

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Request of Dominion Energy Utah to Extend Natural Gas Service to Eureka, Utah	<u>DOCKET NO. 19-057-31</u>
Application of Dominion Energy Utah for Approval to Implement a GSE Rate to Provide Service Lines to Customers in Eureka, Utah	<u>DOCKET NO. 19-057-32</u> <u>ORDER GRANTING MOTION AND AMENDING SCHEDULING ORDER</u>

ISSUED: April 10, 2020

On December 3, 2019, Dominion Energy Utah (DEU) filed applications in the above-referenced dockets with the Public Service Commission of Utah (PSC). In Docket No. 19-057-31, DEU seeks approval 1) of its decision, pursuant to Utah Code Ann. § 54-17-401, *et seq.*, to construct and develop rural infrastructure to expand natural gas service to Eureka, Utah as described in more detail therein, 2) for the use of an attendant Eureka expansion tracking mechanism to track the associated costs of such construction, and 3) for a Certificate of Public Convenience and Necessity (“Application”). In Docket No. 19-057-32, DEU requests the PSC approve the construction of gas service lines to individual customer sites in the town of Eureka, Utah and recovery of the costs associated with those service lines through a GSE rate.

On December 17, 2019, the PSC issued a Scheduling Order, Notice of Technical Conference, Notice of Consolidated Hearing, and Order Suspending Tariff (“December Scheduling Order”). On March 18, 2020, the Division of Public Utilities (DPU) and the Office of Consumer Services (OCS) each submitted testimony in both dockets. On April 2, 2020, Rocky Mountain Propane Association (RMPA) filed for leave to intervene in these dockets.

On April 7, 2020, DEU filed a Motion for Leave to Withdraw the Application in Docket No. 19-057-32, to Amend the Application in Docket No. 19-057-31, and to Amend the

[December] Scheduling Order (“Motion”). The Motion is based, in part, on the recently passed Utah H.B. 129, Natural Gas Amendments (HB 129)¹ which amended the definition of “rural gas infrastructure development” in Utah Code Ann. § 54-17-401 to include the following: “the acquisition, planning, development, extension, expansion, and construction of natural gas utility facilities to serve previously unserved rural areas of the state.”

In its Motion, DEU states that because this broader definition now includes service lines, it can seek PSC approval to construct and recover the costs of installing both main and service lines to provide natural gas service to Eureka residents under Utah Code Ann. § 54-17-401 *et seq.*² Accordingly, DEU seeks to amend the Application in Docket No. 19-057-31 to include a request for pre-approval of the construction of service lines and to recover the costs of the service lines in the rural expansion rate adjustment tracker as described in the Application (“Amended Application”). DEU explains that the new HB 129 and DEU’s proposed Amended Application provide good cause to permit additional time to analyze the proposed resource decision, and that doing so is in the public interest. DEU states it has collaborated with DPU and OCS to develop a schedule that affords all parties adequate opportunity to address new issues that would arise as a result of the Amended Application. Based upon those discussions, DEU

¹ HB 129, Section 2. Effective date states: “If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor’s signature, or in the case of a veto, the date of veto override.” HB 129 was approved by 74 members of the Utah House and 23 members of the Utah Senate, and was signed by Utah Governor Gary Herbert on March 2, 2020. <https://le.utah.gov/~2020/bills/static/HB0129.html>.

² Utah Code Ann. § 54-17-402(7) provides that the PSC must act upon the Application within 180 days of the date of the Application “[u]nless the [PSC] determines that additional time to analyze a resource decision is warranted and is in the public interest. . . .”

proposes to vacate all future dates in the December Scheduling Order and amend the schedule as follows:

Proposed Amended Schedule

ITEM	DEADLINE/DATE/TIME/LOCATION
Amended Application and Supportive Supplemental Testimony (DEU)	Wednesday, April 15, 2020
Supplemental Direct Testimony Pertaining to DEU's Supportive Supplemental Testimony	Wednesday, May 27, 2020
Intervention Deadline	Friday, May 29, 2020
Rebuttal Testimony, All Parties	Wednesday, June 24, 2020
Surrebuttal Testimony, All Parties	Wednesday, July 8, 2020
Hearing	Thursday, July 16, 2020, beginning at 9:00 a.m., Fourth Floor Hearing Room 403, Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah

DEU further states it has conferred with DPU and OCS representatives and is authorized to represent that OCS and DPU either support or do not oppose the Motion.

DISCUSSION, FINDINGS, AND CONCLUSIONS

Based on the changes to Utah Code Ann. § 54-17-401 modifying the definition of rural gas infrastructure development resulting from the enactment of HB 129, DEU's representation that it collaborated with DPU and OCS on developing an amended schedule that will provide sufficient time to evaluate the Amended Application, DEU's representation that OCS and DPU either support or do not oppose the Motion, and that there are no other parties in Docket No. 19-

DOCKET NOS. 19-057-31 and 19-057-32

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057-31 that have been granted intervention, we find and conclude DEU's Motion is reasonable and therefore grant it as filed.

ORDER

Based on our findings and conclusions, we:

1. Grant DEU's motion to withdraw the application in Docket No. 19-057-32;
2. Grant DEU's motion to amend its application in Docket No. 19-057-31;
3. Vacate the dates set forth in the December Scheduling Order; and
4. Adopt DEU's proposed amended schedule in Docket No. 19-057-31.

DATED at Salt Lake City, Utah, April 10, 2020.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#313036

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this written order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I CERTIFY that on April 10, 2020, a true and correct copy of the foregoing was served upon the following as indicated below:

By Email:

Cameron L. Sabin (cameron.sabin@stoel.com)
Stoel Rives LLP

Kelly Mendenhall (kelly.mendenhall@dominionenergy.com)
Austin Summers (austin.summers@dominionenergy.com)
Jenniffer Nelson Clark (jenniffer.clark@dominionenergy.com)
Dominion Energy Utah

Patricia Schmid (pschmid@agutah.gov)
Justin Jetter (jjetter@agutah.gov)
Robert Moore (rmoore@agutah.gov)
Steven Snarr (stevensnarr@agutah.gov)
Assistant Utah Attorneys General

Madison Galt (mgalt@utah.gov)
Division of Public Utilities

Cheryl Murray (cmurray@utah.gov)
Office of Consumer Services

Administrative Assistant