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UTAH DEPARTMENT OF COMMERCE

Division of Public Utilities

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Action Request Response

To: Public Service Commission of Utah

From: Utah Division of Public Utilities

Chris Parker, Director
Brenda Salter, Assistant Director
Doug Wheelwright, Utility Technical Consultant Supervisor
Eric Orton, Utility Technical Consultant

Date: December 15, 2023

Re: **Docket No. 21-057-12**, In the Matter of the Application of Dominion Energy Utah to Extend Service to Green River, Utah.

Recommendation (Acknowledge)

The Utah Division of Public Utilities (Division) recommends that the Public Service Commission of Utah (Commission) acknowledge that Dominion Energy Utah (Dominion) has filed copies of all the permits related to the Green River Expansion.

Issue

In this filing, Dominion provided 33 permitting documents relating to the Green River Expansion. In its Reply Comments on May 17, 2023, Dominion stated "To date, the Company has received 27 permits and is working to receive one more building permit from Emery County. The Company anticipates filing all the permits together as soon as it has obtained all of them." Dominion indicates that the 33 documents filed with the Commission represent all the permits as agreed to.

Division of Public Utilities

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Background

On June 11, 2021, Dominion filed a notice of its intent to file a request for approval to expand its natural gas distribution system “to the rural community of Green River, Utah.”

On August 5, 2021, Dominion filed its application and estimated cost expenditure, along with supporting testimony and exhibits.

On December 10, 2021, parties (Dominion, Division, and the Office of Consumer Services (Office)) submitted a Settlement Stipulation (Stipulation) which resolved the issues raised by each party in the docket.

On January 19, 2022, the Commission adopted the stipulation and issued an Order granting Dominion’s request to expand its system to Green River and collect those costs from its customers.

On April 14, 2023, Dominion filed a “Request for Review and Consideration of a Notice to Proceed.” On May 10, 2023, the Division submitted its response to the Action Request as well as its initial comments. The Office also issued comments.

On May 17, 2023, Dominion issued its Reply Comments and reiterated its commitment to provide “all the permits together as soon as it has obtained all of them.”

In its Order issued on June 12, 2023, the Commission mentioned again, Dominion’s commitment to provide copies of all its permits related to the Green River expansion.

On December 1, 2023, Dominion filed 33 “permits related to the Company’s expansion into the town of Green River, Utah.” On that same day the Commission issued its Action Request to the Division directing it to review the filing for compliance and make a recommendation. This memo is the result of the Division’s review and its recommendation.

Discussion

The Division has reviewed the application, accompanying exhibits, and has asked Dominion personnel for additional information. The Division has also reviewed the stipulation, filed comments, and the Commission’s Orders, all of which specify that Dominion will file copies

of any necessary permits obtained for the construction of facilities necessary to serve Green River.

The Division noticed that Exhibits 2-5, which are orders from the State Engineer approving Stream Alterations, contained these statements:

“The comments or objections received are summarized as follows:

- Tracie Harrison, State Floodplain Manager, Division of Emergency Management (DEM), has indicated that the Applicant needs to make sure they get a floodplain development permit from the local Floodplain Administrator (FPA) in the community they are doing the work in. They need to make sure they are in compliance with the National Flood Insurance Program (NFIP) and with the local floodplain regulations by contacting the community FPA. Even state and federal agencies need to obtain the local floodplain development permits as per the federal regulations 44 CFR 60.3. This may include obtaining a Letter of Map Change (LOMC) from FEMA. As well as any other federal or local permits required to develop in Special Flood Hazard Areas (SFHA). The Community FPA should know what is required in these areas. If there are questions as to what is needed individuals can call or email Tracie Harrison at 385-499-2007 or tjharrison@utah.gov.”

However, based on a representation of a conversation between Dominion’s engineering consultants and the Grand County Floodplains Administrator,¹ no floodplain permit was required. This leads the Division to believe that these filed documents represent all the permits that Dominion was required to obtain for the Green River Expansion project.

Conclusion

The Division has reviewed the filing as well as the attachments and recommends the Commission acknowledge that Dominion has filed the required permits for the Green River Expansion as agreed to by parties and ordered by the Commission. The Division takes no position as to the completeness or validity of these documents, only that they were filed.

cc: Kelly Mendenhall, Dominion Energy Utah
Michele Beck, Office of Consumer Services

¹ Email from Amanda Spencer of Transcon Environmental to Stephan Ryder of Dominion Energy on January 26, 2023 10:57:02 AM.