

PUBLIC SERVICE COMMISSION

Docket No. 21-057-12

HEARING

December 16, 2021

ADVANCED REPORTING SOLUTIONS

801-746-5080 | office@advancedrep.com | advancedrep.com

SALT LAKE | 159 West Broadway, Broadway Lofts, Suite 100 | Salt Lake City, Utah 84101

PROVO | 3507 North University Avenue, Suite 350-D | Provo, Utah 84604

ST. GEORGE | 20 North Main Street, Suite 301 | St. George, Utah 84770



Hearing
December 16, 2021

1 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

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4 Application of Dominion)
5 Energy Utah to Extend)
6 Service to Green River, Utah)
7) Docket No. 21-057-12
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VIDEONFERENCED HEARING TAKEN THROUGH

ADVANCED REPORTING SOLUTIONS VIA ZOOM

Taken on December 16, 2021

9:00 a.m. to 9:27 a.m.

Reported by: Michelle Mallonee, RPR, CCR

1 APPEARANCES

2 Yvonne Hogle, Hearing Officer

3
4 For the Division of Public Utilities:

5 PATRICIA SCHMID, ESQ.
6 UTAH ATTORNEY GENERAL'S OFFICE
7 160 East 300 South, 5th Floor
8 Salt Lake City, Utah 84114
9 (801) 366-0353
10 pschmid@agutah.gov

11 For the Office of Consumer Services:

12 JENNIFFER NELSON CLARK, ESQ.
13 DOMINION ENERGY UTAH
14 333 South State Street
15 P.O. Box 45433
16 Salt Lake City, Utah 84145-0433
17 jennifer.clark@dominionenergy.com

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

2 -o0o-

3 PRESIDING OFFICER HOGLE: Good morning,
4 everyone. Let's get started.

5 We are here on December 16th, 2021, at about
6 9:00 to consider the settlement stipulation that
7 was filed in the matter of the application of Dominion
8 Energy Utah to extend service to Green River in Docket
9 21-057-12.

10 At this time, let's take appearances for the
11 record, please. I'm sorry, Ms. Clark, we can't hear you.
12 We can't hear you. We can't hear you.

13 Okay. At this time, let's stop streaming.

14 (A discussion was held off the record.)

15 PRESIDING OFFICER HOGLE: Is the streaming on
16 now?

17 MS. PASCHAL: Yes.

18 PRESIDING OFFICER HOGLE: Please proceed.

19 MS. NELSON CLARK: Thank you. My apologies.

20 My name is Jennifer Clark. I'm counsel for
21 Dominion Energy. I have with me Austin Summers. He'll
22 be speaking on behalf of the Company today.

23 I also have Mr. Messersmith, Scott Messersmith,
24 with me here today in the event that the Commission has
25 any questions for him. Jeff Bybee and Mayor Bacon are on

1 standby. If the Commission has any questions for either
2 of them, we would request a brief break so that we can
3 get them on the phone. But they're available to answer
4 any questions as well.

5 PRESIDING OFFICER HOGLE: Thank you. Good
6 morning, everyone.

7 For the Division, please.

8 MS. SCHMID: Good morning. This is Patricia
9 Schmid with the Utah Attorney General's office. The
10 Division's witnesses today are Mr. Russ Cazier and
11 Mr. Jimmy Betham. Thank you.

12 PRESIDING OFFICER HOGLE: Okay.

13 Well, Ms. Clark -- I apologize. I'm hearing
14 some background noise, so whoever is speaking, can you
15 please make sure that you're on mute. Thank you.

16 Ms. Clark, please call your first -- or your
17 witness.

18 MS. NELSON CLARK: We do, Ms. Hogle, have one
19 preliminary matter.

20 PRESIDING OFFICER HOGLE: Okay.

21 MS. NELSON CLARK: If we may address that.

22 Paragraph 19 of the settlement stipulation
23 provides that all prefiled testimony and pleadings in
24 this docket be admitted. And we would simply move for
25 the admission of those things pursuant to the settlement

1 stipulation.

2 PRESIDING OFFICER HOGLE: Okay. And does that
3 include everything that the Division filed as well?

4 MS. NELSON CLARK: If the Division would like to
5 join the motion, we would certainly welcome that.

6 MS. SCHMID: The Division will join the motion.
7 Thank you.

8 PRESIDING OFFICER HOGLE: Okay. So I assume
9 there are no objections. Okay.

10 They are admitted. Thank you.

11 MS. NELSON CLARK: Thank you.

12 And with that, the Company would call Mr. Austin
13 Summers.

14 PRESIDING OFFICER HOGLE: Mr. Summers, do you
15 swear to tell the truth?

16 THE WITNESS: Yes.

17 PRESIDING OFFICER HOGLE: Thank you.

18

19 AUSTIN SUMMERS,

20 was called as a witness, and having been first duly
21 sworn to tell the truth, the whole truth, and nothing
22 but the truth, testified as follows:

23

24

25

DIRECT EXAMINATION

BY MS. NELSON CLARK:

Q. Mr. Summers, please state your name and business address for the record.

A. My name is Austin Summers, and my business address is 333 South State Street, Salt Lake City, Utah.

Q. And what position do you hold with the Company, Mr. Summers?

A. I'm the manager of rates and regulation.

Q. Did you participate in the drafting of the settlement stipulation that is before the Commission today?

A. Yes.

Q. Could you please summarize that stipulation and the relief the parties seek.

A. Yes.

Q. Thanks.

A. Thank you for your time today. Before I begin, I just want to thank the Division and the Department of Pipeline Safety for their help in this docket. Their input in this docket helped address the necessary aspects of the PEMC purchase that is necessary to serve Green River.

In this docket, Dominion Energy seeks Commission approval to expand to the rural community of Green River.

1 Though this would be new infrastructure in a new rural
2 community, the resource decision is nothing more than a
3 continuation of the program that was approved in the
4 Eureka and Goshen docket. The only difference in this
5 docket is the purchase of the PEMC pipeline.

6 The application and the Company testimony
7 provided all of the evidence required to support approval
8 of the resource decision.

9 In my prefiled direct testimony, I addressed the
10 evidentiary requirements for the resource decision,
11 discussed how and why the Company chose Green River as
12 the next expansion location, explained how many customers
13 are expected to participate, how costs would be
14 recovered, and provided other relevant financial and
15 operational information.

16 Mr. Messersmith's testimony explains the scope
17 of the project, construction schedule, the cost of the
18 project, commissioning of the PEMC pipeline, and the
19 geographic results of the community's interest in natural
20 gas.

21 Mr. Bybee's testimony discussed the process of
22 converting appliances to natural gas, the disposal of
23 propane equipment, and the safety benefits of being a
24 Dominion Energy customer.

25 Finally Mayor Bacon discussed community growth

1 in Green River, the benefits natural gas would bring to
2 this community, and explained his support of this
3 project.

4 Taken together, the evidence provided shows that
5 the resource decision is just and reasonable in result
6 and that approval of the application is in the public
7 interest.

8 The settlement stipulation largely accepts the
9 Company's proposal as filed. There are a few additional
10 provisions that I want to walk through, and so I'll draw
11 your attention to paragraphs 6 through 14 of the
12 settlement stipulation.

13 Paragraph 6 states that Dominion Energy should
14 receive a Certificate of Public Convenience and Necessity
15 to serve Green River.

16 Paragraph 7 states that Dominion Energy should
17 be authorized to purchase the PEMC pipeline and construct
18 the facilities proposed in the application to serve the
19 community of Green River.

20 Paragraph 8 explains that the costs of the
21 expansion will be collected through the rural expansion
22 rate adjustment tracker that is contained in Section 9.02
23 of the tariff.

24 Paragraph 9 states the Company should receive
25 approval of the conversion to service plan that was

1 revised in the settlement stipulation.

2 Paragraph 10 states that the hazardous
3 facilities order and the PEMC restrictions should be
4 lifted.

5 Paragraph 11 states that Dominion Energy will
6 not be responsible for the fine levied against the
7 operator of the PEMC pipeline in the Hazardous Facilities
8 Order.

9 Paragraph 12 provides that the Company will file
10 copies of any necessary permits obtained for
11 construction.

12 Paragraph 13 states that if the costs of the
13 resource decision exceeds the estimates provided in the
14 testimony of Mr. Messersmith, the Company will seek
15 Commission approval of the excess costs prior to and
16 including those costs in the tracker. Approval of any
17 entries will be subject to the statutory spending cap
18 discussed in my direct testimony.

19 Finally, paragraph 14 states that the Company
20 will work with Green River to ensure that all homes will
21 be inspected by a city inspector before a meter will be
22 set. In fact, the Company has confirmed that the City
23 plans to use the same inspector that does inspections for
24 the rest of Emery County.

25 Based on the evidence in the record and the

1 stipulation of the parties in this docket, the Company
2 requests approval of the settlement stipulation.

3 And that concludes my summary.

4 MS. NELSON CLARK: Mr. Summers is available for
5 Commission questions or cross-examination.

6 PRESIDING OFFICER HOGLE: Thank you.

7 Does the DPU have any questions for Mr. Summers?

8 MS. SCHMID: The Division does not. Thank you.

9 PRESIDING OFFICER HOGLE: And I don't, either.
10 Thank you, Mr. Summers.

11 THE WITNESS: Thank you.

12 MS. NELSON CLARK: The Company has nothing
13 further.

14 PRESIDING OFFICER HOGLE: Thank you.

15 The Division can call its first witness.

16 MS. SCHMID: Thank you. The Division would call
17 Mr. Russ Cazier as its first witness. May he please be
18 sworn.

19 PRESIDING OFFICER HOGLE: Mr. Cazier, do you
20 swear to tell the truth?

21 THE WITNESS: I do.

22 PRESIDING OFFICER HOGLE: Thank you.

23
24 RUSS CAZIER,
25 was called as a witness, and having been first duly

1 sworn to tell the truth, the whole truth, and nothing
2 but the truth, testified as follows:

3
4 DIRECT EXAMINATION

5 BY MS. SCHMID:

6 Q. Good morning. Could you please state and spell
7 your name for the record.

8 A. Russ Cazier, that's R-U-S-S, C-A-Z-I-E-R.

9 Q. By whom are you employed?

10 A. The Division of Public Utilities for the State
11 of Utah.

12 Q. What is your job title?

13 A. Utility analyst.

14 Q. And what is your business address?

15 A. 160 East 300 South, Salt Lake City.

16 Q. In conjunction with your employment by the
17 Division, have you participated in this docket?

18 A. I have.

19 Q. Could you please briefly describe your
20 activities.

21 A. My activities on this docket entailed reviewing
22 the application and the accompanying exhibits and
23 testimonies. I participated in meetings with the
24 Company, submitted and reviewed data requests to obtain
25 additional information, conducted analysis, filed

1 testimony, and reviewed the recent Dominion rural
2 infrastructure filings and orders.

3 **Q. Did you participate in, or were you aware of the**
4 **settlement discussions that led to the stipulation being**
5 **filed in this docket?**

6 A. I did.

7 **Q. Do you have a statement in support of that**
8 **stipulation?**

9 A. I do.

10 **Q. Please proceed.**

11 A. Dominion Energy submitted its application in
12 this docket on August 5th of this year. The application
13 proposed and sought Commission approval for the Company
14 to extend its natural gas service to serve the rural
15 community of Green River, Utah.

16 This request is similar to Dominion's 2019
17 application to extend natural gas service to Eureka and
18 Dominion's 2021 application to extend natural gas service
19 to Elberta and Goshen.

20 Mr. Jimmy Betham and I filed direct testimony on
21 behalf of the Division on October 29th. Mr. Betham
22 addressed pipeline-safety-related issues, and I addressed
23 the remaining issues.

24 I addressed particular concerns of importance to
25 the Division. These included the criteria specified in

1 the Company's application generally satisfies the
2 necessary requirements; an issued Certificate of Public
3 Convenience and Necessity should include conditions; the
4 Company's request -- approval -- the Company's requested
5 approval to acquire certain existing natural gas
6 facilities; the PEMC pipeline, in addition to adding new
7 construction, to lower infrastructure costs to provide
8 natural gas service to Green River; and finally, the
9 Company's request for the Company to be permitted to
10 recover all the costs of the resource decision associated
11 with the infrastructure expansion to Green River by use
12 of the rural expansion tracker.

13 On December 10th of this year, the Division
14 agreed to a settlement stipulation with the Company.
15 This stipulation was agreed to after several days of
16 arm's-length negotiations regarding the issues listed
17 above and other issues.

18 The Division believes that, overall, the
19 infrastructure expansion meets the requirements of
20 Section 54-17-401, et seq., and is just and reasonable in
21 result and is in the public interest.

22 Of particular importance to the Division are the
23 following provisions in the stipulation:

24 Paragraph 12, which provides the necessary
25 construction -- which provides for the necessary

1 construction permits to be filed.

2 Paragraph 13, which prevents excess project
3 spending without additional Commission approval.

4 And paragraph 14, which affirms the Company will
5 work with the City of Green River for safe conversion to
6 natural gas service.

7 In summary, the settlement stipulation contains
8 conditions that are just and reasonable in result and in
9 the public interest. The Division requests the
10 Commission approve the stipulation as filed.

11 And this concludes my testimony, my summary.

12 **Q. Thank you.**

13 MS. SCHMID: Mr. Cazier is available for
14 cross-examination questions and questions from the
15 hearing officer.

16 PRESIDING OFFICER HOGLE: Ms. Clark, do you have
17 any questions for Mr. Cazier?

18 MS. NELSON CLARK: I don't have any questions.
19 Thank you.

20 PRESIDING OFFICER HOGLE: I don't, either.

21 Thank you very much for your time this morning.

22 THE WITNESS: Thank you.

23 PRESIDING OFFICER HOGLE: The Division can call
24 its second --

25 MS. SCHMID: The Division would like to call its

1 second witness, Mr. Jimmy Betham. May he please be
2 sworn.

3 PRESIDING OFFICER HOGLE: Good morning,
4 Mr. Betham.

5 Do you swear to tell the truth today?

6 THE WITNESS: Yes.

7 PRESIDING OFFICER HOGLE: Thank you.

8

9 JIMMY BETHAM,

10 was called as a witness, and having been first duly
11 sworn to tell the truth, the whole truth, and nothing
12 but the truth, testified as follows:

13

14 DIRECT EXAMINATION

15 BY MS. SCHMID:

16 **Q. Please state and spell your name for the record.**

17 A. My name is Jimmy W. Betham, J-I-M-M-Y, W for my
18 middle initial, B-E-T-H-A-M.

19 **Q. By whom are you employed?**

20 A. I'm employed by the Division of Public
21 Utilities, Office of Pipeline Safety. I'm am currently
22 working as a pipeline safety engineer.

23 **Q. What is your business address?**

24 A. My business address is in the Heber Wells
25 Building, the fourth floor, 160 East 300 South, Salt Lake

1 City, Utah 84111.

2 Q. Turning to what you've done and testified to
3 before the Commission in the past, did you participate in
4 what is commonly known as the "PEMC docket"?

5 A. Yes, I have.

6 Q. Turning to this docket now, have you
7 participated in this docket on behalf of the Division?

8 A. Yes.

9 Q. Please briefly describe your activities in this
10 docket.

11 A. Yes, I participated in this docket on behalf of
12 the Division and its pipeline safety section. Other
13 Division employees conducted nonpipeline-safety-related
14 activities and analyzed it in this docket. The other
15 Division witness, Mr. Russell Cazier, has described those
16 activities.

17 The Utah Pipeline Safety section and I reviewed
18 the application and the Company testimonies. We
19 submitted pipeline-safety-related data requests to
20 Dominion Energy Utah.

21 The Utah Pipeline Safety section and I conducted
22 a detailed review, discussion, and analysis of the
23 application, testimonies, and pipeline-safety-related
24 data request responses. As the docket progressed, we
25 participated in settlement discussions and in settlement

1 negotiations.

2 **Q. Do you have a statement to provide in support of**
3 **the stipulation from the pipeline safety perspective?**

4 A. Yes.

5 **Q. Please proceed.**

6 A. As I mentioned, my statement today addresses
7 only the activities and positions related to the
8 pipeline-safety-related aspects of the application.

9 Dominion Energy Utah submitted application for
10 approval of a rural natural gas infrastructure
11 development project to extend service to Green River,
12 Utah, on August 5th, 2021.

13 In its application, the Company requests that
14 the Commission approve the CSP, and if the application is
15 approved and the Company closes on the purchase, that the
16 PEMC pipeline discontinue all PEMC restrictions and
17 vacate the hazardous facilities order and the HFO notice.
18 DEU also requests that the Commission issue a declaratory
19 order, indicating that Dominion Energy is not and will
20 not be responsible to pay the penalty assessed in the
21 PEMC docket.

22 I filed direct testimony on October 29th, 2021.
23 My direct testimony presented our analysis of the
24 application and recommended approval of the application
25 subject to the Commission imposing additional conditions

1 in response to certain concerns.

2 In my direct testimony, I supported this
3 continuance of the HFO and HFO notice and the PEMC
4 restrictions. I recommended that the Commission declare
5 that the Company was not and will not be responsible for
6 the penalty assessed in the PEMC docket.

7 Finally, I stated that the additional
8 requirements needed to be incorporated in the CSP and
9 recommend that the approval of the application be
10 conditioned upon imposition of those conditions.
11 Specifically, I stated that the CSP needed to contain
12 additional details regarding determination of the maximum
13 allowable operating pressure, MAOP, and notification and
14 communications.

15 As a result of the settlement discussion, a
16 settlement agreement was reached and the CSP was revised.
17 The Division signed the settlement agreement.

18 The settlement satisfactorily resolves the
19 issues in this docket, concerns and conditions identified
20 in my testimony, and makes other improvements to the
21 application and the CSP as filed.

22 I'll next provide more detail of why the
23 Division signed and supports the stipulation. Of
24 particular importance to the Division are the following
25 statement or settlement and revised CSP provisions.

1 1. The settlement at paragraph 10 recommends
2 the Commission -- that the Commission approve
3 discontinuing the HFO; and thus, the HFO notice and the
4 PEMC restrictions.

5 The Division inspects DEU's procedures and
6 records yearly and has confidence that the items
7 identified in the HFO are not an issue for DEU, as DEU
8 already addresses those items in its standard practices.
9 Thus, it is reasonable to now discontinue the HFO, HFO
10 notice, and the PEMC restrictions when DEU acquires the
11 PEMC pipeline.

12 2. The settlement recommends at paragraph 11
13 that the Commission declare that the Company is not and
14 will not be responsible for the \$100,000 penalty imposed
15 in the PEMC docket. The Division has worked with DEU and
16 its predecessors for many years and has not encountered
17 the issues that require the imposition of the penalty in
18 the PEMC docket.

19 As a general rule, when the Division has
20 encountered probable violations with DEU, they have been
21 resolved in a reasonable manner and in a reasonable time
22 frame. Thus, because of this and the concerns being
23 addressed in DEU standard practices, it is reasonable to
24 take the requested action regarding the penalty.

25 3. At paragraph 9, the settlement recommends

1 that the Commission approve DEU's revised CSP. Here are
2 some provisions of the CSP that were especially important
3 to the Division.

4 A. Importantly, the revised CSP at No. 6 of the
5 Commission section, page 11 of the filing settlement
6 packet, includes changes to provisions dealing with the
7 maximum allowable operating pressure, MAOP.

8 I'll start by providing a little bit more
9 information about what the MAOP is and why it's
10 important. MAOP is the maximum pressure at which a
11 pipeline or a segment of a pipeline may be operated under
12 this part. The maximum allowable operating pressure
13 allows safe parameters for the operators to perform
14 operation and maintenance work on the pipeline. This
15 allows the operational pressure not to exceed the MAOP
16 limit.

17 The revised CSP incorporates steps in the MAOP
18 determination process that meets the regulation and
19 concepts identified in DEU's responses to DPU's data
20 Request 2.16. This satisfies the Division's concerns
21 about the MAOP determination.

22 Next in this section at No. 1A, 1B, and 3 of
23 pages 11 and 12 of the file settlement package, the
24 revised CSP satisfies the Division's concerns about
25 communication, notification, and construction field

1 inspections. For example, at No. 1A, the Company agrees
2 that it will email both the Division and its pipeline
3 safety section periodic project updates on significant
4 milestones related to the reactivation of the PEMC
5 pipeline. These reports will continue until construction
6 is complete. This and the revised CSP's similar
7 revisions are important because they better allow the
8 Division to verify the pipeline complies with natural gas
9 pipeline codes.

10 In summary, the settlement stipulation with its
11 included revised CSP represents a reasonable compromise
12 on contested issues and is the result of arm's-length
13 negotiations.

14 For these reasons, from the pipeline safety
15 perspective, taken as a whole, the settlement is just and
16 reasonable in result and in the public interest. I
17 recommend the Commission approve the settlement and its
18 accompanying revised CSP, as filed.

19 This concludes my statement.

20 Q. Thank you.

21 MS. SCHMID: Mr. Betham is available for
22 cross-examination questions and questions from the
23 hearing officer.

24 PRESIDING OFFICER HOGLE: Ms. Clark, do you have
25 any questions for Mr. Betham?

1 MS. NELSON CLARK: No. The Company has no
2 questions. Thank you.

3 PRESIDING OFFICER HOGLE: Okay. Thank you.

4 I just have one quick clarification, and it's
5 not really a clarification, it's just a question to make
6 sure that I'm understanding this correctly.

7 Currently, because the pipeline is off line,
8 there is no safety concern; is that correct, Mr. Betham?

9 THE WITNESS: To my knowledge, yes.

10 PRESIDING OFFICER HOGLE: Okay. And so your
11 understanding is that currently the PEMC pipeline does
12 not pose a safety hazard to the public; is that correct?

13 THE WITNESS: As long as there's no gas
14 transported currently and the pipeline remains what we
15 call "purged" of natural gas, yes, the pipeline does
16 remain safe.

17 PRESIDING OFFICER HOGLE: Okay. I just wanted
18 to make sure that there's no safety concern there.

19 All right. Those are all my questions.

20 I want to thank everybody for today and for your
21 testimony and for showing up early.

22 And I wonder if anybody has any questions?

23 MS. NELSON CLARK: We have no questions.

24 MS. SCHMID: The Division also has no questions.

25 PRESIDING OFFICER HOGLE: Okay. Well, thank you

1 very much. And we will be issuing an order in accordance
2 with the statutory deadlines for this type of proceeding.
3 So thank you again. And we are adjourned.

4 (The matter concluded at 9:27 a.m.)

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CERTIFICATE

1
2
3 State of Utah)
 ss.
4 County of Salt Lake)

5 I, Michelle Mallonee, a Registered
6 Professional Reporter in and for the State of Utah, do
hereby certify:

7 That the proceedings of said matter was
8 reported by me in stenotype and thereafter transcribed
into typewritten form;

9 That the same constitutes a true and correct
10 transcription of said proceedings so taken and
transcribed;

11 I further certify that I am not of kin or
12 otherwise associated with any of the parties of said
cause of action, and that I am not interested in the
13 event thereof.

14 WITNESS MY HAND at Salt Lake City, Utah,
this 28th of December 2021.

15
16 

17 _____
18 Michelle Mallonee, RPR, CCR
19 Utah CCR #267114-7801
20 Expires May 31, 2022
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