

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Pacific Energy & Mining Company	<u>DOCKET NO. 18-2602-01</u> <u>SCHEDULING ORDER AND</u> <u>NOTICE OF HEARING</u>
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ISSUED: October 18, 2019

On October 16, 2019, the Public Service Commission (PSC) held a Status and Scheduling Conference in this docket. The following individuals participated in the conference: Dean Christensen, for Dead Horse Oil Company (“Dead Horse”); Terry Spencer, for Pacific Energy & Mining Company (PEMC); Dan Green, for PEMC; Tariq Ahmad, for JMD Resources Inc; Patricia Schmid, for the Division of Public Utilities (DPU); Jimmy Betham, for the DPU; Al Zadeh, for the DPU; and Connie Hendricks, for the DPU.

The Presiding Officer repeatedly expressed the PSC’s willingness to facilitate a technical conference whereby any misunderstandings that may exist between the parties as to what actions PEMC, Dead Horse, and/or JMD Resources, Inc. (collectively, the “Pipeline Parties”) must take in order to bring the pipeline at issue (“Pipeline”) into compliance might be resolved. The Pipeline Parties, however, declined to participate in such a conference. The DPU expressed skepticism as to whether such a conference would be productive, based on its experience thus far in this docket, but manifested its willingness to participate.

The PSC does not believe a technical conference, aimed at resolving any misunderstandings between the parties and assisting the Pipeline Parties in achieving compliance, will be constructive unless the Pipeline Parties are willing to participate in good faith. The PSC encourages the Pipeline Parties to reconsider and remains willing to schedule such a conference on joint notice from all parties that they wish to participate.

The Pipeline Parties reasserted their desire for a hearing, and the parties stipulated to the following schedule, which the PSC approves and adopts.

On or before **Monday, November 18, 2019**, each of the Pipeline Parties and the DPU will file a Statement of Facts to be Established, Legal Issues to be Resolved, and Relief Sought at Hearing.

The Pipeline Parties may file separately or jointly. However, regardless of whether they do so, the Pipeline Parties' filing(s) **shall identify each entity's or individual's role with respect to the Pipeline and who will represent that party at the hearing**. If an entity does not intend to be represented by legal counsel, the filing must identify the officer or employee who will represent the entity. *See Utah Admin. Code R746-1-107.*<sup>1</sup>

The DPU's filing shall identify what new, existing, and/or continuing violations the DPU alleges to exist and the specific remedy the DPU seeks from the PSC with respect to any such violations.

In summary, the schedule for submitting the filings and for the hearing shall be as follows:

SCHEDULE

ITEM	DEADLINE/DATE/TIME/LOCATION
Deadline for All Parties to File a Statement of Facts to be Established, Legal Issues to be Resolved, and Relief Sought at Hearing	<b>Monday, November 18, 2019</b>
Deadline for All Parties to File a Response to Opposing Parties' November 18, 2019 Filings	<b>Tuesday, December 10, 2019</b>

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<sup>1</sup> The PSC notes Mr. Spencer deferred to Mr. Ahmad during the Status and Scheduling Conference, representing that he works for Mr. Ahmad and moments later Mr. Ahmad denied that Mr. Spencer was his counsel. To avoid such confusion at the hearing, the PSC expects the parties to clarify the matter of representation in their filings.

Hearing	<b>Thursday, December 19, 2019, at 9:00 a.m., Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah</b> <b><u>NOTE: Parties should also reserve Friday, December 20, 2019, at 9:00 a.m., in the event the hearing lasts for more than one day.</u></b>
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NOTICE OF HEARING

The PSC's designated Presiding Officer will conduct a hearing in this docket on **Thursday, December 19, 2019, beginning at 9:00 a.m.** The hearing will be held in the **Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.** All parties must have their witnesses in attendance and prepared to testify. Parties should also reserve **Friday, December 20, 2019,** in the event the hearing lasts more than one day.

Individuals wishing to participate in the hearing by telephone must contact the PSC two days in advance by calling (801) 530-6716 or (toll free) 1-866-PSC-UTAH (1-866-772-8824) to receive a bridge number and participant passcode. Participants attending by telephone should then call the bridge number five minutes prior to the hearing, entering the passcode followed by the # sign to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify the PSC at 160 East 300 South, Salt Lake City, Utah 84111, (801) 530-6716, at least three working days prior to the hearing.

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DATED at Salt Lake City, Utah, October 18, 2019.

/s/ Michael J. Hammer  
Presiding Officer

Attest:

/s/ Gary L. Widerburg  
PSC Secretary  
DW#310412

CERTIFICATE OF SERVICE

I CERTIFY that on October 18, 2019, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By U.S. Mail:

Rodney Nugent  
Registered Agent—PEMC  
17 West Main 149  
PO Box 149  
Green River, UT 84525

\* Documents previously mailed to this address have been returned to the PSC as undeliverable.

Dean H. Christensen  
Manager  
Dead Horse Oil Company  
17 West Main Street  
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\* Documents previously mailed to this address have been returned to the PSC as undeliverable.

By Email:

Dan Green ([dfgreen1@dslextreme.com](mailto:dfgreen1@dslextreme.com))  
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