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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF UTAH

IN THE MATTER OF:

Docket: 18-2602-01

PACIFIC ENERGY & MINING CO.,

A Nevada Corporation.

PACIFIC ENERGY & MINING CO.'S
(PEMC'S) STATEMENT OF FACTS TO
BE ESTABLISHED, LEGAL ISSUES TO
BE RESOLVED AND RELIEF SOUGHT
AT HEARING

COMES NOW Pacific Energy & Mining Co. ("PEMC"), by and through its counsel of record, Terry R. Spencer and Stephanie Jensen, of the Law Office of Spencer & Jensen, PLLC, respectfully submits its document entitled "*Statement of Facts, Legal Issues to be Resolved and Relief Sought at Hearing*" pursuant to the Scheduling Order issued on October 18, 2019.

BRIEF STATEMENT OF FACTS

1. The ("Pipeline") in question is was built in 2008 by Delta Petroleum on land managed by the Bureau of Land Management in Grand County, Utah.

2. At the time of construction until 2013, the Pipeline in question was unregulated by Federal or State authorities.

3. In 2013, and over the objection of PEMC, the Utah Division of Public Utilities (“DPU”) claimed the Pipeline was now regulated.

4. The Pipeline was operated without violation from 2013 to 2016.

5. Notwithstanding the fact that there were no changes in the way in which PEMC operated the Pipeline in question, in 2016, the DPU claimed there were eleven (11) violations associated with the operation of the Pipeline.

6. In April 2019, the responsibility for operation of the Pipeline in question was transferred from PEMC to Dead Horse Oil Company.

7. Dead Horse Oil reduced the Pipeline pressure to 325 psi, which is below twenty percent (20%) SMYS, rendering the pipeline unregulated pursuant to Federal Regulation.

HEARING SUBJECT MATTER

1. Whether or not one (1) or more of the eleven (11) violations of the contained in the Public Service Commission’s Order were satisfied by PEMC?

2. Whether or not the DUP has continuing authority to regulate the subject Pipeline?

3. Only if the DUP has continuing jurisdiction to regulate the subject Pipeline, whether or not the monitoring plan submitted by Dead Horse Oil is in conformance with relevant Federal Regulations?

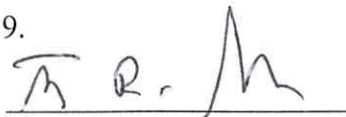
WITNESS LIST

1. Dean H. Christensen, Dead Horse Oil Company

2. Tariq Ahmad, Petroleum Engineer

3. Dan Green, Structural Engineer/Petroleum Engineer
4. Mr. Hwang (Engineer who inspected the subject Pipeline in 2016)
5. Al Zedah, Senior Engineer
6. Jimmy Betham, Senior Engineer

DATED: November 17, 2019.

A handwritten signature in black ink, appearing to read "Terry R. Spencer", written over a horizontal line.

Terry R. Spencer
Attorney for PEMC

CERTIFICATE OF SERVICE

I caused the foregoing to be delivered to the Public Service Commission, with a copy to the Division as follows:

Public Service Commission

Patricia Schmid, Esq.

On the 18th day of November, 2019.

A handwritten signature in black ink, appearing to read 'T.R. Spencer', written above a horizontal line.

Terry R. Spencer
Attorney for PEMC