

**In the Matter Of:**

In Re: Pacific Energy & Mining Company

**HEARING, DOCKET NO. 18-2602-01**

*September 12, 2018*

*Job Number: 494839*

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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2 Status Conference and Hearing Docket No. 18-2602-01  
3 on Discovery-Related Motions,  
4 Pacific Energy and Mining  
Company (PEMC)

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6 HEARING PROCEEDINGS

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TAKEN AT: Utah Public Service Commission  
8 4th Floor  
9 160 East 300 South  
Salt Lake City, Utah

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11 DATE: Wednesday, September 12th, 2018

12 TIME: 3:00 p.m.

13 REPORTER: Mary R. Honigman, R.P.R.

14 JOB NO.: 494839

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APPEARANCES

PRESIDING OFFICER:  
Carol Revelt

FOR THE DIVISION OF PUBLIC UTILITIES:  
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1 PROCEEDINGS

2 MS. REVELT: Hello. This is the time  
3 and place noticed for Status Conference and Hearing  
4 on the Discovery-Related Motions in the Matter of  
5 Pacific Energy Mining Company, Docket No.  
6 18-2602-01. My name is Carol Revelt, and the  
7 commissioners have asked me to serve as the  
8 presiding officer for the status conference and  
9 hearing today.

10 And as an initial matter, let's take  
11 appearances, and then I will have people who are on  
12 the phone identify themselves.

13 MS. SCHMID: Good afternoon.  
14 Patricia E. Schmid with the Utah Attorney General's  
15 Office on behalf of the Division of Public  
16 Utilities.

17 MS. REVELT: Those parties on the  
18 telephone?

19 MR. SPENCER: This is Terry Spencer.  
20 I am counsel for Pacific Energy and Mining Company.

21 MS. REVELT: And are there other  
22 people on the phone with us today?

23 MR. SPENCER: Yes, my clients are on  
24 the phone.

25 MS. REVELT: And if there are

1 multiple lines, if people would put their phones on  
2 mute except for Terry, that would be great, because  
3 sometimes we get a little bit of feedback on the  
4 lines. Okay?

5 MR. SPENCER: Okay.

6 MS. REVELT: As a first matter, I'd  
7 like to let you know that due to unavoidable  
8 circumstances, no commissioner or administrative law  
9 judge was available to preside over this status  
10 conference and hearing today. Because the hearing  
11 on the merits of this case is so soon, the  
12 Commission wanted to allow parties an opportunity to  
13 come in now and state their positions on the record.

14 We'd like to hear from the parties on  
15 the following issues: Whether the parties will be  
16 prepared to proceed with the hearing on the merits  
17 on September 25th, and also their arguments with  
18 respect to the pending discovery motions.

19 Also, I'd like to mention that  
20 regarding Pacific Energy and Mining Company's  
21 August 18th motion to remove counsel for the  
22 Division, that motion is under consideration, but  
23 the Commission thought it was appropriate for the  
24 Division to participate today.

25 To keep things simple and in order to

1 proceed in an orderly fashion, I think it would be  
2 best to hear Pacific Energy and Mining Company's  
3 arguments on its motion for formal discovery first,  
4 then the DPU's arguments on its motion to establish  
5 Pacific Energy and Mining Company's response date to  
6 its first set of data requests, and finally, I'd  
7 like to hear from the parties on whether the hearing  
8 date remains feasible. So with that in mind, are  
9 there any comments?

10 MR. SPENCER: I believe Patricia may  
11 have some comments as we met yesterday, so I think  
12 you should hear from her first.

13 MS. SCHMID: I'm happy to do so.

14 MS. REVELT: On your motion, or just  
15 comments in general?

16 MS. SCHMID: Comments in general.

17 MR. SPENCER: Just in general on how  
18 we decided to resolve this matter, if possible.

19 MS. SCHMID: As Mr. Spencer  
20 mentioned, he and I, on behalf of our respective  
21 clients, met yesterday. As part of that discussion,  
22 we considered the status of the case and the pending  
23 motions on discovery. With developments and  
24 agreements that were reached yesterday, we believe  
25 that no hearing on either the Division's motion or

1 PEMC's motion regarding discovery is necessary. And  
2 if you would like -- I don't know, Mr. Spencer, if  
3 you have anything to add on to that -- my next topic  
4 will be geared towards the hearing and that process.

5 MR. SPENCER: No. I believe that  
6 appropriately stated the discussions we had  
7 yesterday.

8 MS. SCHMID: The parties --

9 MS. REVELT: So let me clarify that  
10 no hearing today on the motions is necessary.

11 MS. SCHMID: That's correct. The  
12 Division can withdraw its motion.

13 MS. REVELT: You're withdrawing your  
14 motion?

15 MS. SCHMID: Yes, the Division will  
16 withdraw its motion.

17 MS. REVELT: Okay.

18 MS. SCHMID: Regarding the hearing on  
19 the 25th of this month, the parties believe that  
20 through good faith and constructive efforts, they  
21 should be able to present a resolution to the  
22 Commission for consideration on the 25th. And in  
23 addition --

24 MR. SPENCER: I concur with that.

25 MS. SCHMID: -- I just have one

1 question. The Division's witnesses will be  
2 available on the 25th. Will PEMC's witnesses be  
3 available on that date as well?

4 MR. SPENCER: Yes --

5 MS. SCHMID: Perfect.

6 MR. SPENCER: -- assuming we don't  
7 have a resolution to simply present.

8 MS. SCHMID: Sometimes the Commission  
9 has questions and it is the practice before the  
10 Commission -- and I know you're not a regular  
11 practitioner here -- that we have witnesses  
12 available in case the Commission has questions for  
13 the witnesses.

14 MR. SPENCER: Will that be by phone,  
15 will that be sufficient?

16 MS. SCHMID: I believe so. Again,  
17 the practice is that people be here in person, but  
18 due to circumstances -- particularly people who are  
19 out of state and who are needed for a short,  
20 discreet purpose -- often, the party with the  
21 witness that wants to appear by phone works with the  
22 other counsel to get an agreement that that is okay,  
23 and then they present that agreement to the  
24 Commission. The Division would not object to PEMC's  
25 witnesses appearing by phone.



1 MR. SPENCER: I appreciate that.

2 MS. REVELT: So let me summarize what  
3 you just said, that you plan on filing a  
4 resolution --

5 MS. SCHMID: Sorry, plan on  
6 presenting. I don't know if it will be in written  
7 form or not.

8 MS. REVELT: -- presenting a  
9 resolution at the hearing on the 25th?

10 MS. SCHMID: That is correct.

11 MS. REVELT: And you will have  
12 witnesses available for questions from the  
13 Commission, both parties will?

14 MS. SCHMID: Indeed.

15 MS. REVELT: Okay.

16 MR. SPENCER: Yes.

17 MS. REVELT: All right. So that kind  
18 of summarizes the status of the case -- summarizes  
19 the status conference, and since there's no  
20 requirement -- or you're withdrawing your motion for  
21 a hearing today -- are there any other matters to  
22 discuss?

23 MS. SCHMID: I'm withdrawing my  
24 motion. I don't know if PEMC is withdrawing its  
25 motion or just stating that --

1 MR. SPENCER: PEMC is withdrawing its  
2 motion as well.

3 MS. SCHMID: Thank you.

4 MS. REVELT: Typically -- as you  
5 know, I'm new to this -- but will you be filing a  
6 formal withdrawal to the motion?

7 MS. SCHMID: Yes.

8 MS. REVELT: Okay. Are there any  
9 other matters to discuss today?

10 MS. SCHMID: Nothing further from the  
11 Division.

12 MS. REVELT: Mr. Spencer?

13 MR. SPENCER: Nothing further from  
14 PEMC.

15 MS. REVELT: With that, I believe  
16 this hearing is adjourned.

17 (The hearing concluded at 3:10 p.m.)

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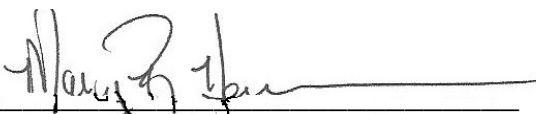
REPORTER'S CERTIFICATE

STATE OF UTAH )  
COUNTY OF SUMMIT )

I, Mary R. Honigman, a Registered Professional Reporter, hereby certify:

THAT the foregoing proceedings were taken before me at the time and place set forth in the caption hereof; that the witness was placed under oath to tell the truth, the whole truth, and nothing but the truth; that the proceedings were taken down by me in shorthand and thereafter my notes were transcribed through computer-aided transcription; and the foregoing transcript constitutes a full, true, and accurate record of such testimony adduced and oral proceedings had, and of the whole thereof.

I have subscribed my name on this 14th day of September, 2018.



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Mary R. Honigman  
Registered Professional Reporter #972887

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