as we finish with the hearing.  
17 We'll look forward to the exhibits. Unless there is  
18 anything further we will close this portion of the hearing.

19           MS. EVANS: I thought there were three motions  
20 that she had.

21           MS. CLARK: I was anticipating moving to  
22 adjourn, but I think we sort of concluded that that is the  
23 way it's going to go and perhaps I didn't need to make a  
24 formal request.

25           HEARING OFFICER: Ms. Clark, did you mention

1 moving to have removed from evidence the exhibit that we  
2 entered?

3 MS. CLARK: I have not.

4 HEARING OFFICER: Okay.

5 MS. CLARK: I need to make that motion to have  
6 it removed.

7 HEARING OFFICER: Okay. Great. I accept that.

8 MS. CLARK: Thank you.

9 HEARING OFFICER: That is there no longer. We  
10 are adjourned and the Commission will provide notice at a  
11 later date of when we will be reconvening in this matter.  
12 Thank you so much.

13 (The hearing concluded at 11:05 a.m.)

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C E R T I F I C A T E

STATE OF UTAH )

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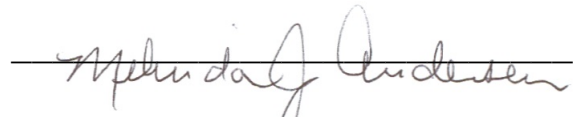
COUNTY OF SALT LAKE )

I, Melinda J. Andersen, Certified Shorthand Reporter and Notary Public in and for the County of Salt Lake and State of Utah, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth, and were taken down by me in shorthand and thereafter transcribed into typewritten under my direction and supervision:

That the foregoing 30 pages contain a true and correct transcription of my shorthand notes so taken.

WITNESS MY HAND and official seal at Salt Lake City, Utah this 21st day of December, 2016.



My Commission Expires:  
February 10, 2018

Melinda J. Andersen, C.S.R.

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